

## ORDINARY MEETING OF COUNCIL

**Notice** is hereby given of the  
Ordinary Meeting of Council to be held at  
the James Young Room, Lerderderg Library, 215 Main Street, Bacchus Marsh on  
Wednesday 4 November 2015,  
commencing at 5:00 p.m.

### Members:

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

### Officers:

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

**Rob Croxford**  
**Chief Executive Officer**

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**1. OPENING OF MEETING AND PRAYER**

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

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

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

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

**Amen**

**2. ACKNOWLEDGEMENT TO COUNTRY**

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

**3. PRESENT**

**4. APOLOGIES**

**5. CONFIRMATION OF MINUTES**

**5.1 Ordinary Meeting of Council – Wednesday 7 October 2015**

**Recommendation:**

**That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 7 October 2015.**

**5.2 Special Meeting of Council – Wednesday 28 October 2015**

**Recommendation:**

**That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 28 October 2015.**

**5.3 Special Meeting of Council – Wednesday 28 October 2015**

**Recommendation:**

**That Council confirms the Minutes of the Special Meeting of Council Statutory and Annual Appointments Meeting, held on Wednesday 28 October 2015.**

## 6. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

### Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

## 7. PUBLIC QUESTION TIME

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

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

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

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

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

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



## 8. PETITIONS

Council has received a petition containing 13 signatures from residents of Gulline Close, Bacchus Marsh. The petition pertains to a request to install two hour parking signs in Gulline Close as well as residents exempted signs, in the interests of resolving the current car parking situation.

**Recommendation:**

**That the petition containing 13 signatures requesting that two hour parking signs and resident exempted signs be installed in Gulline Close, Bacchus Marsh be received by Council and that a report be prepared by officers for Council's consideration.**

## 9. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
-	-	-	-

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

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

Item No	Description	Name	Applicant/ Objector
-	-	-	-

**10. OFFICER'S REPORTS****10.1 CHIEF EXECUTIVE OFFICER****10.1.1 CEO – Annual Leave****Introduction**

File No.: Personnel File  
Author: Rob Croxford

**Background**

This report requests approval of the Council for the CEO to take leave in November, 2015 and over the Christmas period 2015/2016.

**Proposal**

It is requested that the Council approve annual leave for the periods:

- 26 and 27 November, 2015 . 2 work days
- 25 December, 2015 to 8 January, 2016 . 11 work days, inclusive of 3 public holidays)

The acting CEO for each of the above days will be Satwinder Sandhu, General Manager Growth and Development.

**Victorian Charter of Human Rights and Responsibilities Act 2006**

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

**Officer's Declaration of Conflict of Interests**

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

*Author – Rob Croxford*

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

**Conclusion**

That the CEO be granted annual leave and that Satwinder Sandhu be appointed Acting CEO for the period 26 and 27 November, 2015 and 25 December, 2015 to 8 January, 2016.

**Recommendation:**

**That:**

1. The CEO, Robert Croxford be granted annual leave for the periods:
  - a. 26 – 27 November, 2015
  - b. 25 December, 2015 to 8 January, 2016
2. The Acting CEO for the each of the periods of leave will be Satwinder Sandhu, General Manager Growth & Development.

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**Report Authorisation**

**Authorised by:**

**Name:** Rob Croxford  
**Title:** Chief Executive Officer  
**Date:** Thursday, 22 October 2015.



## 10.2 GROWTH AND DEVELOPMENT

### 10.2.1 Planning Permit Application PA2015-071 - Subdivision of the land into two lots at Lot 2 on Plan of Subdivision 332018D, 995 Glenmore Road, Rowsley

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

<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	
<b>Officer's Declaration of Conflict of Interests</b>	
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>Acting Manager – Robert Fillisch</i>  In providing this advice to Council as the Acting Manager, I have no interests to disclose in this report.  <i>Author – Nicholas Harrison</i>  In providing this advice to Council as the Author, I have no interests to disclose in this report.	
<b>Executive Summary:</b>	
Application Referred?	The application was referred externally to Southern Rural Water.  The application was referred internally to Infrastructure and Environmental Health.
Any issues raised in referral responses?	None raised, subject to conditions being placed on a permit.
Preliminary Concerns?	The applicant was requested by Environmental Health to provide a plan showing the location of the existing dwellings, onsite waste water management system, including tank and effluent lines in relation to the proposed subdivision boundaries.
Any discussions with applicant regarding concerns	The applicant responded to the abovementioned matters by providing a plan indicating the location of the effluent disposal field.
Any changes made to the application since being lodged?	Provision of plan indicating the location of the effluent disposal field.
VCAT history?	None
Previous applications for the site?	None

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

### Public Notice

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

### Proposal

It is proposed to subdivide the land into two lots.

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

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

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

### Site Description

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



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

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

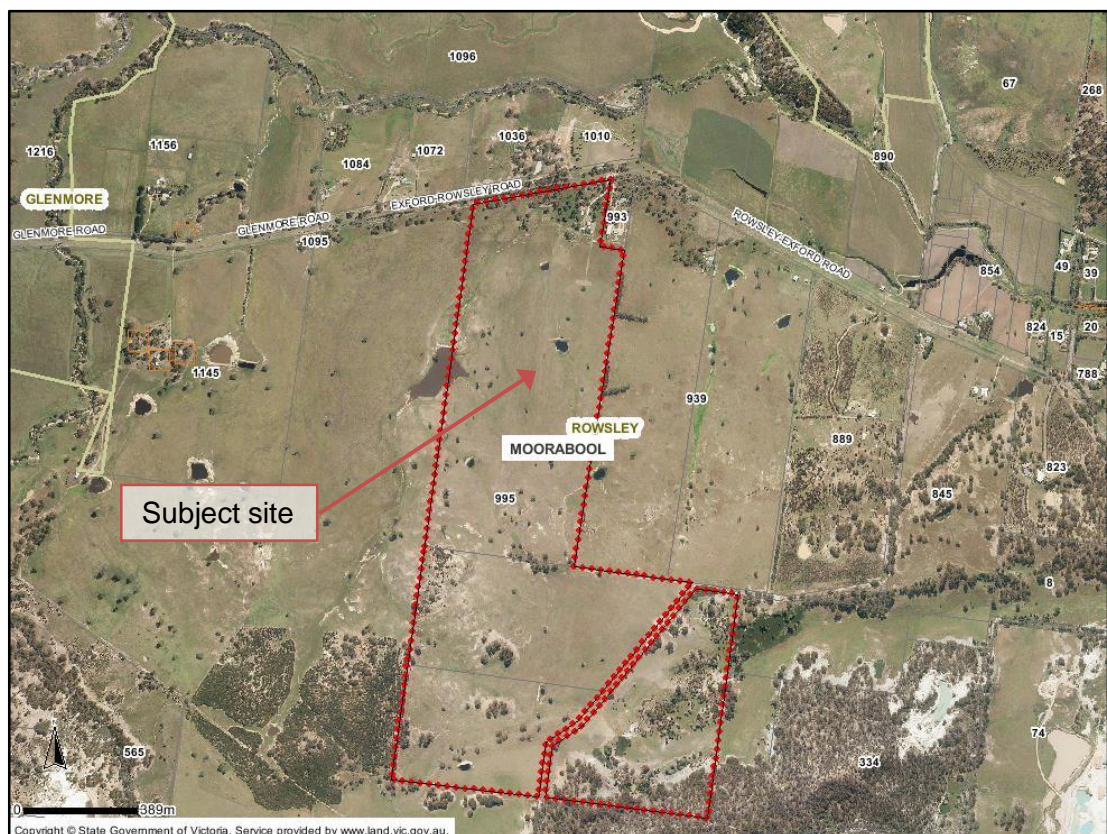


Figure 1: Aerial photograph of the subject site

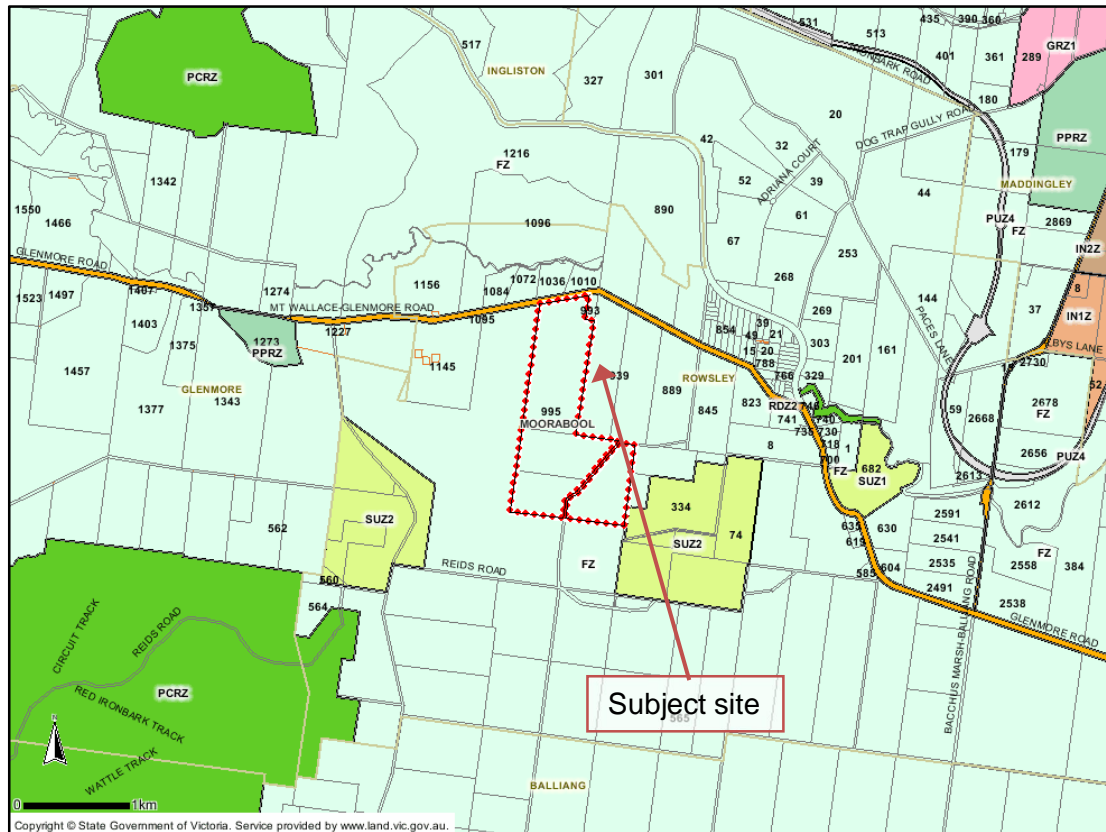


Figure 2: Locality and Zoning map

### Planning Scheme Provisions

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

The relevant clauses are:

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

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

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

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

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

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

The purpose of the Farming Zone is to:

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

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

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

### Overlays

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

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

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

## Relevant Policies

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

## Particular Provisions

None applicable.

## Discussion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **General Provisions**

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



## Referrals

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

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

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

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

## Financial Implications

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

## Risk and Occupational Health and Safety Issues

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

## Communications Strategy

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

## Options

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

## Conclusion

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

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

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

**Recommendation:**

**That, having considered all matters as prescribed by s.61 of the Planning and Environment Act 1987, Council Refuse to Grant a Permit PA2015-071, for the subdivision of the land into two lots at Lot 2 on Plan of Subdivision 332018D, 995 Glenmore Road, Rowsley for the following reasons:**

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

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**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Thursday, 16 October 2015



**10.2.2 Planning Permit Application PA2014-155 - Development of Two (2) Dwellings (One (1) Double Storey and One (1) Single Storey) at Lot 99 on PS 608324K, 14 McCullagh Street, Bacchus Marsh VIC 3340.**

<b>Application Summary:</b>	
Permit No:	PA2014-155
Lodgement Date:	26 June, 2014
Planning Officer:	Tom Tonkin
Address of the land:	Lot 99 on PS 608324K, 14 McCullagh Street, Bacchus Marsh VIC 3340
Proposal:	Development of Two (2) Dwellings (One (1) Double Storey and One (1) Single Storey)
Lot size:	1131sq m
Why is a permit required?	Clause 32.08-4 . General Residential Zone . to construct two or more dwellings on a lot.
Restrictions registered on title	Yes. Subject to conditions the proposal would not breach any of these restrictions.
<b>Public Consultation:</b>	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Number of notices to properties?	Ten (10)
Notices on site?	One (1)
Notice in Moorabool Newspaper?	None
Number of Objections?	Nine (9)
Consultation meeting?	A consultation meeting was held on Tuesday 21 October, 2014 at which objections about overlooking were partly resolved. Other issues remain unresolved.

<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building controls.
<b>Strategy</b>	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.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	
<b>Officer's Declaration of Conflict of Interests</b>	
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>Acting Manager – Robert Fillisch</i> In providing this advice to Council as the Acting 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.	
<b>Executive Summary:</b>	
Application referred?	The application was referred to VicRoads and internally to Council's Infrastructure and Waste Management units.
Any issues raised in referral responses?	None raised, subject to conditions being placed on a permit.
Preliminary Concerns?	No concerns were formally raised with the applicant.
Any discussions with applicant regarding concerns?	Further to the plan changes made after the consultation meeting, the applicant and landowner met with the Council officer on 10 February, 2015 to discuss concerns about vehicle manoeuvring and traffic safety, visual bulk, landscaping and energy efficiency.

Any changes made to the application since being lodged?	<p>Yes. On 3 November, 2014 the applicant submitted amended plans which resolved some concerns about overlooking which were discussed at the consultation meeting on 21 October, 2014.</p> <p>On 27 February, 2015 the applicant submitted an Application to Amend a Planning Application in Process. Amended plans reduced the size of Unit 1\$ upper storey, deleted Unit 2\$ upper storey, and provided a turning area for vehicles exiting Unit 1\$ garage, permeable paving to the vehicle accessway and turning areas in the front setback, landscaping along the accessway near Unit 1, and pergolas outside Unit 1 and 2\$ family room doors.</p> <p>On 17 August, 2015 the applicant submitted another Application to Amend a Planning Application in Process. Amended plans reduced the number of dwellings from three (3) to two (2) to comprise one (1) double storey and one (1) single storey dwelling, and deleted the vehicle turning area in front of Unit 1.</p>
VCAT history?	None
Previous applications for the site?	None
General summary	<p>The original application was for the development of three (3) dwellings . two (2) double storey and one (1) single storey. The application was amended twice, and the current proposal is for two (2) detached dwellings . one (1) double storey and one (1) single storey. Unit 1 would be double storey and front the street, and Unit 2 would be single storey and positioned to the rear of Unit 1. Both dwellings would have four (4) bedrooms, an attached double garage, and secluded private open space accessed from a living area.</p> <p>Vehicle access to the site would be via a single existing crossover, and both dwellings would be able to exit the site in a forward direction.</p> <p>Objections to the development include impacts on the surrounding amenity and character of the area, overlooking and loss of privacy, devaluation of property, and the combined impact of increased traffic, lack of onsite visitor car parking, limited on-street car parking and onsite vehicle manoeuvrability on traffic and pedestrian safety in the area.</p> <p>The proposal meets the relevant objectives of State and local planning policy, and all ResCode requirements.</p>

	Overall, the proposal is an acceptable response to the character and amenity of the area.
<b>Summary Recommendation:</b>	
It is recommended that Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i> , subject to conditions detailed at the end of this report.	

### Public Notice

The original application was advertised to adjoining and nearby landowners by mail on 10 July 2014 and a sign placed on site from 19 July to 3 August 2014. Six (6) objections were received.

The first Application to Amend a Planning Application in Process was advertised to the objectors by mail on 4 March 2015, two (2) of whom objected to the amended plans. Pursuant to Section 57A of the Act, all objections to the original application are taken to be objections to the amended application.

The second Application to Amend a Planning Application in Process was advertised to the objectors and the new owner of no. 16 McCullagh Street by mail on 27 August 2015, one (1) of whom objected to the amended plans. Pursuant to Section 57A of the Act, all objections to the original application are taken to be objections to the amended application.

A total of nine (9) objections have been received.

### Summary of Objections

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

Objection	Any relevant requirements
The proposal is not in keeping with neighbourhood character and would unreasonably affect the amenity of the area.	Clauses 15.01-5, 21.03-4 & 55.02-1
<b>Officer's response -</b> The proposal has been assessed against relevant State and local planning policy and the provisions of Clause 55. Overall, the proposal is considered to be an acceptable design response to neighbourhood character. It is not considered that the proposal would detrimentally affect surrounding residential amenity. These matters are discussed in further detail below.	
Traffic generated by the proposal would pose safety and amenity issues in this part of McCullagh Street due to inadequate on-site parking and turning areas, increased demand for on-street parking and additional traffic movements in the street.	Clauses 52.06 and 55.03-9

<b>Officer's response -</b> Two (2) resident car spaces are provided to both dwellings but no visitor car spaces are provided given fewer than five (5) dwellings are proposed. Turning areas within the development are designed to allow all vehicles to conveniently manoeuvre to exit the site in a forward direction. The vehicle accessway has a minimum width of 3.0m. A recommended condition of any approval is for splays to be provided around the crossover, clear of visual obstructions above 900mm. Subject to conditions, the proposed car space provision and design is in accordance with the requirements of Clause 52.06. This is discussed in further detail below.	
Congestion created by on street car parking would hinder access for emergency services vehicles and garbage collection trucks.	N/A
<b>Officer's response -</b> The application was referred to Council's Waste Management unit for comment. The garbage and recycling collection agencies commented that bins for existing and proposed dwellings in the court bowl should be placed on the straight section of road adjoining the court bowl so that trucks can maneuver for collection. Given the site would be expected to accommodate at least one (1) dwelling, the addition of another two (2) bins for a second dwelling on the site is considered acceptable. Emergency services vehicles have sufficient access to the site if vehicles using on-street parking do so legally. This would apply regardless of where the site was located.	
Overlooking and loss of privacy.	Clause 55.04-6
<b>Officer's response -</b> Existing and proposed minimum 1.8m high boundary fences would adequately limit ground level overlooking. All upper storey windows which face adjoining secluded private open space would have 1.7m high sill heights to limit overlooking in accordance with the relevant standard. It is not considered that any aspect of the design would unreasonably affect the privacy of adjoining landowners. The proposal complies with Clause 55.04-6 in relation to overlooking.	
Devaluation of property.	N/A
<b>Officer's response -</b> There are a range of factors which affect property values and as such the potential devaluation of surrounding properties is not deemed to be a valid planning consideration.	
Unit 3's proposed boundary wall may damage the foundations of an existing shed nearby.	Clause 55.04-2

<b>Officer's response -</b> The amended plans no longer include any boundary walls. Unit 2, shown as Unit 3 on the original plans, would be set back 1.15m from the north boundary. The siting of Unit 2 is acceptable given its orientation relative to the adjoining lot and an existing adjacent shed at 12 McCullagh Street. Construction details would be dealt with as part of the building permit process.	
There is a lack of sound barriers at the rear of the property adjoining the Western Freeway.	Clause 55.04-8
<b>Officer's response -</b> There is an existing sound barrier erected on that part of the site boundary adjoining the freeway reserve. The application was referred to VicRoads who made no objection. Any noise mitigation measures associated with a future Halletts Way freeway off ramp would be dealt with as part of any future approval and construction process.	
Mechanical and engine noise from activities in an existing garage may have a detrimental effect on the future occupants of Unit 3.	
<b>Officer's response -</b> It is noted that Unit 2 would be sited where Unit 3 was previously proposed. The noise source is an outbuilding ancillary to an existing dwelling in an area zoned for residential purposes. Residential noise concerns are controlled by the relevant EPA regulations, and guidance given for residents to minimize the amenity impacts of noise.	

## Proposal

It is proposed to develop the land for one (1) double storey dwelling and one (1) single storey dwelling.

Unit 1 would front McCullagh Street, with Unit 2 positioned at the rear of the site. A common accessway would provide vehicle access via an existing single crossover from McCullagh Street and leading to each dwellingsq attached double garage.

Units 1 and 2 would be detached and both have four (4) bedrooms. Both dwellings would have the usual utilities with secluded private open space provided at the rear of the respective dwelling. Unit 1's upper storey would comprise three (3) bedrooms, bathroom, separate toilet and a study nook.

Ground floor side and rear setbacks from the boundaries would vary from 1.0m-11.3m and upper storey setbacks from 2.6m-8.5m.

The maximum height of the development would be approximately 7.3m above natural ground level; site coverage is stated to be 38.0% and permeability 41.27%.



Existing and proposed side and rear boundary fences are 1.8m-2.0m high. There would be no front fence.

The dwellings would be of a standard contemporary design, constructed of brick and incorporating rendered and feature clad elements, with low pitched tile roofs. Unit 1's upper storey would have 600mm wide eaves, Unit 2 would have no eaves.

All reticulated services are available to the site.

The proposed plans are included at Attachment 10.2.2.

### **Site Description**

The subject site is at 14 McCullagh Street, Bacchus Marsh. McCullagh Street is a no through road and the site is located at the eastern end of the street which forms a T-shape with two court bowls giving access to 11 lots. Five of these lots are developed with single dwellings and the remainder are currently undeveloped. The subject site abuts the northern court bowl.

The site is a trapezoid shape with the following dimensions:

- An east frontage of 11.62m
- A south boundary of 35.37m
- A west boundary of 50.01m
- A northeast boundary of 60.89m
- Overall site area of 1131sq m.

The site is encumbered by a triangular shaped sewerage and drainage easement in the northwest corner of the property.

The site is currently vacant, contains no significant vegetation and experiences a maximum fall from the northeast to the southwest boundary of 3.89m.

The subject site and surrounding land is in the General Residential Zone and characterised by predominantly single dwellings with only occasional examples of medium density housing development. Dwellings are mostly single storey and constructed of brick, with low pitched tiled or Colorbond roofs. Attached garages are common and typically incorporated in the dwelling structure. Front setbacks are mostly landscaped with ground covers, shrubs and small canopy trees. Boundary wall construction is uncommon, and side setbacks are usually between 1.0-3.0m.

Most dwellings are served by a single crossover, although dual crossovers are not uncommon. Street trees are not a dominant landscape element, particularly in newer residential streets, and remnant vegetation is rarely retained on developed land. The surrounding area is characterised by undulating to hilly land, and some dwellings enjoy scenic views of the surrounding landscape.



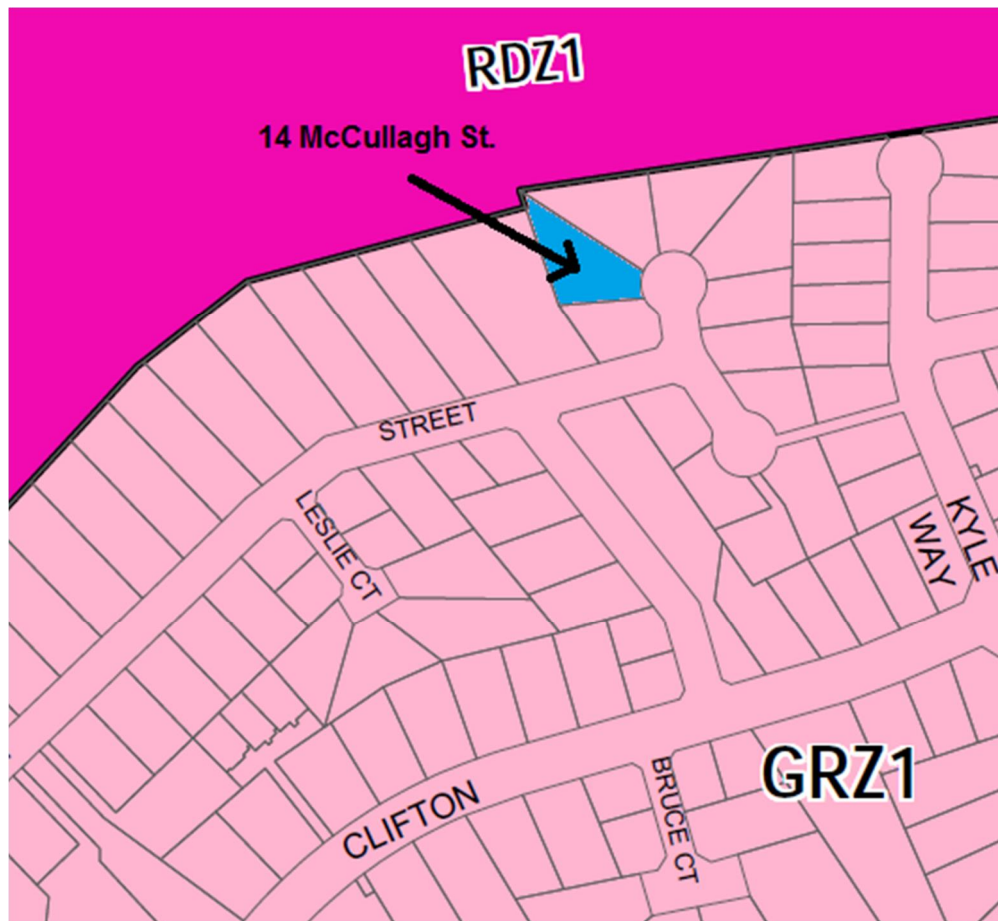
The average size of lots in the easternmost section of McCullagh Street is 843sq m, about half of which are yet to be developed.

To the north and east of the subject site, fronting McCullagh Street, are single storey brick and render dwellings with Colorbond or tile roofs and front setbacks of 7.5m-10.5m. To the south of the site is a vacant lot on the northwest corner of McCullagh Street. To the west is a Council owned drainage reserve. To the northwest of the subject site is the Western Freeway.

The site is within the Bacchus Marsh urban area and within convenient driving or cycling distance of many services and facilities. The site has good access to the Western Freeway via the Gisborne Road interchange.

## 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 . Settlement
- 11.05-2 . Melbourne's hinterland areas
- 11.06-1 . Planning for growth
- 15.01-5 . Cultural identity and neighbourhood character
- 16.01-1 . Integrated housing
- 16.01-2 . Location of residential development
- 16.01-4 . Housing diversity
- 21.03-2 . Urban Growth Management
- 21.03-3 . Residential Development
- 21.03-4 . Landscape and Neighbourhood Character
- 21.07 . Bacchus Marsh

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

## **Zone**

### **General Residential Zone**

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

The purpose of the zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.*

A permit is required to construct two or more dwellings on a lot under Clause 32.08-4 of the Moorabool Planning Scheme. Pursuant to this clause the development must meet the requirements of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings).

Before deciding on an application to develop two or more dwellings on a lot, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the following relevant decision guidelines:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of this zone.*
- *The objectives, standards and decision guidelines of Clause 55.*

Overall, the proposed development is considered to be consistent with the purpose and decision guidelines of the GRZ1, as discussed below.

## **Overlays**

The subject site is not affected by any Overlays.

## **Relevant Policies**

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

The policy states that:

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

*The urban strategy is about planning and managing the pressures of growth in a proactive manner so that a sustainable environment where people can live, work, access retail, social and recreational services and be involved and connected. The strategy looks at what our future population will be and what employment, services and infrastructure will be required to meet their needs so that Council can identify what growth options will meet these needs in a sustainable and cost effective manner.*

### **Particular Provisions**

#### Clause 52.06 Car Parking

The proposal includes the required number of resident car spaces, being two (2) spaces for each three bedroom dwelling. On-site visitor car spaces are not required given fewer than five (5) dwellings are proposed.

The minimum 3.0m width of the accessway meets the standard, as do the garage dimensions of 6.0m length x 5.5m width. Given the accessway would serve four (4) car spaces, cars must be able to exit the site in a forward direction, and the proposed design facilitates this arrangement.

#### Clause 55 Two or More Dwellings on a Lot

Clause 55 provides objectives and standards for residential development of two or more dwellings on a lot. This clause requires the submission of detailed information. Residential development must meet all of the objectives and should meet all of the standards of this clause.

The proposal complies with the objectives and standards of ResCode (Clause 55).

### **Discussion**

Overall, the proposed development of two (2) dwellings is generally consistent with State and local planning policy. The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Bacchus Marsh as regionally significant in terms of its role as a key service centre and location for increased population growth. The proposal would facilitate consolidated growth within the existing township, take advantage of existing infrastructure and services and reduce pressure on outward growth. In an area dominated by single detached dwellings on large allotments the proposal would also contribute to housing affordability. Growth must be balanced with the need for new development to respond positively to neighbourhood character.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is either vacant or developed with single dwellings.



The purpose of the GRZ includes the following:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

The purpose of the GRZ indicates that a balance must be achieved in responding to the range of applicable policies.

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

- The proposed development's response to neighbourhood character;
- The impact of the proposed development on the amenity of the area; and
- The impact of the proposed development on traffic safety in McCullagh Street.

### Neighbourhood Character

The subject site is in a recently developed area of Bacchus Marsh characterised by mostly single dwelling development and several vacant lots. The underlying landscape character ranges from low lying to undulating to hilly, with views of the surrounding landscape from some elevated properties. Residential lot sizes in the area vary from 450sq m to 3000sq m, and in this part of McCullagh Street from 511sq m to 1346sq m. Existing dwellings incorporate brick and render elements and have low pitched hipped roofs. Some dwellings incorporate eaves, others do not. Dwellings are generally of a conventional appearance but differentiated by variations in façade articulation, including porch and verandah design, window forms, and roof design and materials. The character of the area is further defined by the undulating topography and corresponding irregular street pattern and lot layout, the varied orientation of dwellings to the street, their streetscape appearance in response to the slope of the land, and varied side setbacks. Varied landscaped elements including use of retaining walls and use of different ground covers further contributes to the character of the area.

The proposal is for a double storey dwelling (Unit 1) fronting McCullagh Street, and a single storey dwelling (Unit 2) located to the rear. Unit 1 would have a minimum 9.0m ground floor setback from the street, consistent with surrounding dwellings. Unit 1's upper storey would be set back 1.8m-6.0m from the ground floor front façade. The front setback would be landscaped. A single width crossover would provide vehicle access for all dwellings. The dwellings would be constructed of face brick, and Unit 1's upper storey would have a rendered finish. Front porches would have either feature stone cladding. Roofs would be low pitched and tiled, and Unit 1's upper storey would have 600mm wide eaves. Window and door proportions, and the attached garages, would be in scale with the host dwellings. Side setbacks would vary from 1.0m to 11.3m. The overall form, scale and appearance of the dwellings would be consistent with the surrounding built form. It is acknowledged that double storey development in the area is uncommon, however the site and surrounding land is zoned for residential purposes, and there are no overlays or neighbourhood character guidelines giving direction to built form.

None of the restrictions registered on title prohibit two storey development. Unit 1's upper storey is an acceptable response to the character of the area. The upper storey would be recessed from the ground floor on all sides, with only a small section of sheer two storey wall on the south side. Building bulk would be modulated by the use of a lightweight render cladding and articulation of the façade through varied setbacks. Given the site context, it is considered that the proposal is an acceptable response to neighbourhood character.

### Amenity

The key amenity considerations of the proposal are considered to be overlooking, loss of privacy, and the density of the development in the neighbourhood context.

As previously noted, the proposal complies with the relevant standards for limiting overlooking of habitable room windows and secluded private open space. It is further noted that any views into front yards or windows more than 9.0m away are considered acceptable and would not result in any unreasonable loss of privacy. The proposal is acceptable with regard to overlooking and loss of privacy.

The development of two (2) dwellings on the site is more intensive than surrounding development, but increased density per se is not a reason to refuse a development. Instead it is consideration of what the potential impacts of increased density are likely to be and how the proposal addresses such matters. The proposal would maintain the appearance of a single dwelling to the street, utilise the existing single width crossover, and achieve front and side setbacks consistent with those found in the surrounding neighbourhood. Overlooking and overshadowing would be limited to an acceptable extent. Daylight to existing windows would be unaffected. Building bulk would be mitigated by the siting of the development in relation to existing dwellings and secluded private open space, proposed low pitched roofs and upper storey eaves, the location, articulation and compact form of Unit 1's upper storey and the site cut to reduce the building height and bulk on the sloping site. Both dwellings would have private open space to meet the standard. The provision of resident car parking and the design and layout of the accessway and car parking areas also complies. For these reasons it is considered that two (2) dwellings is site responsive having regard for the streetscape, functional layout of the site, on-site amenity and no unreasonable amenity impacts on surrounding properties.

Some objectors have raised an issue with garbage and recycling collection trucks manoeuvring to empty bins placed on the street, and the detrimental impact that the proposal would have on this. Given this is already an issue, it is not considered that the proposed development would necessarily exacerbate the situation. In any case, Council's Waste Management unit has consulted with the collection agencies and advised that now and in future residents should place bins not in the court bowl but on the adjoining straight stretch of McCullagh Street to ensure bins can be emptied.

### Traffic Safety

Objectors have raised concerns about the developments potential impacts on traffic safety in McCullagh Street, particularly the provision and layout of car parking spaces and turning areas on the site, increased vehicle movements and the capacity of the street to absorb additional demand for on-street parking.

As previously noted, the provision of two (2) car spaces in a double garage for both dwellings satisfies the standard car parking requirement for dwellings with three (3) or more bedrooms. All vehicles would be able to exit the site in a forward direction in two turns, with a turning area provided in front of the garages. The minimum 3.0m accessway width meets the standard. The ability for all vehicles to be able to enter and exit the site forwards is considered critical to the safety of all road users in this part of McCullagh Street, given the court bowl design, number of existing crossovers, and little or no opportunity for cars exiting other dwellings to enter and exit forwards.

In terms of additional traffic movements, this and all parts of McCullagh Street are capable of absorbing the 20 additional vehicle movements per day potentially yielded by the development.

The proposal will at times generate a demand for on-street car parking, typical of any medium density housing development of this nature. Given the court bowl location, and number of existing crossovers, the supply of on-street car spaces in the immediate vicinity of a given property will at times be limited. In an urban context it is not unreasonable for visitors to park a short distance away from their destination. On-street parking in McCullagh Street and surrounding streets is not metered and there are no time restrictions on parking in the area. It is noted that all dwellings in the area have off-street parking available for occupants in garages and carports usually set beside the dwelling or in the rear setback. It is reasonable to expect that residents would use these facilities to park their own vehicles and that there is space for at least one visitor to conveniently park in the driveway on at least some occasions. This is notwithstanding that some households will drive more cars than can be easily parked on site, however it appears that this is not an issue to such an extent that traffic management is problematic in the vicinity of the site. In any case, if cars parked on the street do so legally then traffic safety and access for emergency and service vehicles should be maintained to an acceptable level.

It should be noted that there is an existing noise barrier wall on the boundary of that part of the site adjoining the Western Freeway. Accordingly, VicRoads consent to the proposal and do not seek to impose any permit conditions.

It is also noted that three (3) of the objectors do not own or occupy land in McCullagh Street, and would not be considered to experience any detriment as a result of the proposal.



## General Provisions

Clause 65 . Decision Guidelines have been 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
VicRoads	Consent
Infrastructure Waste Management	No objection subject to conditions No objection

## 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 an overdevelopment and not appropriately responsive to the site's constraints.

Refusing the application may result in the proponent lodging an application for review of Council's decision with VCAT.

## Conclusion

It is considered that the application is generally consistent with relevant State and local planning policy, the General Residential Zone, and the relevant Particular and General Provisions of the Moorabool Planning Scheme.

It is therefore recommended that the application be supported by Council.

**Recommendation:**

That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council issue a Notice of Decision to Grant Permit PA2014 155; Development of Two (2) Dwellings (One (1) Double Storey and One (1) Single Storey) at Lot 99 on PS 608324K, 14 McCullagh Street, Bacchus Marsh VIC 3340 subject to the following conditions:

**Endorsed Plans:**

1. Before the 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 identified as Job No. 14116, Sheet No.'s TP03 & TP05 revision and dated 10/08/2015 but modified to show:
  - a) A notation on the plans to show compliance with the details in Clause 52.06-8 for splays.
  - b) The landscape plan amended to show no trees planted over the existing easement, in accordance with Condition No. 12.
  - c) Compliance with the requirements of Clause 3(b) of Section 173 Agreement AF85554A registered on the title to the land.

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.

**Amenity:**

2. 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.
3. External lights must be directed away from residential areas to prevent light spill and glare to the satisfaction of the responsible authority.

**Landscaping:**

4. Before the development is occupied 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.

**Infrastructure conditions:**

5. The common property driveway must be constructed in reinforced concrete to a depth of 125 mm. The layout of the driveway must be designed to ensure that all vehicles are able to enter and exit the property in a forward direction in accordance with Clause 52.06-8 of the Planning Scheme.
6. The development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:
  - a) The development as a whole must be self draining.
  - b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.
  - c) All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.
7. Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.
8. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.
9. Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.
10. 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.
11. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991).
12. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping, ensuring that no trees are planted over existing or proposed drainage infrastructure and easements.
13. Prior to the commencement of the development, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing change 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.

**14. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:**

- a) Location of vehicle crossings;
- b) Details of the underground drainage;
- c) Location of drainage legal points of discharge;
- d) Standard details for vehicle crossing and legal point of discharge; and
- e) Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

**Expiry condition:**

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

- a) The development is not started within two years of the date of this permit; or
- 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*.**

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**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Wednesday, 28 October 2015



**10.2.3 Planning Permit Application PA2015-185; Buildings and Works in a Commercial 1 Zone, On-Premises Liquor License and Reduction of 18 Car Parking Spaces associated with retail and office uses; 8 Church Street, Bacchus Marsh**

<b>Application Summary:</b>	
Permit No:	PA2015-185
Lodgement Date:	12 August, 2015
Planning Officer:	Satwinder Sandhu
Address of the land:	Lot 1 on TP821659X 8 Church Street Bacchus Marsh VIC 3340
Proposal:	Buildings and Works in a Commercial 1 Zone, On-Premises Liquor License and Reduction of 18 Car Parking Spaces associated with retail and office uses
Lot size:	719 sqm
Why is a permit required	<ul style="list-style-type: none"> <li>• Clause 34.01 Buildings and works in the Commercial 1 Zone</li> <li>• Clause 52.27 to use land to sell or consume liquor</li> <li>• Clause 52.06-3 to reduce the number of car parking required under Clause 52.06-5 (18 spaces)</li> </ul>
<b>Public Consultation:</b>	
Was the application advertised?	Yes . 22 letters
Notices on site:	Two
Notice in Moorabool Newspaper:	Not required
Number of Objections:	Nil
Consultation meeting:	N/A

<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Natural and Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building control.
<b>Strategy</b>	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.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	
<b>Officer's Declaration of Conflict of Interests</b>	
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>General Manager – Satwinder Sandhu</i>  In providing this advice to Council as the General Manager and Author, I have no interests to disclose in this report.	
<b>Executive Summary:</b>	
Application Referred?	Heritage Victoria Western Water Victoria Police . Bacchus Marsh Council's Infrastructure Department and Strategic and Sustainable Development (SSD)

Any issues raised in referral responses?	None raised
Preliminary Concerns?	Lack of car parking and no loading bay provided on site and consequential car parking reductions
Any discussions with applicant regarding concerns	A car parking demand assessment by a qualified traffic engineer was requested at pre-application stage due to the reliance on off-site car parking.
Any changes made to the application since being lodged?	<p>Yes . Officers discussed concerns with the applicant about their decision not to provide any car parking on site and gave them an opportunity to amend the application.</p> <p>Amended plans were submitted with the inclusion of a loading bay and two car parking spaces on site. There were no modifications to the building footprint.</p>
VCAT history?	None
Previous applications for the site?	None
<b>General summary:</b>	
<p>The application is for Buildings and Works in a Commercial 1 Zone, On-Premises Liquor License and Reduction of 18 Car Parking Spaces associated with retail and office uses.</p> <p>The site contains existing buildings including an old double storey print works recently vacated by All Press Printing, which is listed on the Victorian Heritage Register. Of significance is some of the equipment including Press machines dating back to the nineteenth century. The site has almost 120 years of history associated with the Crisp family in journalism and newspaper printing.</p> <p>The proposal includes expansion of the old double storey print works as a food and drink premises for 40 patrons downstairs with an associated office upstairs. The heritage significant printing equipment is to be on secure exhibition in the restaurant as a tourist attraction to preserve its status.</p> <p>Further works include the expansion of the building behind the old print works into an independent office/shop and modification of the old print room at the rear of the site into an independent shop.</p> <p>The site with its current configuration of buildings has capacity for parking six (6) cars where they can reverse and exit the site in a forward manner. Pursuant to Clause 52.06-5 of the Moorabool Planning Scheme, the current use of the site generates a demand for fourteen (14) car parking spaces, therefore allowing the current use reduces the requirements by eight (8) spaces.</p> <p>The proposed uses of food and drink premises, offices and shop generates demand for a total of twenty eight (28) car parking spaces.</p>	

The original application did not show any provision for car parking on site, however amended plans submitted show two (2) car parking spaces and a loading bay can also be provided on site with the proposal.

The car parking spaces and loading bay are provided in tandem which is not ideal because the parking will effectively be limited to staff staying there during the day due to restricted egress opportunities.

A car parking demand report provided by a qualified Traffic Engineer cites the Council managed car park and the surrounding street network as having capacity for up to 160 weekday daytime spaces and up to 275 after hours/weekend spaces in the immediate area.

The proposal's additional buildings and works are an overdevelopment of the site and the new uses put added pressure on parking demands in the surrounding streets and Council managed car parking areas. Other than tandem car spaces limited to staff use only, the proposal fails to provide adequate car parking on site and is not in accordance with a purpose of Clause 52.06 Car parking of the Moorabool Planning Scheme being:

*To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*

#### **Summary Recommendation:**

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, pursuant to s.61(1)(c) Council issues a Refusal to Grant Permit PA2015185 for Buildings and Works in a Commercial 1 Zone, On-Premises Liquor License and Reduction of 18 Car Parking Spaces associated with retail and office uses on Lot 1 on TP821659X, 8 Church Street Bacchus Marsh VIC 3340 on grounds outlined in the recommendations section of this report.

### **Background**

The site with its current configuration of buildings has capacity for parking six (6) cars where they can reverse and exit the site in a forward manner. Pursuant to Clause 52.06-5 of the Moorabool Planning Scheme, current use of the site generates demand for fourteen (14) car parking spaces, therefore the current use reduces the requirements by eight (8) spaces.

It is important to assess any proposal to reduce car parking provision in the context of any earlier car parking arrangements for the locality. New development should be accountable for the car parking demand it generates, but cannot be expected to rectify a historic shortfall in an area. In this instance parking credit previously applied to a site of eight (8) spaces should also be applied to the proposed development.

### **Public Notice**

The application was notified to adjoining and surrounding landowners. The Commercial 1 Zone is exempt from notice requirements unless the land is within 30m of land in a residential zone, which it is not.



Council has discretion with the notice requirements for use of land for a liquor license and reduction of car parking and as a result 22 letters were posted and two signs on site were required.

There was no public comment.

### **Summary of Objections**

Nil

### **Proposal**

It is proposed to refurbish and extend the existing buildings on the site to create a mix of retail, service industry and hospitality premises. The building footprint will increase from 344 sqm approx. to 480 sqm. (39% overall expansion) however around 45 sqm or 33% of the expansion will be non-leasable museum-type viewing area of the heritage significant printing equipment.

The land is covered with a heritage overlay however as it is listed on the Victorian Heritage Register, the proposal's heritage contribution is to be assessed by Heritage Victoria (HV) and not Council. The applicant has provided a copy of the permit issued by HV.

#### Food and drink premises

The existing heritage listed double storey brick building will be refurbished and converted for use as a food and drink premises for 40 patrons with liquor license on the ground floor and associated office on the first floor.

Proposed trading hours are 05:30am to 12:00pm weekdays and 07:00am to 12:00pm on weekends. Proposed liquor license hours are 12:00 midday to 12:00 midnight Sunday to Monday. The kitchen part of the restaurant which includes the proposed red line area for the liquor license is located towards the centre of the site attached to the back of the adjacent building to the east.

The heritage significant printing equipment is to be on secure exhibition in the food and drink premises/restaurant as a tourist attraction preserving its status.

The floor area of the restaurant is 140 square metres (sqm) and is likely to employ a staff of 6.

Business identification signs will not exceed 8 sqm for the premises.

A shared loading bay is accessible at the north-west corner of the property.

Tandem car parking spaces adjacent to the restaurant are most likely to be used by the restaurant manager and/or two staff members of the restaurant.

Office/shop (central building)

Towards the centre of the site is an existing single storey domestic type weatherboard building which is proposed to be extended for use as an office or shop independent of the other buildings on the land. It is approx. 97 sqm.

The use does not require a permit in the C1Z, however the applicant indicates typical business hours are 9am to 6pm Monday to Friday.

Business identification signs will not exceed 8 sqm for the premises.

A shared loading bay is accessible at the north-west corner of the property.

No car parking spaces allocated directly to the office/shop are provided.

Shop (east building / old print room)

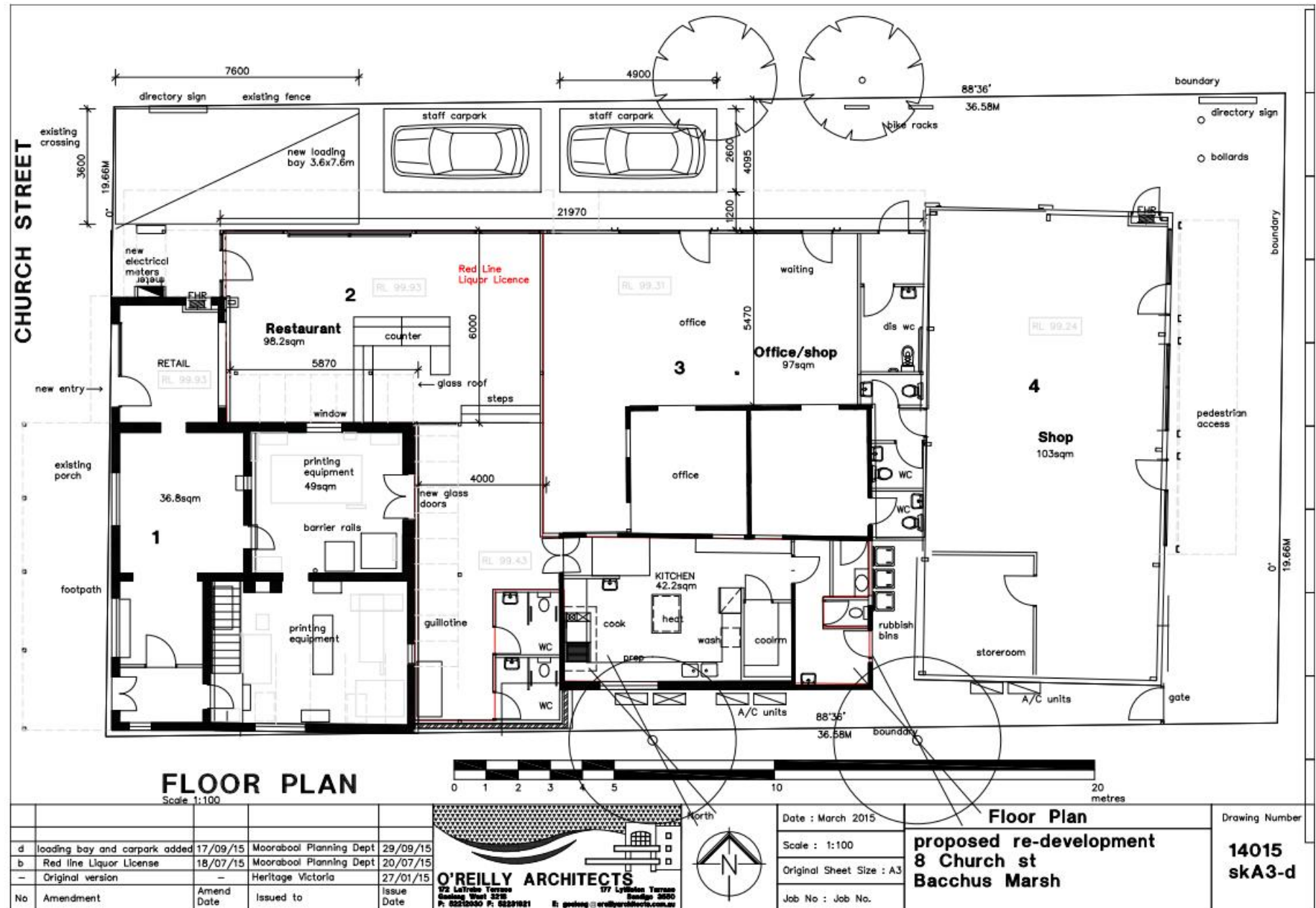
The former print room for All Press contained within an old light industrial shed is to be refurbished as a shop of around 103 sqm.

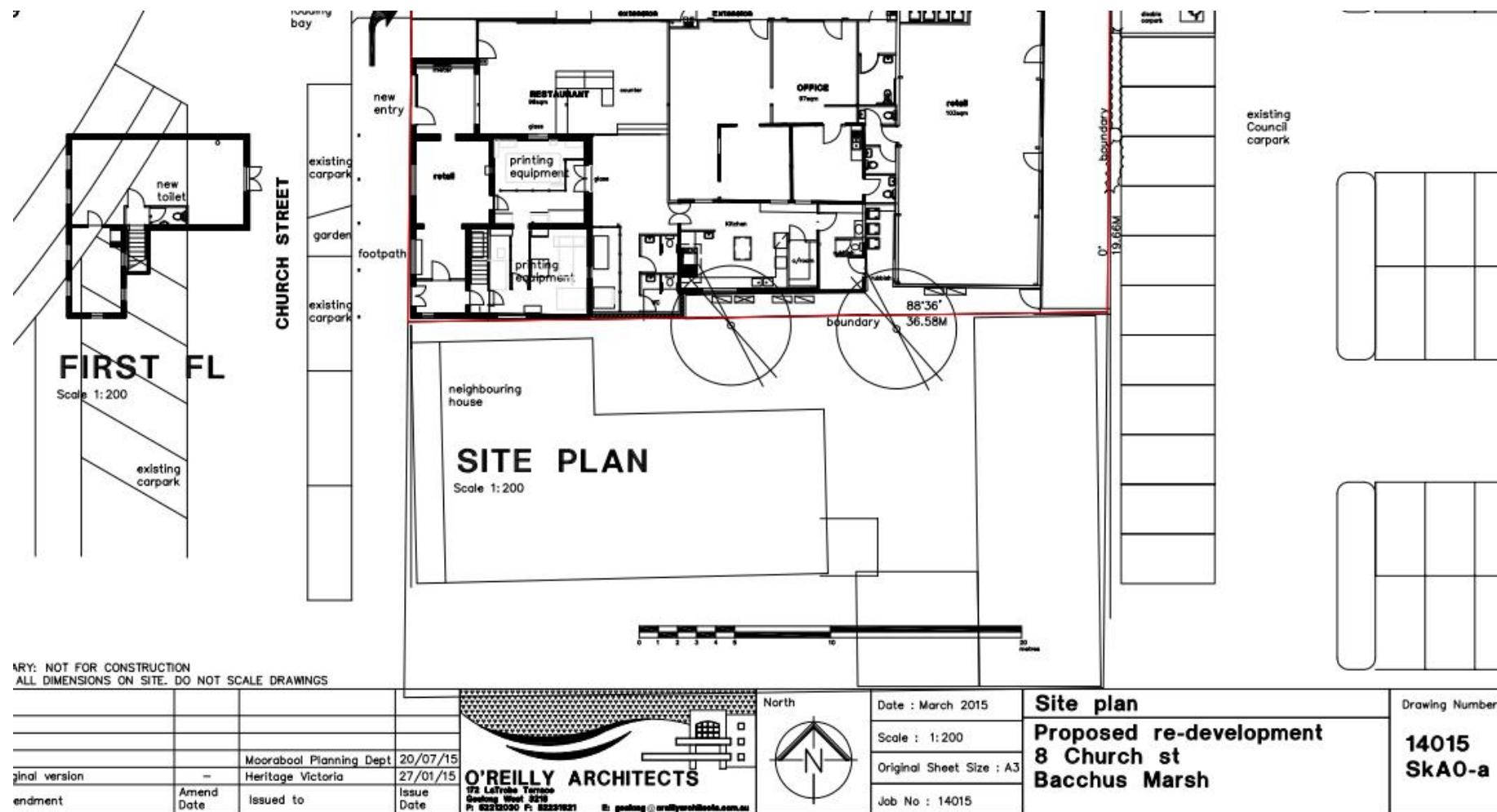
The use does not require a permit in the C1Z, however the applicant indicates typical business hours are 9am to 6pm Monday to Friday and similar times on weekends.

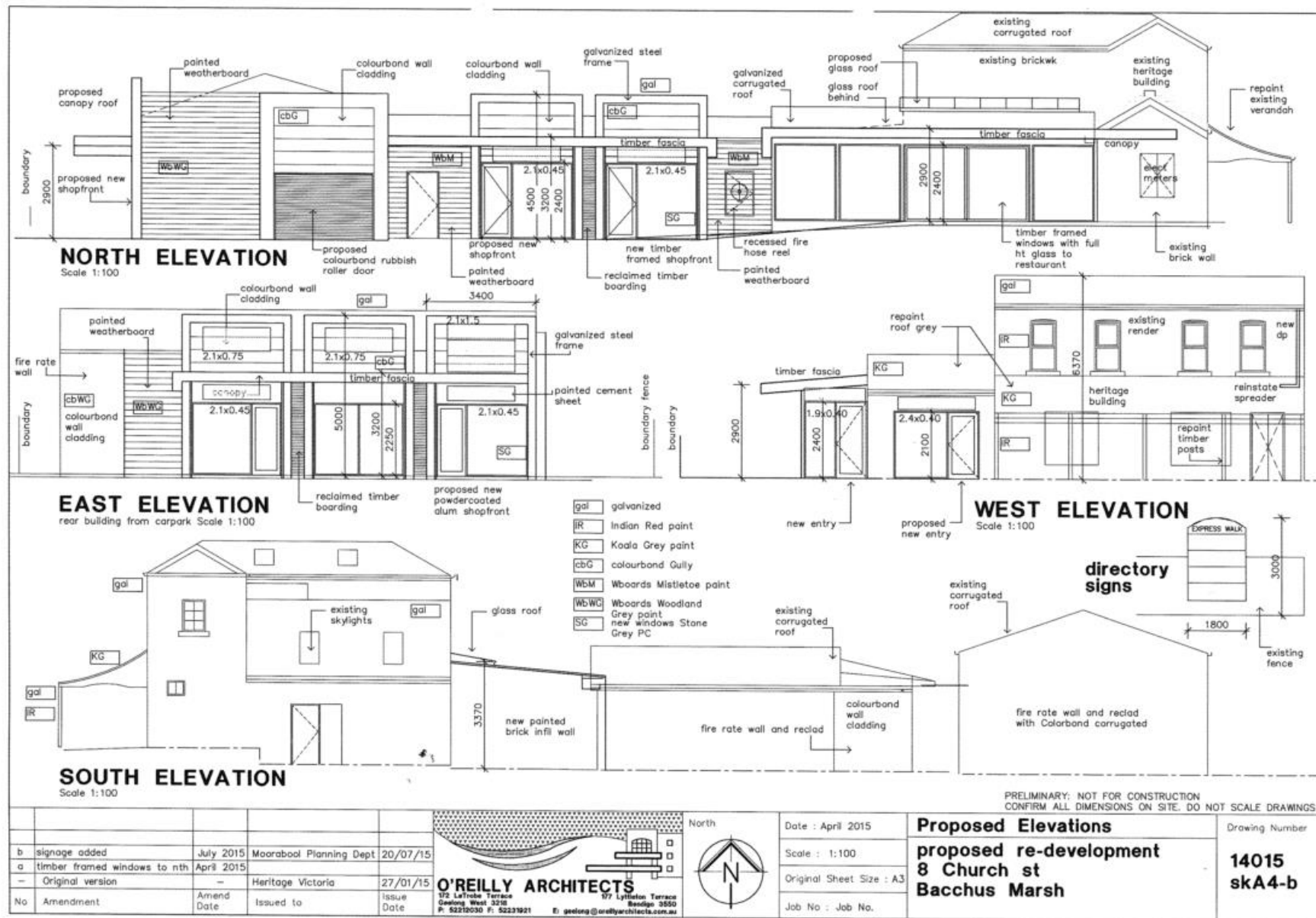
Business identification signs will not exceed 8 sqm for the premises.

A shared loading bay is accessible at the north-west corner of the property.

No car parking spaces allocated directly to the shop are provided. There is no active frontage of the shop to Church Street which is the front of the development.









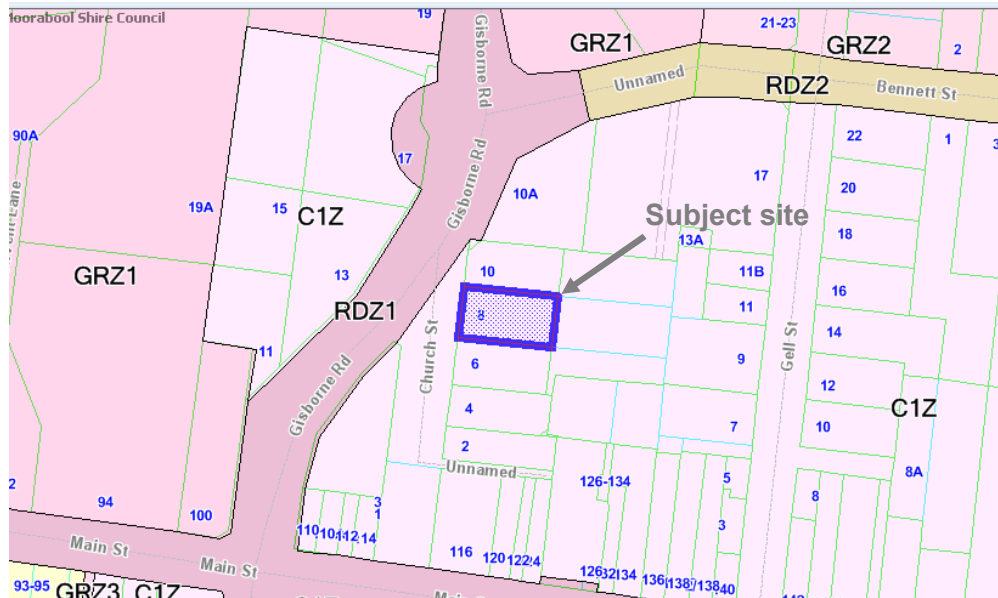
## Site Description

The subject site comprising a total area of 719 sqm, is located on the eastern side of Church Street in Bacchus Marsh, just south of the corner of Gisborne Road and Church Street. It contains existing buildings with a footprint of approx. 344 sqm including an old double storey print works in rendered brick, a weatherboard office/multipurpose building and light industrial shed used as a former print room. In recent times the remainder of the site has been used for informal storage and car parking. Access is via a single concrete crossover from Church Street to the east. The subject site and the surrounding land are located in the Commercial 1 Zone (C1Z) and the subject site as well as abutting properties to the north and south are subject to a Heritage Overlay. Land to the north contains a café, land to the west is a local road (Church Street) with public parking, land to the south contains a dwelling and shed and land to the east is a Council owned car park. The area is at the western end of the central business district of Bacchus Marsh with a mix of food and drink premises, shopping and professional services.

## Locality Map

The site below indicates the location of the subject site and the zoning applicable to 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 . Settlement
- 11.05-2 . Melbourne's hinterland areas
- 11.06-1 . Planning for growth
- 15.03-1 . Heritage conservation
- 17.01-1 . Business
- 17.03-1 . Facilitating tourism
- 21.04-3 . Objective . Commerce
- 21.06-2 . Objective . Enhance and Preserve Cultural Heritage

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

### Zone

#### **Commercial 1 Zone**

The land is in the Commercial 1 Zone (C1Z). The purpose of the C1Z is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, 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.

Pursuant to Clause 34.01-1 of the C1Z of the Moorabool Planning Scheme no permit is required to use the land for a shop (no min. floor area specified), office or retail premises (including food and drink premises).

Pursuant to Clause 34.01-4 of the C1Z of the Moorabool Planning Scheme a permit is required to construct a building or construct or carry out works.

### **Overlays**

The land is covered by a Heritage Overlay . Schedule 4.

Pursuant to Clause 43.01-2 of the Moorabool Planning Scheme no permit is required under this overlay to develop a heritage place which is included on the Victorian Heritage Register.

### **Relevant Policies**

Nil

### **Particular Provisions**

#### **Clause 52.05 – Advertising signs**

The Commercial 1 Zone is in Category 1 for signs. Pursuant to Clause 52.05-7 of the Moorabool Planning Scheme a business identification sign is in section 1 where no permit is required provided:

- The total advertisement area of all signs to each premises must not exceed 8 sqm. This does not include a sign with an advertisement area not exceeding 1.5 sqm that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.

Proposed signs for each premises are in accordance with the above requirements and as such do not require a permit.

#### **Clause 52.06 Car parking**

Pursuant to Clause 52.06-3 of the Moorabool Planning Scheme a permit is required to:

- Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

Table 1 of Clause 52.06-5 shows the following car spaces are required by the Scheme for the uses proposed:

- Shop . 4 spaces per 100 sqm of gross floor area
- Office/Retail Premises - 3.5 spaces to each 100 sqm of net floor area
- Restaurant . 0.4 spaces per seat / patron

Based on these rates, the car parking requirements are 28 spaces for the proposed shop, restaurant and offices uses (as confirmed by ML Traffic Engineers).



A car parking demand report provided ML Traffic Engineers cites Council managed car parking and the surrounding street network as having capacity for up to 160 weekday daytime spaces and up to 275 after hours/weekend spaces in the immediate area.

The existing uses of warehouse/office and industry generate a requirement of fourteen (14) spaces (as confirmed by ML Traffic Engineers). With six (6) car parking spaces currently available on site (refer to 2013 aerial photo below) with safe egress possible, the site has previously been given parking credit for eight (8) spaces.



Two (2) spaces are provided as part of the amended proposal to retain some car parking on the land. Taking into consideration parking deficiencies (previous parking credit of 8 spaces) associated with the existing use of the land, the proposal generates a new parking impact of 18 spaces at peak times (28 required -8 existing credit -2 provided = 18) in accordance with the requirements at Clause 52.06-5.

Before granting a permit to reduce the number of spaces below the likely demand assessed by the Car Parking Demand Assessment, the responsible authority must consider the following, as appropriate:

- The Car Parking Demand Assessment.
- The availability of alternative car parking in the locality of the land, including:
  - Efficiencies gained from the consolidation of shared car parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non residential zones.
- The practicality of providing car parking on the site.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.

- The future growth and development of any nearby activity centre.
- Any car parking deficiency associated with the existing use of the land.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.

#### **Clause 52.07 – Loading and unloading of vehicles**

No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:

- Space is provided on the land for loading and unloading vehicles as specified in the table below.

<b>FLOOR AREA OF BUILDING</b>	<b>MINIMUM LOADING BAY DIMENSIONS</b>	
2,600 sq m or less in single occupation	Area	27.4 sq m
	Length	7.6 m
	Width	3.6 m
	Height clearance	4.0 m
For every additional 1,800 sq m or part	Additional 18 sq m	

#### **Clause 52.27 Licensed premises**

A permit is required to use land to sell or consume liquor if a license is required under the Liquor Control Reform Act 1998.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

## Discussion

The application is for Buildings and Works in a Commercial 1 Zone, On-Premises Liquor License and Reduction of 18 Car Parking Spaces associated with retail and office uses.

The proposal includes the expansion of the old double storey print works as a food and drink premises for 40 patrons downstairs with an associated office upstairs, with the heritage elements appropriately preserved. Further works include expansion and modification of existing buildings into independent offices/shops consuming approx. two thirds of the site leaving little room for car parking.

The site with its current configuration of buildings has capacity for parking six (6) cars where they can reverse and exit the site in a forward manner. Pursuant to Clause 52.06-5 of the Moorabool Planning Scheme, the current use of the site generates demand for fourteen (14) car parking spaces, therefore the current use has a reduction of eight (8) spaces.

It is important to assess any proposal to reduce car parking provision in the context of any earlier car parking arrangements for the locality. New development should be accountable for the car parking demand it generates, but cannot be expected to rectify a historic shortfall in an area. In this instance parking credit previously applied to a site of eight (8) spaces should also be applied to the proposed development.

The proposed uses of food and drink premises, offices and shop generates demand for a total of twenty eight (28) car parking spaces which is not physically possible to be provided on the site. A subsequent amendment to the application provides two (2) car parking spaces and a loading bay on the site as a contribution towards the overall car parking requirements. The car parking spaces and loading bay are provided in tandem which is not ideal because the parking will effectively be limited to staff staying there during the day due to restricted egress opportunities.

Taking into consideration parking deficiencies (previous parking credit of 8 spaces) associated with the existing use of the land, the proposal generates a new parking impact of 18 spaces at peak times (28 required -8 existing credit -2 provided = 18) in accordance with the requirements at Clause 52.06-5.

Commercial development in planned activity centres should be supported where it can provide an appropriate amount of car parking on site to service the intended use. A restaurant and shops which can generate high volumes of vehicular traffic at peak times during the day should make a reasonable attempt to meet some or all of the demand for car parking on site.

In this instance the proposal's additional buildings and works are an overdevelopment of the site and the new uses put added pressure on parking demands in the surrounding streets and Council managed car parking areas. The proposed shop to the east of the site has no street frontage to Church Street, which is generally encouraged in commercial areas. Shops fronting on to this car park is not common and generally discouraged where there is formal street access available.

The proposal's impact of reducing car parking requirements has a negative effect on local amenity, including pedestrian amenity and the amenity of nearby residential areas where visitors will seek out parking. This part of Bacchus Marsh is also relatively underserviced in terms of alternative transport modes.

In summary the proposal's failure to provide adequate car parking on site is not in accordance with a purpose of Clause 52.06 Car parking of the Moorabool Planning Scheme being:

*To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*

### General Provisions

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

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

### Referrals

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

Authority	Response
Nil	

The following notice was given pursuant to s.52 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
Heritage Victoria	No comment (HV Permit issued 2 June 2015)
Western Water	No objection, no conditions
Victoria Police . Bacchus Marsh	No comment
Council's Infrastructure	No objection, subject to six (6) conditions
Council's Strategic and Sustainable Development (SSD)	No comment

### **Financial Implications**

There are no known financial implications to Council from this application.

### **Risk and Occupational Health and Safety Issues**

The recommendation of refusal 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 applicant was invited to attend this meeting and invited to address Council if desired.

### **Options**

If an alternative recommendation to approve the application was determined, the consequences to Council by the issue of a permit would be an additional demand for Council owned car parking.

### **Conclusion**

It is considered that this application is not consistent with the requirements of the Moorabool Planning Scheme and should be refused subject to the grounds outlined in the following recommendation section of this report.

### **Recommendation:**

**That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, pursuant to s.61(1)(c) Council issues a Refusal to Grant Permit PA2015-185 for Buildings and Works in a Commercial 1 Zone, On-Premises Liquor License and Reduction of 18 Car Parking Spaces associated with retail and office uses on Lot 1 on TP821659X, 8 Church Street Bacchus Marsh VIC 3340 for the following reasons:**

- 1. The proposal's failure to provide adequate car parking on site is not in accordance with a purpose of Clause 52.06 Car parking of the Moorabool Planning Scheme being:**

*To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*

- 2. The proposal fails to respond to a decision guideline of the Commercial 1 Zone at Clause 34.01-8 of the Moorabool Planning Scheme being appropriate provision of car parking.**
- 3. The proposal fails to respond to a decision guideline of the Commercial 1 Zone at Clause 34.01-8 of the Moorabool Planning Scheme being to provide active street frontage for the proposed shop at the rear of the site.**

4. The proposal's overdevelopment of the site does not accord with Clause 65's orderly planning of the area and effect on the amenity of the area.
- 

**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Thursday, 16 October 2015



## **10.2.4 First Quarter (July – September) Report – 2015/16 Council Plan Actions**

### **Introduction**

File No.: 02/02/002  
Author: John Whitfield  
General Manager: Satwinder Sandhu

### **Background**

The 2013 - 2017 Council Plan was revised and adopted by Council in July 2015. As part of the development of the framework of the Council Plan, Council determines appropriate actions which will support the framework, delivering agreed outcomes for the Community.

The Council Plan outlines three key result areas (KRA) or main themes that guide new initiatives and continuing services these being:

- Representation and leadership of our community;
- Community Wellbeing; and
- Enhanced infrastructure and Natural and Built Environment.

Each KRA has a set of strategic objectives or desired outcomes with sets of strategies to be undertaken over the planned 4 years to achieve the objectives.

All Council actions aligned with the strategies are linked back to the Council Plan. The Council Plan is reviewed annually

### **Discussion**

The attached 2015/16 Council Plan Actions First Quarter Progress Report indicates each of the actions and their progress comments for the 2015/16 Financial Year. Overall there are 33 actions with 27 actions having reached 90% or greater of their target for the July - September period, with one action having achieved between 60 and 90% of target. Nine actions remain at less than 60% of their target as the majority of work for these actions is scheduled to be completed in later quarters.

### **Proposal**

This report is to inform Council and the community on the progress of key Council Plan actions for the 2015/16 Financial Year.

## Policy Implications

The 2013. 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and Leadership of our community
<b>Objective</b>	Effective strategic and business planning for a growing community
<b>Strategy</b>	Develop service plans consistent with Business Excellence principals that reflect systems thinking and value for the community.

## Financial Implications

There are no financial implications from this report.

## Risk & Occupational Health & Safety Issues

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

## Communications and Consultation Strategy

Specific projects may have their own communications strategy nevertheless this report will be displayed on Council's website and the annual progress will be reported in Council's Annual Report.

## 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 – John Whitfield*

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



## Conclusion

Council is making good progress in all areas of the Council Plan for this first quarter. Overall there are 33 actions with 27 actions having reached 90% of their action target for the July . September period, with one action having achieved between 60 and 90% of target. The nine remaining actions are sitting below 60% of target as the majority of work to be undertaken on these actions will be performed in later quarters.

## Recommendation:

**That Council receives the First Quarter (July – September) 2015/16 Council Plan Actions Progress Report.**

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## Report Authorisation

### Authorised by:

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Wednesday, 28 October 2015



## 10.3 COMMUNITY SERVICES

### 10.3.1 Draft Age Well Live Well Strategy and Disability Access and Inclusion Plan 2015-2021

#### Introduction

File No.: 02/02/002  
Author: Robyn Salt  
Acting General Manager: Troy Scoble

#### Background

The purpose of this report is to recommend that the Council adopt the Age Well Live Well Strategy and Disability Access and Inclusion Plan 2015-2021 following the community exhibition period.

At the Ordinary Meeting of the Council held on the 2 September 2015, the Council resolved to: endorse the draft Aged Well, Live Well Strategy and Disability Access and Inclusion Plan 2015-2021 for the purposes of community exhibition for a period of four (4) weeks; and receive a further report at the conclusion of the community exhibition period seeking adoption of the Age Well, Live Well Strategy and Disability Access and Inclusion Plan 2015-2021.

The finalisation of the Age Well Live Well Strategy and Disability Access and Inclusion Plan 2015-2021 are Council Plan actions for 2015/16.

The Age Well Live Well Strategy and Disability Access and Inclusion Plan 2015-2021 contained in **Attachment 10.3.1** represents an integrated approach by Council to planning for the future needs of people aged over 50 years, people with a disability and those with carer responsibilities in the Shire over the next six years.

While these population groups are diverse in terms of their needs and aspirations, there are a number of common issues with respect to Council's role and interventions that promote both active ageing and access and inclusion.

Federal and State policy, legislation and funding arrangements as well as a trend of ageing population and increased number of people living with a disability in the Shire mean that the provision of services and programs, physical and social infrastructure will need to evolve in a rapidly changing environment.

The Age Well Live Well Strategy is based on the Age-Friendly Cities model adopted by governments both internationally and in Australia, which provides a framework for interventions that promote healthy and active ageing.

An integrated Action Plan has been developed, based on the outcomes of research and consultation that identifies five key themes or priorities to be addressed over the next six years. These reflect the Age Friendly Cities framework as follows:

1. Communication and Information
2. Health and Community Support
3. Community Resources
4. Civic Engagement and Social Participation
5. Places and Spaces

A ~~whole~~ of Council approach to implementation is proposed, given that Council's role in promoting healthy active ageing and access and inclusion extends beyond its service provider role to critical areas including infrastructure and asset management.

At the same time, partnerships with health and community service providers will need to be strengthened and expanded to ensure that service delivery continues to meet the diverse needs of people over 50 years, people with a disability and carers in the future.

### **Proposal**

It is proposed that the Council adopt the Age Well, Live Well Strategy and Disability Access and Inclusion Plan 2015-2021 following the community exhibition process.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Inclusive, responsible and accessible community services
<b>Strategy</b>	Undertake social and community planning that increases our understanding of the needs of our communities now and into the future and articulates the role of Council. Advocate, support and provide aged and disability services. Ensure Council's services and facilities are accessible.

The Age Well Live Well Strategy and Disability Access and Inclusion Plans are consistent with the Council Plan 2013-2017.

### **Financial Implications**

The Age Well Live Well Strategy and Disability Access and Inclusion Plan contain an integrated action plan outlining goals, objectives and actions to be implemented over the next six years. The Strategy and Plan will be reviewed annually and actions amended to reflect budget and resourcing priorities.

A number of actions will require Council funding, and will be subject to the annual Council budget process.

A number of actions are subject to external funding; in particular the transition in Federal and State funding arrangements from Home and Community Care (HACC) to the Commonwealth Home Support Program (CHSP) from 2016 up to 2019 for people aged 65 years and over. Similarly, the rollout of the National Disability Insurance Scheme (NDIS) over the next three years will have implications for Council services and programs for people with a permanent and significant disability.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Budget	Lack of resources to implement actions	Medium	Annual review process to determine priorities within existing resource capacity
Implementation	Delay in implementing actions or some not commenced within timeframe	Medium	Annual review process to determine priorities within existing resource capacity
Changes to government policy and legislation	Changes impact Council's role (e.g. HACC service delivery)	Medium	Annual review process to include updates on changes and implications for Council

### Communications and Consultation Strategy

The following community engagement activities have been undertaken, in accordance with 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, and flyers in Council offices).  Six community information forums were held with a focus on healthy ageing and access and inclusion.	Community informed about opportunities for input.
Consult	General community	Have your Say Council's On line Community Engagement Portal - Age-friendly	<ul style="list-style-type: none"> <li>177 people completed hard copy surveys</li> </ul>

Level of engagement	Stakeholder	Activities	Outcome
	People aged over 50 years  People with a disability  Carers of older people or those with a disability	survey and discussion forum.  Survey promoted via community health services, community groups, libraries and maternal child health centres.	<ul style="list-style-type: none"> <li>23 people completed the online survey.</li> </ul>
Involve	Health and community service providers  Internal Council staff (Recreation and Youth, Aged and Disability, Community Development, Economic Development, Strategic Planning and Early Years)	Service provider forum  Project control group meetings  Planning workshop	23 Aged Services and 15 disability services providers attended          8 staff attended the workshop

Following the Council meeting held on the 2 September, the draft Age Well, Live Well and Disability Access and Inclusion Plan 2015-2021 was released for community exhibition on Have your Say and at the Council Offices and Library.

The following represents the outcome for this engagement period.

Level of engagement	Stakeholder	Activities	Outcome
Consult	Community	Have Your Say  Hard copies at Council Offices and Library	Visits . 72  Document Downloads . 47  Comments - 2

During the engagement timeframe, two comments/submissions were received as outlined below:

1. Thank you for the opportunity to comment on the draft Age Well Live Well strategy. There seems to be an absence of any mention of community safety, particularly in our homes and in public places. I believe that town planning should incorporate safety issues in planning issues e.g. natural

surveillance into public spaces. Based on my reading of the fact sheet, I am concerned that there are many wordy motherhood statements with little or no information about what the strategies will involve and the level of services. Perhaps this information is in the detailed draft strategy document.

2. Moorabool Shire Council needs to carefully consider the ever increasing traffic problems with regards to on and off ramps to the highway, congestion of Gisborne Road, Grant Street and Main Street. Council needs to act quickly for a solution and to not take any risk what so ever at making traffic situations worse e.g. a Bunnings Store inappropriately situated anywhere near Bacchus Marsh main roads. Bunnings would be favourable somewhere within the Industrial area of Bacchus Marsh. As Council is very aware the most important improvement to traffic congestion has been (for many years now) the on and off access ramps to the Highway.

These comments have been noted and no changes have been made to the Strategy.

### **Victorian Charter of Human Rights and Responsibilities Act 2006**

The Charter is of relevance to the Draft Strategy, in that there is an obligation for Council as a public authority to ensure that the human rights of all citizens, including people aged over 50 years, people with a disability and carers that are the focus of the Draft Strategy, are not compromised in the delivery of goods and services.

### **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.

#### *Acting General Manager – Troy Scoble*

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

#### *Author – Robyn Salt*

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

### **Conclusion**

The Age Well, Live Well Strategy and Disability Access and Inclusion Plan 2015-2021 have been developed through a process of research and community engagement to determine five priority areas for action to promote healthy active ageing and access and inclusion for people with a disability.

The Strategy and Draft Plan will better position Council with respect to meeting the challenges posed by changes to Federal and State policy, legislation and funding. This is consistent with Council's strategic objectives to provide services and programs, physical and social infrastructure to meet the needs of a diverse and growing segment of the Shire's population.

Implementation of the Strategy and Plan is predicated on a ~~an~~ whole of Council approach and partnerships with health and community service providers to mobilise resources and effectively deliver services are critical to enabling people aged over 50 years, people with a disability and carers to fully participate in community life and enjoy maximum health.

**Recommendation:**

**That the Council adopt the Age Well, Live Well Strategy and Disability Access and Inclusion Plan 2015-2021.**

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**Report Authorisation**

**Authorised by:**

**Name:** Troy Scoble

**Title:** Acting General Manager Community Services

**Date:** Wednesday, 28 October 2015



### 10.3.2 Darley Civic Hub Indoor Sports Stadium Use Agreement – Acrofun Gymnastics Club

#### Introduction

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

The purpose of this report is to recommend that the Council approve the exclusive use of the Darley Civic Hub Indoor Sports Stadium by Acrofun Gymnastics Club, levy an additional fee per hour, approve the term of the agreement for the remainder of the term of the Leisure Facilities Contract, and continue to support the club in securing a venue that will cater for its forecast growth in participation beyond the term of the agreement.

#### Background

Currently the Acrofun Gymnastics Club (~~%Acrofun+~~) essentially have exclusive use of the Darley Civic Hub Indoor Sports Stadium (~~%Stadium+~~).

Given that Belgravia Leisure manages the Darley Civic Hub Indoor Sports Stadium on behalf of the Council, the use agreement is between Acrofun and Belgravia Leisure. As Council is the owner of the facility, and to support the potential for shared use, Council staff have been facilitating discussions with Acrofun and Belgravia Leisure.

Agreement has been reached on most of the terms and conditions for use of the Stadium under the Belgravia Leisure standard user agreement. However there remain key items to be resolved for the agreement to be finalised and which are the subject of this report.

#### Floor Layout

The key issue requiring resolution is the floor space that will be exclusively used by Acrofun. In examining the potential for shared use of the Stadium earlier this year, there was a spectator area that was envisaged could potentially be used for shared use. It was acknowledged at the time that much of the floor space contained gymnastics equipment that couldn't reasonably be packed up at the end of each session and needed to remain in place, at the same time Acrofun had ordered additional equipment that was awaiting delivery. The equipment subsequently arrived and is currently in place, and along with the required exclusion and safety zones, the entire floor space is currently being used for gymnastic activities.

Consequently the spectator area that could have been used for shared activities is now occupied by gymnastics equipment.

Should Council wish to pursue the shared use options of this facility, Acrofun will now be required to remove the equipment that is now occupying the former spectator area and scale back its programs and participation numbers in order for the spectator area to be considered for other uses. A plan showing the earlier floor layout with spectator area and the current layout utilising the entire floor space are contained in **Attachment 10.3.2**.



### Group Fitness

At the same time as developing the user agreement with Acrofun, an examination of the viability of using the stadium to run group fitness classes under the Leisure Services Contract has been undertaken. The examination has identified that it is not likely to be cost effective as it requires additional investment in equipment, duplication of administrative resources, times available outside gymnastic use not complimentary to the group fitness program for the investment required, and group fitness participants often also access other facilities before and after their classes which would not be available at the stadium. As reflected in a separate report to Council, the demand for group fitness is relatively low at the Bacchus Marsh Leisure Centre at the times that potential space, outside the Acrofun schedule of usage would be available, further limiting this as a realistic option.

### Usage Fee and Schedule of Use

Acrofun have added to their existing service delivery model in the past year and with growth in participation are now running a program schedule featuring a number of new programs for the community. As a result Acrofun have now applied for 70 hours of usage per week. At 70 hours of usage no other use can be facilitated at this facility, as 70 hours of programmable usage is generally considered fully maximised for a stadium of this type. Whilst no other use could be facilitated outside Gymnastics, this additional usage has resulted in an increase in participation.

Council subsidises the operation of Acrofun through the payment of utilities which are not separately metered.

### Equipment Security

There has been extensive discussions and investigation undertaken around how to ensure the security and safety of the gymnastics equipment that is permanently set up at the site in the event that other users were allowed to use the facility. While clauses in the draft agreement state that any damage to equipment will be the responsibility of the user that caused it, Acrofun still have concerns given the nature of the equipment, that significant safety risks and issues are present should other users touch equipment without supervision that could cause serious injury or equipment malfunction.

### Signage Displays

There remain ongoing negotiation between Acrofun and Belgravia Leisure regarding the number of permanent signage that could be affixed to the walls of the stadium.

### Management and Maintenance

Under the Leisure Facilities Contract, Belgravia Leisure is responsible for all minor maintenance of a non-structural type on the facility. It has been agreed that should other users be provided access to the facility, Belgravia Leisure would continue to undertake minor maintenance such as changing the stadium court lighting.

If Acrofun are granted exclusive use of the facility, an additional fee to contribute toward the cleaning of the stadium, utilities and minor maintenance should be considered.

Should exclusive use to Acrofun for a period of the term of the Leisure Services Contract be considered, given there is no programming to be undertaken at the facility by Belgravia Leisure, Council could consider, in partnership with Belgravia Leisure, transferring the responsibility for management of the facility out of the Leisure Facilities Contract and directly manage the stadium by Council.

#### Recreation and Leisure Strategy . Alternative Venue for Gymnastics

The Council recently adopted Recreation and Leisure Strategy recommends that in the short term, the Council facilitate the continued use of the Darley Civic Hub Indoor Sports Stadium for Gymnastics until a suitable alternate venue is identified.

During the discussions on the user agreement, the Acrofun representatives have advised officers that given the expected continued growth in participation numbers, the club is considering relocating to a larger and more suitable venue. Acrofun is forecasting continued growth in participation that will outstrip the capacity of the stadium.

Officers have made enquiries into the availability of alternative space in the area that may be suitable. The largest space currently available is 430m<sup>2</sup>. The cost of this space per annum is \$34,000 plus outgoings. Using the request for usage by Acrofun at 71 hours per week, transferred into an hourly rate this would equate to \$9.20 per hour plus all outgoings.

This space is considered on the small size for an operation such as Acrofun Bacchus Marsh. The Recreation and Leisure Strategy, consistent with the Gymnastics Victoria Facilities guide, recommends a facility between 400m<sup>2</sup> (Entry Level Gymnastics Facility) to a 700m<sup>2</sup> (Local Club Facility).

It is recommended that Officers continue to assist Acrofun in finding an alternative venue that will provide space for the forecast growth in demand for Acrofun gymnastics.

#### **Proposal**

It is proposed that the Council approve the floor layout required by Acrofun to accommodate all of the equipment required for their new range of programming and facilitate appropriate run off and clearance zones for each apparatus.

The approval of the current floor layout will effectively remove any opportunities for shared usage by other groups. Therefore it is recommended that the user fee reflect 70 hours of usage per week in the stadium.

It is recommended to provide a 2 year licence agreement to the Acrofun Bacchus Marsh Gymnastics Club, expiring at the end of the Leisure Facilities Contract. This would provide exclusive use of the stadium for the term of the agreement proposed at the following user fees:

<b>Year</b>	<b>Cost per Hour</b>	<b>Facility Hire Fee 70 hours</b>	<b>Utilities Contribution</b>
Year 1: 1 <sup>st</sup> July 2015 . 30 <sup>th</sup> June 2016	\$2.75	\$10,010	\$3,000
Year 2: 1 <sup>st</sup> July 2016 . 30 <sup>th</sup> June 2017	\$3.50	\$12740	\$3,000 plus CPI

It is also proposed that the Officers continue to assist Acrofun in establishing itself at a venue that will provide space for the forecast growth in demand for Acrofun gymnastics and return the Darley Civic Hub Indoor Sports Stadium to a multi-purpose facility for indoor sports and other uses as identified. As part of this Officers will develop a model for Council to consider providing a seeding grant available up to two years to assist with the transition to new premises.

It is also proposed that Officers finalise a variation to the Leisure Facilities Contract that supports direct Council management of the Darley Civic Hub Indoor Sports Stadium.

Belgravia have indicated that they would support the transfer of management and maintenance of the Civic Hub Stadium back to Council should exclusive use of the facility be provided to Acrofun Bacchus Marsh.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

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

The development of a user agreement is consistent with the 2013-2017 Council Plan.

The Council Plan outlines Councils 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**

Should Council provide exclusive use of the facility to Acrofun Bacchus Marsh, it is recommend to implement the following fee schedule over the term of the agreement:

Year	Cost per Hour	Facility Hire Fee 70 hours	Utilities Contribution
Year 1: 1 <sup>st</sup> July 2015 . 30 <sup>th</sup> June 2016	\$2.75	\$10,010	\$3,000
Year 2: 1 <sup>st</sup> July 2016 . 30 <sup>th</sup> June 2017	\$3.50	\$12, 740	\$3,000 plus CPI

In the future, the hire of the Stadium for indoor ball sports is forecast to generate revenue of approximately \$55,000 (for 30 hours of usage which is at the lower end of the forecast) per year based on application of a hire fee of between \$35.00 to \$43.00 per hour. Offset by cleaning and other operational costs, a conservative forecast net profit of \$20,000 could feasibly be achieved. The use of the Stadium for indoor ball sports will also address some of the demand for additional stadium space given the full utilisation of the Bacchus Marsh Leisure Centre courts.

### **Risk & Occupational Health & Safety Issues**

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

### **Communications and Consultation Strategy**

Council has been facilitating discussions between both Belgravia Leisure and the Acrofun Gymnastics Club to develop a hire agreement.

### **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.

#### ***Acting General Manager – Troy Scoble***

In providing this advice to Council as the Acting 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**

Currently Acrofun Bacchus Marsh are the sole user of the Darley Civic Hub Indoor Sports Stadium. This is due to the nature of the gymnastics equipment requiring permanent set up in the facility preventing realistic options to implement shared use of the facility.

**Recommendation:****That Council:**

1. **Approve the floor layout required by Acrofun to accommodate all of the equipment required for their new range of programming and facilitate appropriate run off and clearance zones for each apparatus.**
2. **Approve that a licence agreement be implemented ending at the conclusion of the existing Leisure Facilities Contract at June 30 2017.**
3. **Apply a user fee as per the following user fee schedule:**

<b>Year</b>	<b>Cost per Hour</b>	<b>Facility Hire Fee 70 hours</b>	<b>Utilities Contribution</b>
<b>Year 1: 1<sup>st</sup> July 2015 – 30<sup>th</sup> June 2016</b>	<b>\$2.75</b>	<b>\$10,010</b>	<b>\$3,000</b>
<b>Year 2: 1<sup>st</sup> July 2016 – 30<sup>th</sup> June 2017</b>	<b>\$3.50</b>	<b>\$12740</b>	<b>\$3,000 plus CPI</b>

4. **Approve a variation to the Leisure Services contract to remove the Darley Civic Hub Indoor Sports Stadium from Council's Leisure Services Contract.**
5. **Pursue funding opportunities for Acrofun Gymnastics Club to relocate to a more suitable facility at the conclusion of the two year licence agreement or earlier, and that a further report be brought to Council on this matter at an appropriate time.**

**Report Authorisation****Authorised by:**

**Name:** Troy Scoble

**Title:** Acting General Manager Community Services

**Date:** Wednesday, 28 October 2015



### **10.3.3 Review of Crèche and Group Fitness Services – Bacchus Marsh Leisure Centre**

#### **Introduction**

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

The purpose of this report is to present to the Council the review into the Crèche and Group Fitness Services at the Bacchus Marsh Leisure Centre.

#### **Background**

At the July 2015 Ordinary Meeting, the Council resolved to adopt a communications plan which outlined that 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.

Throughout the past 12 months Belgravia Leisure and Council Officers have identified a number of concerns regarding the viability of the Crèche and Group Fitness program within the Leisure Services Contract. In their recent tender for the management and operation of the facilities, Belgravia Leisure indicated that it would discontinue the programs unless Council provided greater financial subsidy specifically for these services. Council resolved to fund these services up to 31<sup>st</sup> December, 2015 whilst a review was completed.

#### **Review of Crèche and Group Fitness Services**

The review has highlighted the linkages between the crèche service and other components of the Bacchus Marsh Leisure Centre including group fitness programs, use of the health club and netball programs. Therefore the future viability and sustainability of the crèche and group fitness programs need to be considered in tandem and not in isolation.

#### **Crèche Services**

The crèche and occasional care program operates from a room at the rear of basketball court 1, located at the end of a shared school corridor. Access to the room is via the school canteen area. The room does not contain any toilets or running water and does not have access to an outdoor play area. Children are escorted by staff to the toilets servicing the stadium courts which impacts on the number of staff needed to operate the crèche and meet registration requirements. The service operates from 9am to 12 noon, Monday to Friday.

For the most part, the crèche is underutilised. It is not ideally located and is difficult to access with little visibility as it is disconnected from the entry, gym and stadium. There are no toilets within the crèche which means additional staff have to be rostered so a staff member can take children to the toilets. This adds greatly to the cost of running the service.

Centre users have regularly indicated that they are unhappy with standard of the current crèche facilities. Whilst recent surveys of centre users shows that the crèche service is highly valued by members, this high value does not translate into significant patronage.

A review of the attendance has been completed for the Crèche program for the current year from January 2015 to September 2015. Total attendance in the crèche for the 9 month period was 1403. Attendances did peak in June (181) and July (203) but dropped again in August (167) and September (157). Attendance numbers reflect a head count of attendees, so a user will be counted multiple times in a week or month as they use the facilities multiple times, they do not reflect the amount of individual users of the facilities. Across the three months July, August and September, Council's subsidy was \$17 per attendance in the crèche program.

An analysis of the current attendance figures show that the largest group of crèche users are centre members utilising the gym. The crèche also provides critical support for day time netball participants on Monday mornings with Group Fitness users the third highest users of the crèche program.

The Crèche sessions on Tuesday and Thursday mornings are the best attended, primarily by members using the gym, with Monday mornings the next best attended which supports the netball competition. The Netball Association have indicated the crèche importance to the ongoing development of their netball program and participation on Monday mornings.

Officers investigated alternate occasional care options off site with other providers including Lerderderg Children's Centre and the Darley Neighbourhood House. However these alternatives do not have space available, they have waiting lists nor provide hours of operation consistent for the demand at the BMLC.

The key issues impacting the provision of Crèche Services include:

#### Low Attendances

The attendance figures are for the full three hours of each session. However most users only utilise the service for between 1 and 1.5 hours. This effectively means that although attendance may appear to be sufficient for specific sessions, it is generally only for 1 to 1.5 hours. For the remainder of the session numbers are very low, with 2 or 3 staff. Staff are paid for the full 3 hour session regardless of the number of children attending.

In previous consultations, crèche users have expressed a high level of dissatisfaction at the condition and location of the crèche facilities.

#### Staff Levels

Many of the crèche sessions operate with 3 staff in order to meet licence regulations. This is due to the lack of toilet facilities within the crèche which requires staff to escort children to use toilets elsewhere in the facility.

The use of 3 staff to operate the program is not sustainable with ongoing low attendance figures of the current service levels.

### Poor Facilities

The location, lack of toilets and running water, no outdoor play area and poor access to the room are impacting the operation of the crèche. Based on the current attendance numbers for both the crèche and group fitness program, significant capital investment to improve the facilities would not be justified.

### **Review of Group Fitness Services**

The centre currently operates 23 group fitness sessions per week. Access to the joint use %Group Fitness+room is via a corridor running through the school canteen. The room used for some group fitness sessions is shared with the school and is not available during school hours as it is used as a drama hall. Some classes are, in fact, held in the canteen area during times where conflicts exist.

This effectively means that the centre does not have access to a dedicated group fitness program room. Most of the day time classes are classes held on the basketball court. There are many occasions when group fitness classes have to be relocated to an alternative area of the facility due to clashes with school usage.

A review of attendance figures has been completed for the group fitness programs for the current year from January to September as reflected in the table below. Attendance numbers reflect a head count of attendees, so a user will be counted multiple times in a week or month as they use the facilities and programs multiple times, they do not reflect the amount of individual users of the facilities. During recent months Belgravia Leisure have relaunched their group fitness programs and undertaken a number of marketing initiatives to boost attendance in the classes.

### **Group Fitness Attendances**

Month	Casual	Member	Total	Number of sessions for the month	Average numbers per session
<b>January</b>	22	228	250	92	2.7
<b>February</b>	70	421	491	92	5.3
<b>March</b>	65	472	537	92	5.8
<b>April</b>	66	390	456	115	3.9
<b>May</b>	51	446	497	92	5.4
<b>June</b>	39	409	448	92	4.8
<b>July</b>	60	346	406	115	3.5
<b>August</b>	61	342	403	74	5.4
<b>September</b>	91	331	422	96	4.4
<b>Totals</b>	<b>525</b>	<b>3385</b>	<b>3910</b>	<b>860</b>	<b>4.54</b>

A breakdown of the figures by program show that very few classes provided attracted the industry benchmark (and Belgravia Leisure KPI) minimum attendance level of 10 participants. The average attendance across the entire suite of sessions was only 4.6 participants per session. The most popular classes are generally the evening %Body Pump+on Tuesday and Thursday. The Saturday morning %Body Pump+class is also relatively well attended.



All of the morning sessions are poorly attended, which also impacts on the crèche attendance numbers effectively compromising the operation of both programs.

The attendance for the most recent quarter was down 60% on the same quarter last year and 11% on the previous quarter this year. For the months July, August and September Council's subsidy was \$10.80 per attendance in the programs.

The key issues impacting the provision of the Group Fitness Services include:

#### Lack of Designated Group Fitness Room

The lack of a dedicated group fitness room is undoubtedly impacting on class numbers, programming and staffing and the centres ability to offer a quality product to participants.

#### Joint Use Agreement

Clashes with the school timetable during the day force sessions to be relocated within the centre, generally to the basketball court. This is not an ideal situation as classes are having to compete with noise from school classes on the adjacent court.

Classes conducted outside of school times at times are required to be relocated from the drama hall due to school programs (e.g. productions, meetings, special events). This creates uncertainty and a lack of continuity for patrons which again diminishes the experience and image of the program.

#### Increased Range of Health and Fitness Options

There is an increasing number of players entering the health and fitness market within the Bacchus Marsh catchment, including a range of privately owned facilities. These operators generally offer modern, up to date facilities and state of the art equipment catering for the types of programs and activities they offer.

It is becoming increasingly difficult for the ageing facilities at the Bacchus Marsh Leisure Centre to be able to compete with the new players in the market.

It should be noted that there are no other group fitness providers at this scale currently operating in the area other than the Bacchus Marsh Leisure Centre. The nearest group fitness programs are located at Melton Waves. Therefore, there is an opportunity for a private provider or the community to run a group fitness service.

#### **Options**

A number of options are available to the Council for consideration in relation to the provision of Crèche and Group Fitness Services at the Bacchus Marsh Leisure Centre. Due to the interrelationship between the various services of

the Leisure Facilities Contract, all options should be considered in the context of the whole facility and service delivery model.

**1. Council continue to subsidise the crèche and group fitness programs at existing service levels for the remainder of the contract term.**

**Description:** The crèche and group fitness programs would continue to be subsidised by Council for the last six months of Year 1 of the contract (1<sup>st</sup> January 2016 . 30<sup>th</sup> June 2016) at \$18,000 for crèche services and \$26,580 for group fitness services. For year two (1<sup>st</sup> July 2016 . 30<sup>th</sup> June 2017) the cost to Council would be \$36,000 for crèche services and \$53,160 group fitness.

**Advantages**

- Maintain current service levels.
- Provide further opportunity to Belgravia Leisure to review the service provision model and attract more users.
- Maintain only Group Fitness Programs in the Shire.

**Disadvantages**

- Sustained cost to Council with relatively low utilisation levels.
- Attendances may not improve sufficiently to make programs viable and reduce Council subsidy.
- Doesn't address unsuitable crèche or group fitness facilities.
- Currently no funding allocated to support services post 31<sup>st</sup> December 2015.

**2. Council give notice of its intention to cease the Council subsidy of the crèche and group fitness program effective from 1 January 2016, and work with customers of the crèche and group fitness services to transition to other models of service delivery provided by the private sector or community.**

**Description:** The Crèche and group fitness services as currently operated would cease effective 1 January 2016.

**Advantages**

- Limit financial losses.
- Remove space clashes with school requirements.

**Disadvantages**

- Reduction in services to community.
- May discourage female participants from participating, particularly gym and netball association members who currently make up the bulk of crèche users.
- No other group fitness specific programs of this scale operating in the Shire.
- Loss of membership and participation of other components of the Leisure Services Contract at Bacchus Marsh Leisure Centre.

**3. Review and reduce the service level (times and classes) for crèche and group fitness.**

**Description:** The crèche attendance figures show that the Monday, Tuesday and Thursday sessions are relatively well attended so the removal of the Wednesday and Friday sessions from the program could be considered.

Providing crèche services on a Monday, Tuesday and Thursday could be provided at a cost to Council of \$2,333.33 per month or \$27,999.96 per year.

The reduction in the number of sessions in the Group Fitness program from 23 classes per week to 15 to potentially maximise attendance per class could also be considered.

Providing 15 classes per week could be provided at a cost to Council of \$3,475 per month or \$41,700 per year.

The introduction of a bookings procedure to ensure that poorly attended sessions are not conducted unless minimum attendance levels are achieved could be implemented. It would be communicated to members and the community that sessions will be cancelled unless they achieve minimum booking numbers.

**Advantages**

- Limit financial losses.
- Supports sessions and times that are currently well attended.
- No capital cost to improve facilities.
- Confirm community perception that Council is committed to supporting health and fitness programs.

**Disadvantages**

- Belgravia have indicated a one off purchase for sound equipment for the Group Fitness program at \$5,000 is required to continue to run the session as current equipment has only been rented until a decision on the longer term future is made.
- Centre not being utilised during the day (although there may be scope to increase indoor sport or other community programs).
- Attendances may not improve sufficiently to make programs viable.
- Doesn't address unsuitable crèche or group fitness facilities.
- Currently no budget allocated, therefore additional cost to Council to provide would be \$69,699.96 per year.

**4. Source a suitable portable building to be located at the centre as a designated group fitness room.**

**Description:** Officers investigated the cost of installing a portable and a fitted out shed at the facility. Costs obtained for the hire of a portable were approximately \$500 per week (\$26,000 per year) plus an

additional \$10,000 delivery and set up fee, plus outgoings. Costs for a large fitted out shed are approximately \$50,000 plus servicing. Flooring for the facilities would have to be considered given the nature of usage and could impact the cost model further. The issue regarding the unsuitability of the crèche facilities would also not be addressed.

Officers also investigated commercial rent rates for a facility off site which currently are approximately \$3,000 per month.

### **Advantages**

- Provides designated facility for group fitness.
- Potentially improved level of service for patrons attending group fitness.

### **Disadvantages**

- A temporary solution that won't resolve the long term problem.
- High cost of providing a potentially substandard level of service.
- Doesn't address unsuitable crèche facilities.
- Currently no budget allocated and current attendance levels don't justify capital expenditure.
- No guarantee that attendances will improve significantly.

**5. Investigate the potential relocation of the Health Club and related activities to the Darley Hub at the expiration of the lease with the Country Fire Authority, with access to occasional care provided at the soon to be constructed Darley Early Years Hub.**

**Description:** This option would be the first step in re-aligning the focus of the Bacchus Marsh Leisure Centre as an indoor sports centre. The option allows the continuation of the health club aspects of the BMLC programs in an integrated manner. It also could build the relationship with other users and services on the site including the Darley Civic Stadium; occasional care service to be offered at the Darley Early Years Hub and the Multi-purpose Sports Pavilion to be developed at the Hub. The relocation couldn't be considered as a short term option due to existing CFA lease, but has potential as a long term option where integration between a number of the Leisure Facility components could potentially be realised.

### **Advantages**

- Programs could continue.
- Facilities would be appropriate and meet user expectations.
- Service quality improved.
- Council already owns facilities.
- Reduced capital investment. Sufficient space for crèche, gym and group fitness room.
- Integrated service delivery at the Hub.
- Increased attendances and use.
- Refocus the operation of BMLC as an indoor sport facility. Build relationships with community and stakeholders such as the Group Fitness Advocates, Netball and Basketball Associations.

- Possibility of reducing costs to Council for Leisure Services Contract.

### **Disadvantages**

- Existing lease arrangements on site do not support this as a short term option (i.e. within the term of the current Leisure Services contract).

### **Proposal**

Given the continued relatively low patronage of the Crèche and Group Fitness at the current service levels, despite efforts in recent months to improve, the unsuitability of the physical space and the rising cost to Council to subsidise the operation of the Crèche and Group Fitness, it is proposed that Council give notice of its intention to cease the Council subsidy of the crèche and group fitness program effective from 1 January 2016, and work with parents and group fitness users to enable them to provide their own care or attend other programs including those at the BMLC or other facilities in the town.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

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

The review of the Crèche and Group Fitness services at the Bacchus Marsh Leisure Centre is consistent with the Draft 2013-2017 Council Plan.

The Council Plan outlines Councils 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**

Council is currently subsidising the operation of the Crèche Services at a cost of \$3,000 per month and the Group Fitness Program at a cost of \$4,430 per month up to the 31<sup>st</sup> December 2015. These costs are in addition to the overall subsidy the Council provides to the provision of the Leisure Services Contract this financial year of \$447,000. No funding is currently committed in Council's budget to fund these services post 31<sup>st</sup> December 2015.

Reducing the service level of the crèche services from 5 days to 3 days per week would require a Council subsidy of \$2,333.33 per month.

Reducing the service level of the group fitness program from 23 classes to 15 classes per week would require a Council subsidy of \$3,475 per month.

The subsidy required to continue these services at reduced service levels for the duration of the existing contract are:

- Remainder of Year 1 of contract (1st January 2016 . 30th June 2016) creche Services \$14,000 and group fitness \$20,850;
- Year 2 (1st July 2016 . 30th June 2017) crèche services \$27,999.96 and group fitness \$41,700.

### **Risk & Occupational Health & Safety Issues**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Financial	Insufficient funds to commit to the crèche and group fitness services to a 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.

### **Communications and Consultation Strategy**

During the Leisure Facilities & Services Review undertaken in 2014 a range of consultation and engagement processes were undertaken with centre stakeholders. The consultation took place during October 2014 and involved interviews with internal and external stakeholders, a focus group session and user survey. This review did not seek to duplicate the previous consultation but did revisit specific issues around the operation of the crèche and group fitness programs with the stakeholders directly impacted by any change to these programs.

The consultation has involved the Bacchus Marsh College, Bacchus Marsh Basketball Association, Bacchus Marsh Netball Association, Acrofun Gymnastics, Group Fitness Advocates and Belgravia Leisure.

Should these services be ceased from 1<sup>st</sup> January 2016, further engagement with each of these stakeholders regarding impacts and transition to any other alternatives would be required as a priority.

### **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.

*Acting General Manager – Troy Scoble*

In providing this advice to Council as the Acting 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**

Throughout the past 12 months Belgravia Leisure and Council Officers have identified a number of concerns regarding the viability of the Crèche and Group Fitness program operating at the Bacchus Marsh Leisure Centre. In their recent tender for the management and operation of the facilities, Belgravia Leisure indicated that it would discontinue the programs unless Council provided greater financial subsidy. At its meeting in June, the Council resolved to subsidise the operation of the crèche and group fitness programs up until 31<sup>st</sup> December 2015, to enable the programs to be reviewed and a future direction determined.

Having considered the physical constraints of facilities, ongoing reducing patronage of these programs, operational subsidy from Council required to continue to provide these services and the opportunities for the private sector or community to deliver alternate service models, it is concluded that Council should cease the provision of the crèche and group fitness services currently provided by Belgravia Leisure under contract at the close of business on 31 December 2015.

### **Recommendation**

**That the Council:**

- 1. Cease the provision of crèche and group fitness services at the Bacchus Marsh Leisure Centre from 31 December 2015.**
- 2. Advise all customers and stakeholders of the decision as a priority.**
- 3. Authorise officers to work with customers of the crèche and group fitness services to transition to other models of service delivery provided by the private sector or community subject to there being no direct costs being incurred by Council.**

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**Report Authorisation**

**Authorised by:**

**Name:** Troy Scoble

**Title:** Acting General Manager Community Services

**Date:** Friday, 30 October 2015





### 10.3.4 Master Plans - Dunnstown Recreation Reserve and Gordon Public Park Recreation Reserve

#### Introduction

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

The purpose of this report is to present to the Council the Dunnstown Recreation Reserve and Gordon Public Park Master Plans for adoption.

#### Background

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

Council's Recreation Development Unit in partnership with each Reserve Committee of Management prepared the draft Master Plans. The master plans outline a clear, comprehensive and logical plan for the future development of all community facilities (active and passive) provided at each of the reserves consistent with recommendations in Council's recreation and Leisure Strategy 2015-2021. Importantly, the Reserve Committees of Management confirmed their written endorsement of the plans at the conclusion of the process.

At the Ordinary Meeting of Council on the 2 September 2015, the Council resolved to: (i) endorse the principle of the Draft Dunnstown Recreation Reserve Master Plan for the purposes of public exhibition for a period of four (4) weeks; (ii) receive a further report at the conclusion of the community engagement seeking adoption of the Dunnstown Recreation Reserve Master Plan; (iii) endorse the principle of the Draft Gordon Public Park Recreation Reserve Master Plan for the purposes of public exhibition for a period of four (4) weeks; and (iv) receive a further report at the conclusion of the community engagement seeking adoption of the Gordon Public Park Recreation Reserve Master Plan.

Following the Ordinary Meeting of Council, the documents were advertised locally, placed on Council's website, promoted on social media and community feedback collated via Council's online engagement portal *Have Your Say Moorabool*.

As a result of the public exhibition process, the Draft Dunnstown Recreation Reserve Master Plan received 18 views and the Draft Gordon Public Park Recreation Reserve plan received 23 views, however there were no submissions or feedback received from the community.

#### 1. Dunnstown Recreation Reserve Master Plan (**Attachment 10.3.4a**)

The Dunnstown Recreation Reserve did not have a formal existing Master Plan prior to the completion of the attached draft. The new master plan has a focus on improving the existing facilities and infrastructure provision to cater for increased usage in the future. The key directions for the plan are to

improve pavilion facilities, vehicle/pedestrian management and improve electrical infrastructure to support additional usage. *(NB: Electrical upgrades and netball lighting has been funded in 2015/16 Council Capital Improvement Program)*

## 2. Gordon Public Park Recreation Reserve Master Plan (**Attachment 10.3.4b**)

The Gordon Public Park Reserve Committee of Management has resurrected active sports at the reserve over the past few years and is now a central hub for the community for Tennis and passive recreation and leisure activities. The focus of the Gordon Public Park and Recreation Reserve Master Plan is to develop active sports participation in Tennis and Basketball at the reserve, as well as improved vehicle and pedestrian management and passive recreation opportunities such as skate and playground facilities. *(NB: Construction is ongoing on the Tennis Court Replacement Project)*

The recommendations, including priorities and indicative costs, of the Draft Master Plans are provided under Section 5.2 of the Draft Dunnstown Master Plan and Section 4.2 of the Draft Gordon Public Park and Recreation Reserve Master Plan. The proposed projects have been identified to drive the development of the reserves.

### Policy Implications

The 2013. 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Participation in diverse sport, recreation and leisure activities
<b>Strategy</b>	Promote community health and well-being through the provision of recreation facilities, open space, programs and activities

### Financial Implications

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

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

### Risk & Occupational Health & Safety Issues

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

### Communications and Consultation Strategy

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

- Workshops with the Committee of Managements
- Community and user group survey submissions
- Site visits and meetings with Council Officers
- Internal stakeholder meetings
- Councillor discussions with individual Ward Councillors
- Placing documents on public exhibition for a period of four weeks

The community engagement public exhibition process for the draft master plans involved seeking comment from key stakeholders and the community throughout the Shire. The Draft Master Plans were placed on Council's online engagement portal ~~Have~~ your Say with the Draft Dunnstown Recreation Reserve Master Plan receiving 18 views and the Draft Gordon Public Park Recreation Reserve plan receiving 23 views. There were no submissions or feedback received.

### ***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.

Acting General Manager . Troy Scoble

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

Author . Troy Scoble

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

### **Conclusion**

The Dunnstown and Gordon Public Park and Recreation Reserve Master Plans provide a shared vision and framework for the future use and integrated development of the reserves. The Master Plans have been prepared and driven by the community to provide a strategic basis to source grant funding for the development of the reserves. The Master Plans have been endorsed by the respective Committees of Management and all current user groups, with no feedback during the community exhibition period.

### **Recommendation:**

**That the Council adopts the Dunnstown Recreation Reserve Master Plan and Gordon Public Park Recreation Reserve Master Plan.**

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### **Report Authorisation**

#### **Authorised by:**

**Name:** Troy Scoble

**Title:** Acting General Manager Community Services

**Date:** Thursday, 16 October 2015



## **10.4 INFRASTRUCTURE SERVICES**

### **10.4.1 Capital Improvement Program Quarterly Report – September 2015**

#### **Introduction**

File No.: 16/01/001  
Author: Sam Romaszko  
General Manager: Phil Jeffrey

#### **Background**

The delivery of the Capital Improvement Program (CIP) is an important function of Council's operations and represents a significant portion of Council's overall expenditure. Accordingly, the status of the overall program is reported to Council every quarter.

#### **Proposal**

This quarterly report provides Council with an overview of the progress of Council's 2015/2016 Capital Improvement Program to 30 September 2015.

#### Implementation of the 2015/2016 Capital Improvement Program

The 2015/2016 Capital Improvement Program currently consists of 77 projects, of which 16 are inactive and cannot commence. Therefore the table below reports on the 61 active projects in terms of percentage. This number will be adjusted throughout the year as other projects become active.

This list incorporates projects from various sources including but not limited to the following:

- Projects carried forward from 2014/2015 program
- 2015/2016 Council budgeted projects
- Grant funded projects

Also for simplicity sake the reseal, final seal, gravel road resheet and shoulder resheet programs have been listed as 4 projects in total rather than listing each individual road under each respective program.

The Engineering Services Unit nominates 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status. The table below summarises the overall program status as at 30 September 2015:

CIP Program Delivery Stage	Actual as of 30 September 2015	
	No. of Projects	%
Not Commenced (inactive)	16	-
Not Commenced	6	9.8
Documentation/Design Preparation	19	31.1
Tender/Quote Stage	3	4.9
Project Awarded . Waiting Commencement	9	14.8
In Progress/Under Construction	16	26.2
Complete	8	13.1
<b>TOTAL</b>	<b>61</b>	<b>100.00</b>

The attached report details the proposed timeframe and progress of each individual project. In addition the report also provides specific comments in relation to each project and its status.

#### Program Status

At this stage of the financial year the program is generally tracking well. Although only 13% of the program is complete the majority of projects in the documentation preparation and in progress/under construction phases.

#### Inactive Projects

Of the 77 projects identified in this year's program there are 16 inactive projects. An overview is provided below and each is listed individually under one heading in the attached report;

- 11 projects are subject to external funding and cannot commence until successful matching grants are obtained.
- 5 projects are currently on hold pending further investigation or finalisation of the scope the project

#### **Policy Implications**

The 2013-2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Natural and Built Environment
<b>Objective</b>	Ensure current and future infrastructure meets the needs of the community.
<b>Strategy</b>	Construct physical infrastructure to appropriate standards.

The Capital Improvement Program reporting is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

Reporting of the Capital Improvement Program has been resourced as part of Council's budget; accordingly there are no additional financial implications. At this point in time, the program is within budget parameters.

### **Risk & Occupational Health & Safety Issues**

There are no irregular Risk and Occupational Health and Safety issues identified in this report. Specific risk elements are analysed and dealt with as part of the delivery of each individual project.

### **Communications Strategy**

Progress on the Capital Improvement Program will be reported in the following formats:

- |  |             |
|--|-------------|
| ▪ Infrastructure update on active projects | Weekly      |
| ▪ Update on major projects                 | Monthly     |
| ▪ Moorabool Matters                        | Bi Monthly  |
| ▪ Moorabool News                           | As required |
| ▪ Report to Council                        | Quarterly   |

Specific projects are communicated to the community and affected residents as required through a range of methods including but not limited to advertisements, mail outs and letter drops.

### **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 General Manager, I have no interests to disclose in this report.

#### ***Author – Sam Romaszko***

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

## Conclusion

This report provides a summary of the progress of the Capital Improvement Program for the first quarter of the 2015/2016 period for the information of Councillors.

## Recommendation:

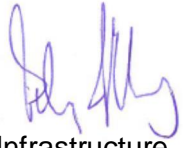
**That Council receives the Capital Improvement Program quarterly report to 30 September 2015.**

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## Report Authorisation

### Authorised by:

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Wednesday, 28 October 2015





## 10.4.2 Quarterly Financial Report September 2015

### Introduction

File No.: 07/01/004  
Author: Steve Ivelja  
General Manager: Phil Jeffrey

This Quarterly Report covers the period of 1 July 2015 to 30 September 2015. The report outlines the year to date financial position of Council and forecast projections for the full year results.

The forecast result at the end of the financial year is an increase in the surplus by \$0.296m. Please refer to the attached report for a detailed review of the financials.

### Background

Under section 138 . Quarterly Statements, of the Local Government Act (1989), Council is to receive a quarterly report on progress against the adopted budget.

### Proposal

That Council receives the Quarterly Report . September 2015.

### Policy Implications

The adoption of the Quarterly Report . September 2015 meets Council's statutory obligations under section 138 . Quarterly Statements of the Local Government Act (1989).

The 2014-2018 Council Plan provides as follows:

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

## Amended Budget

Generally, at the end of the financial year it is not uncommon for projects (both Capital projects and Operating projects) to be incomplete at the end of the financial year. This can happen for a number of reasons such as delays in construction due to weather or other events, deferral of projects due to operational matters, late receipt of government funding for one off projects, or lack of internal resources to complete one off new initiatives due to staff turnover etc.

Throughout this report Council will be reporting on the Amended Budget rather than the Adopted Budget. The Amended Budget contains carry forwards from the 2014/15 financial year. These include grant funded one off projects, New Initiatives from prior years that are not yet complete, and incomplete/deferred capital projects. The following schedule provides an overview at a high level of the items that have been added to the Adopted Budget to arrive at the Amended Budget.

### Impact on Cash on hand as at 30 June 2014

Based on the aggregate of both the Operating Budget and Capital Budget carry forward, plus other adjustments, a sum of \$6.939m in cash will be required to fully fund the requirements of the Amended Budget. These are made up of the following:

Net Operating Budget Carry forwards	\$0.606m
Net 2014/15 CIP Commitments	\$4.243m
Early Payment of Grants Commission	\$2.870m
Early Payment of Emergency Management Grant	\$0.120m
Sale of Council Land	<u>(\$0.900m)</u>
<b>Total cash required</b>	<b>\$6.939m</b>

As at the 30 June 2015, Council held \$12.173m in cash and cash equivalents. Cash holdings were high in part due to the impact of these uncompleted projects and the early payment of Grants Commission.

### Operating Budget

The net effect on the Operating Budget is a favourable variance of \$0.524m.

Net Operating Surplus in the Adopted 2015/16 Budget	\$7.529m
Net New Initiatives / Grant Funded Projects	(\$0.606m)
2014/15 Carry Forward Capital Grants	\$1.589m
New Grants Identified Since Adoption of Budget	\$2.596m
Early Payment of Grants Commission	(\$2.870m)
Early Payment of Emergency Management Grant	(\$0.120m)
Net Result of Sale of Council Land	(\$0.091m)
Other Minor Adjustments	<u>\$0.026m</u>
<b>Amended Operating Budget Surplus</b>	<b>\$8.053m</b>

### **Capital Budget**

The effect on the capital budget is an increase in expenditure of \$8.454m.

2015/16 Adopted Budget for Capital Expenditure	\$15.213m
--	-----------

Add:

2014/15 Carry Forward Capital Projects	\$5.832m
New Grants Identified Since Adoption of Budget	<u>\$2.622m</u>

<b>Amended Capital Budget</b>	<b>\$23.667m</b>
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The attached Quarterly Financial Report, Attachment 10.4.2, provides an explanation of the Income Statement, Balance Sheet, Cash Flow Statement and Capital Works Statement with the year-to-date actuals compared to the year-to-date amended budget, and the amended annual budgets compared to the annual forecasts.

### **Income Statement**

The main changes within the Income Statement are as follows:

- Increase in %User Fees+(\$0.091) due to expected increases in Aged and Disability Brokerage Services, Animal Registrations, and Meals on Wheels;
- Increase in %Grants - Operating+(\$0.143m) due to new grants received since the adoption of the budget. These include: Supported Parents and Playgroups, Roadside Weeds and Pest Management, and MAV Kinder Enrolment Project;
- Decreased %Employee Costs+ (\$0.239m) which mainly relates to a reduction in Council's Fringe Benefits Tax liability;
- Increase in %Materials and Services+ (\$0.174m) due to matching Council funds for new grants identified since the adoption of the budget.

The net effect of these changes and other minor variances causes the total surplus for the year to increase by \$0.296m to \$8.349m.

### **Cash**

The forecast cash balance at 30 June 2016 has increased by \$2.563m to \$7.048m in comparison to the amended budget. This is due to an overestimation of the amount of 2014/15 year end accruals when calculating the amended budget.

### **Capital Improvement Program (CIP)**

The total cash expenditure forecast for the CIP at this stage remains the same as the amended budget at \$23.667m.

## **Risk & Occupational Health & Safety Issues**

There are no identified risks associated with this process.

## **Communications Strategy**

To Council, through the Ordinary Meeting of Council on 4 November 2015, and to the Audit Committee meeting on 18 November 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 – Phil Jeffrey*

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

### *Author – Steve Ivelja*

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

## **Conclusion**

The Quarterly Report . September 2015 has been prepared in accordance with Section 138 . Quarterly Statements of the Local Government Act (1989) for review and receiving by Council.

## **Recommendation:**

**That Council receives the Quarterly Financial Report – September 2015.**

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### **Report Authorisation**

#### **Authorised by:**

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Wednesday, 28 October 2015

## 11. OTHER REPORTS

### 11.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

Council also records each Assembly of Councillors on its website at [www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au)

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

- Assembly of Councillors . Wednesday 7 October 2015 . Presentation from the Grampians West Waste and Resource Recovery Group.
- Assembly of Councillors . Wednesday 7 October 2015 . Confidential Matter.
- Assembly of Councillors . Wednesday 7 October 2015 . Confidential Matter.
- Assembly of Councillors . Wednesday 7 October 2015 . Confidential Matter.
- Assembly of Councillors . Wednesday 14 October 2015 . Review of Statutory Meeting of Council Committees

#### **Recommendation:**

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

- **Assembly of Councillors – Wednesday 7 October 2015 – Presentation from the Grampians West Waste and Resource Recovery Group**
- **Assembly of Councillors – Wednesday 7 October 2015 – Confidential Matter**
- **Assembly of Councillors – Wednesday 7 October 2015 – Confidential Matter**
- **Assembly of Councillors – Wednesday 7 October 2015 – Confidential Matter.**
- **Assembly of Councillors – Wednesday 14 October 2015 – Review of Statutory Meeting of Council Committees**

## 11.2 Section 86 - Delegated Committees of Council - Reports

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

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

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

Committee	Meeting Date	Council Representative
Bacchus Marsh Hall Committee of Management	10 September 2015	Cr. Spain
Navigators Community Centre	21 October 2015	Community Members

### Recommendation:

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

- **Bacchus Marsh Hall Committee of Management meeting of Thursday, 10 September 2015.**
- **Navigators Community Centre meeting of Wednesday, 21 October 2015.**

## **12. NOTICES OF MOTION**

**No notices of motion have been received for consideration as part of this Agenda.**

**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****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**