

SPECIAL MEETING OF COUNCIL

Minutes of a
Special Meeting of Council held in the
Council Chamber, 15 Stead Street, Ballan on
Thursday 17 December 2015,
at 6:00 p.m.

Members:

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

Officers:

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

Rob Croxford
Chief Executive Officer

AGENDA

1.	OPENING OF MEETING.....	3
2.	ACKNOWLEDGEMENT TO COUNTRY.....	3
3.	PRESENT	3
4.	APOLOGIES.....	3
5.	DISCLOSURE OF CONFLICT OF INTEREST	4
5.1	<i>Disclosure of an Indirect Conflict of Interest.....</i>	<i>5</i>
6.	PRESENTATIONS / DEPUTATIONS	6
7.	BUSINESS.....	7
7.1	<i>Ballan Structure Plan – Adoption</i>	<i>7</i>
8.	FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL.....	26
8.1	<i>Sale of Primary School Site, Connor Street, Bacchus Marsh</i>	<i>26</i>
8.2	<i>Planning Permit - Lal Lal Wind Farm Application to amend permit SP/05/0461</i>	<i>29</i>
8.3	<i>Announcement re: Metropolitan Planning Authority.....</i>	<i>30</i>
9.	CLOSED SESSION OF THE MEETING TO THE PUBLIC	31
	<i>Nil.....</i>	<i>31</i>
10.	MEETING CLOSURE	32

1. OPENING OF MEETING

Mayor, Cr. Comrie, opened the meeting at 6.08pm.

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. PRESENT

<i>Cr. Allan Comrie</i>	<i>East Moorabool Ward</i>
<i>Cr. Paul Tatchell</i>	<i>Central Ward</i>
<i>Cr. John Spain</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>
<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>

Officers:

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Community Services</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Ms. Lisa Gervasoni</i>	<i>Coordinator Strategic Planning</i>
<i>Ms. Michelle Morrow</i>	<i>Minute Taker</i>

4. APOLOGIES

Nil.

5. 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.

5.1 Disclosure of an Indirect Conflict of Interest

Cr. Sullivan declared an Indirect Conflict of Interest (section 78A) in relation to Item 8.1 – Sale of Primary School Site, Connor Street, Bacchus Marsh. The nature of the Indirect Conflict of Interest is due to Cr. Sullivan being employed as a Surveyor for clients who own land to the west, abutting the Connor Street property being considered by Council.

6. PRESENTATIONS / DEPUTATIONS

The Council has made provision in the business of the Special Meeting 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 the Council on a matter included in the agenda shall inform Council by 1pm on the Friday 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 the 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
7.1	Ballan Structure Plan – Adoption	Concetta McFall
7.1	Ballan Structure Plan – Adoption	Stephen Kelly
7.1	Ballan Structure Plan – Adoption	John Kowarsky
7.1	Ballan Structure Plan – Adoption	Athol Love <i>(not address Council at the meeting)</i>
7.1	Ballan Structure Plan – Adoption	Dorothy McKenzie
7.1	Ballan Structure Plan – Adoption	Angela Kearns
7.1	Ballan Structure Plan – Adoption	Gabrielle Fidler
7.1	Ballan Structure Plan – Adoption	Joc O'Connor <i>(not address Council at the meeting)</i>

7. BUSINESS

7.1 Ballan Structure Plan – Adoption

Introduction

File No.: 02/14/005
Author: Lisa Gervasoni
General Manager: Satwinder Sandhu

Background

The reports recommends that Council resolve to adopt the Ballan Structure Plan and authorise the Chief Executive Officer to seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to implement the key policy changes within the document into the Moorabool Planning Scheme. This will include recommended changes to the Municipal Strategic Statement, the residential and industrial zones applicable, utilisation of overlays and provisions and the use of the Urban Growth Zone for the western corridor (requiring future precinct structure plan to be prepared and implemented via a proponent lead planning scheme amendment process).

In 2011, Council resolved to formulate a new structure plan for the Ballan Township. The Structure Plan was to:

- Provide detail on the form and shape of Ballan over the next 15 year period.
- Identify necessary physical and social infrastructure to support the projected growth of Ballan, including open space; recreational facilities; roads; stormwater and community facilities.
- Provide detailed policy directions and urban design requirements.
- Incorporate a streetscape master plan for the main street of Ballan (Inglis Street).
- Engage the community and other stakeholders in the process.

The Structure Plan is to help guide local planning policies and update planning zones. The Structure Plan will also provide more detailed policy direction and urban design requirements for residential, commercial and industrial development including addressing image, character and design responses. It will help guide Council's consideration of proposed rezonings and applications for planning permits. Implementation of the Ballan Structure Plan will provide certainty for residents, landowners and developers regarding the future planning direction for the township.

Since its inception the Ballan Structure Plan has been based on a strong community consultation process. The consultation draft was prepared prior to the release of the new residential zones and therefore discussed the land use outcomes that will be achieved. The final Structure Plan addresses the comments from the Residential Zones Standing Advisory Committee (RZSAC). Council has undertaken additional assessments in accordance with the RZSAC recommendations for inclusion in the Ballan Structure Plan. During that time other strategies, such as Recreation and Leisure Strategy have been released. The strategy document has been refined to ensure consistency in direction.

The Consultation Draft document contained information that explained how the issues raised by the community were addressed in the structure plan. The greater detail of this has been removed from the document with the focus on the key land use and development outcomes to be achieved and the type of planning tools that will be utilised to deliver the preferred outcome.

Drafting the Plan

Ascertaining the community's vision for the future of Ballan is an important component of the Plan preparation process. However, it is not the only consideration. As the primary purpose of the document is to guide the land use and development of Ballan over the next 15 years, the community desires need to be assessed against the ability for these desires to be implemented in the planning system and financial capacity to be delivered.

Throughout the process specific sub consultancies such as those for traffic and landscape have been undertaken. Following the completion of the consultation process the key themes identified were assessed by Council staff through a series of background papers considering: demography; infill development; heritage; environment; and servicing. Detailed mapping was undertaken post Draft amendment C72 to address the findings of the RZSAC process. Additional work was also undertaken to consider open space needs and heritage (West Moorabool Heritage Study).

Public Comment

The Ballan Structure Plan was placed on public comment for a 4 week period in 2013. 43 submissions were received and a briefing report outlining submissions and proposed responses was prepared for Council in November 2013. This summary forms Attachment 7.1(a) to this report.

Whole of township Structure Plan processes are challenging. They are a strategic document that guides planning scheme controls, but should not duplicate the planning scheme controls themselves. They are an important document to demonstrate Council's strategic vision to assist statutory planning in determining and guiding the assessment of planning applications where discretion exists.

There is rarely 'consensus' on strategic visions. They involve choices and what is best for the current and future community as a whole when considering competing demands. Exhibition of the Structure Plan raised many issues and for every request for one action there was a submission requesting the opposite. A brief outline of the key issues is included below. Attachment 7.1(a) includes the detail of each submission and the officer response.

The key issues raised and the response is outlined by theme below.

The key issues raised were:

- *No Further Development /Support for higher density housing;*
- *Support & objection to Southern Growth Corridor;*
- *Support & objection to Western Growth Corridor;*
- *Protection of Werribee River Corridor;*
- *Need for more trees and concern with impact of powerlines on tree scape;*

- *Identification of Infill site to east;*
- *Issues in North Ballan;*
- *Industrial Land;*
- *Drainage;*
- *Concerns about Design and Development Overlay (DDO)/Heritage Overlay (HO) in town centre / Need to protect Heritage;*
- *Need for a Town Square;*
- *Grassfire risk;*
- *Need for Secondary School;*
- *Paths, Signage and wayfinding;*

Funding body (RDV / DELWP) comments on the exhibited plan were as follows:

1. The Structure Plan needs to be clear in what direction the town is growing.
2. Needs to cater for medium to long term growth of Ballan.
3. The findings of the initial consultation could be attached as an appendix rather than a major part of the plan.
4. More implementation actions are required in the final plan.

The Ballan Structure Plan addresses issues one to three via a revised Ballan Framework Plan. It was intended that the final Structure Plan not discuss initial consultation, however it was critical to include this information for community understanding of how the structure plan responds to their input as well as to the technical planning requirements which Council must consider. Chapter 7 of the Consultation Draft addressed implementation tools. These have been included within the relevant section.

No Further Development /Support for higher density

One submission was received stating no further development should occur in Ballan. The Central Highlands Regional Growth Plan and the Moorabool Shire Urban Growth Policy envisage growth in Ballan. A submission also sort high density in the existing area so that growth areas were not required. The primary objective of the Ballan Structure Plan is to ensure that growth can occur without impacting on the character elements of Ballan that give its identity and sense of place.

As a Planning Authority Council has a responsibility to maintain a 15 year supply of zoned land. If 'greenfield' site are not available greater density infill will be required. As the process of rezoning, development plan preparation, planning permit and subdivision processes take 3-5 years before land is available for release, it is common for plans to identify medium to long term land supply requirements and development expectations via a Framework Plan in the Municipal Strategic Statement (MSS). This affords landholders greater certainty prior to expending resources on background technical reports and rezoning processes.

The Ballan Structure Plan will allow for the provision of a 15 year land supply (Western Corridor / Eastern Infill) as well as identifying a long term growth corridor in the framework plan. It also encourages well designed infill development close to health services, transport and retail. Development in these areas should be suited for those with mobility restrictions wherever possible.

Southern Growth Corridor

Many submissions were received in relation to the Southern Growth corridor. Some residents were opposed to growth in the area whilst others stated this should be the only growth corridor.

Some submissions stated that Council had erred in stating there were infrastructure issues in the area however infrastructure agencies submitted on the provision of service difficulties in the area. Others stated that a larger southern growth corridor should be supported or that an expanded growth corridor may conflict with the wind farm.

Infrastructure issues do not rule out development proceeding, however they do impact on the costs of development and its commercial feasibility. For upgrades to be viable generally larger development areas, to contribute to infrastructure upgrades will be required.

Some submitters were concerned with references to buffers to the existing industrial area. This is an existing land use which any subsequent rezoning must take into account. The Ballan Structure Plan maintains reference to considerations of the proximity of sensitive uses in protecting employment land for their intended purpose

The consultation draft identified the likely need for a larger "southern growth corridor" to allow for infrastructure improvements and to centre the township around the railway in the longer term.

The structure plan recommends that an expanded Southern Growth Corridor be identified within the Ballan Structure Plan as a direction for medium to longer term growth. The extent of the growth area would be defined by proponents (based on infrastructure reports (ICP); flora and fauna studies; cultural heritage plans and consideration of buffer issues (including industrial; rail; gas; windfarm). The Urban Growth Zone would be utilised in the future, requiring proponent led precinct structure plans to be prepared (industrial, commercial or residential). Identified as a medium to long term Urban Growth Zone area.

The gas line will be identified within the Ballan Framework Plan.

Western Growth Corridor

As with the Southern Growth Corridor there were submissions for and against this growth corridor being shown within the Structure Plan. This corridor is however already identified in the Ballan Framework Plan as the next growth area.

Submissions were received stating the ability to service the area was limited. However the land owner in question has undertaken initial investigations which provide the basis to be able to apply the Urban Growth Zone. In turn, a proponent led precinct structure plan will need to be prepared and implemented via the standard planning scheme amendment process.

Submissions were received stating concern with open space provision at the site and requesting an arboretum as part of the ultimate open space network. Many submissions were received regarding the impact of the corridor on the Werribee River and requesting landscape setbacks. These issues were addressed within the consultation draft of the structure plan.

The precinct structure plan / development plan processes are where the detail of development is resolved. The Ballan Structure Plan reinforces the requirements to consider the Werribee River Corridor, a range of wide tree lined streets and the inclusion of screening plantings.



There was support for the Werribee River Corridor but differing opinions on how it should be achieved. The River is well considered within the report. There were calls for the inclusion of an Environment Significance Overlay to protect the river. As the Moorabool Planning Scheme currently includes this control structure plan does not need to support its introduction.

The Ballan Golf Club were concerned regarding any future public access change impacting on their course. The structure plan does not propose access changes in this section given the nature of the course and public safety concerns. Pedestrian linkages in this section will be via the existing street network.

There were many calls for a Significant Landscape Overlay for the Werribee River. There is no strategic work to justify the control and the South West Landscape Assessment Study did not recommend such a control.

The role of the corridor as a landscape, habitat and passive recreational link is reinforced via the structure plan and proposed changes to the Ballan Framework Plan.

Trees and Powerlines

Ballan residents value the tree lined streets and autumnal species. The Structure Plan recognises this but foreshadows the need to be careful with species selection in the town centre due to conflict with powerlines. This will be achieved via a street tree plan to be prepared by Council's Infrastructure Department. Work on suitable autumnal species that are under 4m in height have been forwarded to Infrastructure.

Powercor via their submission have reinforced the legislative requirements to maintain clear zones around powerlines and are pleased that the structure plan addresses the issue. In new development areas, where the power supply is underground, there is the opportunity to select different species where the road reservation width allows.

The Structure Plan supports wider streets in new subdivisions (greater than the ResCode minima) to reflect the streetscape character of the town centre and to allow for street tree plantings.

Infill Site

A submission has been received seeking support for the future rezoning of land opposite Sunline Court. Initial analysis has demonstrated that carefully planned development on this site would not be visible from the township entry. The eastern infill site would see a more uniform eastern edge to Ballan. The slope of the land would allow for development controls to be created which would soften the visual impact of the development (would be less prominent than Sunline Court).

The site contains significant areas of floodplain that would be transferred into public ownership improving opportunities for the use of the Werribee River as a passive recreation link. The floodplain also presents opportunities for riparian planting and the creation of an arboretum planting. The Ballan Structure Plan proposes to include this site as short term growth in the Ballan Framework Plan. The rezoning would need to be via a proponent led process incorporating a site specific Development Plan Overlay and Infrastructure Contributions Plan.

Keep Residential 1 Zone (General Residential Zone) in north Ballan

Some landholders are concerned with suggestions of restricting housing density in the north of Ballan. Much of the area is already zoned Low Density Residential. The road layout in north Ballan does not support intensive residential development.

Detailed mapping has been undertaken in accordance with the recommendations of the RZSAC. This has quantified the average lot size in Ballan North. A series of Schedules to the Neighbourhood Residential Zone is proposed to maintain existing character (density of development). The 'newer' subdivisions in the area achieve an average of 850 – 950 square metres per lot

This is a large residential block and is similar in size to lots in the town centre. These lots do not present the same 'character' as central Ballan or Ballan North due to the narrow road reserve and lack of canopy trees. Schedules in these areas address site coverage and provision of canopy tree plantings. Street widths should be in accordance with the Infrastructure Design Manual.

Industrial Land

Submissions were received in relation to the industrial estate and its impacts on the southern growth corridor. Submissions were also received regarding why future expansion was identified. The expansion of the industrial area is identified in the current Ballan Framework Plan. Over time, industrial uses in the commercial centre are likely to relocate.

The Ballan Structure Plan reinforces and strengthens the objectives of the current framework plan in relation to protecting and enhancing this important employment area for Ballan. It recommends correcting the zoning anomaly (IN2) to IN1. Future precinct structure plans for the southern growth corridor may consider IN3; C2; or PPRZ zones to the west of the current estate as a buffer to future residential areas.

Drainage

The adequacy of existing drainage was a common issue raised in submissions. While this is generally an infrastructure gap issue in existing areas plans from Melbourne Water for drainage retardation areas to the south of the railway have been identified. Infrastructure is currently assessing how to address drainage capacity in central Ballan.

Requests for water sensitive urban design (WSUD) as well as submissions against the use of WSUD were received. Drainage is a permit assessment consideration. Drainage is a key issue to be addressed in development plan or precinct structure plan process (new zoned areas).

One submitter expressed concern with an ephemeral stream being 'located' within their property. This stream is on the state topographic maps and therefore will be considered a waterway under legislation whether identified on the Structure Plan or not. The flood mapping prepared by Melbourne Water has identified the general areas as being subject to inundation in a 1% recurrence interval event.

The Structure Plan identifies drainage strategies for growth areas and provides conceptual locations for remedial drainage works. Council has previously resolved to seek authorisation for the flood amendment which is currently being scheduled for public exhibition.

Bike Paths / Footpaths

The desire for footpath networks was a key issue in pre draft consultation. Several submissions raised the issue in regard to more paths or railway crossings. The structure plan included priority paths which were discussed in the tracks and trails process to ensure consistency.

It is acknowledged that Council funding or special rates and charges schemes will be required for paths within existing developed areas and that bike paths and footpaths will be required in the growth corridors. A priority network to link passive recreational areas, commercial areas, the railway and community facilities to residential areas has been identified.

There was a desire for VicTrack to fund a pedestrian overpass. VicTrack require Council or developers to fund crossing improvements which are triggered by increased movements across railway lines due to urban expansion.

Concerns about DDO/HO in town centre / Need to protect Heritage

DTPLI (transport) submitted that overlay controls should not be placed on land in the township core and that 15 dwellings per hectare should be achieved across Ballan. Many other people submitted in support of recognising the township character areas. Overlays do not preclude medium density development. They facilitate designs which are respectful of the setting.

The Central Highlands Regional Growth Plan identifies the need to preserve the historic character of Ballan, which has been referenced in the Ballan Structure Plan. The Minister for Planning has funded Stage 2a to the West Moorabool Heritage Study which has been documenting the proposed heritage precinct as well as individual sites within Moorabool. Landowner consultation will occur in 2016. This document has supported the application of heritage overlays to the places identified in Stage 1.

The heritage overlay does not prevent change but instigates a process in which the impact of change can be considered. Many towns have extensive heritage overlay areas. Unit development (rear of the property) is an example of the type of change which can be achieved in a heritage overlay area while protecting the character contribution these places make to the urban fabric of the town.

New growth corridors may achieve a higher density. Increasing density in the town core is supported, especially in identified areas close to shops and the hospital where unit development suited for those with limited mobility is encouraged.

Maintaining sites that give Ballan its identity and sense of place assists in ensuring growth and development does not change what gives Ballan its distinct character. New development should seek to reinforce the key elements without reproduction. This may be through wider tree lined streets and reduced setbacks but with excellence of design from the current era achieved.

Detailed mapping has been undertaken which demonstrates that all but one of the residential "blocks" in the town centre have the parameters which would support the neighbourhood residential zone. Some blocks near the hospital have been maintained as general residential to allow higher density development. Where the neighbourhood residential zone is applied density decreases further from the centre to ensure a range of lot sizes is maintained and increase density in more walkable locations. Unit style development on vacant sites will be encouraged and these sites will have a lower average lot size.

Town Square Town Centre

During consultation there was a desire expressed for a town square. Indicative sites for a town square were nominated in the consultation draft however the development of the site would need to be via future development. The existing commercial area in Ballan has a mix of residential and industrial uses. Commercial expansion can be absorbed within the existing land area, with several areas being suited to acquisition of land area to provide for a larger format development. An indicative concept plan is include to show how a new commercial building could be provided including creation of a civic space as an interface between traditional 'main street' and rear of block development.

A Design and Development Overlay is proposed for the commercial area in Inglis Street. There is little control in the Business 1 Zone on the form of commercial development. To ensure that the character of the main street is maintained by new development an overlay control is required. Maintaining a zero lot line (zero setback) as well as being respectful to the bulk, scale and roofline of surrounding development will be the focus of the control.

Grassfire Risk

The CFA has confirmed that Ballan is at risk from grassfire and this should be included in strategic documentation. This will be included in the Ballan Framework Plan. There will need to be a balance between managing fire risk and maintaining the treed character of Ballan.

Signage and Wayfinding

Suggestions were made regarding the need for interpretation signage (heritage; environment) and the creation of trails. The need for better wayfinding / directional signage was raised. Providing for better directional signage should be considered as part of any pedestrian path upgrades.

This is an operational process. Community grants may be made of interpretative signage. The West Moorabool Heritage Study will assist in providing material for inclusion in any interpretative trails.

Secondary School

Several submissions have been received requesting the provision of a site for a secondary school. Local Government is not responsible for planning educational facilities. The State Planning Policy Framework required Council to consider growth that would trigger the need for education facilities in conjunction with the education provided. Ballan is not at a population level that would trigger the need for a secondary school during the life of the structure plan. Site identification requires the acquisition authorities consent. If the landowner of the identified site asked Department of Education to acquire the site and they decline then the site can and will be developed for residential purposes.

If, in the longer term, there is demonstrated need for a secondary school it can be included in the precinct structure planning processes for the Southern Growth Corridor. This will be outside the 15 year horizon of the Structure Plan.

Hospital Expansion

Ballan Hospital is a key community facility. Its central location provides challenges for future expansion. The Structure Plan identifies the hospital as well as potential expansion opportunities in the surrounding areas. All normal feasibility and approvals would be required to support any future expansion proposals where the Minister for Health exemption is not utilised (does not apply to all approvals).

CFA

Council is supportive of planning for a CFA training facility in the general vicinity of the Ballan Industrial Estate.

Open Space / Major Recreation

The consultation draft of the Ballan Structure Plan has identified the range of local active and passive recreational facilities to be provided by development. Under the current system Clause 52.01 of the Planning Scheme allows Council to vary the standard 5% of developable land for open space provision or embellishment. The figure utilised must be strategically supported.

Ballan is currently well served for senior active recreation but many areas do not have a local park within walkable distance. Passive recreation is focused on the Werribee River Corridor. In the longer term a two oval facility active recreation facility will be required. As the existing reserve is not large enough additional, additional land would need to be acquired either adjacent to the existing facility or a larger area within a growth corridor. Land acquisition at either location would be valued at residential value (developable land).

For subdivision of existing zoned land where an open space contribution has not been made a lower figure is proposed. This will generally be a cash contribution to allow for acquisition and embellishment of land for a local park and / or for improvements in the passive recreation corridor.

A ten percent figure is sought in the growth corridors which will be split between land (local parks / potential active open space) as well as cash for embellishment of passive recreational areas. Where cash is provided (not land) that is used to compensate the landholder who is providing the land for open space (equalisation).

Changes to the Development Contributions System

The method of seeking development contributions is changing. Full cost apportionment contributions plans are being replaced by standard schedules and charges. It is likely that the per hectare rate will not be based on the infrastructure to be provided or the costs of providing that infrastructure but on the zone utilised and the population size of the centre. It is likely that Council will need to utilise the Urban Growth Zone in the corridors to minimise the cost to Council in funding major infrastructure upgrades.

A lower rate will be applicable to 'infill' sites where limited need for augmentation will be required.

Form of New Development

Consultation issues

- Concern with out of character subdivision
- Support for well designed density
- Some concern with Western corridor visibility

Structure Plan Responses:

- Development Plan Overlay – residential re-subdivision where better connectivity can be supported
- DPO or PSP process in new residential areas to ensure range of types of roads in new subdivisions that allow for street tree planting.
- Design and Development Overlay for key infill sites in central Ballan to allow for more intensive development which is respectful to character;
- Applying schedules to the General Residential and Neighbourhood Residential Zones to clearly message future density and also ensure that space for canopy trees are included in development
- Identifying that both Corridors are required in the longer term but that the Western Corridor remains the short term option.
- Identifying the design parameters to be addressed in future urban areas – whether to be introduced via the Urban Growth Zone (precinct structure plan) or the General Residential Zone and Development Plan Overlay) including landscaped setback for Western Corridor (included in consultation draft).

Policy Implications

The 2013-2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Effective and efficient land use planning and building control
Strategy	<p>Ensure the Planning Scheme is reviewed and updated in order to facilitate land use and development to support social, economic, environment and wellbeing of the Shire.</p> <p>Ensure that development is sustainable, resilient to change and respects the existing character.</p>

The proposal of the implementation of the Ballan Structure Plan is consistent with the 2013-2017 Council Plan. The implementation of the Ballan Structure Plan via a planning scheme amendment is a 2015/16 funded project.

Financial Implications

Council officer and contracted staff are involved in the preparation and exhibition of the amendment. As Council will be the proponent of the Amendment the expected costs of the amendment including statutory fees, panel fees and peer review / expert witnesses have been included in the 2015-16 budget allocation.

Risk & Occupational Health & Safety Issues

There is unlikely to be risk or occupation health and safety implications for Council from adoption of the Structure Plan. Key policy issues have been considered in the document and it does not facilitate growth in areas of natural hazard.

Communications and Consultation Strategy

The Structure Plan has been consulted on. The implementation of the structure plan (amendment process) will include statutory notification processes. Submitters to the Planning Scheme Amendment will have the ability to present to a Planning Panel to be appointed by the Minister for Planning.

Victorian Charter of Human Rights and Responsibilities Act, 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Lisa Gervasoni

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

Conclusion

The Ballan Structure Plan has been prepared after consulting with the community about what their future vision for Ballan. These strategic directions in turn have been tested against the responsibilities of a planning authority (as expressed in the *Planning and Environment Act 1987*, as amended, and the *Victoria Planning Provision*) and any constraints in the natural environment or physical & financial ability to provide services.

The submissions received do not raise any issues that require a major departure in the direction of the document. Ballan is a town undergoing change. The Structure Plan acknowledges that this will continue but aims to identify how change can happen without impacting on the cherished cultural identity of Ballan.

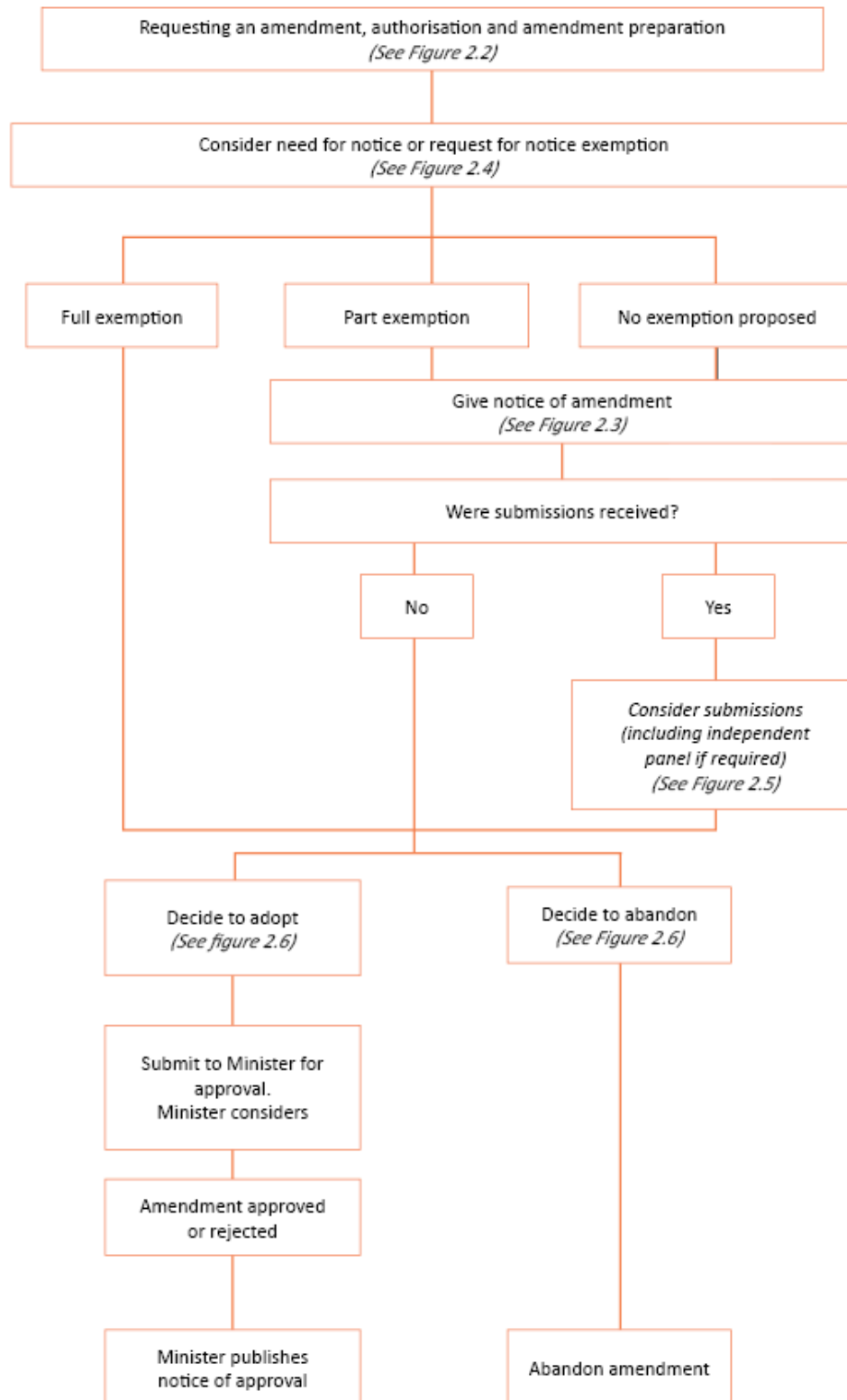
The adoption of the Ballan Structure Plan represents the culmination of a lengthy development and consultative process, whilst establishing the strategic basis for the long term planning for the township.

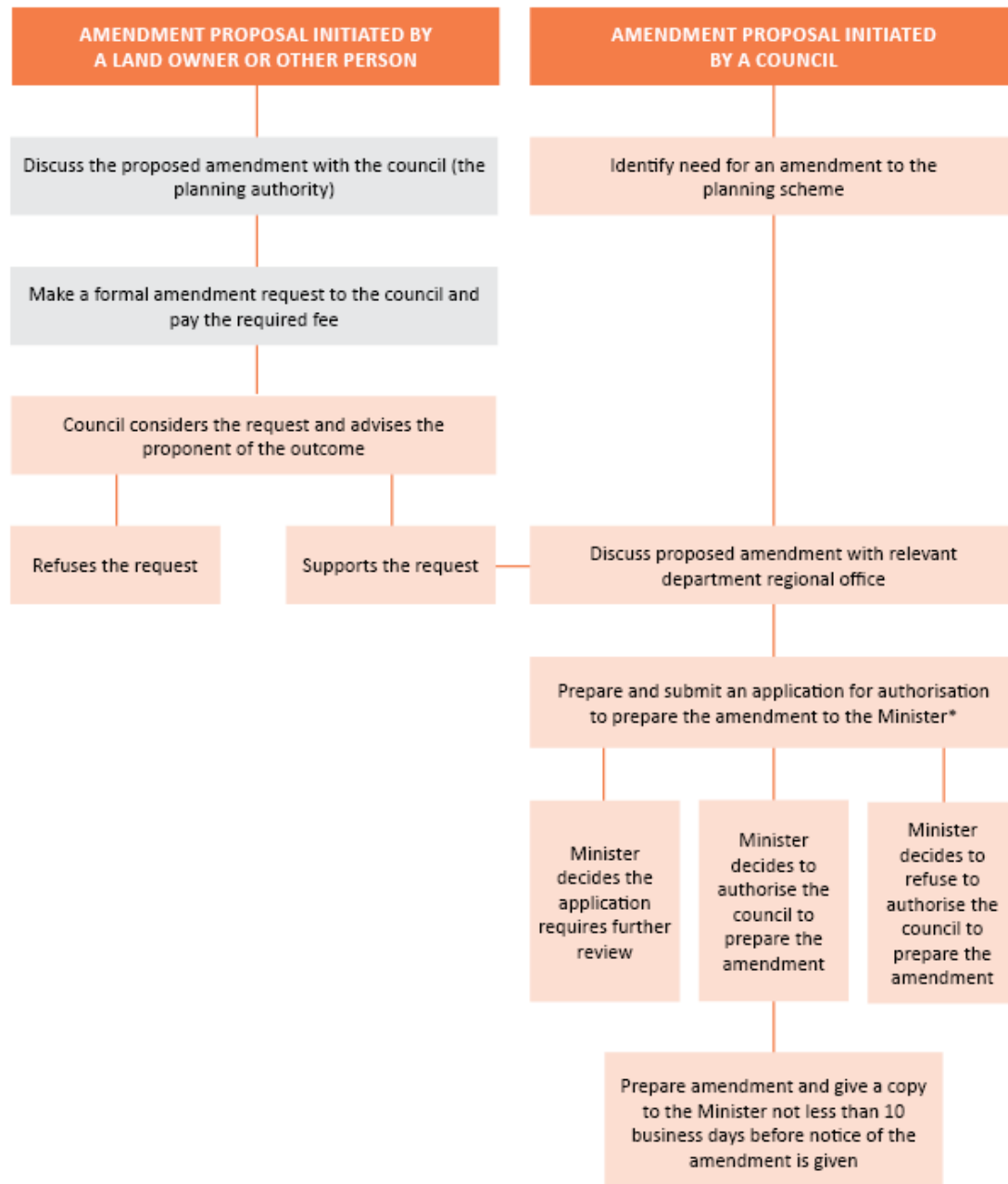
The implementation of the Ballan Structure Plan will be staged with the initial amendment (C69) consisting of:

- Updated Clause 21.08 to the Moorabool Planning Scheme (concept draft forms) Attachment 7.1(b);
- Application of Neighbourhood Residential Zone (with schedules) and General Residential Zone (with schedules) as outlined in the Structure Plan;
- Rezoning of western growth corridor to Urban Growth Zone;
- Implementation of development plan overlays and design and development overlays as indicated in the document;
- Application of a schedule to clause 52.01 in accordance with the table in the structure plan.

Implementation of policy based changes will be undertaken via the regular planning scheme amendment process. Proponent lead amendments will also be via that process, however the proponent will be responsible for the provision of background information in support of the change. The Structure Plan should be adopted prior to implementation and include information regarding implementation. If the Ballan Structure Plan is amended prior to adoption following the recommendations of Panel, Council then adopts the amendment and amended version of the Structure Plan.

- Step 1: Requesting an amendment (if proponent based)
- Step 2: Authorisation (Council resolution – current stage)
- Step 3: Preparation
- Step 4: Exhibition
- Step 5: Submissions, panels & advisory committees
- Step 6: Adoption
- Step 7: Approval





Recommendation:**That Council:**

1. **Adopts for the purposes of exhibiting a planning scheme amendment, the Ballan Structure Plan, as tabled in Attachment 7.1(c), and authorises its publication on the Moorabool Shire Council web site.**
2. **Resolves to authorise the CEO to prepare planning scheme amendments documents to implement the Ballan Structure Plan into the Moorabool Planning Scheme, including:**
 - a. **Replacement of Clause 21.08 of the Ballan Structure Plan to reflect the content of the Ballan Structure Plan;**
 - b. **Application of the Rural Growth Zone to the Western Corridor as outlined in the structure plan;**
 - c. **Application of Neighbourhood Residential Zone and General Residential Zone with associated schedules as outlined in the structure plan;**
 - d. **Replacement of the Industrial 2 Zone with the Industrial 1 Zone as outlined in the structure plan;**
 - e. **Application of Design and Development Overlays as outlined in the structure plan;**
 - f. **Application of Development Plan Overlays / or local policies as outlined in the structure plan;**
 - g. **Introduction of a schedule to Clause 52.01 as outlined in the structure plan.**
3. **Authorises the CEO to request the Minister for Planning to authorise Moorabool Shire Council to prepare an amendment to the Moorabool Planning Scheme to introduce generally in accordance with the attached documents forming Attachments 7.1(a) and 7.1(b) pursuant to Sections 8A(4) and 9(2) of the *Planning and Environment Act 1987*.**
4. **Following receipt of authorisation exhibit the amendment in accordance with the requirements of Part 3 Division 1 of the *Planning and Environment Act 1987*.**

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

- 1. Adopts for the purposes of exhibiting a planning scheme amendment, the Ballan Structure Plan, as tabled in Attachment 7.1(c), and authorises its publication on the Moorabool Shire Council web site.***
- 2. Resolves to authorise the CEO to prepare planning scheme amendments documents to implement the Ballan Structure Plan into the Moorabool Planning Scheme, including:***
 - a) Replacement of Clause 21.08 of the Ballan Structure Plan to reflect the content of the Ballan Structure Plan;***
 - b) Application of the Urban Growth Zone to the Western Corridor as outlined in the structure plan;***
 - c) Application of Neighbourhood Residential Zone and General Residential Zone with associated schedules as outlined in the structure plan;***
 - d) Replacement of the Industrial 2 Zone with the Industrial 1 Zone as outlined in the structure plan;***
 - e) Application of Design and Development Overlays as outlined in the structure plan;***
 - f) Application of Development Plan Overlays / or local policies as outlined in the structure plan;***
 - g) Introduction of a schedule to Clause 52.01 as outlined in the structure plan.***
- 3. Authorises the CEO to request the Minister for Planning to authorise Moorabool Shire Council to prepare an amendment to the Moorabool Planning Scheme to introduce generally in accordance with the attached documents forming Attachments 7.1(a) and 7.1(b) pursuant to Sections 8A(4) and 9(2) of the Planning and Environment Act 1987.***
- 4. Following receipt of authorisation exhibit the amendment in accordance with the requirements of Part 3 Division 1 of the Planning and Environment Act 1987.***
- 5. The provision of a Secondary School to be considered as a high advocacy priority for Ballan in drafting of the 2016/17 Council Plan.***
- 6. Seeks assistance from Department of Economic Development, Jobs, Transport and Resources (DEDJTR) to identify the future extent of the Southern Growth Corridor and the extent/indicative costings of infrastructure upgrades to support the application of the Urban Growth Zone to the Southern Growth Corridor.***

AMENDMENT

Crs. Toohey/Edwards proposed the following Amendment:

That Council:

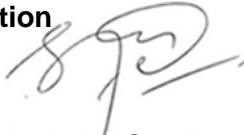
- 1. Adopts for the purposes of exhibiting a planning scheme amendment, the Ballan Structure Plan, as tabled in Attachment 7.1(c), and authorises its publication on the Moorabool Shire Council web site.***
- 2. Resolves to authorise the CEO to prepare planning scheme amendments documents to implement the Ballan Structure Plan into the Moorabool Planning Scheme, including:***
 - a) Replacement of Clause 21.08 of the Ballan Structure Plan to reflect the content of the Ballan Structure Plan;***
 - b) Application of the Urban Growth Zone to the Western Corridor as outlined in the structure plan;***
 - c) Application of Neighbourhood Residential Zone and General Residential Zone with associated schedules as outlined in the structure plan;***
 - d) Replacement of the Industrial 2 Zone with the Industrial 1 Zone as outlined in the structure plan;***
 - e) Application of Design and Development Overlays as outlined in the structure plan;***
 - f) Application of Development Plan Overlays / or local policies as outlined in the structure plan;***
 - g) Introduction of a schedule to Clause 52.01 as outlined in the structure plan.***
- 3. Authorises the CEO to request the Minister for Planning to authorise Moorabool Shire Council to prepare an amendment to the Moorabool Planning Scheme to introduce generally in accordance with the attached documents forming Attachments 7.1(a) and 7.1(b) pursuant to Sections 8A(4) and 9(2) of the Planning and Environment Act 1987.***
- 4. Following receipt of authorisation exhibit the amendment in accordance with the requirements of Part 3 Division 1 of the Planning and Environment Act 1987.***
- 5. The provision of secondary and primary school education to be considered as a high advocacy priority for Ballan, Bacchus Marsh and the rest of the Shire in drafting of the 2016/17 Council Plan.***
- 6. Seeks assistance from the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) to identify the future extent of the Southern Growth Corridor and the extent/indicative costings of infrastructure upgrades to support the application of the Urban Growth Zone to the Southern Growth Corridor.***

LOST.

The original Motion was voted upon and was CARRIED.

Report Authorisation

Authorised by:



Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday, 25 November 2015

ADJOURNMENT OF MEETING – 7.04 pm

Crs. Edwards/Spain

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

CARRIED.

RESUMPTION OF MEETING – 7.10 pm

Crs. Spain/Tatchell

That the meeting now be resumed.

CARRIED.

***The business of the meeting then returned to the Agenda at Item 8
- Further Business as admitted by unanimous resolution of
Council.***

8. FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL

ADMIT ITEM OF BUSINESS

All Councillors unanimously agreed to admit the following item of business - Sale of Primary School Site, Connor Street, Bacchus Marsh.

CARRIED.

Cr. Sullivan declared an Indirect Conflict of Interest (section 78A) in relation to Item 8.1 – Sale of Primary School Site, Connor Street, Bacchus Marsh. The nature of the Indirect Conflict of Interest is due to Cr. Sullivan being employed as a Surveyor for clients who own land to the west, abutting the Connor Street property being considered by Council.

Cr. Sullivan left the meeting at 7.11 pm and did not participate in discussion or voting on the Item.

8.1 Sale of Primary School Site, Connor Street, Bacchus Marsh

Resolution:

Crs. Spain / Tatchell

That Council:

- 1. *Reiterates its opposition to the sale of the Department of Education and Training (DET) land in Connor Street, Bacchus Marsh for the purpose of residential sub-division;***
- 2. *Notes the apparent over-enrolment of students at Bacchus Marsh Primary School, evidenced by:***
 - *the installation of portable classrooms in the Bacchus Marsh Primary School car park and subsequent need to provide staff car parking elsewhere;***
 - *requests from the Bacchus Marsh Primary School to Moorabool Shire Council for the use of Masons Lane Recreation Reserve for extra play space and as a drop-off/pick-up area for School parents;***

as indicating a current, rather than 5 year into the future, need for another public primary school south of the Western Freeway in Bacchus Marsh;

3. ***Notes that the land is well-located for use as a school, being in close proximity to the existing transport route of Halletts Way, in close proximity to substantial existing residential developments and in close proximity to the extended Halletts Way that is planned for construction next year.***
4. ***Seeks the support of local members of State and Federal Parliaments in respect of the above matters;***
5. ***In the event that the DET opinion about the immediate need for another public primary school in Bacchus Marsh is not changed:***
 - ***Notes the value of the land as recreational open space to the Bacchus Marsh community and particularly to residents within an area of Bacchus Marsh that is under-provisioned in terms of open space within a walkable distance;***
 - ***Seeks urgent discussions with State Government authorities to consider a transfer of public land to Moorabool Shire Council at a reasonable price;***
6. ***Authorises the Chief Executive Officer to write to the Victorian Minister for Education and the State Treasurer requesting that the decision to declare Connor Street School site as surplus to agency requirements be revoked and the sale no longer proceed.***
7. ***Authorises the Chief Executive Officer to write to all appropriate State authorities and local parliamentary representatives informing them of Council's resolution.***
8. ***That the provision of a secondary and primary school education to be considered as a high advocacy priority for Ballan, Bacchus Marsh and the rest of the Shire in drafting of the 2016/17 Council Plan.***

CARRIED.

Cr. Sullivan returned to the Meeting at 7.17 pm.

ADMIT ITEM OF BUSINESS

Crs. Toohey/Tatchell

That Cr. Toohey be permitted, with the consent of all Councillors, to present a matter pertaining to Planning Permit - Lal Lal Wind Farm Application to amend permit SP/05/0461.

CARRIED.

SUSPENSION OF STANDING ORDERS 7.20 pm

Resolution:

Crs. Toohey/Edwards

That Standing Orders be suspended to facilitate a discussion on pertaining to Planning Permit - Lal Lal Wind Farm Application to amend permit SP/05/0461.

CARRIED.

RESUMPTION OF STANDING ORDERS 7.25 pm

Resolution:

Crs. Toohey/Edwards

That Standing Orders now be resumed to facilitate a return to the business of the Agenda.

CARRIED.

The business of the meeting then returned to the Agenda at Item 8.2 – Planning Permit - Lal Lal Wind Farm Application to amend permit SP/05/0461.

8.2 Planning Permit - Lal Lal Wind Farm Application to amend permit SP/05/0461

Resolution:

Crs. Toohey/Tatchell

- 1. That Council write to the Minister of Planning, The Hon Richard Wynne, with copies to local members requesting an extension to the public exhibition period for the Lal Lal Wind Farm Application to amend permit SP/05/0461 until February 2016, and to also seek clarification whether the Minister considers the amendment is of minor or major in nature and whether a new application should be submitted.**
- 2. That the CEO be authorised to make a submission to the public exhibition period for the Planning Permit Lal Wind Farm Application to amend permit SP/05/0461 which includes the following points**
 - The additional height of the towers will cause an unacceptable amenity impact on the community. The location of the towers are in a hilly area at a height above sea level of between 410 and 430 metres in the Elaine section and 470 and 530 in the Millbrook/Lal Lal section. The surrounding mountains are at a height of up to 540 metres. The additional tip height of the blades will add an additional 30 metres to the original height and this will create significantly to the negative visual amenity of the towers. It is noted that the MCG towers have a height of some 85 metres in the context of an environment where normal built form is significantly higher than the natural environment.**
 - The amended location of generators is outside of the towers is likely to increase the noise level to the surrounding community.**
 - The increase in tip height will require Aircraft Obstruction Lights to warn aircraft and this will cause amenity impacts on the community. Similar to the first point lighting of any type in this environment is not normal.**
 - The increase in height may impact on the bird and bat community. The increase in blade tip also increases the area of the blade significantly as if the radius is doubled the total area increases by a factor of four.**
 - It is considered that this wind farm application is different to other approved wind farms due to the close proximity of dwellings to towers.**
 - The amendment is a transformation of the application and as such a new application for the whole development should be sought.**
 - Noise data for the original application may need to be revisited for the effect of the larger turbine blades.**

CARRIED.

ADMIT ITEM OF BUSINESS

Crs. Comrie/Toohey

That Cr. Comrie be permitted, with the consent of all Councillors, to present a matter pertaining to an announcement by the Minister for Planning that the Metropolitan Planning Authority had been authorised to assist the Moorabool Shire Council in its future framework planning.

CARRIED.

8.3 Announcement re: Metropolitan Planning Authority

The Mayor provided a verbal update to the meeting advising of Minister Wynne's recent announcement that the Metropolitan Planning Authority had been authorised to assist the Moorabool Shire Council in its future framework planning.

9. CLOSED SESSION OF THE MEETING TO THE PUBLIC

Nil.

10. MEETING CLOSURE

The meeting closed at 7.30 pm.

Confirmed.....Mayor.