

## ORDINARY MEETING OF COUNCIL

**Notice** is hereby given of the  
Ordinary Meeting of Council to be held at  
the James Young Room, Lerderberg Library, 215 Main Street, Bacchus Marsh on  
Wednesday 6 April 2016,  
commencing at 5:00 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**

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**1. OPENING OF MEETING AND PRAYER**

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

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

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

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

**Amen**

**2. ACKNOWLEDGEMENT TO COUNTRY**

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

**3. PRESENT**

**4. APOLOGIES**

**5. CONFIRMATION OF MINUTES**

**5.1 Ordinary Meeting of Council – Wednesday 2 March 2016**

**Recommendation:**

**That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 2 March 2016.**

**5.2 Special Meeting of Council – Wednesday 23 March 2016**

**Recommendation:**

**That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 23 March 2016.**

## 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 makes provision in the business of the Ordinary Meetings of the Council for the holding of a Public Question Time. It is provided to enable members of the public to submit questions to Council.

Public Question Time is conducted in accordance with Clause 57 in the Council's *Local Law No. 8 Meeting Procedure Local Law Division 8*.

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.

All questions and answers must be as brief as possible and no discussion may be allowed other than for the purposes of clarification. Three minutes is considered to be an appropriate time limit. The question is not to be debated.

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, the question shall be recorded in the Minutes of the Meeting. The response to the question will also be recorded in the Minutes of the Ordinary Meeting when that response is provided to the Council.

Clause 57.6 of Local Law No. 8 outlines the circumstances when a question may be disallowed. It includes questions that the Chairperson determines to be defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance, or is aimed at embarrassing a Councillor or a member of Council staff.

## 8. PETITIONS

Council has received a petition requesting the installation of a children's playground at the allocated reserve on Parkside Avenue in the interests of the families in the estate.

Council's Local Law No. 8, Meeting Procedure Local Law, in Division 9 outlines the procedure to deal with petitions and joint letters. In particular Clause 58.4 says:

*“Every petition or joint letter presented to Council must be in writing (other than pencil) typing or printing, contain the request of the petitioners or signatories and be signed by at least 10 people”.*

Still further, Clause 58.5 says:

*“Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.”*

The petition received contains 15 signatures that meet the requirements of Clauses 58.4 and 58.5. The petition also contains 104 names collected online and with the date collected, and a location that mostly says %Australia+but on some occasions mentions a city or town. Also submitted were some comments collected online regarding the need for a playground and a copy of a newspaper article.

These 104 names do not meet the requirements of Local Law No. 8, but as the 15 petitioners with handwritten addresses and signatures do meet those requirements the petition has been submitted to Council for its consideration.

### **Recommendation:**

**That the petition containing 15 signatures requesting that a children's playground be installed at the allocated reserve on Parkside Avenue, Essence Estate, 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**

*No reports for this meeting.*

## **10.2 GROWTH AND DEVELOPMENT**

### **10.2.1 Adoption of Moorabool Heritage Strategy**

#### **Introduction**

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

#### **Background**

Heritage Victoria has prepared a Toolkit for Local Government Heritage Strategies. The aim of a heritage strategy is to identify all the actions that are required to be undertaken (via a checklist) and then prioritise the actions that can be achieved within a four year period. It is a strategic direction to prioritise Councils activities in response to its statutory objectives.

In 2011-12 Moorabool Shire Council was advocating for government funding to complete Stage 2 of the West Moorabool Heritage Study (WMHS). Heritage Victoria wrote to Council outlining the need to acquit past funding by implementing the Bacchus Marsh Heritage Study and to demonstrate that the West Moorabool Heritage Study was a priority. Council outlined actions it would undertake to be eligible for funding.

The checklist for a Heritage Strategy was completed by Council staff and circulated to Moorabool Heritage Advisory Committee for comment. This identified completion of the West Moorabool Heritage Study as a high priority. Work continued on implementing the Bacchus Marsh Heritage Study.

In 2013 the Minister for Planning provided \$100,000 to the West Moorabool Heritage Study. Although Council's matching funds were not provided in the 2013-14 budget the Minister allowed Council to proceed with the Study on the basis with assurances that Council would complete the Study in the future. The West Moorabool Heritage Study Stage 2a commenced in 2014. The draft Heritage Strategy was reviewed to reflect the completion of the implementation of the Bacchus Marsh Heritage Study into the Moorabool Planning Scheme, and the commencement of Stage 2a of the WMHS.

Heritage is often seen as a planning issue. This is one aspect of Council's role. As many areas of Council have a role in managing heritage objects and places, the draft Strategy was referred internally and feedback has been incorporated into the document.

Adoption of the Strategy was deferred from the February 2016 Ordinary Meeting of Council to add a description of the Bacchus Marsh Avenue of Honour Masterplan.

#### **Proposal**

A heritage strategy allows Council to understand its role and responsibilities in relation to heritage, to prioritise actions and to celebrate success. The strategy outlines the following:

### Council's Role in Heritage

Moorabool Shire has many roles in relation to heritage, including:

- Legislative . statutory function to identify places of significance.
- Decision Maker . assessor and decision maker for applications under the Moorabool Planning Scheme.
- Owner / Manager: Council owns and / or manages many places which are included in the heritage overlay or on the Victorian Heritage Register.
- Promoter: Council promotes the places and stories of Moorabool to the local community and visitors to the area, often through tourism and economic development activities.
- Supporter: providing assistance through information or grants to local community groups and organisations, as well as Council or Reserve Committees of Management who manage heritage places on Crown Land.

### Heritage Challenges and Opportunities

- Completing Stage 2 West Moorabool Heritage Study
- Management of Introduction of additional heritage sites into the planning scheme.
- Management of State Heritage Listed Sites
- Reviewing sites without a statement of significance
- Establishing a regular heritage advisory service
- Improving council and community knowledge and management of heritage
- Promoting the story of Moorabool and its heritage to the community and visitors
- Incorporating heritage into asset management / procedures process
- Heritage streetscapes
- Tree management
- Shared values

### Heritage-related achievements

- Implementing Bacchus Marsh Heritage Study into the Planning Scheme
- Funding for Stage 1 West Moorabool Heritage Study . thematic environmental history and indicative list
- Successful grant stage 2a West Moorabool Heritage Study
- Margaret Moritz Heritage Award
- Commencing review and upgrade of heritage content on the visitmoorabool.com
- Supporting Committees of Management . Blacksmiths Forge and Cottage
- Community groups embracing heritage . heritage festival and other events
- Avenue of Honour Management Plan

## Policy Implications

The 2013 - 2017 Council Plan provides as follows:

**Key Result Area** Enhanced Infrastructure and Natural and Built Environment

**Objective** Promote, and enhance places of heritage, landscape and environmental significance.

**Strategy** Develop future planning policy to ensure it:

- Preserves the unique character and sense of place; and
- Complete the West Moorabool Heritage Study Stage 2A and include funding its implementation and completion of Stage 2 in the Strategic Resource Plan

**Key Result Area** Enhanced Infrastructure and Natural and Built Environment

**Objective** Management of Assets and Infrastructure.

**Strategy** Develop asset management plans for all asset classes.

**Key Result Area** Representation and leadership of our community

**Objective** Leadership through best practice community engagement

**Strategy** To make well-informed decisions based on input from the community and other key stakeholders through effective community engagement.

Pursue strategic alliances, stakeholder forums and advisory committees that assist Council in policy development and service planning.

## Financial Implications

Management of heritage is part of Council's responsibilities. The Heritage Strategy looks at what the priorities for actions are in consideration of the resources available. Projects requiring budget allocation are clearly identified and would be subject to usual processes.

By focusing on improving knowledge of process and access to information the Strategy will reduce financial risk to Council.

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

This strategy, by identifying Council's statutory obligations in relation to heritage as well as ways to improve staff understanding of their role in heritage which will improve compliance and reduce financial and reputational risk to Council.

## **Community Engagement Strategy**

Council's Heritage Advisory Committee and Council staff have been involved in preparation of the strategy. As the focus of the document is Council's legislative and policy responsibilities wider community consultation has not been undertaken as it will guide Council's actions in relation to heritage.

## **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 Moorabool Heritage Strategy is a key document to explain Council's roles and responsibilities in heritage, the policy context applicable to heritage and outline what the focus of Council in relation to its heritage role will be over the next four years.

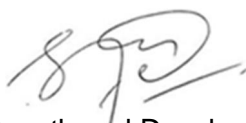
## **Recommendation:**

**That Council adopts the Moorabool Heritage Strategy 2016-2020 (April 2016).**

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## **Report Authorisation**

### **Authorised by:**

**Name:** Satwinder Sandhu   
**Title:** General Manager Growth and Development  
**Date:** Wednesday, 30 March 2016

## 10.2.2 West Moorabool Heritage Study Stage 2a

### Introduction

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

### Background

In 2007 Council sought funding to undertake the West Moorabool Heritage Study. As Council had not completed the implementation of the 1995 Bacchus Marsh Heritage Study the grant request was unsuccessful. As delivering this work was a key element of the Municipal Strategic Statement and Council Plan budget was allocated to undertake the Stage 1 Study. Completing and implementing the Study is within both the Municipal Strategic Statement and the current Council Plan.

Council has now prepared the heritage study which allows it to prepare the amendment to fulfil its statutory duty as a Planning Authority under the provisions of the *Planning and Environment Act 1987*. Section 4(d) of the Act includes and objective to ~~to~~ *conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.* Section 12 of the Act outlines the duties and power of planning authority (council) under the Act:

*12(1) A planning authority must—*  
*(a) Implement the objectives of planning in Victoria;*  
*(d) Prepare amendments to a planning scheme for which it is a planning authority;*

### How is a study prepared?

Heritage Studies are undertaken in 3 stages:

- Stage 1 Is a scoping study where a thematic history of the study area is made and potential sites of heritage value are researched and mapped and an estimate of costs and time to undertake the stage 2 are compiled.
- Stage 2 The potential heritage sites identified in stage 1, are evaluated and Statement of Significance citations prepared.
- Stage 3 Those sites of significant heritage value are then incorporated into the planning scheme through the means of an amendment to introduce Heritage Overlays.

Heritage Victoria has a standard brief for Heritage Studies which relies on the process set out in the Burra Charter. The West Moorabool Heritage Study Stage 2A has been prepared in accordance with the VPP Practice Note 01: Applying the Heritage Overlay (revised September 2012 & July 2015) (Appendix 7.03). The Practice Note states:

*"The heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. The documentation for each place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria."*

At the heritage study stage the requirement is to demonstrate significance at a local level to support the application of a planning control, ie %s it significant?+ Once in the planning scheme consideration of any proposals consider is impact on significance appropriate?

Consultation on the draft Study was not included in the brief at the request of the funding body. As Council was not providing matching funds they requested that the grant be wholly spent on the processes of documenting significance. Council is required to fund this consultation.

The following heritage criteria listed in the Practice Note were adopted as part of the assessment of heritage places in the West Moorabool Heritage Study Stage 2A:

- *Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).*
- *Criterion B: Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).*
- *Criterion C: Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).*
- *Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).*
- *Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*
- *Criterion F: Importance in demonstrating a high degree of creative or technical element at a particular period (technical significance).*
- *Criterion G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).*
- *Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).*

In addition, the more detailed Assessment Criteria adopted by the Australian Heritage Commission for the Register of the National Estate (which has formed the basis to the criteria outlined in the Practice Note) have formed a foundation to the heritage assessment, as have the principles of the Australia ICOMOS Burra Charter. This includes the moral right to authorship. Any submissions as a result of consultation which request changes need to be considered by the author. This cost was outside that of the grant.

#### Significance, Condition & Integrity Levels and Thresholds

In addition to the recognition of the heritage values of the Australia ICOMOS Burra Charter and the assessment criteria outlined in the VPP Practice Note, significance, condition and integrity thresholds were prepared to determine the level of significance for each heritage place and whether they warranted a heritage overlay.



In relation to significance thresholds, the Practice Note states:

*“The thresholds to be applied in the assessment of significance shall be ‘State Significance’ and ‘Local Significance’. ‘Local Significance’ includes those places that are important to a particular community or locality ... “*

In relation to places of significance for historical or social reasons, the following from the VPP Practice Note has also been considered:

*Planning is about managing the environment and changes to it. An appropriate test for a potential heritage place to pass in order to apply the Heritage Overlay is that it has ‘something’ to be managed. This ‘something’ is usually tangible but it may, for example, be an absence of built form or the presence of some other special characteristic. If such things are present, there will be something to management and the Heritage Overlay may be applied.*

Stage 1, funded by Moorabool Shire, and was completed in 2010 (Attachment 10.2.2(a)). In the following years there was Council and media pressure on Heritage Victoria to provide a grant for Stage 2 for which a grant application had been submitted in July 2010 (Attachment 10.2.2(b)). Heritage Victoria wrote to the Chief Executive Officer asking for commitment to finalising Stage 3 of the Bacchus Marsh Heritage Study in order for Heritage Victoria to be able to consider the grant application. (Attachment 10.2.2(b)).

Council's response (Attachment 10.2.2(b)) and delivered on these commitments therefore a budget bid was made in the 2013/14 year for matching funds to support the 2010 application. The Minister for Planning provided the entire heritage study funding for the 2013/14 year (the last year funding was made available) to Moorabool Shire. As the budget bid for matching funds was postponed to the 2014/15 budget, the Minister allowed the splitting of Stage 2 of the study into 2 parts. The Minister's grant was to be spent on documenting places (not consultation). It was stipulated that Heritage Victoria be involved in the appointment of the consultant and overseeing the project. A tender process was commenced in 2013 and a consultant (Authentic Heritage) was appointed in January 2014.

Subsequent Budget bids were made to implement and complete and implement the Study in 2014-15 and 2015-16 years were deferred to subsequent years. A condition of the grant was that Council implement the Study (commence planning scheme amendment) within the grant period. A budget bid has been made for the 2016-17 year. If this budget bid is unsuccessful Council will need to seek consent to a variation of the grant from Heritage Victoria.

#### **Item 4: Activity-specific requirements**

The following extra conditions will be applied to this Activity Schedule:

##### **You agree to implement recommendations of the Heritage Study**

- You agree to implement the recommendations of the Heritage Study via a planning scheme amendment by introducing Heritage and/or other Overlays for places found to be worthy of planning scheme protection. Exhibition of an amendment to the local planning scheme will start within the Activity period (note: a staged approach to implementation may be approved, subject to the further agreement of Heritage Victoria).

##### **Recording data collected during the Heritage Study**

- You agree to enter data that is collected during the study into the Heritage Victoria central database HERMES.

#### **Area covered by Stage 2a.**

As stage 2 was to be split a proposal on what were the priorities for Study was put forward to the Moorabool Heritage Advisory Committee (MHAC) that stage 2 should aim to address priority areas which were determined by level of risk as well as prioritising the Ballan to Bungaree corridor in accordance with Moorabool 2041 policy. Information on cultural heritage sites, historic and indigenous, are key knowledge gaps to be filled in the Rural Growth Strategy within Moorabool 2041.

Officers proposed the following priorities for response in tenders.

- Heritage precincts (Ballan; Blackwood; Lal Lal)
- Individual heritage places in Blackwood
- Individual heritage places between Ballan and Ballarat along the Western Freeway corridor.

This proposal was supported by the Moorabool Heritage Advisory Committee (MHAC) and the project steering committee consisting of 2 members of MHAC from within the Study Area; Councillors Tatchell & Spain, a representative from Heritage Victoria, the Study author and the Co-ordinator Strategic Planning.

The consultant (author) (Authentic Heritage Services) provided a work program and project milestones with the final Milestone being completed in February 2016. The Study was completed on time and on budget.

#### **Work required to complete stage 2a.**

Due to the absence of matching funds there are several actions which would normally be undertaken within the Study and prior to implementation. Due to the condition of grant and unsuccessful budget bids in the intervening years these actions, in order of completion, are outstanding:

- Seeking public feedback on the draft Thematic Environmental History Stage 2a; (staff resource allocation required)
- Seeking land owner and interested party feedback on the citations prepared for heritage precincts and individual places; (staff resource allocation required)
- Providing submissions made on the document to the consultant for review / consideration (budget allocation required);

- Preparation of planning scheme amendment documents to implement the Study; (staff resource allocation required)
- Adoption of the Study for the purposes of preparation and exhibition of a planning scheme amendment to implement its findings;
- Exhibition and ultimate adoption of a planning scheme amendment to implement the Study. (budget allocation required)

### **Heritage Elements within the State Planning Policy Framework and Local Planning Policy Framework and Council Plan.**

#### State Planning Policy Framework

The identification and protection of places of cultural significance is clearly the intent within the following State planning policy.

The State Planning Policy for Heritage, as identified at Clause 15.03-1 Heritage Conservation of the Moorabool Planning Scheme has the following objective:

- *To ensure the conservation of places of heritage significance*

The implementation of the above objective includes planning and responsible authorities through strategies, including:

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.*
- *Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.*
- *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive reuse of heritage buildings whose use has become redundant.*

#### Local Planning Policy Framework

The following Local Planning Policies within the Moorabool Planning Scheme provides strong support for the further identification and protection of significant heritage places.

## Clause 21.06- Heritage

The objective of this clause is to preserve, promote and enhance places of heritage significance. The strategies to achieve this objective are:

- *To preserve, promote, and enhance places of heritage significance including those of historical, aesthetic, architectural, scientific, and/or social value.*
- *Ensure new development is sympathetic to existing heritage places and makes a positive contribution to its heritage value.*
- *Where a permit is required for demolition/significant alterations of a heritage place, an application must be supported with documentation which demonstrates:*
  - *That the demolition/alterations will contribute to the long-term conservation of the significant fabric and/or part of the building.*
  - *That the demolition/alterations involve later inappropriate modifications to the heritage place.*
  - *That any cultural heritage significance of the place will be enhanced.*
  - *That any significant fabric to be unavoidably removed as part of the demolition/alterations can be re-instated.*
  - *A heritage impact statement may be required to be prepared, by a person/s of suitable experience and qualification in heritage architecture/interpretation.*
- *Protect important landscape features, views and built heritage including conservation of natural environment that have significant geological, botanical, zoological or other scientific importance.*
- *Encourage replanting of a similar type of tree where the removal of a significant tree is unavoidable.*
- *Protect known and identified sites of Aboriginal cultural heritage, including archaeological and historical places.*
- *Protect significant built heritage assets and streetscapes especially in Bacchus Marsh, Ballan, Blackwood, Gordon, and Mt Egerton.*

The implementation is includes:

- *Apply the Heritage Overlay (HO) to protect significant buildings, heritage precincts, sites, areas, and trees identified in relevant heritage studies.*

### **The Council Plan**

Assist in the achievement of the following elements of the 2013-17 Council Plan

Enhanced Infrastructure and Natural and Built Environment

- a) Promote, and enhance places of heritage, landscape and environmental significance.
- b) Complete West Moorabool Heritage Study Stage 2a and include funding its implementation and the completion of Stage 2 in the Strategic Resource Plan (2015/16 budget initiative)

## Proposal

To undertake actions required to finalise and implement the West Moorabool Heritage Study to allow acquittal of the grant from the Minister for Planning.

## Recommendations of the Study

The Study recommends applying the heritage overlay to:

- 8 precincts (5 in Blackwood, 2 in Ballan and 1 in Lal Lal)
- 110 individual places

There are subsequent recommendations for which specific schedule triggers (tree; fences; incorporated plan etc.) apply to each overlay proposed. The full draft Stage 2a West Moorabool Heritage Study is available for review on Council's website with hard copies being available at Council offices in Ballan, Darley and Bacchus Marsh.

## Heritage Precincts

It is recommended that the 6 heritage precincts (including the 79 places within the precincts) listed as follows are included as heritage overlays in the Schedule to the Heritage Overlay in the Moorabool Planning Scheme, through a planning scheme amendment.

### *Ballan*

#### Fisken Street Heritage Precinct

Principally a residential precinct, the southern landmark is the Ballan Railway Station complex. The places included in the precinct, and the respective significance of each of the places, are:

- 78 Atkinson Street . Dwelling (contributory).
- 80 Atkinson Street . Dwelling (contributory).
- 81 Atkinson Street - Ballan Railway Station complex (local).
- 2 Fisken Street . Dwelling (contributory).
- 3 Fisken Street . Dwelling (contributory).
- 4 Fisken Street . Dwelling (non-contributory).
- 6 Fisken Street . Units (non-contributory).
- 8 Fisken Street . Dwelling (contributory).
- 9 Fisken Street . Dwelling (contributory).
- 11 Fisken Street . Dwelling (contributory).
- 12 Fisken Street . Dwelling (contributory).
- 13 Fisken Street . Dwelling (contributory).
- 14 Fisken Street . Dwelling (contributory).
- 15 Fisken Street . Dwelling (non-contributory).
- 16 Fisken Street . Dwelling (non-contributory).
- 17 Fisken Street . Ruddle House (contributory).
- 18 Fisken Street . Dwelling (non-contributory).
- 19 Fisken Street . Dwelling (contributory).
- 20 Fisken Street . Dwelling (contributory).
- 21 Fisken Street . Dwelling (non-contributory).
- 21a Fisken Street . Unit (at rear) (non-contributory).
- 22 & 22A Fisken Street . Shop and Dwelling (contributory).

- 23 Fisken Street . Dwelling (contributory).
- 24 Fisken Street . Memorial Aleppo Pine tree, McLean Reserve (contributory).
- 24 Fisken Street . Bills Trough (contributory).
- 25 Fisken Street . Teresa Graham Memorial Oak Tree (contributory).
- 25 Fisken Street . Dwelling (non-contributory).
- 27 Fisken Street . Ballan Fire Station (Federation era brick building only) (contributory).
- Fisken Street. . Avenue of Oak Trees (mainly between Steiglitz & Atkinson Streets) (contributory).

#### 91-97 Steiglitz Street Heritage Precinct

This small precinct is a grouping of four Victorian and Late Victorian styled dwellings. These dwellings are:

- 91 Steiglitz Street (contributory).
- 93 Steiglitz Street (contributory).
- 95 Steiglitz Street (conservation desirable).
- 97 Steiglitz Street (contributory).

#### *Blackwood*

#### 13-25 Golden Point Road Heritage Precinct

This small precinct comprises three places (two being representative examples of residential development in the late 1860s) and remnants of a water race. The places are:

- 13 Golden Point Road - Dwelling (contributory).
- 13 Golden Point Road . Garage & Outbuilding (non-contributory).
- 15 Golden Point Road - Dwelling (contributory).
- 13-25 Golden Point Road . Remnant Water Race (contributory).
- 25 Golden Point Road - Dwelling (non-contributory).

#### Martin Street Heritage Precinct

This precinct is the 19th and early 20th century commercial hub of Red Hill, a goldfields settlement at Blackwood. It includes a small number of commercial and public infrastructure buildings and dwellings, a landmark Oak tree and garden settings. The places are:

- 1 Golden Point Road - Blackwood Hotel (local).
- Martin Street (north of Blackwood Hotel) . Algerian Oak tree (local).
- 11 Martin Street . Myrtleford (contributory).
- 13 Martin Street . Dwelling (non-contributory).
- 15 Martin Street . former National Bank of Australasia (contributory).
- 19 Martin Street . vacant land (non-contributory).
- 21 Martin Street . Blackwood Merchant & Blackwood Antique Merchant stores (contributory).
- 24 Martin Street . Dwelling (contributory).
- 25 Martin Street . Dwelling (non-contributory).
- 20 Fisken Street . Dwelling (contributory).
- 26 Martin Street . former Post & Telegraph Office (local).
- 29 Martin Street . Blackwood House (contributory).
- 30 Martin Street . Dwelling (non-contributory).

### Prayer Hill Heritage Precinct

This is a unique precinct on the crown of the hill in the former Red Hill settlement, Blackwood, that includes three churches, Blackwood Mechanics institute and a number of dwellings within a picturesque bushland setting. The places are:

- Cnr Byres Road & Martin Street . War Memorial & Stamper Battery (contributory).
- 54 Byres Road . Maq Place (former All Saintsq Parsonage) (contributory).
- 60 Byres Road . All Saintsq Anglican Church (local).
- 74 Byres Road . St. Malachys Catholic Church (local).
- 24 Golden Point Road . Dwelling (non-contributory).
- 28 Golden Point Road . Kanangraq (contributory).
- Lots 25B, C & F Golden Point Road . Public Hall (former Mechanicsq Institute) (conservation desirable).
- 2 Martin Street . Former Bootmakers Shop & Dwelling (contributory).
- Lot 16 Martin Street . Blackwood Uniting Church (contributory).
- 3 Prayer Hill Lane - Dwelling (non-contributory).
- 5 Prayer Hill Lane . Dwelling (non-contributory).
- 10 Prayer Hill Lane . Amblesideq (contributory).

### Simmons Reef Road Heritage Precinct

This precinct is an intact residential area comprising a small number of Victorian dwellings and two former stores. The places are:

- 1069 Greendale Trentham Road . Bromwich Bed & Breakfast (contributory).
- 1071 Greendale Trentham Road . Blackwood Cobb & Co. Tea Rooms (contributory).
- 1077 Greendale Trentham Road . Dwelling (former newsagency & emporium) (contributory).
- 1077 Greendale Trentham Road (rear) . remnant Water Race (contributory).
- 6 Simmons Reef Road . Byres Houseq (contributory).
- 6-8 Simmons Reef Road (rear) . remnant Water Race (contributory).
- 7 Simmons Reef Road . Dwelling (contributory).
- 8 Simmons Reef Road . Dwelling (contributory).
- 9 Simmons Reef Road . Dwelling (contributory).
- 9 Simmons Reef Road . remnant Water Race (contributory).
- 11 Simmons Reef Road . Woodbine Cottageq (contributory).

### Whalebone Road Heritage Precinct

A small precinct, it is especially identified by modestly-scaled log huts constructed in the early 20th century. The places are:

- 3 Richards Road . Log Hut (contributory).
- 3 Richards Road . Dwelling & Outbuilding (non-contributory).
- 11 Whalebone Road . Dwelling (contributory).
- 20 Whalebone Road . Green Gablesq Log Hut (contributory).
- 21 Whalebone Road . Mac Havenq Log Hut (contributory).
- 21 Whalebone Road . Dwelling (non-contributory).
- 22 Whalebone Road . Two Log Huts (contributory).

- 22 Whalebone Road. Outbuilding (non-contributory).

### Lal Lal Heritage Precinct

The original centre of the small 19th century rural settlement of Lal Lal forms a precinct identified by the railway station, hotel, dwellings, hall, ruins, avenue of honour and settings. The places are:

- Clarendon-Lal Lal Road - Avenue of Honour of Cypress and Pine Trees (local).
- 391 Clarendon-Lal Lal Road: -Dwelling (contributory).
- 410 Clarendon-Lal Lal Road: -Dwelling (contributory).
- 410 Clarendon-Lal Lal Road - Outbuildings (non-contributory).
- 412 Clarendon-Lal Lal Road - Soldiers Memorial Hall (contributory).
- 421 Clarendon-Lal Lal Road - Dwelling (contributory).
- 421 Clarendon-Lal Lal Road - Brick shop and mechanics garage (non-contributory).
- 424 Clarendon-Lal Lal Road - Lal Lal Falls Hotel (local).
- 424 Clarendon-Lal Lal Road - Memorial Pine Trees (local).
- 424 Clarendon-Lal Lal Road - Outbuildings to rear and side of the Lal Lal Falls Hotel (non-contributory).
- 5 Eaglesons Road - Lal Lal Railway Station complex (local).
- 10 Lal Lal Falls Road - Old Lal Lal Falls Hotel Kitchen ruins (contributory).
- 10 Lal Lal Falls Road - Other buildings and structures on the site of the Old Lal Lal Hotel Kitchen Ruins (non-contributory).
- Off Parkers Road - Lal Lal water tower (local).
- 8 Vaughan Street - Former School Teacher's residence (local).
- 12 Vaughan Street - Lal Lal Primary School (local).

### **Individual Heritage Overlays**

It is recommended that the 110 places identified as having heritage significance listed as follows are included as heritage overlays in the Schedule to the Heritage Overlay in the Moorabool Planning Scheme, through a planning scheme amendment.

#### *Ballan*

- 31 Atkinson Street, Ballan (BA084) . Dwelling.
- 45 Atkinson Street, Ballan (BA087) . Dwelling.
- 55 Atkinson Street, Ballan (BA086) . Dwelling.
- 360 Ballan Egerton Road, Ballan (BA108) . Hunterston (recommended for the Victorian Heritage Register).
- 1001 Ballan Gordon Road, Ballan (GOR009) . Landeilo (complex place).
- Ballan Greendale Road, Ballan (BA076) . Caledonian Park (complex place).
- 1-5 Cowie Street, Ballan (BA124) . Recreation Reserve (complex place).
- 18 Duncan Street, Ballan (BA105) . Dwelling.
- 35 Edols Street, Ballan (BA092) . Dwelling.
- 49 Edols Street Ballan (BA093) . Dwelling.
- 30 Fiskin Street, Ballan (BA058) . Dwelling & Former Bake House.
- Geelong Ballan Road, Ballan (BA093) . Ballan Old Cemetery.



- Gosling Street, Ballan (BA104) . Ballan New Cemetery.
- 34 Inglis Street, Ballan (BA002) . Dwelling.
- 36 Inglis Street, Ballan (BA004) . Dwelling.
- 42 Inglis Street, Ballan (BA005) . ~~W~~White Thornq
- 47 Inglis Street, Ballan (BA006) . ~~G~~Girraweenq
- 55 Inglis Street, Ballan (BA007) . Dwelling.
- 56 Inglis Street, Ballan (BA009) . Dwelling.
- 63 Inglis Street, Ballan (BA011) . Dwelling.
- 65 Inglis Street, Ballan (BA012) . Dwelling.
- 73 Inglis Street, Ballan (BA014) . St. Paul~~s~~ Uniting Church Complex (complex place).
- 77 Inglis Street, Ballan (BA017) . ~~E~~Everleighq
- 78 Inglis St, Ballan (BA018) . Dwelling.
- 79-81 Inglis Street, Ballan (BA020) . Former Dr Salter~~s~~ Residence & Medical Rooms (complex place).
- 88 Inglis Street, Ballan (BA021) . ~~L~~Lucerneq
- 90 Inglis Street, Ballan (BA022) . ~~L~~lea Hurstq
- 92 Inglis Street, Ballan (BA023) . Former Masonic Hall.
- 96 Inglis Street, Ballan (BA024) . ~~T~~The Mill Cottageq
- 98 Inglis Street, Ballan (BA025) . St. Brigid~~s~~ Catholic Church (complex place).
- 101 Inglis Street, Ballan (BA026) . ~~I~~nvergowieq
- 122 Inglis Street, Ballan (BA034) . ~~T~~The Avenueq
- 123 Inglis Street, Ballan (BA036) . Former Saddlery Store.
- 125 Inglis Street, Ballan (BA038) . War Memorial Fountain.
- 130 Inglis Street, Ballan (BA039) . Former Chambers Red House Drapery Store.
- 136 Inglis Street, Ballan (BA040) . Ballan Hotel.
- 143 Inglis Street, Ballan (BA041) . Ballan Mechanics~~I~~nstitute.
- 146 Inglis Street, Ballan (BA042) . Ballan RSL Clubrooms & Bakery.
- 150 Inglis Street, Ballan (BA043, 075) . Former Ballan Times Printing Office & Dwelling (complex place).
- 153 Inglis Street, Ballan (BA044) . Commercial Hotel.
- 164 Inglis Street, Ballan (BA048) . Ballan Health Care (formerly ~~A~~Anneanq).
- 169 Inglis Street, Ballan (BA050) . ~~M~~Mossfieldq
- 172-174 Inglis Street, Ballan (BA051) . Former Police Residence, Stables & Lock ups (complex place).
- 188 Inglis Street, Ballan (BA054) . ~~W~~Westcottq
- 439 Old Melbourne Road, Ballan (BA056) . ~~H~~adhamq
- 27 Shaws Road, Ballan (BA130) . ~~S~~irling Parkq
- 56 Simpson Street, Ballan (BA057) . St. John~~s~~ Anglican Church (complex place).
- 39 Steiglitz Street, Ballan (BA102) . ~~M~~ayfieldq
- 59 Steiglitz Street, Ballan (BA099) . ~~R~~amsgateq
- 63 Steiglitz Street, Ballan (BA098) . ~~L~~ongleyq

#### *Blackwood*

- 4 Albert Street, Blackwood (GP01) . Dwelling.
- 35 Byres Road, Blackwood (BLA12) . Blackwood Cemetery.
- Caravan Park Road, Blackwood (BLA16) . Blackwood Mineral Springs (complex place).

- 14 Clarendon Street, Blackwood (GP03) . Former Blackwood Police Quarters & Court House (complex place) (recommended for the Victorian Heritage Register).
- 111 Golden Point Road, Blackwood (GP04) . Dwelling.
- 5 Old Golden Point Road, Blackwood (BLA22) . Hillsideq
- Recreation Reserve Road, Blackwood (BLA09) . Blackwood Cricket & Recreation Reserve.
- 6 Terrill Street, Blackwood . Dwelling.
- 14 Victoria Street, Blackwood (GP06) . Dwelling.
- Martin Street, Blackwood (BLA73) . Blackwood & District Historical Society (former Police Stables).

### *Bungaree*

- 145 Bungaree Wallace Road, Bungaree (BRE003) . Hawthorn Farmq
- 186 Bungaree Wallace Road, Bungaree (BRE05-08) . St Michael's Catholic Church, School, Presbytery & Convent (complex place).
- 190 Bungaree Wallace Road, Bungaree (BRE009) . Bridge Hotel.
- 221 Bungaree Wallace Road, Bungaree (BRE10) - Bungaree Mechanics Institute.
- 231 Bungaree Wallace Road, Bungaree (BRE14) . Dwelling.
- 234 Bungaree Wallace Road, Bungaree (BRE15) . Dwelling.
- 248 Bungaree Wallace Road, Bungaree (BRE016) . Former Morning Star Hotel.
- 255 Bungaree Wallace Road, Bungaree (BRE018) . Former Police Residence & Lock Up (recommended for the Victorian Heritage Register).
- 309 Bungaree Wallace Road, Bungaree (BRE019) . St. John's Anglican Church & Hall (complex place).
- 323 Bungaree Wallace Road, Bungaree (BRE022) . Former London Bank of Australia (recommended for the Victorian Heritage Register).
- 323 Bungaree Wallace Road, Bungaree (BRE21) . former State School No. 1960.
- 348 Bungaree Wallace Road, Bungaree (BRE25) . Bungaree Primary School No. 1960.
- 447 Bungaree Wallace Road, Bungaree (BRE004) . Sunny Riseq (complex place).
- 535 & 537 Bungaree Wallace Road, Bungaree (BRE26-27) . Dwellings (complex place).
- 196 Lesters Road, Bungaree (BRE31) . Mayfieldq (complex place).
- 100 Murphys Road, Bungaree (BRE36) . Dwelling.
- 64 Torpys Road, Bungaree (BRE039) . Clare Placeq (complex place).

### *Gordon*

- 55 Boundary Road, Gordon (GOR026) . Summerhillq
- 55 Brougham Street, Gordon (GOR027) . Former St. Mark's Anglican Church.
- 10 Careys Road, Gordon (GOR012 & 08) . St. Patrick's Catholic Church & Presbytery (complex place).
- 1 Dicker Street, Gordon (GOR007) . Gordon Primary School.
- 179 Donnellans Road, Gordon (GOR016) . Oakvaleq
- 35 Main Street, Gordon (GOR020) . Dwelling.
- 37 Main Street, Gordon (GOR022) . Dwelling.
- 46 Main Street, Gordon (GOR024) . Dwelling.

- 56-60 Main Street, Gordon (GOR028) . Dwelling.
- 64 Main Street, Gordon (GOR029) . Former London Chartered Bank.
- 67 Main Street, Gordon (GOR030) . Gordon Post Office.
- 68 Main Street, Gordon (GOR032) . Gordon Public Hall.
- 69 Main Street, Gordon (GOR033) . Former Hotel.
- 71 Main Street, Gordon (GOR034) . Dwelling & Outbuilding.
- 82 Main Street, Gordon (GOR035) . Dwelling & Former Store & Bakery.
- 90 Main Street, Gordon (GOR036) . General Store.
- 92 Main Street, Gordon (GOR037) . Gordon Hotel.
- 100 Murphys Road, Bungaree (BRE36) . Dwelling.
- Old Melbourne Road, Gordon (GOR005) . New Gordon Cemetery.
- 1558 & 1864 Old Melbourne Road, Gordon (GOR013) . St. Patrick's Catholic School & Convent (complex place).
- Old Western Highway, Gordon (GOR44) . Kerrit Baret Cemetery (Gordons Burial Ground).
- 32 Russell Street, Gordon (GOR018) . Dwelling & Former Store.
- 33 Russell Street, Gordon (GOR019) . Dwelling.

#### *Millbrook*

- 108 Donnellans Road, Millbrook (GOR002) . Woodlawnq
- 91 Ryans Road, Millbrook (YEN014) . Former Ryan Family Farm.
- 52 Sullivans Road, Millbrook (GOR025) . The Pinesq

#### *Mount Egerton*

- Ballan Egerton Road, Mt Egerton (BA110) . Former The Pinesq Dairy.

#### *Wallace*

- 634 Bungaree Wallace Road, Wallace (WAL03) . Dwelling.
- 720 Bungaree Wallace Road, Wallace (WAL04-05) Former Holden's Chaff Mill Dwelling & Store (complex place).
- 4 Erin Court, Wallace (WAL08) . former Maryvilleq Stables.
- 10-24 Old Western Highway, Wallace (WAL016) . Fmr Wallace Millbrook & District Factory & Creamery Complex (complex place).
- 12 Westcotts Road, Wallace (WAL021) . Former Masonic Temple.
- 30 Westcotts Road, Wallace (WAL022) . Former Wallace Methodist Church.
- 97 Westcotts Road, Wallace (WAL025) . Wellwoodq

### **Consultation**

To enable the finalisation of the Study for implementation into the Moorabool Planning scheme and to ensure that affected landholders have the opportunity to provide feedback prior to undertaking a scheme amendment, it is critical that the document be made public.

Staff resources to servicing consultation is required as well as an allocation of funds is required to allow the Study author to review of the Study following any submissions received from consultation.

Previously, public consultation meetings were held during Stage 1 of the Study, with 4 meetings being held at:

- Ballan (October 2009)
- Blackwood (November 2009)
- Bungaree (November 2009)
- Buninyong (November 2009)

It is proposed now that, at a minimum

- Public meetings be held at Ballan, Blackwood, Bungaree and Lal Lal to explain the Study and its findings.
- That citations be sent to all affected landholders with the opportunity of a meeting or submission.
- That a copy of the study be provided to all historical societies in Moorabool, and to Buninyong Historical Society with the opportunity for feedback.
- That the draft Study and draft Thematic Environmental History be placed on the Moorabool Shire Council web site.

Stage 2a of the West Moorabool Heritage Study provides material that, once public, will assist in completing Moorabool 2041. Community consultation in towns, for example Lal Lal, identified heritage values relating to trails and historic/cultural interpretation. Ethically this work should not be utilised by Council without affected landholders being informed of the work and given the opportunity to provide feedback. This could be included in the Winter 2014 edition of Moorabool Matters informed the community of the Study commencing.

### **Next steps**

During the consultation process work can commence on the initial draft of planning scheme amendment documents to implement the Study and demonstrate commitment to implementing the amendment once budget is allocated.

A report on submissions, and the response of the Author, will be made to Council at the end of the consultation period. By this stage the outcomes of the 2016-17 budget is likely to be known. If funds are not available to undertake the planning scheme amendment process demonstrating that Council has undertaken all actions to enable implementation of the Study will assist in requesting an extension to the time outlined for Council to prepare and adopt a planning scheme amendment to implement the Study into the Moorabool Planning Scheme.

## Policy Implications

The 2013 . 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Infrastructure and Natural and Built Environment.
<b>Objective</b>	Promote, and enhance places of heritage, landscape and environmental significance.
<b>Strategy</b>	Complete West Moorabool Heritage Study Stage 2a and include funding its implementation and the completion of Stage 2 in the Strategic Resource Plan (2015/16 budget initiative).

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

## Financial Implications

Substantial financial assistance (\$100,000) has been provided to Council by the State Governments to enable the preparation of Stage 2a to the West Moorabool Heritage Study. A condition of this assistance was that Council undertake the planning scheme amendment to implement the Study and fund the documentation and implementation of places yet to be studied.

Council is expected to cover the costs associated with community consultation, preparation of planning scheme amendment documents, costs associated with exhibition, panel and changes prior to adoption of the planning scheme amendment, including the cost of any expert assistance it requires.

The costs of undertaking consultation and drafting the planning scheme amendment are proposed to be undertaken with existing staff resource. If this is reallocated to other projects / priorities additional budget will be required. Undertaking consultation processes is estimated at 10 days and report on submissions 5-15 days dependent on number and complexity of submissions. Drafting the planning scheme amendment is likely to be a minimum of 20 days in technical drafting; 3 days in agency comment; 10 days in mapping and ground trothing.

### *Considering submissions*

It is estimated that the review of submissions by the Study author be in the order of \$10,000. The primary and secondary data relied upon in the Study is thorough so it is unlikely that significant additional research will be required in response to submissions.

### *Planning Scheme Amendment*

As per previous years the 2016-17 Budget bid sought \$80,000 over 2016-18 financial years. This is a minimum estimate based on:

- Review of the Study following consultation (\$15,000)
- Peer review of Study (\$10,000)
- Panel hearing costs (\$30,000)

- Statutory fees (\$5,000)
- Expert witness fee (\$15,000)
- Legals (\$5,000)

Completing the West Moorabool Heritage Study will cost in the order of \$100,000 with Planning Scheme Amendment costs in the order of \$70,000. As budget priorities did not allow the completion of the Study in a timely manner the need to undertake two planning scheme amendment processes, with the associated costs can no longer be avoided.

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

Considerable financial support has been provided by the State Governments to enable Council to prepare the Study and Amendment. This grant requires that the implementation of the Study would occur via its incorporation into the planning scheme. That process was to occur during the Study period.

Thus, if actions to finalise the Study (informal consultation) and seeking authorisation to prepare and exhibit a planning scheme the ability to obtain State Government assistance from Department of Land, Water, Environment and Planning could be jeopardised, which would affect Council's ability to implement its strategic planning objectives and key result areas of the Council Plan.

There is the risk of the grant not being able to be acquitted and the funds requested to be returned.

There is reputational risk to Council in not undertaking actions required under their duties as a Planning Authority given strong advocacy in the past to seek state government assistance, which has now been provided.

There is financial and reputational risks to Council if the Study is amended, post consultation, without the consent of the Author. The moral rights of an author cannot be assigned. The author must be granted the opportunity to determine if the Study should be amended as requested by the submitter and to undertake that work.

If Council wishes to make changes that are not accepted by the Author then a separate citation would need to be prepared by another party for use in any future amendment to the Moorabool Planning Scheme. This does not amend the Study and the appropriateness of the variations would be considered by a planning panel.

Furthermore, if the Heritage Overlay is not in place to protect the Shire's heritage assets, there is a risk of the potential loss of significant buildings over time, ultimately eroding the heritage significance and character of Moorabool, which is highly valued by the community. Community concern over the failure to document and protect West Moorabool heritage is demonstrated by previous media attention outlined in Attachment 10.2.2(b) to this report.

Failure to make the study public and implement the Study into the Planning Scheme could have financial and reputational issues for Council. Applications to demolish sites identified (s29a) would require suspension of applications and preparation of individual amendments, which may cost \$15,000 each in panel and statutory fees, without expert witness costs.

Once a planning scheme amendment is exhibited it appears on planning certificates. If the Study is a public document purchasers can undertake due diligence assessment prior to purchase. Failing to undertake these actions without providing information to the market could raise issues of natural justice.

Failing to act may also see the unintentional loss of places cherished by the Community with reputational risk to Council for not acting.

### **Communications and Consultation Strategy**

Considerable consultation with the community occurred in 2009 on Stage 1 of the West Moorabool Heritage Study. Now that Council has obtained detailed information and recommendations for planning controls it is critical that Council share this information with affected landowners and provide opportunity for feedback to be considered by the consultant.

Consultation would be via availability of documents on the web, public meetings and individual notice to affected landholders with the opportunity of one on one discussions with staff.

Public exhibition of the Study and the amendment would occur in accordance with the provisions of the *Planning and Environment Act 1987*. Any submitter whose submission could not be resolved would be given the opportunity to submit to a Planning Panel following consideration of submissions by Council.

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

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues if the document is made public and actions undertaken in a timely manner to undertake the legislative process to reference this work in the Moorabool Planning Scheme.

### **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**

Heritage provides an essential link with the past and contributes to the creation of a sense of place for our community. The West Moorabool Heritage Study Stage 2a has assisted Council in identifying the Shire's significant heritage places.

The only way to provide statutory protection to the important heritage assets identified in the Heritage Study is through an amendment to the Moorabool Planning Scheme, which introduces the Heritage Overlay on the significant sites.

Protection of these places by applying the Heritage Overlay will benefit the community through a better understanding of Moorabool's rich cultural history, recognising and realising the positive contribution that culturally significant places make to the Moorabool Shire, and fostering a sense of local identity.

Making this information available to the community allows community groups and businesses to share the stories of Moorabool with visitors and residents alike.

To ensure natural justice landholders need to be given the opportunity to provide feedback on the study and its recommendations prior to commencement of a planning scheme amendment. Landholders and the public will also have the opportunity to comment on the Study and its implementation during the amendment process.

### **Recommendation:**

#### **That Council:**

- 1. Endorses the West Moorabool Heritage Study Stage 2a, including draft Thematic Environmental History for the purposes of informing consultation and places the study on the Moorabool Shire Council Web Page.**
- 2. Resolves to place the West Moorabool Heritage Study Stage 2a for public comment for the period of three months commencing May 2016. This will include the following actions, as outlined in this report.**
  - a. Public meetings be held at Ballan, Blackwood, Bungaree and Lal Lal to explain the Study and its findings.**
  - b. That citations be sent to all affected landholders with the opportunity of a meeting or submission.**
  - c. That a hard copy of the study be provided to all historical societies in Moorabool, and to Buninyong Historical Society with the opportunity for feedback.**
  - d. That the draft Study and draft Thematic Environmental History be placed on the Moorabool Shire Council web site.**



3. **Following the receipt of public submissions to the West Moorabool Heritage Study Stage 2a, a report be presented to Council on the next steps as discussed in this report, including:**
  - a. **any suggested changes to the Heritage Study resulting from submissions received following review by the Study author;**
  - b. **the next steps to be taken, being either the commencement of the planning scheme amendment to implement the study findings or requesting a variation to the grant to allow deferral of the exhibition of the amendment.**

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### Report Authorisation

**Authorised by:**

**Name:**

Satwinder Sandhu



**Title:**

General Manager Growth and Development

**Date:**

Wednesday, 30 March 2016

### 10.2.3 Moorabool Shire Council - Privacy Policy

#### Introduction

File No.: 02/06/007  
Author: John Whitfield  
General Manager: Satwinder Sandhu

#### Background

This report recommends that Council adopt a revised Privacy Policy that complies with the *Privacy and Data Protection Act 2014* and *Health Records Act 2001*.

In accordance with Section 13(1) of the *Privacy and Data Protection Act 2014* and Section 10 of the *Health Records Act 2001*, the Council is required to adopt a Privacy Policy.

Council's current Privacy Policy was adopted on 6 June 2012. In 2014 a new Privacy and Data Protection Act was legislated. It replaced the *Information Privacy Act 2000* and the *Commissioner for Law Enforcement Security Act 2005* with a single Act that is intended to strengthen the protection of personal information and other data held by the Victorian public sector.

#### Purpose

The *Privacy and Data Protection Act 2014* requires Victorian councils to comply with a set of Privacy Principles and adopt policies on the management and handling of personal information of individuals.

The *Health Records Act 2001* creates a framework to protect the privacy of individuals' health information. It regulates the collection and handling of health information.

This Privacy Policy explains how Moorabool Shire Council will collect, hold, use and disclose personal and health information of individuals, how individuals can gain access to their information, and correct inaccuracies, and how an individual may complain about possible breaches of privacy.

#### Proposal

The Privacy Policy addresses all IPPs set out in both the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*, and is presented to Council for adoption. The Council has a Privacy Statement which is available on the Council's website, and will remain so as the Website Privacy Statement.

This policy will be reviewed annually.

**Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

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

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

**Financial Implications**

There are no financial implications associated with the production and implementation of this Policy.

**Risk & Occupational Health & Safety Issues**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Legislation requirements	Failure to comply to the Policy	Medium	Council to adopt the Privacy Policy.

**Communications Strategy**

The Policy will be made publicly available at each Council office and on Council’s corporate website.

All Council staff will be briefed on privacy principles and requirements and provided with supporting documentation and assistance.

**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

The revised Privacy Policy is now placed before the Council for its consideration and adoption.

### Recommendation:

**That Council adopts the revised Privacy Policy (GD017), in accordance with Section 13(1) of the *Privacy and Data Protection Act 2014* and Section 10 of the *Health Records Act 2001*.**

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### Report Authorisation

Authorised by:

Name:

Satwinder Sandhu

Title:

General Manager Growth and Development

Date:

Wednesday, 16 March 2016



## 10.2.4 Adoption of Moorabool Shire Retail Strategy 2041

### Introduction

File No.: 13/03/013 & 13/03/014  
Author: Andrew Goodsell  
General Manager: Satwinder Sandhu

### Background

The Moorabool Shire Retail Strategy 2041 was commissioned in September 2014, to be prepared by MacroPlan, as a key component of Moorabool 2041. It was one of a suite of strategies prepared at the time together with the Economic Development Strategy, Industrial Strategy and Parwan Employment Precinct Agribusiness Analysis (CBRE).

In December 2015 the Moorabool Shire Retail Strategy 2041 along with the Economic Development Strategy, Industrial Strategy and Parwan Employment Precinct Agribusiness Analysis (CBRE) was tabled at an Ordinary Meeting of Council for adoption. The Retail Strategy was deferred pending further revisions and updates relating to bulky goods (restricted retail) needs.

Subsequently the Retail Strategy was updated to better accord with the feedback received from Council. Specifically, mapping of potential bulky goods retail sites was removed from the Strategy on the basis that this was premature and may prejudice further investigations.

In February 2016 the updated Retail Strategy was tabled with the S86 Urban Growth Committee for further discussion. Some additional matters were raised concerning particular recommendations including a need for more specific actions at Darley Plaza and greater promotion of the establishment of the West Maddingley Neighbourhood Activity Centre.

The Retail Strategy, now tabled, has been further refined to address these matters. Additional recommendations are also included, namely 10 and 11. Recommendation 10 concerns more specific investigations for a retail and services village hub at Darley.

Recommendation 11 requires Council to, where possible, facilitate investment in the West Maddingley Neighbourhood Activity Centre. This may be in an advocacy context but may potentially extend further in time.

Recommendation 4 provides further clarity on future planning for Council-owned land in Bacchus Marsh Main Street, emphasizing community civic uses as key uses to facilitate.

## Proposal

For a range of reasons, the Moorabool Shire Retail Strategy is a significant strategic document for the Shire. In this context the following are relevant considerations:

- It is the first occasion that Council has had a whole of Shire retail strategy rather than strategies that address only the needs of Bacchus Marsh, or Ballan or other smaller towns.
- In terms of small towns and M2041, the Strategy identifies possible scenarios for retail floor space which enables Council to better plan the appropriate scale of small towns over the next 20-25 years. It is also acknowledged however that significant reliance on Ballarat will remain for residents living in the west of the Shire.
- The Strategy establishes a retail hierarchy for Bacchus Marsh based on three centres . Main Street, Darley and West Maddingley. The existing retail strategy is silent on the strategic direction or vision for both Darley Plaza and West Maddingley. Without that clear hierarchy no future planning on neighbourhood hubs can be reasonably progressed in those areas.
- Current strategic retail planning has been almost entirely focused on Main Street Bacchus Marsh to date. The new Strategy re-balances that focus having clearer regard to where people live.
- There is an informed discussion about the future needs of Bacchus Marsh as a regional growth centre with 30,000 residents in 2041 and what resident needs will be. Such a discussion should and does include consideration of bulky goods retailing and the value of further strategic assessment, via future assessment (in 2016/17 budget bid), to identify an appropriate precinct/s. The Strategy gives clear principles for that work to be progressed.

As Councillors are aware, Council's work programme for M2041 has been based on a 3 stage process. In stage 1 an urban growth framework is to be prepared, in collaboration with the MPA. This project is ongoing but should be completed in 2016/17.

The value of an adopted retail strategy is that it provides the retail hierarchy which will be adopted in the stage 1 urban growth framework and the first round of updates to the Municipal Strategic Statement. Stage 2, which may likely lead to an expanded retail zoning in the Darley area as well as other zone refinements, requires an adopted retail strategy as well. Future place making initiatives require clear policy that Darley and West Maddingley are strategically important activity centres.

Without an adopted Retail Strategy stages 2 and 3 of the Urban Growth Strategy cannot be completed.

Also, the current amendment C74 for Darley Plaza is on hold pending strategic justification via the Moorabool Retail Strategy.

It is recognised that there are some strategic issues raised by the Retail Strategy which generate additional considerations. For instance, the future use of Council-owned land in Main Street is a sensitive issue, with many potential options to achieve the best community outcome. The updated recommendation 4 addresses the additional work required and the types of outcomes to be achieved.

The Strategy does focus more on Bacchus Marsh than other towns due to growth projections and the vast majority of retail within the Shire being centred in Bacchus Marsh. No refinements to the Strategy will change that situation. However, there are goals, directions and guidance specified for Ballan and the smaller towns and these are advances on strategic planning to date.

Equally, it is recognised that escape expenditure is a reality for centres across the Shire from Ballan to Bacchus Marsh. These are all towns within regions. It is not proposed or being seriously suggested that such losses can be readily resolved simply by adopting a strategy such as this. However, consistent with the Economic Development Strategy (adopted Dec 2015) it should be an ongoing goal to capture opportunities where possible and grow local employment generally.

Finally, any amendments to the planning scheme, either through stage 1 or site specific amendments (stage 2) are subject to the normal public exhibition process. A number of additional research projects will be required before these take shape . whether it be a future bulky goods precinct, expanded commercial zoning in Darley or master planning the use of Council land in Main Street Bacchus Marsh.

The positive that is generated from the Moorabool Shire Retail Strategy is that it poses the appropriate strategic questions, identifies the retail hierarchy needed for Bacchus Marsh and the scope for small towns to develop in time (subject to a range of other considerations on servicing).

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Infrastructure and natural and Built Environment
<b>Objective</b>	Effective and Efficient Land Use Planning and Building Controls
<b>Strategy</b>	Ensure the Planning Scheme is reviewed and updated in order to facilitate land use and development to support social, economic, environmental and well-being of the Shire.

## **Financial Implications**

There are no direct financial implications from adopting the Moorabool Shire Council Retail Strategy 2041. Subsequent work priorities generated by the Strategy will be subject to separate funding bids.

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

The risk issues relate to reputational if Council cannot define its strategic direction on the future retail landscape. There are also direct risks that the amendment to facilitate use and development at Darley Plaza via Amendment C74 will not proceed.

The SSD work programme, previously provided to Council for the next 2-3 years, is contingent on an adopted Retail Strategy being in place.

No OH & S issues have been identified.

## **Community Engagement Strategy**

A telephone survey of 250 households was completed.

The Retail Strategy was formally advertised for a four week public exhibition period from 9 September to 9 October, 2015 via Councils Have Your Say community consultation platform. Three written responses were received which were presented to Council at an AOC on 5 November, 2015. Only one of those submissions related to the Retail Strategy and it was primarily focused on the Bunnings proposal rather than the Retail Strategy as such.

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

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

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

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

### *General Manager - Satwinder Sandhu*

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

### *Author – Andrew Goodsell*

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



## Conclusion

The updated Retail Strategy is suitable for adoption for the reasons stated within this report.

It should be noted that the Bacchus Marsh Future Framework Plan will provide a new growth framework for the Bacchus Marsh district and include the recommendations of the Retail Strategy. This will be implemented via a planning scheme amendment process.

## Recommendation:

**That Council adopts the Moorabool Shire Council Retail Strategy 2041 (March 2016).**

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## Report Authorisation

### Authorised by:

**Name:** Satwinder Sandhu   
**Title:** General Manager Growth and Development  
**Date:** Thursday, 24 March 2016

## 10.3 COMMUNITY SERVICES

### 10.3.1 Service Review and Planning Policy and Framework

#### Introduction

Author: Vanessa O'Toole  
General Manager: Danny Colgan

#### Background

The Council previously considered this item at the Ordinary Meeting of Council on the 2 March 2016 where it was resolved to lay the Draft Service Review and Planning Policy and Draft Framework on the table for further consideration at the next meeting of Council.

The policy protocol relating to the consideration of items which affect beyond the current year is applied for consideration of matters whose impact or influence will extend to directly affect the activities and/or financial planning of Council for a period beyond the term of the Current Council Budget, and whether relating to Council policy pronouncements or specific projects.

In accordance with the policy, feedback was sought on the Draft Policy and Framework through making them available on Have Your Say, Council's on line engagement portal.

The preparation and presentation of a service review policy, framework and prioritisation plan is a Council Plan Action in 2016/2017.

The Service Review and Planning Policy and Framework sets out the Council's commitment to ongoing service reviews and planning to ensure that each service is aligned to the Council's strategic direction, valued by its communities, and delivered in the most responsible and sustainable manner.

A number of service reviews have been undertaken since 2011 including the Rural Library Service, Community Grants Program, Community Development Fund, Family Day Care, Leisure Services, Fleet Policy, Street Sweeping and Statutory Planning (Milner Review). To ensure a consistent approach to service reviews and planning, the service review and planning policy and framework have been developed.

#### Proposal

The face of local government and the services it provides is changing.

Reduction in grant revenues from other levels of government and the introduction of the State Government's rate capping legislation will result in the financial sustainability of the Council being placed under pressure.

Further, the increased reliance on rate revenue to continue with status quo service delivery is unsustainable for our ratepayers.

The Council has a responsibility to provide and/or support value for money services to our communities in accordance with the Council Plan.

A Service Review and Planning Policy and Framework have been developed to assist staff and the Council to review services.

When making service delivery related decisions, the Council and its Officers will use the Service Review and Planning Framework and address the following principles:

- Services will reflect current, future community needs and expectations balanced against the resource capacity of Council.
- Services will have regard to the strategic work of the Council to 2041.
- Services and their levels will be delivered within the Integrated Planning and Delivery Framework Model.
- Services reviews will involve determining if Council is the most appropriate agency to deliver the service
- Service reviews will identify the most appropriate service model and levels of service
- Services will reflect the Vision, Mission and Values set out in the Council Plan.
- Service delivery will adhere to the Australian Business Excellence Framework as a philosophy and set of tools to drive continuous improvement.
- Services will be reviewed on a rolling cycle as determined under Section 6 of the policy.
- Service reviews will be undertaken having regard to the relevant State Government legislation and Ministerial Guidelines.
- Service reviews will be undertaken using a Council adopted Service Review and Planning Guideline document.
- Service levels set by the Council will be delivered with adequate resources in the cycle to the next scheduled review.
- Service reviews and planning will influence decisions on the renewal, upgrade and construction of new assets via the annual Capital Improvement Program (CIP) process.
- In reviewing a service, the linkages between services, including internal support services, will also be considered.
- New services will not be commenced unless they have been subject to this policy and associated framework.

### **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>	Development of service plans that link service delivery, asset management and business excellence

The proposed Service Review and Planning Policy and Framework are consistent with the 2013-2017 Council Plan.

### Financial Implications

The policy and framework have been prepared using existing resources. The review of services and preparation of service plans may require additional resources depending on the scale of the review and will be subject to budget.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Environment and Community	Provision of services not in accordance with community need	Low	Application of policy and framework including identification of community needs
Financial	Rising cost of service provision making it possibly unsustainable	Moderate	Review of Services in accordance with the policy to determine future provision

### Community Engagement Strategy

The policy and framework was made available on Have your Say, Council's online community engagement portal for comment. The draft policy and framework were viewed 18 times on Have your Say but no comments were 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.

*General Manager – Danny Colgan*

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

*Author – Vanessa O’Toole*

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

### **Conclusion**

The Service Review and Planning Policy and Framework sets out the Council’s commitment to ongoing service reviews and planning to ensure that each service is aligned to Council’s strategic direction, valued by its communities, and delivered in the most responsible and sustainable manner.

Having resolved on the 2 March 2016 that the policy lay on the table for further consideration at the next Ordinary Meeting of Council, the Service Review and Planning Policy and Framework are now placed before the Council for adoption.

### **Recommendation:**

**That the Council in accordance with Moorabool Shire Council Policy Protocol, ‘Consideration of items which Affect beyond the Current Year’, now adopts the Service Review and Planning Policy and Framework (April 2016).**

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### **Report Authorisation**

**Authorised by:**

**Name:**

**Title:**

**Date:**



Danny Colgan

General Manager Community Services

Wednesday, 30 March 2016

### 10.3.2 Appointment of Members – Moorabool Health and Wellbeing Advisory Committee and Bacchus Marsh Public Hall Committee of Management

#### Introduction

File No.: 06/03/004  
Author: Renae Knight  
General Manager: Danny Colgan

The purpose of this report is to recommend that the Council appoint nominated organisations to the Council's Health and Wellbeing Advisory Committee and a new community member to the Bacchus Marsh Public Hall Committee of Management for a period of two years.

#### Background

The Moorabool Health and Wellbeing Advisory Committee is a Council constituted committee which comprises of organisations and groups that assist in the development and implementation of Council's Health and Wellbeing Plan. At the Statutory Meeting of Council held on the 28 October 2015, the Council appointed Cr Dudzik to the Committee as Chair with Cr Tatchell a proxy.

The Bacchus Marsh Public Hall Committee of Management is a Section 86 Committee of Council in accordance with the Local Government Act 1989.

#### Proposal

At their meeting on the 10 December 2015, the Bacchus Marsh Public Hall Committee of Management made the following recommendation to the Council:

That the Bacchus Marsh Public Hall Committee of Management recommend to Council that C Young be appointed as a community representative to the Bacchus Marsh Public Hall Committee of Management.

It is proposed that the Council appoint the following nominated organisations to the Moorabool Health and Wellbeing Advisory Committee:

- Moorabool Agencies and Schools Together (MAST)
- Federation University
- School Focused Youth Service . Ballarat Community Health
- Djerriwarrh Health Services
- Department of Justice . Grampians Region
- Victoria Police . Bacchus Marsh
- Central Highlands Primary Care Partnership
- Ballan and District Health and Care
- Child and Family Services (CAFS)
- Women's Health Grampians
- Darley Neighbourhood House and Early Learning Centre
- Bacchus Marsh Community College
- Ballan and District Community House and Adult Education Centre
- Pinarc Disability Support

- Merrimu Services
- Highlands Local Learning and Employment Network

**Policy Implications**

The 2013. 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Well Being
<b>Objective</b>	Community Self Reliance
<b>Strategy</b>	Actively support Committees of Management of community assets.

The proposal to appoint a new member to the Bacchus Marsh Public Hall Committee of Management and member organisations to the Moorabool Health and Wellbeing Advisory Committee is consistent with the 2013-2017 Council Plan.

**Financial Implications**

Council provides operational funding to Bacchus Marsh Public Hall Committee of Management as part of the Halls Funding Policy.

**Risk & Occupational Health & Safety Issues**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Vacant committee positions	Position remains vacant	Low	Appoint committee members to committee.

**Communications and Consultation Strategy**

The outcomes of this report will be communicated to the member organisations for the Health and Wellbeing Advisory Committee and nominee to the Bacchus Marsh Public Hall Committee of Management.

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

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

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

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

### *General Manager – Danny Colgan*

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

### *Author – Renae Knight*

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

## **Conclusion**

The Bacchus Marsh Public Hall Committee of Management is a Section 86 Committee of Management. The committee has received a nomination from a community member to become a member of the committee.

The Moorabool Health and Wellbeing Advisory Committee is a Council constituted committee which comprises of organisations and groups that assist in the development and implementation of Council's Health and Wellbeing Plan. It is proposed that the Council appoint member organisations to the Committee.

## **Recommendation**

### **That Council:**

- 1. Appoint the following nominated organisations and groups to the Moorabool Health and Wellbeing Advisory Committee for a two year period:**

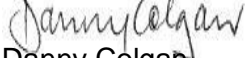
- Moorabool Agencies and Schools Together (MAST)**
- Federation University**
- School Focused Youth Service –Ballarat Community Health**
- Djerrivarrh Health Services**
- Department of Justice – Grampians Region**
- Victoria Police – Bacchus Marsh**
- Central Highlands Primary Care Partnership**
- Ballan and District Health and Care**
- Child and Family Services (CAFS)**
- Women's Health Grampians**
- Darley Neighbourhood House and Early Learning Centre**
- Bacchus Marsh Community College**
- Ballan and District Community House and Adult Education Centre**
- Pinarc Disability Support**
- Merrimu Services**
- Highlands Local Learning and Employment Network**

- 2. Appoint Carol Young to the Bacchus Marsh Public Hall Committee of Management for a two year period.**



### Report Authorisation

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**Authorised by:**   
**Name:** Danny Colgan  
**Title:** General Manager Community Services  
**Date:** Wednesday, 30 March 2016

### 10.3.3 Draft Recreation Reserve Management Framework

#### Introduction

File No.: 12/09/021  
Author: Troy Scoble  
General Manager: Danny Colgan

#### Background

The purpose of this report is to recommend that the Council endorse the Draft Recreation Reserve Management Framework for the purposes of community exhibition for a period of four weeks.

#### Proposal

The Recreation and Leisure Strategy 2015-2021 was adopted by the Council at Ordinary Meeting held on the 2 September 2015. A key recommendation of the strategy was the development of a Reserve Management Framework to ensure there is a coordinated, integrated, consistent approach to the management and operation of recreation reserves and facilities across Moorabool Shire.

The following principles consistent with those outlined in the Recreation and Leisure Strategy 2015 . 2021 underpin the development of the framework and its associated policies:

- Partnerships
- Accessibility
- Participation
- Equity and Fairness
- Financial Responsibility

The associated policies are: draft Community Facilities Funding Policy; draft Recreation Reserve User Fees & Charges Policy; draft Recreation Reserve Leases & Licenses Occupancy Policy; draft Recreation Reserves Capital Works Contribution Policy and Revised draft Appointments and Delegations Policy.

The draft Recreation Reserves Management Framework contained in Attachment 10.3.3 has been developed to establish fair and equitable management framework for the provision of sporting, recreation and leisure facilities within the Shire.

The draft Framework communicates to all stakeholders a model for the management and use of facilities, the procedures and management processes that will apply to their use, including how they will be supported by Council.

Council recognises that there is a mix of Recreation Reserve ownership and management arrangements currently in place across the Shire. Community user groups, sports clubs and organisations, Reserve Committees of Management, schools and other community not for profit groups play an important role in the management of facilities and the delivery of physical activity, sport and recreation activities and programs for the community.

The Draft Reserve Management Framework outlines the key components that govern how Council will manage facilities in the future. The key components of the framework are governance, management of use, financial management and accountability. Each of these components has a number of sub policies and procedures to support and ensure a consistent, efficient management process outlined as outlined in the framework.

Officers have engaged with the Moorabool Shire Recreation and Leisure Strategic Advisory Committee to develop the Draft Recreation Reserve Management Framework and the policies that underpin the key components of the framework to support its implementation.

Council's role in the implementation of the framework is to work collaboratively with various management models/agencies to establish fair and equitable management and use arrangements at all reserves to ensure consistency and equity regardless of the type of governance structure/s in place.

The Draft Recreation Reserve Management Framework will be implemented over the next three years. This will include training for officers and committees of management in the implementation of the Framework and associated policies and processes.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Well Being
<b>Objective</b>	Increase and encourage participation in a range of 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

The Draft Recreation Reserve Management Framework is consistent with the 2013-2017 Council Plan and the Recreation and Leisure Strategy 2015 -2021.

### **Financial Implications**

The development and implementation of the Draft Framework has been undertaken within existing resources. Any future budget implications will be referred to Council's budget process for consideration.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Service gaps if the framework is not consistently implemented across the Shire	High	Council to review outcomes of Framework implementation in partnership with Reserve Managers
Financial	Funding required to progress actions outlined in the Framework and associated policies	Medium	Business cases prepared for consideration in future Council budgets

### Community Engagement Strategy

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

Level of Engagement	Stakeholder	Activities	Date	Outcome
Consult	Moorabool Shire Recreation and Leisure Strategic Advisory Committee	Two presentations and workshops on the draft framework	December 2015 and February 2016	Feedback provided to finalise the Draft document

### Communications Strategy

It is proposed that the Draft Recreation Reserve Management Framework be placed on public exhibition for four weeks. The exhibition of the Framework will involve:

- " Have Your Say Moorabool, Council's Online Community Engagement Portal
- " Making copies available at Council's Customer Service locations
- " Making copies available at the Lerderderg Library and the Ballan Library.
- " All Committees directly notified of the opportunity to view the Draft Policy; discuss it with Officers and provide feedback
- " Re-presentation to the Recreation and Leisure Strategic Advisory Committee

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

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

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

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

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

#### *General Manager – Danny Colgan*

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

#### *Author – Troy Scoble*

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

### **Conclusion**

The Recreation and Leisure Strategy 2015-2021 recommended that a Reserve Management Framework be developed to ensure that there is a coordinated, integrated, consistent approach to the management and operation of recreation reserves and facilities across Moorabool Shire.

The Draft Recreation Reserve Management Framework was considered at a meeting of the Social Development Committee of Council on the 16 March 2016 with a recommendation by the Committee that it requests that the Draft Recreation Reserve Management Framework (with any identified amendments) be presented to the April Ordinary Meeting of Council for endorsement for the purposes of community exhibition for a period of four weeks+.

### **Recommendation:**

#### **That Council:**

- 1. Endorse the Draft Recreation Reserve Management Framework for the purpose of community exhibition for a period of four weeks.**
- 2. Receives a further report at the conclusion of the community exhibition period seeking adoption of the Recreation Reserve Management Framework.**

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### **Report Authorisation**

**Authorised by:**

**Name:**

**Title:**

**Date:**



Danny Colgan

General Manager Community Services

Wednesday, 30 March 2016

### 10.3.4 Draft Community Facilities Funding Policy

#### Introduction

File No.: 12/09/021  
Author: Troy Scoble  
General Manager: Danny Colgan

#### Background

The purpose of this report is to recommend that the Council endorse the Draft Community Facilities Funding Policy for the purposes of community exhibition for a period of four weeks.

#### Proposal

The preparation of a Community Facilities Funding Policy is a 2015/2016 Council Plan Action.

The Recreation and Leisure Strategy 2015-2021 was adopted by the Council at Ordinary Meeting held on the 2 September 2015. A key recommendation of the strategy was the development of a Reserve Management Framework to ensure there is a coordinated, integrated, consistent approach to the management and operation of recreation reserves and facilities across Moorabool Shire.

The following principles consistent with those outlined in the Recreation and Leisure Strategy 2015 . 2021 underpin the development of the framework and its associated policies:

- " Partnerships
- " Accessibility
- " Participation
- " Equity and Fairness
- " Financial Responsibility

The associated policies are: draft Community Facilities Funding Policy; draft Recreation Reserve User Fees & Charges Policy; draft Recreation Reserve Leases & Licenses Occupancy Policy; draft Recreation Reserves Capital Works Contribution Policy and Revised draft Appointments and Delegations Policy.

The Draft Community Facilities Funding Policy contained in Attachment 10.3.4 provides guidelines regarding Council's role in supporting the management of community facilities (Reserves and Halls) through the provision of annual operational funding.

The draft policy provides the foundation for facilities to be managed and maintained appropriately to meet community needs (demand for use) and transparency in the allocation of operational funding to support the achievement of the required service level for activities.

The draft policy outlines:

- How Council will determine funding levels for each facility in the future.
- The service level for each facility to ensure it meets its demand for use/ community need.
- What activities/maintenance is funded.
- The amount of funds to be allocated to the Reserve Manager for the management of facilities.
- The process for the management and acquittal of the funds by the Reserve Manager.
- Governance processes to be implemented to ensure ongoing funding.

It is important to note that the draft Policy outlines that the service level for maintenance works is informed by the reserve classification (hierarchy) and demand/level of use outlined in Councils Recreation and Leisure Strategy, and specific to each Recreation Reserve. The Management model/ ownership does not impact service level requirements.

Council's role in the implementation of the policy as part of the Recreation Reserve Management Framework is to work collaboratively with various management models/agencies to establish fair and equitable management and use arrangements at all reserves to ensure consistency and equity regardless of the type of governance structure/s in place.

The Draft Policy will be implemented over the next three years. This will include training for officers and committees of management in the implementation of the policy and associated processes.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Well Being
<b>Objective</b>	Increase and encourage participation in a range of 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

The Draft Community Facility Funding Policy is consistent with the 2013-2017 Council Plan and principles outline in the Recreation and Leisure Strategy 2015 -2021.

### **Financial Implications**

The development of the Draft Policy was undertaken within existing resources. Any future budget implications will be referred to Council's budget process for consideration.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Service gaps if the policy is not consistently implemented across the Shire	High	Council to review outcomes of policy implementation in partnership with Reserve Managers
Financial	Funding required to progress actions outlined in the policy and associated policies	Medium	Business cases prepared for consideration in future Council budgets

### Community Engagement Strategy

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

Level of Engagement	Stakeholder	Activities	Date	Outcome
Consult	Moorabool Shire Recreation and Leisure Strategic Advisory Committee	Presentation and workshop on draft policy	February 2016	Feedback provided to finalise the Draft document

### Communications Strategy

It is proposed that the Draft Community Facility Funding Policy be placed on public exhibition for four weeks. The exhibition of the Policy will involve:

- " Have Your Say Moorabool, Council's Online Community Engagement Portal
- " Making copies available at Council's Customer Service locations
- " Making copies available at the Lerderderg Library and the Ballan Library.
- " All Committees directly notified of the opportunity to view the Draft Policy; discuss it with Officers and provide feedback
- " Re-presentation to the Recreation and Leisure Strategic Advisory Committee

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



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

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

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

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

#### *General Manager – Danny Colgan*

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

#### *Author – Troy Scoble*

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

### **Conclusion**

The preparation of a Community Facilities Funding Policy is a 2015/2016 Council Plan Action.

The Draft Community Facilities Funding Policy provides guidelines regarding Council's role in supporting the management of community facilities (Reserves and Halls) through the provision of annual operational funding.

The Draft Community Facilities Funding Policy was considered at a meeting of the Social Development Committee of Council on the 16 March 2016 with a recommendation by the Committee that it requests that the Draft Community Facilities Funding Policy (with any identified amendments) be presented to the April Ordinary Meeting of Council for endorsement for the purposes of community exhibition for a period of four weeks.

### **Recommendation:**

#### **That Council:**

- 1. Endorse the Draft Community Facilities Funding Policy for the purpose of community exhibition for a period of four weeks.**
- 2. Receive a further report at the conclusion of the community exhibition period seeking adoption of the Community Facilities Funding Policy.**

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### **Report Authorisation**

**Authorised by:**

**Name:**

**Title:**

**Date:**



Danny Colgan

General Manager Community Services

Wednesday, 30 March 2016

### 10.3.5 Draft Recreation Reserve Capital Works Contributions Policy

#### Introduction

File No.: 12/09/021  
Author: Troy Scoble  
General Manager: Danny Colgan

#### Background

The purpose of this report is to recommend that the Council endorse the Draft Recreation Reserve Capital Works Contribution Policy for the purposes of community exhibition for a period of four weeks.

#### Proposal

The Recreation and Leisure Strategy 2015-2021 was adopted by the Council at Ordinary Meeting held on 2 September 2015. A key recommendation of the strategy was the development of a Reserve Management Framework to ensure there is a coordinated, integrated, consistent approach to the management and operation of recreation reserves and facilities across Moorabool Shire.

The following principles consistent with those outlined in the Recreation and Leisure Strategy 2015 . 2021 underpin the development of the framework and its associated policies:

- " Partnerships
- " Accessibility
- " Participation
- " Equity and Fairness
- " Financial Responsibility

The associated policies are: draft Community Facilities Funding Policy; draft Recreation Reserve User Fees & Charges Policy; draft Recreation Reserve Leases & Licenses Occupancy Policy; draft Recreation Reserves Capital Works Contribution Policy and Revised draft Appointments and Delegations Policy.

The Draft Recreation Reserve Capital Works Contribution Policy contained in Attachment 10.3.5 provides the principles and objectives for Council's standard provision for recreation and leisure facilities and potential funding models to drive future development opportunities. The draft policy applies to all reserves/facilities regardless of ownership and management model that are available for community access.

Key objectives of this policy are:

- Future facility development is informed by the Recreation and Leisure Strategy Facility Hierarchy
- Council will provide and maintain quality infrastructure to meet the needs of sporting and community clubs.

- Council’s role in encouraging active participation is in the provision of facilities to a standard level, which is suitable for training and/or active competition.
- In order to provide clarity to clubs on Council’s standard infrastructure provision, the Provision Standards adopted by the Council in the Recreation and Leisure Strategy have been developed to guide this policy.

The policy outlines key infrastructure provision and funding ratios to drive future development.

Council’s role in the implementation of the policy as part of the Recreation Reserve Management Framework is to work collaboratively with various management models/agencies to establish fair and equitable management and use arrangements at all reserves to ensure consistency and equity regardless of the type of governance structure/s in place.

The Draft Recreation Reserve Capital Works Contribution Policy will be implemented over the next three years. This will include training for officers and committees of management in the implementation of the policy and associated processes.

**Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Well Being
<b>Objective</b>	Increase and encourage participation in a range of 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

The Draft Recreation Reserve Capital Works Contribution Policy is consistent with the 2013-2017 Council Plan and the Recreation and Leisure Strategy 2015 -2021.

**Financial Implications**

The development and implementation of the Draft Policy has been undertaken within existing resources. Any future budget implications will be referred to Council’s budget process for consideration.

**Risk & Occupational Health & Safety Issues**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Community Needs	Service gaps if the policy is not consistently implemented across the Shire	High	Council to review outcomes of policy implementation

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
			in partnership with Reserve Managers
Financial	Funding required to progress actions outlined in the policy and associated policies	Medium	Business cases prepared for consideration in future Council budgets

### **Community Engagement Strategy**

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

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Date</b>	<b>Outcome</b>
Consult	Moorabool Shire Recreation and Leisure Strategic Advisory Committee	Presentation and workshop on the draft policy	February 2016	Feedback provided to finalise the Draft document

### **Communications Strategy**

It is proposed that the Draft Recreation Reserve Capital Works Contribution Policy be placed on public exhibition for four weeks. The exhibition of the Policy will involve:

- " Have Your Say Moorabool, Council's Online Community Engagement Portal
- " Making copies available at Council's Customer Service locations
- " Making copies available at the Lerderderg Library and the Ballan Library.
- " All Committees directly notified of the opportunity to view the Draft Policy; discuss it with Officers and provide feedback
- " Re-presentation to the Recreation and Leisure Strategic Advisory Committee

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

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

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

### Officer's Declaration of Conflict of Interests

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

*General Manager – Danny Colgan*

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

*Author – Troy Scoble*

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

### Conclusion

The Draft Recreation Reserve Capital Works Contribution Policy provides the principles and objectives for Council's standard provision for recreation and leisure facilities and potential funding models to drive future development opportunities. The draft policy applies to all reserves/facilities regardless of ownership and management model that are available for community access.

The Draft Recreation Reserve Capital Works Contribution Policy was considered at a meeting of the Social Development Committee of Council on the 16 March 2016 with a recommendation by the Committee that it requests that the Draft Recreation Reserve Capital Works Contribution Policy (with any identified amendments) be presented to the April Ordinary Meeting of Council for endorsement for the purposes of community exhibition for a period of four weeks.

### Recommendation:

#### That Council:

1. **Endorses the Draft Recreation Reserve Capital Works Contribution Policy for the purpose of community exhibition for a period of four weeks.**
2. **Receives a further report at the conclusion of the community exhibition period seeking adoption of the Draft Recreation Reserve Capital Works Contribution Policy.**

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### Report Authorisation

**Authorised by:**

**Name:**

**Title:**

**Date:**



Danny Colgan

General Manager Community Services

Wednesday, 30 March 2016

### 10.3.6 Draft Recreation Reserve Leases and Licences Occupancy Policy

#### Introduction

File No.: 12/09/021  
Author: Troy Scoble  
General Manager: Danny Colgan

#### Background

The purpose of this report is to recommend that the Council endorse the Draft Recreation Reserve Leases and License Occupancy Policy for the purposes of community exhibition for a period of four weeks.

#### Proposal

The Recreation and Leisure Strategy 2015-2021 was adopted by the Council at Ordinary Meeting held on the 2 September 2015. A key recommendation of the strategy was the development of a Reserve Management Framework to ensure there is a coordinated, integrated, consistent approach to the management and operation of recreation reserves and facilities across Moorabool Shire.

The following principles consistent with those outlined in the Recreation and Leisure Strategy 2015 . 2021 underpin the development of the framework and its associated policies:

- " Partnerships
- " Accessibility
- " Participation
- " Equity and Fairness
- " Financial Responsibility

The associated policies are: draft Community Facilities Funding Policy; draft Recreation Reserve User Fees & Charges Policy; draft Recreation Reserve Leases & Licenses Occupancy Policy; draft Recreation Reserves Capital Works Contribution Policy and Revised draft Appointments and Delegations Policy.

The Draft Recreation Reserve Lease Licences Occupancy Policy contained in Attachment 10.3.6 provides a management and usage model for the allocation of use of recreation reserve facilities across the Moorabool Shire

Key objectives of this policy include:

- Support Reserve Managers (Council and Committees of Management) in the management and allocation of usage at reserves;
- Provide a consistent equitable approach to the management of reserve facilities;
- Minimise Councils and user groups risk exposure;
- Provide user groups with a tenure for usage of facilities, and
- Outline roles and responsibilities for all parties relating to use of facilities

The draft policy outlines three types of agreement recommended for implementation at reserves and facilities. These are leases, licenses and casual use agreements. The Draft policy recommends the type of usage that would apply to each the agreement types. The draft policy also recognises that each usage should be managed on a case by case basis. Therefore, there is flexibility in the management agreements to ensure the agreement is tailored toward the type of usage.

The draft policy also outlines that different agreements are required to be implemented depending the ownership of the facility.

Council's role in the implementation of the policy as part of the Recreation Reserve Management Framework is to work collaboratively with various management models/agencies to establish fair and equitable management and use arrangements at all reserves to ensure consistency and equity regardless of the type of governance structure/s in place.

The Draft Recreation Reserve Lease License and Occupancy Policy will be implemented over the next three years. This will include training for officers and committees of management in the implementation of the policy and associated processes.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Well Being
<b>Objective</b>	Increase and encourage participation in a range of 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

The Draft Recreation Reserve Lease License and Occupancy Policy is consistent with the 2013-2017 Council Plan and principles outline in the Recreation and Leisure Strategy 2015 -2021.

### **Financial Implications**

The development of the Draft Policy was undertaken within existing resources. Any future budget implications will be referred to Council's budget process for consideration.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Service gaps if the policy is not consistently implemented across the Shire	High	Council to review outcomes of policy implementation in partnership with Reserve Managers
Financial	Funding required to progress actions outlined in the policy and associated policies	Medium	Business cases prepared for consideration in future Council budgets

### Community Engagement Strategy

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

Level of Engagement	Stakeholder	Activities	Date	Outcome
Consult	Moorabool Shire Recreation and Leisure Strategic Advisory Committee	Presentation and workshop on the draft policy	February 2016	Feedback provided to finalise the Draft document

### Communications Strategy

It is proposed that the Draft Recreation Reserve Lease License and Occupancy Policy be placed on public exhibition for four weeks. The exhibition of the Policy will involve:

- " Have Your Say Moorabool, Council's Online Community Engagement Portal
- " Making copies available at Council's Customer Service locations
- " Making copies available at the Lerderderg Library and the Ballan Library.
- " All Committees directly notified of the opportunity to view the Draft Policy; discuss it with Officers and provide feedback
- " Re-presentation to the Recreation and Leisure Strategic Advisory Committee

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



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

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

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

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

#### *General Manager – Danny Colgan*

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

#### *Author – Troy Scoble*

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

### **Conclusion**

The Draft Recreation Reserve Lease & Licenses Occupancy Policy outlines three types of agreement recommended for implementation at reserves and facilities. These are leases, licenses and casual use agreements. The Draft policy recommends the type of usage that would apply to each the agreement types. The draft policy also recognises that each usage should be managed on a case by case basis. Therefore, there is flexibility in the management agreements to ensure the agreement is tailored toward the type of usage.

The Draft Recreation Reserve Lease & Licenses Occupancy Policy was considered at a meeting of the Social Development Committee of Council on the 16 March 2016 with a recommendation by the Committee that it requests that the Draft Recreation Reserve Lease & Licenses Occupancy Policy (with any identified amendments) be presented to the April Ordinary Meeting of Council for endorsement for the purposes of community exhibition for a period of four weeks.

### **Recommendation:**

#### **That Council:**

- 1. Endorses the Draft Recreation Reserve Lease and Licenses Occupancy Policy for the purpose of community exhibition for a period of four weeks.**
- 2. Receives a further report at the conclusion of the community exhibition period seeking adoption of the Recreation Reserve Lease & Licenses Occupancy Policy.**

## Report Authorisation

**Authorised by:**



**Name:**

Danny Colgan

**Title:**

General Manager Community Services

**Date:**

Wednesday, 30 March 2016

### 10.3.7 Draft Recreation Reserve User Fees and Charges Policy

#### Introduction

File No.: 12/09/021  
Author: Troy Scoble  
General Manager: Danny Colgan

#### Background

The purpose of this report is to recommend that the Council endorse the Draft Recreation Reserve User Fees and Charges Policy for the purposes of community exhibition for a period of four weeks.

#### Proposal

The preparation of a Recreation Reserve User Fees and Charges Policy is a 2015-2016 Council Plan Action.

The Recreation and Leisure Strategy 2015-2021 was adopted by the Council at Ordinary Meeting held on the 2 September 2015. A key recommendation of the strategy was the development of a Reserve Management Framework to ensure there is a coordinated, integrated, consistent approach to the management and operation of recreation reserves and facilities across Moorabool Shire.

The following principles consistent with those outlined in the Recreation and Leisure Strategy 2015. 2021 underpin the development of the framework and its associated policies:

- " Partnerships
- " Accessibility
- " Participation
- " Equity and Fairness
- " Financial Responsibility

The associated policies are: draft Community Facilities Funding Policy; draft Recreation Reserve User Fees & Charges Policy; draft Recreation Reserve Leases & Licenses Occupancy Policy; draft Recreation Reserves Capital Works Contribution Policy and Revised draft Appointments and Delegations Policy.

The Draft Recreation Reserve User Fees and Charges Policy contained in Attachment 10.3.7 provides the principles and objectives for fees collected from users of Recreation Reserves within Shire for the purposes of recreation, sport, events and other community activities and create equity and access of like facilities. Key principles driving the development of the policy are that:

- user fees are a vital component to the operational/facility funding process
- users are expected to contribute toward the management and maintenance of community facilities; and
- core principles of like fees for like facilities and access and equity should apply for community use of facilities.

The draft policy outlines fee categories for sports ground/court usage as well as a fee category for pavilion/facility usage. The Recreation and Leisure Strategy 2015-2021 recommends the Council seek to recoup between 10 per cent . 20 per cent of maintenance costs required for use of sports grounds and 0.50% - 0.75% of the sum insured value for the use of pavilions. The draft policy proposes that Council set the recouping of maintenance costs at 10% and the sum insured value at 0.50%.

Other components of the model include:

- consideration of subsidies to be applied to those groups who assist Council in achieving its Health and Well Being objectives such as junior clubs or start up groups.
- that usage of community facilities for a commercial outcome be levied a higher user fee.
- That fees be collected by the Reserve Manager.
- That user fees are a vital component of the facility funding mix, therefore the amount of user fees be deducted from the gross facility funding amount allocated toward a reserve for distribution.
- It is imperative for the efficient implementation of the Reserve Management Model that Non-Council owned and managed reserves across the Shire receiving operational funding, demonstrate that fees and charges are being applied and encourage those reserves to implement a consistent method.

A proposed model is recommended as part of the policy for consideration which categorises facilities and the maintenance required to each category to ensure like facilities levy like fees and charges.

Council's role in the implementation of the policy as part of the Recreation Reserve Management Framework is to work collaboratively with various management models/agencies to establish fair and equitable management and use arrangements at all reserves to ensure consistency and equity regardless of the type of governance structure/s in place.

The Draft Recreation Reserve User Fees and Charges Policy will be implemented over the next three years. This will include training for officers and committees of management in the implementation of the policy and associated processes.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Well Being
<b>Objective</b>	Increase and encourage participation in a range of sport, recreation and leisure activities

**Strategy**

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

The Draft Recreation Reserve User Fees and Charges Policy is consistent with the 2013-2017 Council Plan and principles outlined in the Recreation and Leisure Strategy 2015-2021.

**Financial Implications**

The development of the Draft Policy has been undertaken within existing resources. Any future budget implications will be referred to Council's budget process for consideration.

**Risk & Occupational Health & Safety Issues**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Community Needs	Service gaps if the policy is not consistently implemented across the Shire	High	Council to review outcomes of policy implementation in partnership with Reserve Managers
Financial	Funding required to progress actions outlined in the policy and associated policies	Medium	Business cases prepared for consideration in future Council budgets

**Community Engagement Strategy**

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

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Date</b>	<b>Outcome</b>
Consult	Moorabool Shire Recreation and Leisure Strategic Advisory Committee	Presentation and workshop on the draft policy	February 2016	Feedback provided to finalise the Draft document

**Communications Strategy**

It is proposed that the Draft Recreation Reserve User Fees and Charges Policy be placed on public exhibition for four weeks. The exhibition of the Policy will involve:

- " Have Your Say Moorabool, Council's Online Community Engagement Portal
- " Making copies available at Council's Customer Service locations
- " Making copies available at the Lerderderg Library and the Ballan Library.
- " All Committees directly notified of the opportunity to view the Draft Policy; discuss it with Officers and provide feedback
- " Re-presentation to the Recreation and Leisure Strategic Advisory Committee

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

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Troy Scoble*

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

### **Conclusion**

The Draft Recreation Reserve User Fees and Charges Policy outlines the principles and objectives for fees collected from users of Recreation Reserves within Shire for the purposes of recreation, sport, events and other community activities and create equity and access of like facilities.

The Draft Recreation Reserve User Fees and Charges Policy was considered at a meeting of the Social Development Committee of Council on the 16 March 2016 with a recommendation by the Committee that it requests that the Draft Recreation Reserve User Fees and Charges Policy (with any identified amendments) be presented to the April Ordinary Meeting of Council for endorsement for the purposes of community exhibition for a period of four weeks.

### **Recommendation:**

#### **That Council:**

- 1. Endorses the Draft Recreation Reserve User Fees and Charges Policy for the purpose of community exhibition for a period of four weeks.**
- 2. Receives a further report at the conclusion of the community exhibition period seeking adoption of the Recreation Reserve User Fees and Charges Policy.**

**Report Authorisation**

---

**Authorised by:**



**Name:**

Danny Colgan

**Title:**

General Manager Community Services

**Date:**

Wednesday, 30 March 2016

### 10.3.8 Draft Revised Appointments and Delegation Policy

#### Introduction

File No.: 12/09/021  
Author: Troy Scoble  
General Manager: Danny Colgan

#### Background

The purpose of this report is to recommend that the Council endorse the Draft Revised Appointments and Delegations Policy for the purposes of community exhibition for a period of four weeks.

#### Proposal

The revision of the Appointments and Delegations Policy is a Council Plan Action for 2015-2016.

The Recreation and Leisure Strategy 2015-2021 was adopted by the Council at Ordinary Meeting held on the 2 September 2015. A key recommendation of the strategy was the development of a Reserve Management Framework to ensure there is a coordinated, integrated, consistent approach to the management and operation of recreation reserves and facilities across Moorabool Shire.

The following principles consistent with those outlined in the Recreation and Leisure Strategy 2015. 2021 underpin the development of the framework and its associated policies:

- " Partnerships
- " Accessibility
- " Participation
- " Equity and Fairness
- " Financial Responsibility

The associated policies are: draft Community Facilities Funding Policy; draft Recreation Reserve User Fees & Charges Policy; draft Recreation Reserve Leases & Licenses Occupancy Policy; draft Recreation Reserves Capital Works Contribution Policy and Revised draft Appointments and Delegations Policy.

The Draft revised Appointment and Delegations Policy contained in Attachment 10.3.8 governs the Council's Committees of Management appointed under Section 86 of the *Local Government Act 1989*. The Act stipulates the roles and responsibilities required for Section 86 Committees of Management.

Council currently delegates the management responsibilities of some Recreation Reserves, Halls and Heritage Facilities to Committees of Management pursuant to Section 86 of the *Local Government Act 1989*. These Committees, referred to as Section 86 Committees of Management are appointed by an Instrument of Delegation and Council resolution.



A Community engagement process has been undertaken with existing Committees of Management as a part of the review of the policy. The Community Engagement Activities included:

- Meetings with Committees of Management
- Emails to existing Committees of Management with a questionnaire
- Draft Revised Policy provided to Committees of Management for feedback

The Community Engagement feedback included:

- Clarification about election of committees members outside the Bi-annual General meeting
- Clarification of Bi-annual general meeting timeframes
- Information on insurance coverage
- Clarification on setting of fees
- More training for volunteers
- Increased information and support for committees
- Acknowledgement of the work of volunteers
- More support required with capital grants
- Policy needs to be easier to understand for volunteers
- Clearer about powers and responsibilities

Following this Community Engagement process, a Revised Draft Appointments and Delegations Policy has been developed for Council consideration and endorsement for community exhibition.

The Revised Draft policy outlines the:

- Purpose of the Revised Draft policy
- Policy conditions that apply to Committees
- Role of the Committee of Management
- Powers and Responsibilities
- Committee Processes
- Support for delegated Committees
- Council resolution and schedule
- Instrument of Delegation

Council's role in the implementation of the policy as part of the Recreation Reserve Management Framework is to work collaboratively with various management models/agencies to establish fair and equitable management and use arrangements at all reserves to ensure consistency and equity regardless of the type of governance structure/s in place.

The Draft Appointment and Delegations Policy will be implemented over the next three years. This will include Officer and Committee members training in the implementation of the policy.

## Policy Implications

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Well Being
<b>Objective</b>	Community Self-reliance and resilience
<b>Strategy</b>	Actively support committees of management in the management of community assets

The Draft Appointment and Delegations Policy is consistent with the 2013-2017 Council Plan and principles outlined in the Recreation and Leisure Strategy 2015-2021.

## Financial Implications

The revision of the Draft Policy has been undertaken within existing resources. Any future budget implications will be referred to Council's budget process for consideration.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Service gaps if the policy is not consistently implemented across the Shire	High	Council to review outcomes of policy implementation in partnership with Reserve Managers
Council Plan Action to revise policy	Council Plan action not completed	Low	Council to revise and adopt the revised Appointments and Delegations Policy

## Community Engagement Strategy

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

Level of Engagement	Stakeholder	Activities	Date	Outcome
Consult	Committees of Management	Email questionnaire to Committees of Management (recreation)	2015	Feedback from 5 Committees
Involve	Committees of Management	Meetings with Committees of Management (Halls and Heritage)	2015	Meetings with 9 Committees

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Date</b>	<b>Outcome</b>
Consult	Committees of Management	Email draft Policy to Committees for feedback.	2015	To be advised
Consult	Moorabool Shire Recreation and Leisure Strategic Advisory Committee	Presentation and workshop on the draft policy	February 2016	Feedback provided to finalise the Draft document

### **Communications Strategy**

It is proposed that the Draft Revised Appointment and Delegations Policy be placed on public exhibition for four weeks. The exhibition of the Policy will involve:

- Have Your Say Moorabool, Council's Online Community Engagement Portal
- Making copies available at Council's Customer Service locations
- Making copies available at the Lerderderg Library and the Ballan Library.
- All Council Section 86 Committees directly notified of the opportunity to view the Draft Policy; discuss it with Officer and provide feedback
- Re-presentation to the Recreation and Leisure Strategic Advisory Committee

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

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Troy Scoble*

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

## Conclusion

The Draft revised Appointment and Delegations Policy governs the Council's Committees of Management appointed under Section 86 of the Local Government Act 1989. The Act stipulates the roles and responsibilities required for Section 86 Committees of Management

The Revised Draft Appointments and Delegations Policy was considered at a meeting of the Social Development Committee of Council on the 16 March 2016 with a recommendation by the Committee that it requests that the Revised Draft Appointments and Delegations Policy (with any identified amendments) be presented to the April Ordinary Meeting of Council for endorsement for the purposes of community exhibition for a period of four weeks.

## Recommendation:

### That Council:

1. **Endorse the Revised Draft Appointments and Delegations Policy for the purpose of community exhibition for a period of four weeks.**
2. **Receives a further report at the conclusion of the community exhibition period seeking adoption of the Revised Appointments and Delegations Policy.**

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## Report Authorisation

**Authorised by:**

**Name:**

**Title:**

**Date:**



Danny Colgan

General Manager Community Services

Wednesday, 30 March 2016

## 10.4 INFRASTRUCTURE SERVICES

### 10.4.1 Community Survey – Greenwaste Disposal

#### Introduction

File No.: 16/05/005  
Author: Glenn Townsend  
General Manager: Phil Jeffrey

#### Background

The Moorabool Waste Management & Resource Recovery Strategy sets the direction for future management of waste by Moorabool Shire over the next 5-10 years. One of the recommendations within the implementation plan is to investigate options for a greenwaste collection service, which is currently not provided by Council. The survey of residents and resolution of Council's position in relation to greenwaste is also a key action included within the 2015 Council Plan.

Transfer stations currently divert an estimated 1,000 tonnes of garden organics per year. However, the main opportunity for diverting organics from landfill is the introduction of a kerbside organics service. It is estimated in the order of 45% of kerbside garbage is garden and food organics, representing in the order of 1,800-1,900 tonnes of landfilled waste each year. As the population grows and new gardens mature, there will likely to be more organics available.

The provision of a greenwaste service was considered at the Place Making Advisory Committee in August 2015, and it was resolved to undertake a community survey in order to receive feedback on the level of demand, to assist Council in making an informed decision.

The survey was undertaken over a period of four weeks, and available to the community electronically (via Have Your Say Moorabool) as well as in hard copy in Moorabool Matters which is distributed to all properties within the Shire.

The results of the survey were presented to the Place Making Advisory Committee in March 2016, where, based on the analysis below, the following was resolved:

*That the Place Making Advisory Committee recommends to Council that:*

- 1. A non-compulsory kerbside greenwaste collection be implemented within the urban (residential zoned) areas of Bacchus Marsh and Ballan.*
- 2. The service be provided for a trial period from January 2017 to June 2019 at a cost of approximately \$85-\$100 per tenement including corporate overheads.*
- 3. A further report be presented to Council regarding the feasibility for a continued service at least 6 months prior to the completion of the trial period.*

4. *An amendment to the existing Waste & Resource Recovery Policy be made to include the additional service.*
5. *Refers the costs associated with the implementation of the service to the annual budget process.*

### **Community Survey**

498 survey responses were received from members of the community, with 69% of respondents identifying themselves as living within an urban township (ie. Bacchus Marsh or Ballan). A copy of the detailed survey results is provided as an attachment to this report.

The following question was posed as part of the survey with regard to greenwaste disposal:

*The introduction of a kerbside greenwaste collection, if this were offered by Council, would be on a full cost recovery basis with the associated charge added to your Rate & Valuation Notice. Given this please select one of the following.*

Option 1: *A kerbside collection (240L bin) at a cost of approximately \$60-90 per annum.*

Option 2: *Continue to use Council's transfer stations, paying the associated gate fees.*

Option 3: *Make my own arrangements (ie. composting, mulching etc).*

Option 4: *I would not utilise a greenwaste service.*

Option 5: *Other (please specify).*

The responses received indicate support for a kerbside collection, with 55% of responses indicating that they would utilise a service provided by Council. The majority of those responses were provided by residents within urban areas.

Feedback from the community within rural living and rural/farming areas, suggests a very low take up rate, with the majority of residents noting that they would not utilise a service and would make alternative arrangements for the disposal of greenwaste.

### **Servicing Options**

In preparing this report, Officers considered a number of key options:

#### 1. Provision of a Compulsory Service within Urban Areas

Across the Bacchus Marsh and Ballan areas, there is approximately 7,950 residential properties that would be included on such a service. This option would create a three bin kerbside collection system for urban areas, with greenwaste collected on the opposite fortnight to recycling. A 240L greenwaste bin would be provided for each application, at an estimated cost of \$80.

A compulsory service charge would be applied to all rateable properties in the urban areas of Bacchus Marsh and Ballan, as part of their annual Rate and Valuation Notice.

An overview of costs and cost implications is provided in the financial section of this report.

## 2. Provision of a Non-Compulsory Service within Urban Areas

This option would create an optional three bin kerbside collection system for urban areas. Ideally, greenwaste would be collected on the opposite fortnight to recycling, however some alternate scheduling may need to occur subject to the number of properties included on the service. A 240L greenwaste bin would be provided for each application, at an estimated cost of \$80.

A service charge would be applied to all properties in the urban areas of Bacchus Marsh and Ballan that opt in to the service as part of their annual Rate and Valuation Notice. Properties would need to be part of the service for a minimum 12 month period.

Typically a well promoted non-compulsory service would attract a take up rate of around 40% and as such it would be expected that approximately 3,200 properties within the urban areas of Bacchus Marsh and Ballan could take part in a service. The survey results generally support this figure.

An overview of costs and cost implications is provided in the financial section of this report.

## 3. No Service

This option involves no change to Council's existing collection services and the use of transfer stations or other alternative arrangements would remain.

### **Disposal Options**

It is estimated that a compulsory service would yield approximately 2,110 tonnes per annum, and a non-compulsory service approximately 845 tonnes per annum, depending on the take up rate.

A number of options have been investigated, including processing facilities at Epping and Brooklyn. There is a proposal for a new facility to be established in Moorabool at Mount Wallace and if a service is endorsed, this option would be the preferred outcome.

Given the estimated quantities of greenwaste that is routinely disposed of in waste bins, it is anticipated that the provision of a greenwaste service would reduce the amount of waste to landfill, an objective also supported by State and Federal waste policies.

## Bin Supply

240L greenwaste bins would be required to be provided by the property owner, and would be available for purchase through Council for a one off cost to minimise the up-front cost of the service to Council. The cost to purchase a bin is proposed to be set at approximately \$80 for the first year of the service and in the following years would revert to the charge as adopted in the annual budget.

## Proposal

Based on an analysis of the above, it is recommended that Council implement a fortnightly optional kerbside greenwaste collection in the urban areas of Bacchus Marsh and Ballan (option 2). To establish the long term viability of providing the service, it is recommended that a trial period apply initially, and that residents who apply to utilise the service be required to commit for a minimum of twelve months. It is recommended that the trial period continue until the end of Council's existing waste contracts, being end June 2019.

Nearing completion of the trial period, a further report would be presented to Council outlining the success of the trial, and consideration to providing a continued service.

It is likely that there may not be full cost recovery in the initial phase of implementation of the service, until a critical number of tenements is reached.

Council's Waste Policy will also require amendment to reflect the provision of a new service and a revised copy is attached to this report to reflect the proposal.

## Implementation

Subject to Council approval, it is anticipated that a new service could commence in January 2017 and continue until June 2019 to align with other waste contracts, should the service continue.

A community education program would also be undertaken prior to implementation, to ensure that residents are aware of the availability of the service, in addition to the types of materials that can be placed in bins.

## Policy Implications

The 2013-2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Infrastructure and Natural and Built Environment
<b>Objective</b>	Effective Management of Municipal Waste and Recycling
<b>Strategy</b>	Implement the Waste Management Policy and Strategy

The proposal to implement a kerbside greenwaste service in the urban areas of the Shire is consistent with the 2013-2017 Council Plan.



## Financial Implications

A cost table for option 1 and 2 has been prepared to outline the costs associated with the service. The costs assume \$1.20/lift/tenement plus \$1.40/tenement for transport, in addition to \$65/tonne process fee with each property producing 266kg/annum.

### 1. Provision of a Compulsory Service within Urban Areas

	\$
7,950 tenements x \$2.60 (lift/transport) x 26 (fortnightly)	537,420
2,100 tonnes/annum x \$65/tonne	137,150
Corporate overheads at \$10.94/household*	86,946
<b>Total estimated cost per annum</b>	<b>761,516</b>

*\*Corporate overhead figure is calculated based on 21.1% of the overall \$412,000 corporate overhead estimate.*

### 2. Provision of a Non-Compulsory Service within Urban Areas

	\$
3,200 tenements x \$2.60 (lift/transport) x 26 (fortnightly)	216,320
845 tonnes/annum x \$65/tonne	54,925
Corporate overheads at \$12.50/household*	40,009
<b>Total estimated cost per annum</b>	<b>311,254</b>

*\*Corporate overhead figure is calculated based on 9.7% of the overall \$412,000 corporate overhead estimate.*

The above estimates equate to an additional charge of approximately \$85-100 per tenement per annum.

In addition to the above, officers would also intend on seeking grant opportunities as they arise, to assist with the implementation, however it is noted that no current grants are open for application.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
OH&S	Manual handling risks	Low	Collection process is fully automated. Contractors to have OH&S systems in place.
Financial	Low take up of service (number of services is below anticipated)	Medium	Appropriate financial controls in place for the trial period. Initial implementation expenses to Council to be referred to the budget process.
Public Liability	Contractor damages property	Low	Contractor to have appropriate insurances and operating procedures

## **Communications Strategy**

An extensive consultation period was undertaken during late 2015 to help inform community views on the provision of a greenwaste service.

Should Council resolve to proceed with the proposal, advertisements would be placed in local media and Council's online forums, seeking applications from the community to apply to receive a service.

Ongoing, the service would be promoted via Council's regular communications including online, social media and through Moorabool Matters.

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

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

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

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

*General Manager – Phil Jeffrey*

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

*Author – Glenn Townsend*

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

## **Conclusion**

One of the recommendations within Council's Waste & Resource Recovery Strategy is to investigate options for a greenwaste collection service, which is currently not provided by Council. The survey of residents and resolution of Council's position in relation to greenwaste is also a key action included within the 2015 Council Plan.

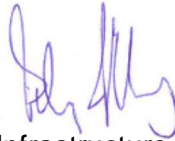
A survey was undertaken to ascertain the community's view on the provision of a greenwaste service. The results indicate that there is support for a kerbside service in the urban areas of the Shire and that rural areas generally don't support such a service.

The introduction of a non-compulsory kerbside greenwaste service could be accomplished for a cost of \$85-\$100/tenement/annum and could achieve a take up rate of over 40% of urban properties, potentially diverting approximately 845 tonnes of greenwaste from landfill per annum.

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

1. Implement a non-compulsory kerbside greenwaste collection service within the urban (residential and low density residential zoned) areas of Bacchus Marsh and Ballan.
2. Provided the service for a trial period from January 2017 to June 2019, at a cost of approximately \$85-\$100 per tenement including corporate overheads.
3. Request that a further report be presented to Council regarding the feasibility for a continued service at least 6 months prior to the completion of the trial period.
4. Adopts the proposed amendment to the April 2016, Version No. 003, Waste & Resource Recovery Policy (IS002).
5. Refer the costs associated with the implementation of the service to the annual budget process.

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**Report Authorisation****Authorised by:****Name:** Phil Jeffrey**Title:** General Manager Infrastructure**Date:** Wednesday, 30 March 2016

## 10.4.2 Community Survey – Hardwaste Disposal

### Introduction

File No.: 16/05/005  
Author: Glenn Townsend  
General Manager: Phil Jeffrey

### Background

The Moorabool Waste Management & Resource Recovery Strategy sets the direction for future management of waste by Moorabool Shire over the next 5-10 years. One of the recommendations within the implementation plan is to investigate options for a hardwaste collection service, which is currently not provided by Council. The survey of residents and resolution of Council's position in relation to hardwaste is also a key action included within the 2015 Council Plan.

Such services are offered by many Councils to provide residents with a way to dispose waste items that do not fit in garbage and recycling services such as obsolete furniture and fittings, building materials, appliances and large branches.

Hardwaste disposal was considered at the Place Making Advisory Committee in August 2015, and it was resolved to undertake the community survey in order to receive feedback on the level of demand for a number of options, to assist Council in making an informed decision.

The survey was undertaken over a period of four weeks, and available to the community electronically (via Have Your Say Moorabool) as well as in hard copy (distributed in Moorabool Matters).

The results of the survey were presented to the Place Making Advisory Committee in March 2016, where, based on the analysis below, the following was resolved:

*That the Place Making Advisory Committee recommends to Council that:*

- 1. It not proceed with the implementation of a hardwaste service at this time.*
- 2. Officers write to Grampians Central West Waste Management Group in relation to a regional procurement approach for a potential future on call service.*

### Community Survey

498 survey responses were received from members of the community, with 69% of respondents identifying themselves as living within an urban township (ie. Bacchus Marsh or Ballan). A copy of the survey results is provided as an attachment to this report.

The following question was posed as part of the survey with regard to hardwaste disposal:

*The introduction of a hardwaste service, if this were offered by Council, would be on a full cost recovery basis. Given this, please select one of the following.*

Option 1: *An on call pick up service (approx. \$40-60 per collection)*

Option 2: *Transfer station vouchers issued with Rate Notices (approx. \$10-20 added to the notice)*

Option 3: *Continue to use Council's transfer stations, paying the associated gate fees.*

Option 4: *I would not utilise a hardwaste service.*

Option 5: *Other (please specify).*

Whilst the responses received show some support for an on call collection, a high number indicating that residents would more likely utilise transfer station vouchers provided by Council (issued with Rate and Valuation Notices). A preference toward the use of vouchers is evident across urban, rural townships and rural living responses.

However, feedback from the community within rural/farming areas suggests a lower level of support, with the majority of those residents noting that they would not utilise a service.

### **Servicing Options**

There are a number of options available with regard to the disposal of hardwaste:

#### **1. Business as usual**

This is maintaining the status quo of transfer station provision with no dedicated hard waste services. This may not meet the expectations of the community, and does not meet the needs of those with restricted access to transfer station services due to lack of mobility.

#### **2. General precinct collection service.**

This is the traditional system of designating a collection period within collection precincts and allowing set out of waste during this period. Materials are generally set out during the collection period, and may be on nature strips for more than a week before collection.

3. On-call systems, where households book a pick-up service.

These systems vary in their degree of sophistication from a simple call/email to book, through to on-line survey bookings where users describe the items to be collected prior to booking. Materials are typically set out inside front yards or on nature strips the day the collection is due. These systems generally have lower uptake, but can have very uneven demand over the year, with high demand in spring leading up to Christmas making them harder to resource.

4. Hybrid precinct-on-call system.

Under these systems, people within a designated precinct are notified for the period of collection in which they can book a service. This concentrates and confines the area and time of each collection and provides incentives for people to clean-up materials for collection

5. Limited access services.

Under such as service, the hard waste service might only be offered to those holding valid social service cards such as pensioners and unemployed people who may have difficulty in hauling waste and affording transfer station fees or private collection company services. On-call systems could be used to service areas. The advantage of this approach is that it meets the needs of people who will find it hard to use other services. Costs per serviced household may be higher, but overall costs will likely be considerably lower. A nominal service fee might be considered to partially recover costs and manage demand.

6. Transfer Station vouchers.

Under such an approach, all or some eligible (e.g. pensioners, unemployed) ratepayers will receive annual waste vouchers. Advantages of this approach are it avoids any public safety issues associated with kerbside set out, and that conditions could be placed on use of the vouchers (for example, only loads separated for recycling are free of charge). Disadvantage of such an approach are: users still have to have access to a trailer to take materials to the transfer stations; the vouchers will reduce revenue from those who are currently willing to use and pay at the transfer stations; provision of vouchers may create demand and increase the quantities of waste managed through council facilities because people using mini-skip services may use council facilities instead; and there could potentially be black market trading of vouchers by those who do not need them to those who currently pay to use transfer station services - higher administration costs will be incurred if user have to provide identification to ensure the voucher they use is the one allocated to them and not one from another resident.

## Advantages / Disadvantages

Collection system model	Advantages	Disadvantages	Comment
Do nothing/ business as usual	<ul style="list-style-type: none"> <li>Lowest/no cost</li> </ul>	<ul style="list-style-type: none"> <li>Does not meet a possible need or expectations for such a service</li> <li>May result in more dumping of goods as people moving from other areas expect a service and simply set materials out</li> </ul>	<ul style="list-style-type: none"> <li>Council needs to determine the level of community demand for a service before moving away from the business as usual model</li> </ul>
General precinct collection areas	<ul style="list-style-type: none"> <li>Generally high rate of use, reducing per tonne and per service costs</li> <li>More scope for a dual 'recycling' and 'landfill' runs to pick over set out items for recyclables before disposal</li> </ul>	<ul style="list-style-type: none"> <li>Greater potential for litter and 'messiness'/'unsightliness'</li> <li>Some public health risks</li> <li>Can get 'area creep' where streets neighbouring precinct set out materials even though they are not due for the service</li> <li>Can create a 'culture of dumping' /placing materials on nature strips in the expectation they will be collected</li> <li>Can get opportunistic dumpers from outside of collection areas</li> <li>Can get scavenging disputes over ownership of items, and also traffic hazards from scavengers</li> <li>Creates expectations of on-going service (hard to take the service away once it has been introduced)</li> <li>All streets in the collection area need to be inspected, and there is a chance households will set out materials immediately after collection and claimed they have been 'missed'.</li> <li>Not well suited to rural or lower density rural residential living properties</li> </ul>	<ul style="list-style-type: none"> <li>This is the 'traditional' service used in other areas.</li> <li>It can be an efficient way to service many premises, but has inherent inefficiencies.</li> </ul>
On-call booking	<ul style="list-style-type: none"> <li>Generally lower costs overall, but due to lower participation and yields</li> <li>Jobs can be scoped/scaled for efficiency</li> </ul>	<ul style="list-style-type: none"> <li>Can have high per service and per tonne unless efficient collection runs can be developed</li> <li>More administratively complex</li> </ul>	<ul style="list-style-type: none"> <li>Levels of participation in such services vary widely from council to council, and depend</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Recyclable items can be identified</li> <li>▪ Households could be directed to 'Freebay' and other re-sale and charity options for reusable items so they do not have to use the council service</li> <li>▪ Compatible with user pays service model</li> <li>▪ Avoids public health and scavenging issues</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide less certainty regarding annual cost – if there are many users costs could blow out</li> <li>▪ Demand can be seasonal and uneven, making it hard to resource and meet community expectations of a reasonably prompt service</li> </ul>	<p>on how well the availability of services is promoted.</p> <ul style="list-style-type: none"> <li>▪ Some councils have on-line booking services that allow users to detail the nature of materials (volume, type of items, etc.) that allow a tailored service and targeted recycling/salvage.</li> </ul>
<p>Hybrid precinct-booking service</p>	<ul style="list-style-type: none"> <li>▪ Avoids/reduces risks associated with seasonal demand, mess, scavenging and public health issues</li> <li>▪ Concentrates period during which particular areas can use the service</li> <li>▪ Limits the period of set out to no more than a few days</li> <li>▪ Allows users to detail items they have for collection so collection can be tailored to their needs</li> <li>▪ Economies of scale are better, with lower costs per service and tonne</li> </ul>	<ul style="list-style-type: none"> <li>▪ Can be administratively difficult to identify when those booking systems are eligible for collection</li> <li>▪ May still get 'edge' effect with people seeing set out materials and setting out materials without a booking.</li> </ul>	<ul style="list-style-type: none"> <li>▪ This option allows for targeted service provision.</li> <li>▪ On-line booking could be used.</li> </ul>



In preparing this report, Officers considered the following key options as viable solutions for Moorabool:

1. Provision of a Non Compulsory On Call Service within Urban Areas

Across Bacchus Marsh and Ballan areas, there are approximately 7,900 residential properties that may elect to receive an on call service. With an on call service there are still public safety and OHS issues but to a much lesser degree than a general precinct collection when residents place their items on the nature strip for collection.

The biggest disadvantage with the introduction of a non-compulsory on call service would be that it needs to be on a full cost recovery basis and this would likely make the service too expensive for most residents.

It is considered that the only way this option could work is if it was limited to certain months of the year (September for example) and if it was tied into a regional procurement process to create economies of scale.

2. Provision of Transfer Station Vouchers

The advantages of this option is that it avoids all disadvantages of a general precinct option which are public health and safety, OHS, scavenging and general untidiness issues associated with a hardwaste kerbside collection service. The biggest disadvantage would be that residents would most likely need to have access to a vehicle and a trailer to take materials to the transfer station.

3. No Provision of Service

This option involves no change to Council's existing collection service and the use of transfer stations or other alternative arrangements would remain.

### **Proposal**

Whilst there is support for a hardwaste service via the issue of transfer station vouchers provided by Council and to a lesser extent an on-call collection service, there is also feedback from the rural/farming areas that such a service would not be utilised. Whatever option chosen for hardwaste collection, there are disadvantages that come with it.

Therefore, based on an analysis of the options and taking on board the feedback from the community, it is recommended that Council resolve not to implement a hardwaste service at this point in time. It is recommended however, that officers investigate the potential for a future on call service as a joint procurement approach with the Grampians Central West Waste Management Group.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

#### **Key Result Area**

Enhanced Infrastructure and Natural and Built Environment

**Objective** Effective Management of Municipal Waste and Recycling

**Strategy** Implement the Waste Management Policy and Strategy

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

### Financial Implications

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

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
OH&S	Manual handling risks	Low	Collection process is undertaken by contractors with Safe Operating Procedures in place
Financial	Loss of existing revenue through the gate entry fee	Low	Officers to monitor
Public Liability	Contractor	Low	Collection process is undertaken by contractors with Safe Operating Procedures in place

### Communications Strategy

An extensive community consultation period was undertaken during late 2015 to help inform community views on the provision of a hardwaste service.

Should Council proceed with the proposal, information and vouchers would be distributed with rates notices outlining types of materials that can be disposed of using the vouchers at the transfer station.

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

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

### Officer's Declaration of Conflict of Interests

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

*General Manager – Phil Jeffrey*

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

*Author – Glenn Townsend*

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

**Conclusion**

One of the recommendations within Council's Waste & Resource Recovery Strategy is to investigate options for a hardwaste collection service, which is currently not provided by Council. The survey of residents and resolution of Council's position in relation to hardwaste is also a key action included within the 2015 Council Plan.

A survey was undertaken to ascertain the community's view on the provision of a hardwaste service. Based on an analysis of the options available and feedback received, it is recommended that Council resolve not to implement a service. It is recommended however, that officers investigate the potential for a future on call service as a joint procurement approach with the Grampians Central West Waste Management Group.

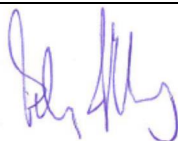
**Recommendation:****That Council:**

- 1. Not proceed with the implementation of a new Hardwaste service at this time.**
- 2. Requests Officers write to Grampians Central West Waste Management Group in relation to a regional procurement approach for a potential future on call service.**

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

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Wednesday, 30 March 2016



### 10.4.3 Lerderderg River Walking Trail – Adjacent to Bacchus Marsh Golf Club

#### Introduction

File No.: 02/13/023  
Author: Sam Romaszko  
General Manager: Phil Jeffrey

#### Background

During 2010 and early 2011 various severe weather events were experienced across the Shire resulting in widespread flood damage to Council's infrastructure including roads, drains, bridges, walking trails, recreation reserves and buildings. The Lerderderg River walking trail link was a popular community and recreational asset that sustained significant damage during the floods.

There were many constraints associated with the restoration of this recreational path along the Lerderderg River corridor. Extensive investigation occurred for a number of options, with consideration to the following complexities;

- River flood levels
- Melbourne Water requirements
- Cultural Heritage impacts
- Native Vegetation impacts
- Land owner approval
- Ongoing maintenance requirements

Rehabilitation of the existing path within the waterway corridor was not permitted given the constraints above. An alternate alignment was proposed that met authority guidelines and would have been constructed by the June 2014 deadline. Following an extensive design and consultation process, a vote by Bacchus Marsh Golf Club (BMGC) members was required on the proposal to determine permission for the construction of the trail adjacent to its land on the alternate route that would see the path relocated to the top of the river bank.

The final proposal was presented to BMGC members, along with the scope of works, the community benefits and golf club benefits and questions were answered from members for an extended period. The BMGC subsequently voted against the proposal to construct a realigned path through its land. Given this section was on private property and permission to undertake works was declined, Council was left with no choice but to abandon this section of trail at this time.

As a result of the proposal being rejected, at the Ordinary Meeting on Wednesday 07 May 2015 Council resolved to;

1. *Abandon the walking trail along the Lerderderg River at the following locations:*
  - a. *Adjacent to the Bacchus Marsh Golf Course*
  - b. *From Riverbend Drive to Gisborne Road*

2. *Confirms the removal of these sections of walking trail from the register of footpaths in the Road Management Plan as part of the annual update to the register*
3. *Relinquishes the current lease arrangement between Moorabool Shire Council and Bacchus Marsh Golf Club for a walking trail along the Lerderderg River for the use of the public.*

*CARRIED.*

As a result of this resolution, the walking trails adjacent to the Bacchus Marsh Golf Course and a section from Riverbend Drive to Gisborne Road were abandoned, and both walking paths removed from the register of footpaths in the Road Management Plan.

Correspondence has been provided to the BMGC confirming the intention to relinquish the lease and requesting written confirmation to accept termination to conclude this matter. Formal acknowledgement of this acceptance is yet to be received. Legal advice sought regarding lease relinquishment indicates that there is no ~~termination~~ termination of convenience clause and that Council cannot simply terminate the lease because it no longer wishes to be bound by it. Given this, surrendering of the lease is Council's preferred option that requires both Council and BMGC to bring the lease to an end.

In order to finalise the matter, discussions have recently occurred regarding the lease and maintenance concerns of the subject land. Ambiguity surrounding the maintenance responsibility of Council has been clarified following receipt of legal advice. The most relevant lease obligation imposed on Council is to ~~construct~~ construct and maintain the path. Advice received states that, renewal or reconstruction of the path would not be a requirement of the lease.

The reestablishment of this path adjacent to BMGC along the Lerderderg River remains a desire of Council. The path is identified in the Hike & Bike Strategy and included in the long term capital improvement program for consideration in the annual budget process. In the event a future path is constructed, a new lease agreement could be developed and agreed to by both parties.

At the Ordinary Meeting of Council on Wednesday 03 February 2016, an urgent business item was tabled that the Bacchus Marsh Golf Club has raised concerns that Council has not met its obligations with land under a peppercorn lease previously used for a walking track and are frustrated with the process and slow progress of proposals to reopen the walking track. The resolution states;

*That Council Officers prepare a report to be considered at the April 2016 Ordinary Meeting of Council that addresses the following matters in relation to the walking track at the Bacchus Marsh Golf Club:*

- *Does Council have an obligation either documented or in good faith to restore the land to a reasonable condition?*
- *If yes what actions are being taken by Council to address these obligations?*

- *What costs would be associated with the requests from Bacchus Marsh Golf Club?*
- *Details of the process and works required to restore the walking track if Bacchus Marsh Golf Club was to reverse their previous position not to adopt the redesigned walking track.*
- *Regardless of any obligations, how can we move forward and what funding mechanisms may Council pursue to make this project happen?*

**CARRIED.**

### **Proposal**

The recent Council resolution requested further information in relation to various matters. A response to each matter presented has been provided below.

Does Council have an obligation either documented or in good faith to restore the land to a reasonable condition? And if yes, what actions are being taken by Council to address these obligations?

In 2004 when the existing path was established, Moorabool Shire Council and BMGC entered into a peppercorn lease agreement that provided Council the opportunity to construct a walking trail for use by the public along the Lerderderg River. Responsibilities were documented and are detailed below;

1. Public Liability	MSC
2. Fencing	
a. Construction	MSC
b. Maintenance	BMGC
3. Track	MSC
4. Weeds and Vermin Control	MSC
5. Vehicle Access	MSC

The lease is unclear as to the extent of each of the items listed above.

Following closure of the trails due to flood damage in 2011, maintenance of the existing track ceased and weed and vermin control occurred on an irregular basis given the tracks were closed to the public.

Legal advice obtained in relation to erosion experienced within the leased area states that the obligation to maintain the track as per the terms of the Lease does not extend to path restoration. Typically, an obligation to maintain is part of an obligation to repair. In the context of the lease of a building, maintenance would involve painting, cleaning, servicing equipment and clearing drains and gutters. It would not extend to renewal or replacement of the building. Given this, renewal or reconstruction of the path would not be a requirement of the lease.

Although there is no obligation for Council to undertake works on site, it has been proposed to undertake a final weed spraying program in good will.

What costs would be associated with the requests from Bacchus Marsh Golf Club?

The extent of spraying proposed will cost in the order of \$5,000.

Details of the process and works required to restore the walking track if Bacchus Marsh Golf Club was to reverse their previous position not to adopt the redesigned walking track.

During the Flood Recovery Program, Council went through the procurement process for walking trail construction adjacent to BMGC, inclusive of rabbit proof fencing, ball protection fencing and erosion stabilisation works at the 3<sup>rd</sup> green. The approximate cost of these items is in the order of \$450,000. Bank stabilisation works would be in addition to this at an estimated cost of \$250,000.

However, if the alignment is to be altered and necessitates relocation of greens or relocation of path to a boardwalk arrangement, the estimated cost would be in the order of \$900,000.

In the event the project was to proceed, numerous stakeholder approvals would be required including;

- Formal BMGC approval including development of a new lease agreement between BMGC and Council
- A funding commitment from Melbourne Water to undertake bank stabilisation works on the eroded bank
- Planning permit application and external authority approvals
- Revised flora and fauna approvals
- Revised cultural heritage approval
- Funding commitment by Council
- Possible external funding commitment

Regardless of any obligations, how can we move forward and what funding mechanisms may Council pursue to make this project happen?

There are limited external funding opportunities currently available for projects of this nature. The future construction of this path remains on Council's long term capital improvement program but will be difficult to achieve with limited external funding opportunities. If external funds cannot be obtained, the project may have to be funded by the capital program in the future.

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

**Financial Implications**

There are no immediate financial implications associated with this report.

In the event the walking path and associated erosion stabilisation works were to be constructed in the future, funding would be required from Council's Capital Works budget.

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

There are no irregular Risk and Occupational Health and Safety issues identified in this report.

### **Communications Strategy**

There has been recent discussions with the BMGC in relation to the walking trail project and proposed relinquishment of the existing lease. Formal notification to BMGC of the outcome of this report will be required.

### **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**

The reinstatement of this popular community and recreational asset is a significant project for Moorabool Shire and is currently listed on the long term capital improvement program for consideration in the annual budget process.

Relinquishment of the existing lease has previously been articulated to the BMGC. Council has previously proposed, in good faith, to undertake a spraying program to eradicate weeds.

Council officers propose to work with the Committee of Management to confirm the path alignment that is agreeable by both parties.



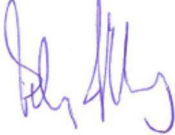
**Recommendation:****That Council;**

1. Reconfirm its desire to relinquish the existing lease between Moorabool Shire Council and Bacchus Marsh Golf Club for a walking trail along the Lerderderg River for the use of the public.
2. Undertake once off weed spraying and pest control along the fence line.
3. Request officers to work with the Bacchus Marsh Golf Club to finalise an alignment that is agreeable to both parties for estimation purposes.
4. Confirm its desire to re-enter into a lease arrangement should a scope and funding for a walking trail along the Lerderderg River be approved into the future.

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

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Wednesday, 30 March 2016



#### 10.4.4 Development Services Schemes and Drainage Strategy within the Ballan Township - Melbourne Water Proposal

##### Introduction

Author: Sam Romaszko  
General Manager: Phil Jeffrey

##### Background

Melbourne Water (MW) is responsible for waterway management, regional drainage and floodplain management within its drainage boundary in the Greater Melbourne area that includes the Bacchus Marsh and Ballan Townships.

An investigation of main drainage catchments within the Ballan Township has been undertaken, with three Development Services Schemes (DSS) and one Drainage Strategy (DS) put forward to Council for consideration. These have been developed to support future development as identified in the Ballan Structure Plan and are listed below;

1. Ballan North West DSS
2. Ballan South West DSS
3. Gillespies Lane DSS
4. Gosling Street Drain DS

The DSS and DS was presented to the Place Making Advisory Committee on Tuesday 15 March 2016, where the following was resolved:

*That the Place Making Advisory Committee requests officers prepare a report to the April Ordinary Meeting of Council recommending that:*

1. *in principle support be provided to the three Development Services Schemes listed below:*
  - a) *Ballan North West DSS*
  - b) *Ballan South West DSS*
  - c) *Gillespies Lane DSS*
2. *the Gosling Street Drainage Strategy proposal be received.*

**CARRIED**

##### Proposal

DSS are prepared by MW in catchment areas greater than 60 hectares to enable the coordination and planning of drainage infrastructure for future urban development. The two main components of this is flood impacts caused by urban runoff and environment protection through water quality measures. The schemes do not alleviate pre-existing flooding within the catchment area, but identify drainage infrastructure and stormwater quality treatment facilities that will be required to service properties for future urban development.

Drainage infrastructure associated with each DSS is constructed as land is subdivided and developed. Conceptual design and developer contribution rates provide landowners and developers clarity on the drainage requirements and associated costs. Land acquisition costs are included within each scheme for landholders who may have significant infrastructure items on their property.

Throughout the life of the DSS the conceptual design may change as detailed design progresses. As a result, the contribution rate may change to reflect the actual cost of infrastructure to be constructed within the DSS

There are a number of schemes and strategies already in place within the municipality, including;

- Cairns Drive, Darley DSS
- Masons Lane, Bacchus Marsh DSS
- Griffith Street, Maddingley DS

### Proposal

MW has put forward three Development Services Schemes (DSS) and one Drainage Strategy (DS) to Council for consideration. Conceptual design and a preliminary contribution rate for each of the proposed schemes has been developed, with the preliminary contribution rate detailed below. This rate is based on the cost of building the drainage infrastructure identified in the conceptual design.

Proposed DSS	Preliminary Contribution Rate (per ha)
North West DSS	\$66,031
South West DSS	\$113,843
Gillespies Lane DSS	\$113,842

Large infrastructure items within each DSS including retarding basins and wetland systems are typically owned and maintained by MW. A proposed asset list has been prepared for each scheme and reviewed by officers.

If Council did not support MW's offer of the proposed DSS within the Ballan Township, the result will be small localised stormwater management systems that will ultimately fall into Council ownership. Developers will be required to detain their runoff and construct stormwater quality treatment systems within their development boundary to meet the requirement of Clause 56.07 of the Victoria Planning Provision. This is likely to result in the construction of many small scale drainage assets on each property and will become the responsibility of Council to own and maintain, with coordination being extremely difficult.

The advantage of a DSS is that MW with its significant resources and expertise in flood mitigation and stormwater management would be involved in the design and construction process and that some assets created will become its maintenance responsibility.

In a DS all drainage works required to service future developments are identified while providing flood protection and meeting water quality targets.

Works identified in the Gosling Street Drain Upper area catchment will assist in alleviating flooding downstream. Given the catchment area is less than 60 hectares, MW propose the strategy be used as a guide and implemented by Council as resources permit.

Formal consultation with landowners and stakeholders has been undertaken, along with workshops with Council staff to review the MW proposed schemes and strategy, review of proposed asset ownership and impacts this may have into the future.

Feedback provided to MW regarding the proposals includes;

- Possible consolidation/rationalisation of proposed assets that are likely to end up in Council ownership
- Consideration of stormwater harvesting opportunities within the schemes to irrigate future recreation and open space
- Request for review to be undertaken of the Gosling Street Strategy for possible inclusion in the Gillespies Lane DSS

As part of MW's DSS implementation process, MW requires MSC in principle written agreement on the design intent of these DSS, approval to implement the DSS as development occurs, and to accept ownership and ongoing maintenance responsibility for the proposed drainage assets that service a catchment of less than 60ha for these Schemes. The proposal is for assets to be transferred to Council as each stage of the Scheme infrastructure works are constructed. The timing of this could be many years away.

The implementation of DSS within MW drainage boundary is common practice. MW administer the implementation and construction of works associated with the DSS, and generally accept asset ownership and maintenance responsibility for large infrastructure items such as wetland and bioretention systems. Given this, it is proposed MSC provide MW in principle agreement to the three DSS below;

1. Ballan North West DSS
2. Ballan South West DSS
3. Gillespies Lane DSS

The Gosling Street DS proposed by MW was originally incorporated into the Gillespies Lane DSS. Following initial discussions with property owners, the scheme proposal was going to significantly impact on a number of property owners that would see their properties primarily used for stormwater detention and water quality treatment.

Given the impact on property owners, MW has proposed to separate the Gosling Street catchment from the Gillespies Lane catchment. This catchment area is now less than 60 hectares, resulting in MW proposing the strategy be implemented by Council, with future asset ownership and maintenance also the responsibility of Council.

Within this DS there is significant infrastructure required at high cost, including the lowering of a culvert under the railway line that is not practical. Implementation will be difficult to achieve given the Haddon Drive industrial precinct is already developed and it is unlikely that Council would ever implement the full outcomes. MW are current revisiting this component of the strategy.

### **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 proposal is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

There are no direct financial implications associated in receiving this report.

There are costs associated with DSS that are incurred by developers and fund drainage infrastructure identified within each specific DSS. The preliminary contribution rate of the three proposed DSS range from \$66,031 to \$113,843 per hectare.

In the event DSS were not implemented by MW, developers will be required to detain their development runoff and construct stormwater quality treatment systems within their development boundary to meet the requirement of Clause 56.07 of the Victoria Planning Provision. The cost of this has not been quantified and developers may lose developable land area as a result of providing individual stormwater treatment systems within their property.

The receipt of the proposed Gosling Street DS would see Council incur costs should we choose to implement the strategy objectives. However, as identified within this report, there are a number of components that are impractical to deliver on the ground.

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

In the event Council do not support MW's offer of the proposed DSS within the Ballan Township, the result will be small localised stormwater management systems that will ultimately fall into Council ownership. This is likely to result in the construction of many small scale drainage assets on each property and will become the responsibility of Council to own and maintain, with coordination being extremely difficult.

## **Communications Strategy**

There is no communication required as a result of this report other than notification to Melbourne Water of Council's position on this matter.

Melbourne Water has undertaken its own consultation with affected land owners.

## **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**

As part of MW's DSS implementation process, MW requires MSC in principle written agreement on the design intent of these DSS, approval to implement the DSS as development occurs, and to accept ownership and ongoing maintenance responsibility for the proposed drainage assets that service a catchment of less than 60ha for these Schemes.

The implementation of DSS within MW drainage boundary is common practice. Council has a number of other DSS in place within the Bacchus Marsh Township. It is proposed MSC provide MW in principle agreement to the three DSS below;

1. Ballan North West DSS
2. Ballan South West DSS
3. Gillespies Lane DSS

MW has significant resources and expertise in flood mitigation and stormwater management that would be involved in the design and construction process in the event DSS were implemented, as well as see maintenance responsibility of large scales assets remain with MW. The scheme implementation will negate the need for the construction of small localised stormwater management systems that will ultimately become the responsibility of Council to own and maintain.

The DS proposed includes the requirement of significant infrastructure to be constructed at high cost, including the lowering of a culvert under the railway line. Implementation will be difficult to achieve given the Haddon Drive industrial precinct is already developed. Given this, it is proposed that Council receive the DS for consideration and use as a guide as further development in this area occurs.

**Recommendation:**

**That Council;**

1. **Provide in principle support to the three Development Service Schemes listed below;**
  - a. **Ballan North West DSS**
  - b. **Ballan South West DSS**
  - c. **Gillespies Lane DSS**
  
2. **Receive the Gosling Street Drain Drainage Strategy proposal.**

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**Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Wednesday, 30 March 2016



## 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 9 March 2016 . Update from Djerriwarrh Health Services
- “ Assembly of Councillors . Wednesday 23 March 2016 . Presentation from the Municipal Valuers.
- “ Assembly of Councillors . Wednesday 23 March 2016 . Presentation of the Capital Improvement Program.

#### **Recommendation:**

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

- **Assembly of Councillors – Wednesday 9 March 2016 – Update from Djerriwarrh Health Services.**
- **Assembly of Councillors – Wednesday 23 March 2016 – Presentation from the Municipal Valuers.**
- **Assembly of Councillors – Wednesday 23 March 2016 – Presentation of the Capital Improvement Program.**



## 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.

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Maddingley Park Committee of Management	23 January 2016	Cr. Edwards
Navigators Community Centre	10 February 2016	Community Members
Development Assessment Committee	11 November 2015 9 December 2015 10 February 2016	Cr. Comrie, Cr. Dudzik, Cr. Edwards, Cr. Tatchell
Urban Growth Strategy Committee	16 December 2015 24 February 2016	Cr. Comrie, Cr. Dudzik, Cr. Edwards, Cr. Spain
Rural Growth Strategy Committee	21 October 2015 25 November 2015	Cr. Sullivan, Cr. Toohey, Cr. Comrie

The Development Assessment Committee meeting of 10 February 2016, included a report in Closed Session. The minutes attached for this meeting represent the items considered in Open Session only. A full set of minutes, including the report in Closed Session is included in Confidential Item 16.3 of this agenda.

### **Recommendation:**

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

- **Maddingley Park Committee of Management meeting of Tuesday, 23 January 2016.**
- **Navigators Community Centre meeting of Wednesday, 10 February 2016.**

- **Development Assessment Committee meetings of Wednesday, 11 November 2015, Wednesday, 9 December 2015 and Wednesday, 10 February 2016 (Minutes of Open Session only).**
- **Urban Growth Strategy Committee meetings of Wednesday, 16 December 2015 and Wednesday, 24 February 2016.**
- **Rural Growth Strategy Committee meetings of Wednesday, 21 October 2015 and Wednesday, 25 November 2015.**

### 11.3 Advisory Committees of Council - Reports

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

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

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

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

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Place Making Committee	15 March 2016	Cr. Spain Cr. Sullivan Cr. Toohey

**Recommendation:**

**That Council receives the reports of the following Advisory Committees of Council:**

- **Place Making Committee meeting of Tuesday, 15 March 2016**

**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****16.1 Confidential Report****16.2 Confidential Report****16.3 Confidential Report****Recommendation:**

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

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



**17. MEETING CLOSURE**