



MINUTES

Ordinary Council Meeting

Wednesday, 5 February 2020

Time:

6.00pm

Location:

Council Chamber, 15 Stead Street, Ballan

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1. OPENING OF MEETING AND PRAYER

The Mayor opened the meeting with the Council Prayer at 6.02pm.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORDING OF MEETING

In accordance with Moorabool Shire Council's Meeting Procedure Local Law, the Council will be recording this meeting. The following organisations have also been granted permission to make an audio recording:

- The Moorabool News; and
- The Star Weekly

4. PRESENT

Cr David Edwards (Mayor)	East Moorabool Ward
Cr Jarrod Bingham	East Moorabool Ward
Cr Lawry Borgelt	Woodlands Ward
Cr Tonia Dudzik	East Moorabool Ward
Cr John Keogh	East Moorabool Ward
Cr Tom Sullivan	West Moorabool Ward
Cr Paul Tatchell	Central Moorabool Ward

Officers:

Mr Derek Madden	Chief Executive Officer
Mr Phil Jeffrey	General Manager Community Assets & Infrastructure
Ms Sally Jones	General Manager Community Strengthening
Mr Henry Bezuidenhout	Executive Manager Community Planning & Economic Development
Ms Yvonne Hansen	Manager Governance, Risk & Corporate Planning

5. APOLOGIES

Nil.

6. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Tom Sullivan

That the minutes of the Ordinary Council Meeting held on Wednesday 4 December 2019 and Special Council Meeting held on Wednesday 18 December 2019 be confirmed.

CARRIED

7. DISCLOSURE OF CONFLICTS OF INTEREST

Nil.

8. PUBLIC QUESTION TIME

Name	Question/Response
Mr. David Morrissey	<p>Question:</p> <p>What is Council’s response regarding the dust suppression measures by the local sand pits in extreme conditions?</p> <p>Response:</p> <p>All sand mining quarries require planning permits and work authorities to operate. Conditions included on a planning permit and the work approval issued by DJPR usually require operators to mitigate a number of adverse amenity impacts such as dust. Further to these conditions Council officers can engage with operators to enforce adequate dust suppression and prevention measures are in place.</p>
Ms. Clare Gulman	<p>Question:</p> <p>Why has the Shire started to use Roundup again when hot water could be used?</p> <p>Do you think people who live here, especially rate payers, should be notified about Roundup spraying considering the risk of getting cancer?</p> <p>Response:</p> <p>The use of glyphosate is currently approved for use in Australia and is guided by the Australian Pesticides and Veterinary Medicines Authority (APVMA) and Worksafe who are the regulatory authorities.</p> <p>Council’s use of glyphosate products is in accordance with guidelines and Material Safety Data Sheets.</p>

Name	Question/Response
	<p>Fact sheets can be obtained from both the APVMA and Worksafe.</p> <p>https://apvma.gov.au/sites/default/files/images/13891-glyphosate-fact-sheet-april2016.pdf</p> <p>https://content.api.worksafe.vic.gov.au/sites/default/files/2018-06/ISBN-Glyphosate-herbicides-information-2017-06.pdf</p> <p>Council keeps an eye on industry movements in regard to use of glyphosate and alternatives that are entering the market.</p>
Mr. Elliot Gulman	<p>Question:</p> <p>You never seem to clean the balls of detritus falling from the trees that line the Main Street in Bacchus Marsh. It is disgraceful, as well as Grant Street and most other streets here. It makes it very difficult for the elderly who need to walk and who no longer drive. Why is not taken care of?</p> <p>Response:</p> <p>Council has a contracted footpath sweeping program that includes the CBD area of Bacchus Marsh incorporating Main Street and Grant Street. Footpath sweeping is undertaken 3 times per week during the months of March to May (Autumn leaf/debris period) and 2 times per week during the months of June through to February.</p> <p>Frequent inspections of the CBD area are also conducted by Council’s Parks and Gardens staff, and additional footpath sweeping is arranged if deemed necessary. Residents can also contact our customer service team to notify of debris on footpaths and this will also prompt an inspection and works if required.</p>
Ms. Dorothy Hazell	<p>Question:</p> <p>I have not been recommended to stay on the Maddingley Park committee of management for another term, due to not meeting the requirements for which I believe I do fit the criteria listed within the Appointment and Delegations Policy 2015 Under Section 4.46 Appointment of Committee. Can Council please re-evaluate this recommendation as I believe I would be the only person on the Maddingley Committee of Management who would be there to represent the whole community with regards to ongoing community events within the Park which is there for all community groups and users not just a select few?</p>

	<p>Response:</p> <p>The officer’s recommendation was prepared in accordance with the requirements of Councils Appointment & Delegations Policy 2015 (Section 86 delegated Committees of Council for Public Halls, Heritage Facilities and Recreation Reserves). Schedule 1 of the policy states that “Each recreation reserve committee will consist of one representative of each of the main users of the facility (main user refers to the organisation(s) that is/are regular users of facilities), plus up to three general representatives to a committee size of a maximum of 11 people.”</p> <p>Whilst the policy makes allowance for a committee to be made up of a maximum of 11 people, there is no provision to appoint more than three general representatives. In this instance, Council received five nominations for the three General Representative positions on the committee. Following a merit-based assessment of the five nominations received, three nominees have been recommended for appointment to the committee.</p> <p>Given the policy requirements which governs the appointment of committee members are very clear in their intent, the officer’s recommendation is appropriate.</p>
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9. PETITIONS

Nil.

10. PRESENTATIONS/DEPUTATIONS

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

Item No	Description	Name	Position
12.1	PA2019109- Development and Use of a Service Station and Two Convenience Restaurants, Display of Signage, Three Lot Subdivision and Creation of Access to a Road zone, Category 1 at 101 Gisborne Road, Bacchus Marsh	Neil Glenn	Objector
		Peter Doyle	On behalf of applicant
		Wendy Stubbs	Objector

11. CHIEF EXECUTIVE OFFICER REPORTS

Nil.

12. COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT REPORTS

Mr Neil Glenn addressed Council as an objector of the planning application in Item 12.1.

Mr Peter Doyle addressed Council on behalf of the applicant of the planning application in Item 12.1.

Ms Wendy Stubbs addressed Council as an objector of the planning application in Item 12.1.

12.1 PA2019109 - DEVELOPMENT AND USE OF A SERVICE STATION AND TWO CONVENIENCE RESTAURANTS, DISPLAY OF SIGNAGE, THREE LOT SUBDIVISION AND CREATION OF ACCESS TO A ROAD ZONE, CATEGORY 1 AT 101 GISBORNE ROAD, BACCHUS MARSH

APPLICATION SUMMARY

Permit No:	PA2019109
Lodgement Date:	16 May 2019
Planning Officer:	Tom Tonkin
Address of the land:	109 Gisborne Road Bacchus Marsh
Proposal:	Development and Use of a Service Station and Convenience Restaurants, Display of Signage, Three Lot Subdivision and Creation of Access to a Road Zone, Category 1
Lot size:	8646sq m
Why is a permit required?	Clause 32.08 General Residential Zone – Use and Development for a Service Station and Convenience Restaurants, and Subdivision Clause 52.05 Signs – Display of signage Clause 52.29 Land Adjacent to a Road Zone, Category 1 – Subdivision and Creation of Access

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Tom Sullivan

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, advises VCAT that it would not support PA2019109 for Development and Use of a Service Station and Two Convenience Restaurants, Display of Signage, Three Lot Subdivision and Creation of Access to a Road Zone, Category 1 at Lots 401 and 403 on PS 212230R, 101 Gisborne Road, Bacchus Marsh 3340 on the following grounds:

1. The proposal is inconsistent with Clauses 11.03-3S, 15.01-1S and 15.01-5S in the Planning Policy Framework.
2. The proposal is inconsistent with Clauses 21.03-4 and 21.07-6 in the Local Planning Policy Framework.
3. The proposal is inconsistent with the purpose of the General Residential Zone.

4. The proposal is inconsistent with the neighbourhood character objectives for Schedule 3 of the General Residential Zone in the Moorabool Planning Scheme.
5. The layout of car parking and accessways on the site pose concern for driver safety and convenience and does not satisfy the purpose of Clause 52.06.
6. The proposal would have unreasonable amenity impacts on nearby residential properties.
7. Traffic movements associated with the proposal would have a detrimental impact on the safety and function of Gisborne Road and Clifton Drive in the vicinity of the subject site.

That Council adopt the following design and amenity changes for officers to advocate for at the Compulsory Conference held for VCAT appeal P2097/2019:

8. deletion of the northernmost convenience restaurant. This portion of the site shall be earmarked for a future yet to be determined 'community oriented' use capable of being integrated with future development to the west.
9. creation of a pedestrian link through the site, connecting Gisborne Road to the land to the vacant land to the west, to encourage integrated development of the sites and enhance pedestrian amenity and safety.
10. landscaping, which substantially screens the development when viewed from west of the site. It must be in accordance with an approved landscape plan that is prepared by a suitably qualified Landscape Architect and must incorporate canopy tree plantings.
11. any future development must be sited and designed to enhance the visual amenity of the streetscape and the site's prominent gateway location and furthermore demonstrate an innovative and unique design which enhances the character of the precinct and broader area.
12. provision of bays in the service station building's south setback for air and water refilling.
13. reduction of operating hours of both uses to be restricted to 6.00am – 12.00am Monday to Friday and 7.00am – 12.00am Saturday and Sunday.
14. appropriate acoustic baffling of the convenience restaurant drive-through facility's microphone/s.
15. provision of an electric vehicle charging station.

.CARRIED

PUBLIC CONSULTATION	
Was the application advertised?	Yes.
Notices on site:	Two.
Notice in Moorabool Newspaper:	Yes.
Number of objections:	31.
Consultation meeting:	Yes, held 6 August 2019 with the Applicant and some of the objectors.

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 2A: Built Environment

The proposal is consistent with the Council Plan 2017–2021.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

Executive Manager – Henry Bezuidenhout

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

Author – Tom Tonkin

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

EXECUTIVE SUMMARY

Application referred?	Yes, to Council’s Infrastructure, Environmental Health, Environmental Planning and Strategic Planning units, EPA, VicRoads and the relevant utility providers.
Any issues raised in referral responses?	Yes, Council’s Strategic Planning unit objects to the proposal.
Preliminary concerns?	The proposal is considered to be unsuited to the site, particularly given the scale and appearance of the development and the site’s residential and town gateway contexts. It is furthermore considered inconsistent with the character and amenity of the

	<p>area and compromises any future integrated development with the adjoining vacant land.</p> <p>The lack of ‘waiting’ car spaces for customers of one of the convenience restaurants who have ordered from the drive through facility would likely impact on traffic flow. Two spaces should be provided.</p> <p>The proposed 1.5m wide section of landscaping along the Gisborne Road frontage provides limited opportunity for plantings to soften the appearance of the development.</p> <p>The impact of the development on the health and viability of established trees in the Gisborne Road road reserve.</p> <p>Errors in the traffic report.</p>
<p>Any discussions with applicant regarding concerns?</p>	<p>The officer wrote to the Applicant about the abovementioned concerns.</p> <p>After notice of the application was given and objections received, and following officers’ advice that the application was unlikely to be supported, the Applicant entered into discussions with officers as to possible changes to resolve officer concerns. At this stage the Applicant has applied to VCAT against Council’s failure to determine the application within the statutory timeframe. Council officers have had informal discussions with the Applicant on potential changes to improve the outcome of the development – see ‘Discussion’ below.</p>
<p>Any changes made to the application since being lodged?</p>	<p>Amended plans and reports were submitted by the Applicant.</p>
<p>Brief history.</p>	<p>The site appears never to have been previously developed.</p>
<p>Previous applications for the site?</p>	<p>In 2015 the site and adjoining land to the west was proposed to be rezoned to facilitate development of the site for trade supplies and restricted retail premises, Bunnings Warehouse being the anchor tenant plus four other retail premises. The proposal was exhibited, and 196 submissions received which Council considered in November 2015 and resolved to abandon the proposal. See ‘History’ below.</p>

<p>General summary.</p>	<p>The application is to use and develop the site for a service station and convenience restaurants and associated works. The site is located in the General Residential Zone and is vacant.</p> <p>The application was advertised, and 31 objections received. The key concerns include impacts on traffic congestion, residential amenity, neighbourhood character, and that the site should be used for community recreational purposes.</p> <p>Overall, the proposal is considered to be unsuited to the site, particularly given the scale and appearance of the development and the site’s residential and town gateway contexts. The proposal is inconsistent with the character and amenity of the area and compromises any future integrated development with the adjoining vacant land.</p> <p>It is recommended that the application not be supported, on the grounds set out above.</p> <p>It is also recommended that Council adopt the design changes recommended herein for Council officers to advocate for as part of the upcoming VCAT Compulsory Conference.</p>
<p>Summary Recommendation</p>	
<p>That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i>, Council advises VCAT that it would not support the application, on the grounds included in this report, and that Council adopt the recommended design changes for Council officers to advocate for at the VCAT Compulsory Conference held as part of the appeal proceedings.</p>	

SITE DESCRIPTION

The subject site is identified as Lots 401 and 404 on PS 212230R and known as 101 Gisborne Road, Bacchus Marsh, and is roughly rectangular shaped parcel on the west side of Gisborne Road bounded by Clifton Drive to the south and the Western Freeway to the north. The site is vacant, falls gently to the northeast and is encumbered by a 2.0m wide drainage and sewerage easement parallel to the west boundary. There is no existing formal vehicle access to the site. The site does not contain any significant vegetation. The road reserve directly adjoining the east title boundary is an established windbreak of planted trees, mostly Sugar Gums.

The subject site and most surrounding land is in the General Residential Zone. To the west of the site, fronting Clifton Drive, is a vacant land parcel of approximately 2.9ha which with the subject site is affected by Schedule 3 of the General Residential Zone to define it as an ‘Increased Residential Growth Area’. This distinction is made in comparison to surrounding residential zoned land which is affected by Schedule 2 which are ‘Natural Residential Growth’ areas. Opposite to the east, approximately 60m across Gisborne Road, are several

residential lots containing single dwellings fronting the Gisborne Road service road and the intersection with Leila Court which is the sole point of access to numerous residential properties and a small farming property. To the south, across Clifton Drive, are several commercial premises including physiotherapy and veterinary clinics.

Map 1: Site Context



PROPOSAL

It is proposed to develop the site for a service station and two convenience restaurants with associated car parking and signage, subdivide the site into three lots and create vehicle access.

The development would be set towards the site’s western boundary to accommodate car parking and vehicle access in the front setback, with crossovers constructed to both Gisborne Road and Clifton Drive to enable access and egress to both streets. The service station building would be located towards the south boundary and have a total floor area of 444sq m which would include an ancillary café. Nine car spaces would be provided in the front setback and the refuelling area would accommodate up to eight vehicles at any time. The convenience restaurants would be sited on the north side of the service station and have respective floor areas of 305sq m and 292sq m. Both restaurants would have a drive-through facility for take away food orders and, respectively, 27 and 19 car parking spaces. A total of 24 bicycle parking spaces would be provided across the site.

Acoustic fencing is proposed along the west title boundary for a height of 2.0m adjoining the service station and 2.4m adjoining the convenience restaurants.

The proposed crossover to Gisborne Road would facilitate access to the site from the south and north and egress to the north only. Egress for vehicles travelling south would only be via Clifton Drive, with site access also available via Clifton Drive. The proposal would require roadworks in Gisborne Road for not only the crossover but also a left and right turn slip lanes for access and modification of the existing public footpath on Gisborne Road. Of the trees planted in Gisborne Road directly adjoining the site, 15 mature trees would be removed to facilitate the proposed vehicle crossover.

Proposed signage would comprise business identification signage in the form of three internally illuminated 8.0m high signs located near the Gisborne Road boundary in front of each premises and affixed to the proposed buildings.

BACKGROUND TO CURRENT PROPOSAL

Not applicable.

HISTORY

Amendment C71 to the Moorabool Planning Scheme proposed to rezone the subject site and adjoining land to the west from the General Residential Zone and Public Use Zone (Service & Utility) to the Commercial 2 Zone. In conjunction with the rezoning a planning permit application to use and develop the site for a 13,000sq m trade supplies and restricted retail premises including Bunnings Warehouse as the anchor tenant.

The Amendment and permit application were exhibited in August and September 2015 and 196 submissions were made to Council raising key issues including the location/economic impacts, traffic, neighbourhood character, residential amenity and other strategic considerations. On 25 November 2015, Council considered the submissions and resolved to abandon the Amendment.

Amendment C79 to the Moorabool Planning Scheme was gazetted on 15 November 2018 and implemented the findings of *Housing Bacchus Marsh to 2041* to establish the direction for future residential development in Bacchus Marsh. Council had intended for 101 Gisborne Road to be included within the General Residential Zone, Schedule 2 (Neighbourhood and Greenfield Residential Growth Areas), consistent with surrounding residential land. However, further to a submission made to the Amendment and discussions between the submitter and Council, it was agreed with the Planning Panel’s support to include the subject site in the General Residential Zone, Schedule 3 (Increased Residential Growth Areas) in recognition of its strategic merits to support diverse housing choices in a location proximate to existing services and infrastructure.

PUBLIC NOTICE

Notice of the application was given to adjoining and surrounding landowners by mail, signs erected on site from 1-16 July 2019 and a notice placed in an edition of the Moorabool News. Thirty-one objections were received.

Summary of Objections

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

Objection	Any Relevant Requirement
There is no need for another service station in the town.	N/A
<p>Officer’s Response:</p> <p>It is beyond the scope of the officer’s assessment of the application to consider other service stations in the area in relation to community needs or commercial viability.</p>	

Traffic congestion.	Clauses 18.02-3S & 65.01.
<p>Officer’s Response:</p> <p>The application was referred to VicRoads who consent to the proposal, subject to conditions. Council officers raised concerns with aspects of the Traffic Impact Assessment submitted with the application which was revised and reconsidered by VicRoads who maintained their prior recommendation. However, Council officers remain concerned that traffic movements around the site, particularly during peak periods, could unreasonably compromise the safety and convenience of road users. See ‘Discussion’ below.</p> <p>Council officers also raised concerns with the Applicant about traffic congestion and vehicle circulation within the site, particularly for southbound vehicles which must exit the site via Clifton Drive and the provision of waiting bays for customers buying takeaway food via the drive through facility of the convenience restaurants. The latter concern was resolved by changes to the plans, however concerns about vehicle circulation within the site, and associated safety and congestion concerns, remain unresolved.</p>	
Diesel fumes and noise.	Clauses 13.05-1S, 13.06-1S & 13.07-1S.
<p>Officer’s Response:</p> <p>Under the ‘Recommended separation distances for industrial residual air emissions’ (EPA pub. No. 1518, March 2013) service stations are recognised as a land use which is encouraged as a buffer between industrial and residential land uses. Nonetheless, residential amenity impacts have been considered in the assessment of this application – see ‘Discussion’ below.</p>	
Light spill from the site.	Clauses 13.07-1S & 65.01.
<p>Officer’s Response:</p> <p>It is considered that light spill from the site to residential properties could be mitigated to an acceptable extent by distance and the proposed retention of existing vegetation.</p>	
24/7 operating hours.	Clauses 13.07-1S & 65.01.
<p>Officer’s Response:</p> <p>Proposed 24/7 opening hours are not considered appropriate in this location due to the impacts on residential amenity, in particular noise associated with the proposed uses.</p>	
Loss of on street parking spaces in Clifton Drive.	Clauses 52.06 & 65.01.
<p>Officer’s Response:</p> <p>Four car spaces would require removal to facilitate the proposed vehicle crossover to Clifton Drive. An additional three spaces may need removal, subject to the impact on driver sightlines being affected when vehicles exit the site. The loss of car spaces is considered to be acceptable due to existing parking demand and the proposed onsite parking provision.</p>	

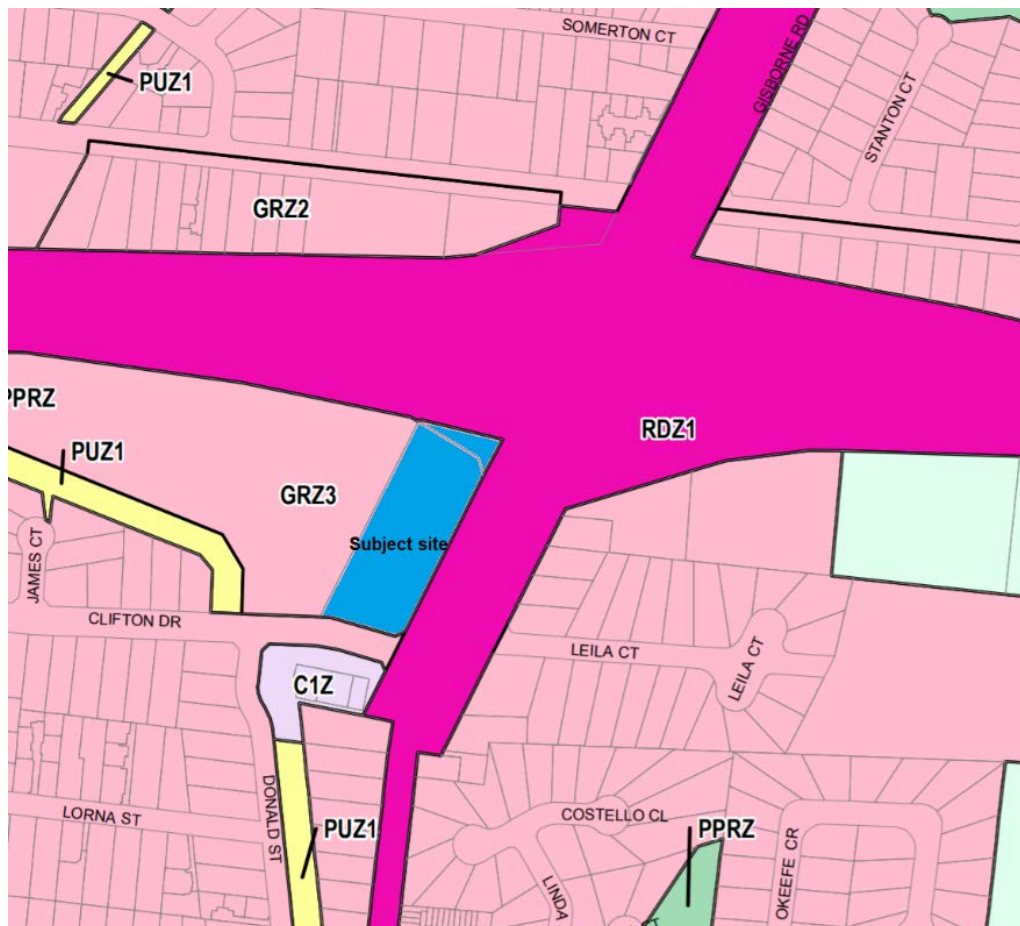
Impacts on existing local small businesses.	N/A
<p>Officer's Response:</p> <p>Any potential impact on the viability of existing businesses is beyond the scope of the assessment of this application.</p>	
Health impacts of the service station on a nearby child care centre.	Clauses 13.07-1S & 65.01.
<p>Officer's Response:</p> <p>Potential health impacts are not a specific consideration in assessing this application. As previously stated, the EPA identify that service stations are encouraged as a buffer between industrial and sensitive land uses, which includes a childcare centre, and thus the potential risk to human health is considered to be acceptable. If a permit was granted, potential health and amenity impacts could be managed by way of permit conditions, Council's Environmental Health unit and the EPA, as applicable.</p>	
The proposal is not in keeping with the surrounding neighbourhood character and scale of existing development.	Clauses 13.07-1S, 15.01-1S, 15.01-5S, 21.03-4 & 21.07-6.
<p>Officer's Response:</p> <p>The overall scale of the proposal, in particular the visual prominence of the car parking and accessways in the streetscape is not considered to be an acceptable design response, considering either the residential context or preferred urban design outcomes for gateways to Bacchus Marsh.</p>	
Stormwater runoff and associated contamination of land.	Clause 65.01.
<p>Officer's Response:</p> <p>The Applicant submitted a conceptual Stormwater Plan deemed to be satisfactory by Council's Infrastructure unit. If a permit was to issue, permit conditions would require a detailed stormwater management design to be designed and implemented to Council's satisfaction.</p>	
Tree removal in Gisborne Road.	Clauses 15.01-5S, 21.03-4 & 65.01.
<p>Officer's Response:</p> <p>Fifteen (15) trees are proposed to be removed from the road reserve to facilitate a vehicle crossover to Gisborne Road. Forty-one (41) trees would be retained, three (3) of which would have major encroachments on their tree protection zones. The Arborist report submitted by the Applicant makes recommendations for construction techniques to mitigate any adverse impacts on these trees' health, which should be imposed as conditions if a permit is granted. Council's Arborist has peer reviewed the Arborist report and agrees with its recommendations.</p>	

Impact on pedestrian safety.	Clauses 15.01-1S.
<p>Officer’s Response:</p> <p>The existing pedestrian footpath on the west side of Gisborne Road would be impacted on by the proposed crossover to that road. The proposed plans show a rerouting of the path to provide a pedestrian crossing at the crossover’s narrowest point close to the site boundary. This design is considered to be acceptable, given vehicles are likely to be moving at lower speeds in this position when entering and exiting the site compared to closer to the Gisborne Road carriageway. If a permit is issued it is recommended that conditions require pedestrian safety measures to be incorporated in the design.</p>	
Odour from rubbish and food outlets.	Clauses 13.06-1S, 13.07-1S & 65.01.
<p>Officer’s Response:</p> <p>It is considered that if a permit was granted conditions could be imposed to mitigate the impact of odour emissions to an acceptable extent.</p>	
The site should be used for community recreational facilities, including a swimming pool, skate park and basketball courts.	Clause 21.05-2.
<p>Officer’s Response:</p> <p>Council’s current strategies for provision of recreational facilities identify either retaining the existing facility locations or other preferred possible locations but does not identify the subject site as a preferred location for any future recreational uses.</p>	
The proposed convenience restaurants promote unhealthy eating which correlates with obesity and is a public health issue.	None applicable.
<p>Officer’s Response:</p> <p>Whilst there is a correlation between public health and town planning in broad terms, it is beyond the scope of this application and the current Victorian planning system more generally for consideration to be given to the type or quality of food served by a business subject to a land use permit.</p>	

LOCALITY MAP

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

Map 2: Locality and zoning



PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- 11.03-3S Peri-urban areas
- 13.05-1S Noise abatement
- 13.07-1S Land use compatibility
- 15.01-1S Urban design
- 15.01-2S Building design
- 15.01-3S Subdivision design
- 15.01-5S Neighbourhood character
- 17.01-1R Diversified economy – Central Highlands
- 17.02-1S Business

- 21.03-2 Urban growth management
- 21.03-4 Landscape and neighbourhood character
- 21.04-3 Commercial
- 21.07-6 Urban design

The proposal complies with the relevant sections of the State Planning Policy Framework and LPPF, with the exception of the clauses outlined in the table below:

PPF	Title	Response
Clause 11.03-3S	Peri-urban areas	The nature of the proposed development, its scale, location on a strategic redevelopment site and proximity to one of the key gateways to the town does not visually enhance the character or attractiveness of the township.
Clause 15.01-1S	Urban design	The nature of the proposal requires extensive hardstand and car parking in the building's front setbacks which detracts from the visual amenity of the site and immediate surrounds and compromises pedestrian safety and amenity. The proposed treatment of the western boundary with an acoustic wall adjoining undeveloped land provides no scope for an integrated mix of uses. Whilst retention of some existing trees along Gisborne Road would help soften the appearance of the development it is noted that these trees are under VicRoads control and would not require a planning permit for removal. There is otherwise relatively limited landscaping proposed along sections of the Gisborne Road frontage.
Clause 15.01-5S	Neighbourhood character	Council's identified preferred neighbourhood character for the site is that future development be site responsive and ensure aesthetically pleasing interfaces to the Western Freeway, Gisborne Road and Clifton Drive are achieved. The combined nature and scale and siting of the proposal, with substantial hard stand and car parking areas in the front setback do not support a positive interface to Gisborne Road in particular.

LPPF	Title	Response
Clause 21.03-4	Landscape and neighbourhood character	The scale and appearance of the proposed development, and prominent location on a strategic redevelopment site, does not enhance the area’s neighbourhood character or adequately respond to the identified preferred character.
Clause 21.07-6	Urban design	The scale and appearance of the development, its boundary interfaces to the east and west and proximity to a key gateway to the town compromise the visual amenity and integration of the proposal with its surroundings.

Zone

The subject site is in the General Residential Zone, Schedule 3 (GRZ3). Under Clause 32.08-2 a service station and a convenience restaurant are Section 2 uses which require a permit and must meet certain requirements. Under Clause 32.08-9 a permit is required to construct buildings and works associated with a Section 2 use. Under Clause 32.08-3 a permit is required to subdivide land.

The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The neighbourhood character objectives of Schedule 3 are:

- *To encourage new development, including innovative and unique development that enhances and responds positively to the existing neighbourhood character.*
- *To encourage sufficient front setbacks to allow for enhancement of the front garden character including increasing canopy tree plantings.*
- *To encourage new development to have minimal or low scale front fencing.*
- *To ensure new garages and carports do not dominate dwellings or streetscapes.*

Overall, the proposal is considered to be inconsistent with the purpose of the GRZ3, as discussed below.

OVERLAYS

The site is not affected by any Overlays.

Relevant PoliciesHousing Bacchus Marsh to 2041

One of the objectives of the Strategy is to:

Provide a clear direction and policy guidance to enable orderly growth, managed change and retention of key elements of character including neighbourhood character mapping and character precinct brochures.

The site forms part of Precinct 15 of the Settlement Framework Plan and is specifically identified as an 'Increased Residential Growth Area', which "generally applies to residential land that is well located to services and facilities and has been identified as suitable for infill and increased densities of development. This will include a range of multi units, townhouses and alternative housing options within a walkable catchment of residents daily needs."

The Preferred Character Statement for this site in Precinct 15 gives direction to the following:

- The site presents a significant opportunity to improve housing diversity in Bacchus Marsh and is recognized as a strategic redevelopment site.
- Innovative and unique development that enhances the character of the precinct and broader area is encouraged.
- Development should be site responsive and ensure aesthetically pleasing interfaces to the Western Freeway, Gisborne Road and Clifton Drive.

Overall, the proposal is considered to be inconsistent with the housing strategy.

Particular ProvisionsClause 52.05 Signs

Pursuant to Clauses 32.08-14 and 52.05-13 the site is in a Category 3 – High amenity area. Accordingly, all proposed signage requires a permit.

Subject to conditions, if a permit was granted, the proposed signage is considered to be acceptable.

Clause 52.06 Car Parking

Under Clause 52.06-5 a Convenience Restaurant requires 0.3 car spaces to each patron permitted.

There is no specified parking rate for a Service Station, therefore under Clause 52.06-6 parking provision must be to the satisfaction of the responsible authority.

The provision of 46 car spaces for the convenience restaurants would satisfy the abovementioned parking requirement, and nine spaces for the service station is deemed to be acceptable and the accessway and car space dimensions meet the standard requirements. However, vehicle circulation throughout the site, particularly for southbound vehicles exiting the convenience restaurant car spaces and drive-through areas is concerning from a safety and convenience perspective, particularly during peak use periods, due to the overall layout of the access and parking areas.

Clause 52.17 Native Vegetation

Under Clause 52.17-1 a permit is required to remove or lop native vegetation, unless exempt under the Table to Clause 52.17-7. In this instance, a permit is not required to remove the Sugar Gums proposed for removal because the vegetation is classified as planted vegetation under Clause 52.17-7. The Ecologist report provided with the application identifies the presence of fragrant saltbush in the abutting road reserve, and accordingly if a permit is to be granted then conditions should be imposed to ensure its protection.

Clause 52.29 Land Adjacent to a Road Zone, Category 1

Under Clause 52.29 a permit is required to create access and subdivide land adjacent to a Road Zone, Category 1.

VicRoads, as the relevant authority, has given conditional consent to the proposal. Subject to those conditions, the purpose of this clause would be met if a permit were granted.

Clause 52.34 Bicycle Facilities

Under Clause 52.34-5 a Convenience Restaurant requires the following bicycle facilities to be provided, as follows:

Employee	Shopper
1 to each 25sq m of floor area available to the public.	2.

There are no facilities specified for a Service Station.

The provision of 24 bicycle parking spaces across the site satisfies the bicycle parking requirements.

Clause 53.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the Council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

It is recommended that, if a permit is issued, a contribution equivalent to 5% of the site value be imposed as a condition of approval.

Clause 53.04 Convenience Restaurant and Take-Away Food Premises

This clause sets out decision guidelines where an application is for use and development of land in a residential zone. Overall, the nature and scale of the proposed uses in this location combined with the proposed operational hours in consideration of the residential context is not considered to be appropriate.

Clause 53.18 Stormwater Management in Urban Development

This clause sets out requirements for stormwater management. Subject to conditions, should a permit be granted, the proposal makes acceptable provision for stormwater management.

DISCUSSION

Overall, the proposal is not considered to be sufficiently consistent with the relevant provisions of the Moorabool Planning Scheme. The proposal does not accord with policies for neighbourhood character and urban design set out in the PPF and LPPF and does not satisfy the purpose of the General Residential Zone.

Plan Melbourne and the Central Highlands Regional Growth Plan identify Bacchus Marsh as regionally significant in terms of its role as a key service centre and location for increased population growth. The proposal would contribute to local commercial infrastructure and economic growth through creation of additional job opportunities. However, growth must be balanced with the need for new development to respond positively to its local context, including neighbourhood character and amenity.

The subject site and adjoining land to the west is in the General Residential Zone, Schedule 3 (GRZ3) and currently vacant. Beyond is land in the General Residential Zone, Schedule 2 (GRZ2), which is substantially developed with predominantly single dwellings on conventionally sized lots but with occasional examples of medium density infill development. The difference in zoning is consistent with 'Housing Bacchus Marsh to 2041', Council's adopted Housing Strategy for the wider township which identifies this vacant GRZ3 land as a strategic redevelopment site where more intensive housing development is encouraged compared to the surrounding area.

The purpose of the GRZ is as follows:

- *To implement the SPPF and the LPPF, including the MSS and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

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

The site borders Gisborne Road and the Western Freeway to the east and north respectively and a small commercial precinct to the south, across Clifton Drive. The nearest established residential areas are located approximately 60 metres further to the east across Gisborne Road, and to the west and southwest. The site is in a visually prominent location given its main road abuttals including a 150-metre frontage to Gisborne Road and is considered a gateway site to the town given its location adjacent to the freeway interchange.

The key issues with the proposal are considered to be the intensive nature of proposed commercial activity including physical scale and visual prominence of car parking and accessways, associated vehicle movements and 24/7 operating hours. It is considered that some form of commercial development on the site, subject to Council approval, may be acceptable given its arterial road frontages and existing commercial premises opposite. However, in its current form the proposal is considered to be an overdevelopment. The generic nature of the uses and associated buildings and works, with conventional site layouts prioritising large car parking areas in the front setbacks, would not visually enhance the area. Furthermore, vehicle circulation through the site, in particular for southbound vehicles

exiting the convenience restaurant car parks and drive through outlets, is considered to be complex and a safety issue.

Concerns raised by Council officers and objectors about associated traffic congestion on Gisborne Road were addressed by VicRoads' review of their initial response to the application which included assessment of additional information provided by the Applicant's consultant traffic engineers. VicRoads, as a relevant determining authority, have reiterated their support for the application, subject to conditions if a permit is granted. Council officers do not fully accept VicRoads' assessment of the application however, with concerns regarding the impacts on traffic queuing along Gisborne Road and Clifton Drive in the vicinity of the subject site during peak periods, particularly given the site's proximity to the Western Freeway interchange.

Furthermore, it is acknowledged that the proposal would concentrate activity in the area and the associated increase in vehicle movements, including fuel tankers and delivery vehicles, ambient noise and light and 24/7 operating hours would impact on existing and future residential properties. Whilst permit conditions could be imposed to mitigate these effects to some extent, the scale of the proposal is not considered to be adequately responsive to residential amenity or the neighbourhood character of the area.

Additionally, the proposal does not suitably respond to future potential residential development on the vacant land west of the site, particularly considering the GR23 neighbourhood character objectives. Whilst the proposed acoustic boundary fence is appropriate for mitigating noise emissions, the proposal unreasonably limits opportunities to integrate activities on both sites and makes no provision for pedestrian or cyclist connectivity and generally compromises a positive urban design outcome.

Following advice from Council officers after the application was advertised that the current proposal was unlikely to receive officer support, the Applicant appealed to VCAT on 31 October 2019 against Council's failure to determine the application within the 60-day statutory timeframe. It is noted that VCAT require Council, the Applicant, referral authorities and objectors registered to be a party to the appeal process to attend a compulsory conference. The purpose of the conference is for each party to communicate their most important issues with the proposal, and potential solutions, to possibly reach agreement to enable a permit to be granted. It is with the compulsory conference in mind that officers have entered into discussions with the Applicant to explore how critical concerns might be resolved. As a result of this process, the following changes were proposed:

- Deletion of the northernmost convenience restaurant. This portion of the site would be earmarked for a future 'community oriented' use which is yet to be determined, capable of being integrated with future development to the west.
- A pedestrian link through the site, connecting Gisborne Road to the land to the vacant land to the west, to encourage integrated development of the sites and enhance pedestrian amenity and safety.
- Landscaping which substantially screens the development when viewed from west of the site. It must be in accordance with an approved landscape plan that is prepared by a suitably qualified landscape architect and must incorporate canopy tree plantings.

- Any future development must be sited and designed to enhance the visual amenity of the site’s prominent gateway location and furthermore demonstrate an innovative and unique design which enhances the character of the precinct and the broader area.
- Provision of bays in the service station building’s south setback for air and water refilling.

Furthermore, Council officers understand that the Applicant has written to all objectors to advise them of their abovementioned changes and discussions with Council officers. However, if agreement is not reached by all relevant parties the application would progress to a hearing scheduled for April 2020.

In accordance with VCAT requirements, all objectors should have received notice in December 2019 of the VCAT appeal.

GENERAL PROVISIONS

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

Clause 66 – Stipulates all the relevant referral authorities to which the application must be referred.

REFERRALS

Authority	Response
Western Water	Consent with conditions
Melbourne Water	Consent
Powercor	Consent with conditions
Downer Utilities	Consent with conditions
VicRoads	Consent with conditions
EPA	Consent with conditions
Infrastructure	Consent with conditions
Environmental Health	Consent with conditions
Environmental Planning	Consent with conditions
Strategic Planning	Refusal

FINANCIAL IMPLICATIONS

There are no financial implications for Council in not supporting the application.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

The recommendation to not support this application does not have any risk or OH&S implications for Council.

COMMUNICATIONS STRATEGY

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

Options

- Inform VCAT that Council would not support the application, in accordance with the grounds in the recommendation of this report, and adopt the recommended design changes;
- Inform VCAT that Council would not support the application, with amendments to the grounds in the recommendation of this report, and amendments to the recommended design changes; or
- Should Council wish to support the application, include appropriate recommended permit conditions and notify VCAT accordingly.

CONCLUSION

Overall, the proposal is considered to be unsuited to the site, particularly given the scale and appearance of the development and the site's residential and town gateway contexts. The proposal is inconsistent with the character and amenity of the area, compromises an integrated development with the adjoining vacant land and contribute to unreasonable traffic impacts in the vicinity of the site.

Further to the informal discussions held between Council officers and the Applicant, and considering the upcoming VCAT Compulsory Conference, the proposed design changes are considered to sufficiently resolve critical concerns with the proposal.

12.2 ADOPTION OF THE UPDATED COMMUNITY INFRASTRUCTURE PLANNING PROCESS

PURPOSE

To inform Council of the results of public consultation on the update to the *Community Infrastructure Planning Process* and to recommend its adoption.

EXECUTIVE SUMMARY

- The *Community Infrastructure Planning Process* (the “CI Planning Process”) is a key document underpinning the Moorabool Community Infrastructure Framework. Its adoption will complete the 2017-2021 Moorabool Council Plan action “Finalise the Community Infrastructure Framework” under Strategic Objective 1.
- Public consultation on the *CI Planning Process* was undertaken in September and October 2019. Five submissions were received and considered by Council officers, including three submissions from local residents, one from a Ballan-based community organisation and one from a planning consultant on behalf of a greenfield developer. These submissions primarily concerned the various supporting technical documents and not the *CI Planning Process* itself.
- No changes to the *CI Planning Process* have been made as a result of submissions, however two minor technical corrections are proposed by Council officers. These have been incorporated in the version of the document recommended for adoption.

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr Paul Tatchell

That Council:

1. Notes the content of the submissions received through the public consultation, and
2. Adopt the updated Community Infrastructure Planning Process in Attachment 4.

CARRIED

BACKGROUND

The *Community Infrastructure Planning Process* (the “CI Planning Process”) is a key document underpinning the Moorabool Community Infrastructure Framework. The Framework is a collection of documents, data sources, analysis tools, inter-departmental processes and relationships that collectively inform Council’s planning for community infrastructure. The *CI Planning Process* articulates the methodology underpinning the Framework. It explains how the Framework operates, describes its components, and defines how assessments of community need are conducted by Council. It is intended that the CI Framework outputs (needs assessments, gap analyses and project recommendations) should be updated as often as necessary to respond to changing circumstances. Such changes include new policies (such as the introduction of state-funded kindergarten for three-year-old’s), new data (such as updated population forecasts), delivered projects, and the changing needs of a rapidly growing population. To allow for this ongoing update, only the *CI Planning*

Process is recommended for adoption, and not the other Framework outputs and supporting technical documents.

An update to the adopted *Community Infrastructure Planning Process* (September 2017) has been undertaken. These changes are detailed in Attachment 1. The key dates and outcomes since first adopting the *CI Planning Process* in September 2017 are summarised in Attachment 2.

At its ordinary meeting of 7 August 2019 Council endorsed the draft update to the *CI Planning Process* for public consultation. Submissions were received through that consultation are discussed in further detail below.

PROPOSAL

As a result of applying the updated *CI Planning Process*, various assessments, technical reports and other outputs from the Framework have also been updated. These documents were made available alongside the updated *CI Planning Process* through the October 2019 public consultation but are not proposed for adoption by Council at this time. They are:

- Strategic Community Infrastructure Priorities report;
- Key Findings and Recommendations main report and attachments;
- Community Infrastructure Provision Standards report;
- Community Infrastructure Audit report; and
- Detailed assessment data, comprising results of the Quantity Assessment, Utilisation Assessment and Travel Accessibility Assessment.

Submissions received through the public consultation

The draft update to the *CI Planning Process* was exhibited on Councils public engagement website and displayed in libraries and customer service centres between 24 September and 25 October 2019. Notification letters were sent out to 220 contacts representing community organisations, sports clubs, service providers and Committees of Management. During this time five submissions were received; three from Shire residents, one from a local community organisation and one from a planning consultancy on behalf of a residential housing developer.

The submissions focused on the process of public consultation on the supporting technical documents and on the content of those documents rather than on the *CI Planning Process* itself. Two submitters felt that the complexity and content of various supporting technical documents warranted more targeted consultation with relevant community stakeholders. A summary of submissions and an officer response to the submissions is provided in Attachment 3.

The process of preparing the supporting technical documents involved extensive engagement across Council, including meetings with relevant service department managers and staff. Direct meetings were also held with 10 committees of management to collect facilities utilisation data and conduct fitness for purpose assessments. The technical documents were also informed by data obtained from directly from committees of management, and from service strategies and plans that themselves were subject to community consultation.

In response to the submissions, Council may wish to consider expanding the scope of community engagement through a future update to the document. This may take the form of more targeted engagement with community groups, sports clubs, interested individuals and other stakeholders. To achieve this, a range of topic-specific (e.g. specific to a particular sport) and/or thematic (e.g. ‘quantity provision standards’ or ‘reasonable travel distances’) consultation exercises may be required.

No changes to the *CI Planning Process* have been made as a result of submissions, however two minor technical corrections are proposed by Council officers.

Amendments made through Council officer review

Following the public consultation period, Council officers identified two minor technical errors in the *CI Planning Process*. These are outlined below and have been corrected in the version of the document recommended for adoption.

	Version advertised for public consultation	Officer change
1	<p>Page 4, under ‘2.1 Continuous Improvement’:</p> <p>“The Framework core documents and technical reports will be updated to incorporate the Suitability and Utilisation assessments and will be re-published in 2018. These will again be updated as more information is collected and assessed.”</p>	<p>Change: Delete these two sentences.</p> <p>Reason: The statement is no longer applicable as the Suitability and Utilisation Assessments have now been incorporated through the <i>CI Planning Process</i> update.</p>
2	<p>Page 9, under 2.3.3 ‘Community Infrastructure Planning Process’:</p> <ul style="list-style-type: none"> • “Determines broad costings for infrastructure projects to inform development contribution plans.” 	<p>Change: Bullet point deleted, and new bullet point added to page 10 under ‘Capital Improvement Program’:</p> <ul style="list-style-type: none"> • “Develops projects costs and delivery plans”. <p>Reason: Project costs are developed through the Capital Improvement Program process and not the <i>CI Planning Process</i>.</p>

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

The proposal to adopt the updated *Community Infrastructure Planning Process* is consistent with the Council Plan 2017 – 2021. This report seeks to complete Action 7: Finalise the Community Infrastructure Framework.

FINANCIAL IMPLICATIONS

No direct financial implications arise from adopting the update to the *Community Infrastructure Planning Process*. It should be noted that the supporting Strategic Community Infrastructure Priorities report proposes projects that will need to be fully scoped and costed by the relevant Council service departments and Infrastructure Services. Capital projects will need to be prioritised and scheduled through the Capital Improvement Program.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

The updated *Community Infrastructure Planning Process* and supporting documents do not present any known risk or OH&S issues.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	220 community contacts representing community organisations, sports clubs, service providers and Committees of Management	4 weeks public consultation	Online through Council’s public engagement website. Hard copies at libraries and customer service centres	24th September to 25th October 2019	5 submissions received

Other than the above public consultation, no direct community engagement on the updated *Community Infrastructure Planning Process* or other supporting documents has been conducted. However, the various assessments of community need have acquired data directly from S86 Committees of Management, and from service strategies and plans that themselves were subject to community consultation.

Extensive engagement has been undertaken across Council during all stages of preparation of the update to the *Community Infrastructure Planning Process* and supporting documents, meeting several times with relevant service department managers and staff. Direct meetings were also held with 10 committees of management to collect facilities utilisation data and conduct fitness for purpose assessments.

The draft update to the *CI Planning Process* was exhibited on Councils public engagement website and displayed in libraries and customer service centres between 24th September and 25th October 2019. Notification letters were sent out to 220 contacts representing community organisations, sports clubs, service providers and Committees of Management. Supporting technical documents and outputs were also exhibited alongside the *CI Planning Process*.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

Executive Manager – Henry Bezuidenhout

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

Author – Sarah Kernohan

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

CONCLUSION

Planning for community infrastructure is an integral part of the land use planning process, especially for areas experiencing growth. It provides for high-quality outcomes and ensures that community facilities and services can meet the needs of existing and future communities. The *CI Planning Process*, which has been consulted on describes the approach and methodology that Council takes to the planning and delivery of community infrastructure.

The five submissions received through the October 2019 public consultation did not identify any issues with the *CI Planning Process* that require changes to the document. However, Council may wish to consider a future update to the *CI Planning Process* that explores new opportunities for stakeholders and the public to inform the provision standards, needs analyses and other technical outputs that result from following *the CI Planning Process*.

Following the public consultation period, Council officers made minor technical corrections to pages 4, 9 and 10 of the *CI Planning Process* as detailed earlier in this report. These have been incorporated in the version of the document recommended for adoption.

The recommendation is for Council to note the content of the submissions received through the consultation and adopt the updated *Community Infrastructure Planning Process*. Its adoption will complete the 2017-2021 Moorabool Council Plan action "Finalise the Community Infrastructure Framework" under Strategic Objective 1.

13. COMMUNITY STRENGTHENING REPORTS

13.1 PROVISION OF LIBRARY SERVICES - SERVICE LEVEL AGREEMENT

PURPOSE

This report is report is to inform Councillors that Council's libraries are currently operating under the City of Ballarat 2015 – 2020 Service Level Agreement which expires on 30 June 2020. As it is preferred to negotiate a new service agreement with the City of Ballarat for continued support services to Moorabool Libraries until 2025, an exemption is requested to be sought from the Minister for Local Government.

EXECUTIVE SUMMARY

Council currently operates its own library services and is provided with support functions by the City of Ballarat as part of the Central Highlands Libraries Group. These services currently include:

- Administration;
- Collection Services and strategic procurement;
- IT Services in relation to the provision of an Integrated Library Management System and website/social media updates;
- Information Services;
- Community Learning, Programs and Promotions.

Council's libraries are currently operating under the City of Ballarat 2015 – 2020 Service Level Agreement which expires on 30 June 2020. This agreement replaced the earlier Central Highlands Library Corporation model.

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr Lawry Borgelt

That Council directs the Chief Executive Officer to apply to the Minister for Local Government for an exemption from public tendering under Section 186(5)(c) of the Local Government Act 1989 to allow the Council to enter into a new Service Agreement between Moorabool Shire and City of Ballarat for the period 1 July 2020 to 30 June 2025

.CARRIED

BACKGROUND

If Council wishes to negotiate a new Service Level Agreement directly with the City of Ballarat for another five years, under the Local Government Act 1989 a written request for Ministerial exemption from public tender will be required. As Moorabool libraries currently have limited options for support services and the current arrangement is working satisfactorily, extending the current Service Level Agreement with City of Ballarat for a further five years is recommended.

Councils enter into contracts for a range of goods, services and works needed to deliver services and infrastructure. Under the Local Government Act the Council must demonstrate that it is achieving value for money for the community when carrying out purchasing and procurement.

The Act requires that Councils use resources efficiently and effectively and provide services in accordance with best-value principles to meet the needs of the local community and improve the quality of life in the local community.

Each Council must also carry out all procurement activities in accordance with its procurement policies, and the public tender requirements within the Act.

To achieve this, the procurement activities must provide:

- Value for money;
- Open and fair competition;
- Accountability;
- Risk management;
- Probity and transparency;
- Social value.

PROPOSAL

Section 186(1) of the Local Government Act 1989 requires Councils to carry out a public tender or expression of interest process prior to entering into a contract with a value equal to or more than the relevant threshold. As the intent is to negotiate a new service agreement with the City of Ballarat for continued support services to Moorabool Libraries with an expected value exceeding \$500,000 over the five year term of the service agreement, an exemption is required to be sought from the Minister for Local Government to enable this to happen.

The alternative to seeking an exemption is to publicly tender the support services, which would involve significant time and cost to prepare the documentation, as well as little certainty that other parties would respond to the tender.

The Minister for Local Government has the discretionary power to grant an exemption from public tendering under Section 186(5)(c) of the Act. The Minister will require sound reasons to grant an exemption which in this case revolves around:

- Continuity of quality service in the region;
- Cost savings and access to diverse technical support;
- Continuity of existing relationships following the dissolution of the Regional Library Corporation together with capture of the corporate knowledge in the regional library arrangements.

The current Service Level Agreement will expire on 30 June 2020. It was prepared in conjunction with Ballarat City Council and Moorabool Shire Council. A new Agreement would begin on 1 July 2020 and expire on 30 June 2025, with CPI adjustments provided for in the new document. Seeking the exemption at this time provides a reasonable timeframe for the

Minister of Local Government to determine the application and, in the event the request is not supported, prepare the necessary procurement plan and tender specifications.

From discussions with library staff, the current level of support received has been excellent, with minimal concerns regarding performance indicators within the current agreement.

Key Players

The City of Ballarat is the sole service provider of The Central Highlands Libraries (CHL) Service Level Agreement which has six member Councils - Ararat, Central Goldfields, Hepburn, Moorabool, Pyrenees and Southern Grampians. It is anticipated that all current member Councils will also currently be seeking a Ministerial exemption to continue receiving services from City of Ballarat for a new five (5) year agreement.

Current Status

A recent meeting to discuss the possibility of entering into an agreement between Moorabool Shire and Melton City Council clearly indicated that Melton Library does not have the capacity to enter into a service level agreement with Moorabool to support current service capacity.

COUNCIL PLAN

The provision of Library Services through the Service Level Agreement assists Council to deliver on key outcomes of the Council Plan 2017-2021 as follows:

Strategic Objective 4: Improve Social Outcomes

Context 4A: Health & Wellbeing

Context 4B: Community Connectedness and Capacity

Moorabool Libraries support the creation of inclusive and engaged communities that provide opportunities for people across their life stages to participate in activities that improve the wellbeing of our communities.

FINANCIAL IMPLICATIONS

Moorabool Shire costs for the provision of library services for the 2019-2020 financial year are \$276,563. The costs for the 2020-2021 financial year as advised by City of Ballarat are set out in the following table:

Operational Expenses	
Salaries and Administration Expense	\$ 61,747
On costs	\$ 6,168
Debt Collection	\$ 2,804
Postage	\$ 2,718
Stationery	\$ 400
Total	\$ 73,837

Collection Expenses	
Physical Collection	\$ 98,895
Magazine/Newspaper subscriptions	\$ 5,174
e Resources	\$ 25,009
Database subscriptions	\$ 6,245
Processing	\$ 22,819
Total	\$ 158,142
Collection Management	
Freight	\$ 21,735
Inter library loans	\$ 20
Licences/Permits	\$ 782
Software Maintenance	\$ 22,047
Total	\$ 44,584
Overall Total	\$ 276,563
Grants	
Premier's Reading Challenge	\$ 8,502

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

In the event the Minister for Local Government does not give approval to the exemption from public tender for the Service Agreement between Moorabool Shire and Ballarat City Council for a further five years, the Council will need to prepare a Procurement Plan and relevant tender specifications to distribute as soon as practicable. This would permit a decision by the Council and detailed planning to transition the support arrangements. The current agreement delivers an excellent library service within Moorabool and is a positive professional working relationship.

The community of library users across Moorabool will not be negatively impacted by a new agreement, however should a new agreement with City of Ballarat go ahead, communications will be distributed across social and print media.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

Chief Executive Officer – Derek Madden

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

Author – Sally Jones, General Manager Community Strengthening

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

CONCLUSION

As it is preferred to negotiate a new service agreement with the City of Ballarat for continued support services to Moorabool Libraries until 2025, an exemption is requested to be sought from the Minister for Local Government.

14. CUSTOMER CARE AND ADVOCACY REPORTS**14.1 APPOINTMENT OF MEMBERS TO THE MADDINGLEY PARK, MILLBROOK COMMUNITY CENTRE AND BLACKSMITH'S COTTAGE & FORGE COMMITTEES OF MANAGEMENT****PURPOSE**

This report recommends that Council appoints members to the Maddingley Park, Millbrook Community Centre and Blacksmith's Cottage & Forge Committees of Management, as nominated in the officer's recommendation.

EXECUTIVE SUMMARY

- The Maddingley Park, Millbrook Community Centre and Blacksmith's Cottage & Forge Committees of Management are Special Committees of Council which have been established under Section 86 of the Local Government Act 1989. These committees have been delegated power from Council to manage the maintenance and day to day operations of either a Council facility or recreation reserve.
- Several nominations were received for positions on each committee of management. These nominations were assessed against Councils "Appointment and Delegations Policy 2015 - Section 86 Delegated Committees of Council for Public Halls, Heritage facilities and Recreation Reserves". A number of nominees have been recommended for appointment as members to the committees of management.
- The appointment of the recommended members, will ensure that these facilities are managed in a manner that ensures the ongoing use and enjoyment of the facilities by the Moorabool community

MOTION

Moved: Cr Tonia Dudzik

Seconded: Cr Jarrod Bingham

That Council:

1. Appoints the following nominees as members of the Maddingley Park Committee of Management:
 - a) Heather Chambers
 - b) Steven J. Crowe
 - c) Russell Hendry
 - d) Nadine Homewood
 - e) Pamela Pinney
 - f) Peter Wakefield
 - g) Dorothy Hazell
2. Appoints the following nominees as members of the Millbrook Community Centre Committee of Management:
 - a) Lindsay Wilfred Grey

- b) Amanda Labbett
 - c) Mark Labbett
 - d) Michelle O'Brien
 - e) Georgina Reynolds
 - f) Luke Reynolds
 - g) Yovanka Reynolds
 - h) Andrea Weigall
 - i) Mark Weigall
3. Appoints the following nominees as members of the Blacksmiths Cottage and Forge Committee of Management:
- a) Elizabeth (Betty) Charge
 - b) Allan Edmund Comrie
 - c) Lynette Egan
 - d) Simon Fisher
 - e) Ron Geurts
 - f) Heather Jean Robson
 - g) Margaret Simpson
 - h) Christine (Chrissy) Stancliffe
 - i) Geoffrey Edward Stancliffe
 - j) Helen Whiteley
4. Writes to the newly appointed members and unsuccessful nominees, advising of Council's decision.

Cr Bingham withdrew from seconding the motion.

The Mayor called for a seconder.

The motion **LAPSED** for want of a seconder.

RESOLUTION**Moved:** Cr Tom Sullivan**Seconded:** Cr Paul Tatchell

That Council:

1. Defer the appointment of members to the Maddingley Park Committee of Management.
2. Appoints the following nominees as members of the Millbrook Community Centre Committee of Management:
 - a) Lindsay Wilfred Grey
 - b) Amanda Labbett
 - c) Mark Labbett
 - d) Michelle O'Brien
 - e) Georgina Reynolds
 - f) Luke Reynolds
 - g) Yovanka Reynolds
 - h) Andrea Weigall
 - i) Mark Weigall
3. Appoints the following nominees as members of the Blacksmiths Cottage and Forge Committee of Management:
 - a) Elizabeth (Betty) Charge
 - b) Allan Edmund Comrie
 - c) Lynette Egan
 - d) Simon Fisher
 - e) Ron Geurts
 - f) Heather Jean Robson
 - g) Margaret Simpson
 - h) Christine (Chrissy) Stancliffe
 - i) Geoffrey Edward Stancliffe
 - j) Helen Whiteley
4. Writes to the newly appointed members and unsuccessful nominees, advising of Council's decision.

CARRIED

The Mayor noted that the current Maddingley Park Committee of Management will remain in place until the new Committee is appointed.

BACKGROUND

Council has established several Special Committees under section 86 of the *Local Government Act 1989*, to manage the day to day operations of a range Public Halls, Heritage Facilities and Recreation Reserves. These Special Committees generally comprise of Councillor representatives and other people as members. The members of these Special committees normally consist of representatives from facility user groups and general community representatives.

Each Special Committee has an Instrument of Delegation from Council which enables the committee to perform its duties and functions as an agent of Council. Whilst the Instrument of Delegation provides the power to act and make decisions on behalf of Council, it also contains various restrictions and limitations on how that power can be executed by the committee.

The primary functions of the committees are to manage the Council facilities in their care by:

- Undertaking the day to day management of the facilities on behalf of Council;
- Undertaking improvements to the facilities (subject to Council approval);
- Ensuring the facilities are available for public use;
- Collecting rental or hire fees and charges from regular users and casual hirers;
- Expending committee funds on maintaining and improving the facilities for the better use and enjoyment by the community; and
- Consulting and collaborating with Council on all major and/or capital works projects to ensure compliance with legislative and policy requirements.

Councils Appointment and Delegations Policy 2015 - Section 86 Delegated Committees of Council for Public Halls, Heritage facilities and Recreation Reserves (the policy) specifies the member nomination process, the structure of the Management Committees and puts in place measures to ensure that the facilities are operated efficiently and effectively.

PROPOSAL**Maddingley Park Committee of Management**

Schedule 1 of the policy states that "Each recreation reserve committee will consist of one representative of each of the main users of the facility (main user refers to the organisation(s) that is/are regular users of facilities), plus up to three general representatives, to a committee size of a maximum of 11 people." Therefore, this committee should consist of 6 members in total, which should include 1x representative from each of the Cricket, Football/Netball and Tennis Clubs and 3x general representatives.

Of the 8 valid nominations received, 3 were received from the user group representatives and 5 were received from those seeking appointment as general representatives. In accordance with the policy requirements detailed above, only 3 general representatives are recommended for appointment. A merit-based assessment was applied to the selection process. The recommended nominees are:

General Representative/User Representative:	Nominee:
User Group Representative – Cricket Club	Peter Wakefield
User Group Representative – Football/ Netball Club	Steven J. Crowe
User Group Representative – Tennis Club	Nadine Homewood
General Representative	Heather Chambers
General Representative	Russell Hendry
General Representative	Pamela Pinney

Millbrook Community Centre Committee of Management

Schedule 2 of the policy states that “Each committee will consist of community representatives to a committee size of a maximum of 11 people”.

A total of 9 valid nominations were received. In accordance with the policy, all of the community representative nominees are recommended for appointment. The recommended nominees are:

Nominee:
Lindsay Wilfred Grey
Amanda Labbett
Mark Labbett
Michelle O’Brien
Georgina Reynolds
Luke Reynolds
Yovanka Reynolds
Andrea Weigall
Mark Weigall

Blacksmiths Cottage and Forge Committee of Management

Schedule 2 of the policy states that “Each committee will consist of community representatives to a committee size of a maximum of 11 people”.

A total of 10 valid nominations were received. In accordance with the policy, all of the community representative nominees are recommended for appointment. The recommended nominees are:

Nominee:
Elizabeth (Betty) Charge
Allan Edmund Comrie
Lynette Egan
Simon Fisher

Ron Geurts
Heather Jean Robson
Margaret Simpson
Christine (Chrissy) Stancliffe
Geoffrey Edward Stancliffe
Helen Whiteley

Subject to the adoption of the recommendations contained in this report, both the appointed members and the unsuccessful nominees will be advised in writing of Councils decision.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1B: Our People

The proposal is not provided for in the Council Plan 2017-2021 and can be actioned by utilising existing resources.

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Poor administration of Council facilities	Inadequate financial management; Breach of the Limitations and requirements contained in the Instrument of Delegation; Inequitable allocation of the facility to user groups; Failure to manage conflicts of interest	High	Monitoring of Committee Minutes and financial reports; Screening of nominations for suitability of proposed members in accordance with the policy; Restrictions and limitations on powers contained in the Instrument of Delegation; Provision of guidance and oversight of committee operations by Council staff.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activity	Location	Date	Outcome
Communication of nomination process	The Committees of Management	To call for nominations for members	Various	August to October 2019	Nomination forms were submitted.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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 – Sally Jones

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

Author – Troy Delia

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

CONCLUSION

The appointment of members to the Maddingley Park, Millbrook Community Centre and Blacksmiths Cottage & Forge committees of management will ensure that these facilities are managed for the ongoing use and enjoyment by the community.

14.2 SECTION 86 - DELEGATED COMMITTEES OF COUNCIL - REPORTS**PURPOSE**

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.

EXECUTIVE SUMMARY

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

Committee	Meeting Date	Council Representative
s.86 Development Assessment Committee Meeting - Minutes	21 August 2019	Cr. Bingham, Cr. Dudzik, Cr. Edwards, Cr. Keogh, Cr. Tatchell
s.86 Development Assessment Committee Meeting - Minutes	16 October 2019	Cr. Bingham, Cr. Dudzik, Cr. Edwards, Cr. Keogh, Cr. Tatchell
s.86 Development Assessment Committee Meeting - Minutes	20 November 2019	Cr. Bingham, Cr. Dudzik, Cr. Edwards, Cr. Keogh, Cr. Tatchell
s.86 Elaine Recreation Reserve Committee of Management – Annual General Meeting	13 September 2019	
s.86 Maddingley Park Committee of Management – Annual General Meeting	24 September 2019	
s.86 Maddingley Park Committee of Management	24 September 2019	
s.86 Blacksmith’s Cottage and Forge Committee of Management	22 October 2019	Cr. Edwards
s.86 Bacchus Marsh Public Hall Committee of Management	26 August 2019	Cr. Bingham
s.86 Bacchus Marsh Public Hall Committee of Management	28 October 2019	Cr. Bingham
s.86 Bacchus Marsh Public Hall Committee of Management	25 November 2019	Cr. Bingham

s.86 Gordon Public Hall Committee of Management	5 June 2019	
s.86 Greendale Recreation Reserves Committee of Management	27 November 2019	
Lal Lal Soldiers' Memorial Hall Committee of Management Biennial General Meeting	10 September 2019	
Lal Lal Soldiers' Memorial Hall Committee of Management	10 September 2019	

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Lawry Borgelt

That Council receive the reports of the following Section 86 Committee Meetings:

- Development Assessment Committee Meetings on 21 August 2019, 16 October 2019 and 20 November 2019.
- Elaine Recreation Reserve Committee of Management – Annual General Meeting on 13 September 2019.
- Maddingley Park Committee of Management – Annual General Meeting on 24 September 2019.
- Maddingley Park Committee of Management Meeting on 24 September 2019.
- Blacksmith's Cottage and Forge Committee of Management Meeting on 22 October 2019.
- Bacchus Marsh Public Hall Committee of Management Meetings on 26 August 2019, 28 October 2019 and 25 November 2019.
- Gordon Public Hall Committee of Management Meeting on 5 June 2019.
- Greendale Recreation Reserves Committee of Management Meeting on 27 November 2019.
- Lal Lal Soldiers' Memorial Hall Committee of Management Biennial General Meeting on 10 September 2019.
- Lal Lal Soldiers' Memorial Hall Committee of Management Meeting on 10 September 2019.

CARRIED

14.3 DECEMBER 2019 QUARTERLY FINANCIAL REPORT

PURPOSE

That Council receives the December 2019 Quarterly Report.

EXECUTIVE SUMMARY

This Quarterly Report covers the period of 1 July 2019 to 31 December 2019. The report outlines the year to date financial position of Council and forecast projections for the full year results.

As at the end of December 2019, the Operating Budget is forecast to generate an overall surplus of \$5.090m as compared to the Amended Budget. This surplus can be misinterpreted as it contains income relating to the capital grants, developer contributions and other one-off items. After allowing for these adjustments, the Adjusted Operating Budget result is forecast to be \$0.031m unfavourable to the Amended Budget.

The total expenditure forecast for the Capital improvement program is \$30.561m. After allowing for \$1.275m in potential carry forwards into 2020/21 and other adjustments, the overall Capital program is forecasted to be \$0.066 unfavourable at year end.

When combining the net adjusted deficit for both the Operating Budget and the Capital Budget, Council is forecast to be \$0.097m unfavourable at year end. This represents a 0.18% unfavourable variance to the Amended Operating Budget. Officer will continue to monitor the year end forecast as the financial year progresses.

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

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Jarrod Bingham

That Council receives the Quarterly Financial Report – December 2019.

CARRIED

BACKGROUND

The attached Quarterly Financial Report provides an explanation of the Income Statement, Balance Sheet, Cash Flow Statement and Capital Works Statement with the year-to-date actuals compared to the year-to-date amended budget, and the amended annual budgets compared to the annual forecasts.

Income Statement

The main changes within the Income Statement are as follows:

- Increase in “Rates and Charges” (\$0.526m), which primarily relates to significant growth in property numbers during the first half of 2019/20.
- Favourable in “Contributions - Monetary” (\$4.222m) due to the likelihood that milestones on land sales by Developers will be ahead of schedule than originally anticipated. The bulk of the contributions were expected in 2020/21 and beyond.

- Favourable in “Other Income” (\$2.316m) mainly due to reimbursements for Flood/Storm Events in December 2018.
- Increase in “Materials and Services” (\$2.914m). The bulk of the expected overspend relates to restoration works for Flood/Storm Events. There are also new grants received since the adoption of the budget.

The net effect of these changes and other minor variances causes the total surplus for the year to increase by \$5.090m to \$14.604m.

Cash

The forecast cash balance at 30 June 2020 has increased by \$5.451m to \$22.705m in comparison to the amended budget.

Capital Improvement Program (CIP)

The total cash expenditure forecast for the CIP at this stage, has decreased by \$0.361m to \$30.561m. This is due to the amount of works estimated to be carried over into 2020/21. This is offset by new funding received since the adoption of the budget.

PROPOSAL

That Council receives the Quarterly Report – December 2019.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

The proposal to adopt the Quarterly Report – December 2019 is consistent with the Council Plan 2017 - 2021.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified risks associated with this process.

COMMUNICATIONS & CONSULTATION STRATEGY

To Council, through the Ordinary Meeting of Council on 5 February 2020, and to the Audit and Risk Committee meeting on 12 February 2020.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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 – Caroline Buisson

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

Manager – Steve Ivelja

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

CONCLUSION

The Quarterly Report – December 2019 has been prepared in accordance with Section 138 – Quarterly Statements of the Local Government Act (1989) for review and receiving by Council.

14.4 APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO SECTION 86 COMMITTEES OF COUNCIL (HALL AND RECREATION RESERVE COMMITTEES OF MANAGEMENT)

PURPOSE

The purpose of this report is to allow Council to review and formally make appointments to its Section 86 Committees (Hall and Recreation Reserve Committees of Management) for the 2020 year.

EXECUTIVE SUMMARY

- Council may establish one or more special committees of Councillors; Council staff; other persons; and any combination of such persons.
- Hall and Recreation Reserve Committees of Management are in place to support the operation of Council, assist with Council's decision-making processes, expand stakeholder and community engagement and provide a framework for Council to receive community feedback and external advice.
- At its meeting held 13 November 2019, Council resolved to retain current Councillor appointments to the various Special Committees of the Council - Hall and Recreation Reserve Committees of Management and receive a further report in February 2020 for the purpose of appointing Councillor representatives for the 2020 year.

RESOLUTION

Moved: Cr Jarrod Bingham

Seconded: Cr Tom Sullivan

That Council:

1. Appoint Councillor representatives for the 2020 year as indicated:
 - a) Bacchus Marsh Public Hall Committee of Management: Cr Bingham
 - b) Bacchus Marsh Racecourse and Recreation Reserve Committee of Management: Cr Dudzik
 - c) Blacksmith's Cottage and Forge Committee of Management: Cr Edwards
 - d) Greendale Recreation Reserves Committee of Management: Cr Borgelt
 - e) Maddingley Park Committee of Management: Cr Dudzik

CARRIED

BACKGROUND

Council may establish one or more special committees of the Council, which may be comprised of Councillors and other persons as members. These Committees have been established by Council under section 86 of the Local Government Act 1989.

These 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.

PROPOSAL

Committees of Management act as an agent of Council (not as an independent entity) in managing the Council assets entrusted in the Committee’s care by:

- Undertaking the management of the Facilities on Council’s behalf;
- Undertaking improvements to the Facilities subject to the Council’s approval;
- Ensuring the Facilities are available for public use;
- Collecting rentals and charges from the users of the Facilities for casual hire;
- Expending funds on maintaining and improving the Facilities for the better use and enjoyment by the community and public; and
- Consulting and collaborating with Council on all major works and capital works development to ensure compliance with legislative requirements.

The 2018/19 representatives for each committee are listed below:

Committees of Management	Council Representative 2018/19
Bacchus Marsh Public Hall Committee of Management	Cr. Bingham
Bacchus Marsh Racecourse and Recreation Reserve Committee of Management	Cr. Bingham
Blacksmith’s Cottage and Forge Committee of Management	Cr. Edwards
Bungaree Public Hall Committee of Management	Community Members
Dunnstown Recreation Reserve Committee of Management	Community Members
Elaine Recreation Reserve Committee of Management	Community Members
Gordon Public Hall Committee of Management Inc.	Community Members
Greendale Recreation Reserves Committee of Management	Cr. Toohey
Lal Lal Soldiers’ Memorial Hall Committee of Management	Community Members
Maddingley Park Committee of Management	Community Members
Millbrook Community Centre	Community Members
Navigators Community Centre	Community Members
Wallace Recreation Reserve	Community Members
Wallace Public Hall	Community Members

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership**Context 1B: Our People**

Our people are our Councillors, staff, contractors and volunteers and are key to the planning and delivery of valued services to our communities and to the organisation.

The appointment of Councillors and volunteers to the various Committees Council has in place assist in achieving stated objectives and future visions as set out in the Council Plan.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of presenting this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified Risks or OH&S implications as a result of presenting this report.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

The model associated with hall and recreation reserve Committees of Management fosters community cohesion and encourages active participation in civic life.

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.

Chief Executive Officer – Derek Madden

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

Author – Yvonne Hansen

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

CONCLUSION

It is considered that in the interest of the whole community, the Councillor appointment to Section 86 Committees of Council (Hall and Recreation Reserve Committees of Management) will ensure a coordinated focus on high level decision making and proposed initiatives.

14.5 APPOINTMENT OF COUNCILLORS TO ADVISORY COMMITTEES OF COUNCIL

PURPOSE

The purpose of this report is to allow Council to formally elect representatives to Advisory Committees for the 2020 year.

EXECUTIVE SUMMARY

- The appointment of Councillors as representatives on advisory committees plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the Moorabool community.
- At its meeting held 13 November 2019, Council resolved to retain existing Advisory Committees of the Council and receive a further report in February 2020 for the purpose of appointing Councillor representatives for the 2020 year.

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr John Keogh

That Council:

1. Appoints representatives to the following Advisory Committees of the Council to assist the Council in performing its functions and duties in the manner as currently prescribed and as provided for in the terms of reference authorised by Council:
 - a) Audit and Risk Advisory Committee: Cr Dudzik and Cr Keogh
 - b) Bacchus Marsh District Trails Advisory Committee: Cr Bingham
 - c) Bacchus Marsh Leisure Centre Joint Use Management Agreement Advisory Committee: Cr Edwards
 - d) Economic Development Taskforce Advisory Committee: All Councillors
 - e) Heritage Advisory Committee: Cr Tatchell, Cr Keogh (sub)
 - f) Lal Lal Falls Reserve Advisory Committee of Management: Cr Sullivan
 - g) Moorabool Environment & Sustainability Advisory Committee: Cr Keogh
 - h) Moorabool Health and Wellbeing Advisory Committee: Cr Dudzik
 - i) Positive Ageing Advisory Committee: Cr Tatchell and Cr Keogh (sub)
2. Notify the Committees of the appointment arrangements.

CARRIED

BACKGROUND

Council has the ability to create a committee by resolution as an Advisory Committee.

These types of Committees have no specific 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 provides substantial expertise to the Council's planning by way of advisory recommendations.

The performance of specified statutory obligations of the Council are not placed upon these Committees. However, Council has the legislative ability to delegate authority and amend the operations and/or charter of individual Committees should circumstances warrant.

PROPOSAL

The following Advisory Committees have been established by Council.

1. Audit and Risk Advisory Committee

The Audit and Risk Advisory Committee is an independent Advisory Committee to Council. The primary role of the Audit and Risk Advisory Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

The Audit and Risk Advisory Committee is established to assist the coordination of relevant activities of management, the internal audit function and the external auditor, in order to facilitate achieving overall organisational objectives in an efficient and effective manner.

The 2018/19 representatives for this committee were Cr. Dudzik and Cr. Keogh.

2. Bacchus Marsh District Trails Advisory Committee

The District Trails Advisory Committee comprises interested community members to advise Council on the development and integration of the community trails in the Bacchus Marsh district.

The 2018/19 representative for this committee was Cr. Bingham.

3. Bacchus Marsh Leisure Centre Joint Use Management Agreement Advisory Committee

Established in 2003, this Committee was convened for the purpose of regulating the ongoing shared school and community use of the facility and to ensure the effective management and operation of the facility.

The 2018/19 representative for this committee was Cr. Edwards.

4. Economic Development Taskforce Advisory Committee

The Economic Development Taskforce Advisory Committee was established in April 2018. The role of the Committee is to provide an oversight of economic development objectives and to provide advice on the development, promotion and implementation of strategies and initiatives. This includes the identification and development of investment opportunities.

All Councillors are representatives on this Committee.

5. Heritage Advisory Committee

The Heritage Advisory Committee was established to advise Council on the conservation, promotion and education of heritage matters within the Shire.

The 2018/19 representative for this committee was Cr. Tatchell.

6. Lal Lal Falls Reserve Advisory Committee of Management

The Lal Lal Falls Reserve Advisory Committee was created to provide advice on the development and management of this significant natural reserve.

The 2018/19 representative for this committee was Cr. Sullivan.

7. Moorabool Environment & Sustainability Advisory Committee

The Moorabool Environment & Sustainability Advisory Committee comprises members of the community with land care experience or interest to advise Council on matters of land care policy, planning and development.

As a result of the adoption of the Moorabool Sustainable Environment Strategy by Council in April 2017, which has established a broader policy and operational scope for Council, the former Moorabool Landcare Advisory Committee was resolved to be renamed to Moorabool Environment and Sustainability Advisory Committee (MESAC). This name better reflects the range of matters being considered by the Committee.

The 2018/19 representative for this committee was Cr. Keogh.

8. Moorabool Health and Wellbeing Advisory Committee

The Moorabool Health and Wellbeing Advisory Committee comprises community members to assist in the development of Council's Health and Wellbeing Strategy and Plan.

The following organisations and groups are nominated for the 2019/2020 term:

- Djerriwarrh Health Services
- Department of Justice – Grampians Region
- Victoria Police – Bacchus Marsh
- Central Highlands Primary Care Partnership
- Women's Health Grampians
- Darley Neighbourhood House and Early Learning Centre
- Ballan and District Community House and Adult Education Centre
- Highlands Local Learning and Employment Network
- Sports Central
- Department of Health and Human Services
- North West Melbourne Primary Health Network

The 2018/19 representative for this committee was Cr. Dudzik.

9. Positive Ageing Advisory Committee

The Positive Ageing Advisory Committee was established by Council on Wednesday 7 November 2018.

This Committee provides an opportunity for informed discussion on issues impacting upon older members of the Shire and increases community awareness of the particular needs and aspirations of older members of the community through collaboration and consultation.

The 2018/19 representative for this committee was Cr. Tatchell.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 4: Improve Social Outcomes**Context 1B: Our People**

Our people are our Councillors, staff, contractors and volunteers and are key to the planning and delivery of valued services to our communities and to the organisation.

The appointment of Councillors to the various Advisory Committees of Council assists in achieving stated objectives and future visions as set out in the Council Plan.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of presenting this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified Risks or OH&S implications as a result of presenting this report.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

Chief Executive Officer – Derek Madden

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

Author – Yvonne Hansen

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

CONCLUSION

It is considered that in the interest of the whole community, the appointment of Councillors to Advisory Committees will ensure a coordinated focus on high level strategic projects, decision making and proposed initiatives.

14.6 COUNCIL APPOINTMENTS TO WORKING GROUPS, INDUSTRY BODIES AND FORUMS

PURPOSE

The purpose of this report is to allow Council to formally elect representatives to Working Groups, Industry Bodies and Forums for the 2020 year.

EXECUTIVE SUMMARY

- The appointment of Councillors as representatives on Working Groups, Industry Bodies and Forums plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the Moorabool community.

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr Tonia Dudzik

That Council:

1. Endorses its participation on the following Working Groups, Industry Bodies and Forums and appoints its representatives as follows:
 - a) Bacchus Marsh Aerodrome Management Committee: Executive Manager Community Planning & Economic Development
 - b) Ballarat Rail Action Committee: Cr Edwards and Chief Executive Officer
 - c) Central Highlands Community Road Safety Council: General Manager Community Assets and Infrastructure
 - d) Central Highlands Councils Victoria: Cr Edwards and Chief Executive Officer
 - e) Central Highlands Local Learning and Employment Network (CHLLEN): Cr Borgelt
 - f) Concerned Councils for the Moorabool River Flows and Environment: Cr Borgelt
 - g) Corangamite Catchment Management Authority Salinity Management Overlay Development Steering Committee (CCMA SMO): Executive Manager Community Planning and Economic Development
 - h) Grow West Implementation Committee: Cr Keogh and Cr Bingham (sub) and Manager Environmental Management
 - i) Local Government Waste Forum – Grampians Central West Waste and Resource Recovery Region: Cr Sullivan, Cr Keogh (sub) and General Manager Community Assets and Infrastructure.
 - j) Municipal Association of Victoria: Cr Sullivan.
 - k) MAV Emergency Management Committee: Chief Emergency Management Officer
 - l) MAV Strategic Environment Advisory Group (SEAG): Cr Sullivan.
 - m) Municipal Emergency Management Planning Committee (MEMPC): Cr Keogh
 - n) Municipal Fire Management Planning Committee (MFMPC): Cr Keogh

- o) National Timber Councils Taskforce: Cr Sullivan
 - p) Peri Urban Group of Rural Councils: Cr Edwards, Cr Keogh (sub), Chief Executive Officer and Executive Manager Community Planning and Economic Development
 - q) Rural Councils Victoria: Cr Sullivan
 - r) Timber Towns: Cr Sullivan
 - s) Victorian Local Governance Association (VLGA): Cr Edwards
 - t) Western Highway Action Committee: Cr Keogh and General Manager Community Assets and Infrastructure
2. That Council notify these Working Groups, Industry Bodies and Forums of the reappointment arrangements.

CARRIED

BACKGROUND

In order for Moorabool Shire Council to pursue its role of advocacy and represent the interests of the community, Council seeks to be represented on a variety of committees and organisations which are established not only within Moorabool Shire, but more broadly within the region and also within industry representative associations. Involvement in these areas provides the Council with a broader perspective in undertaking its policy deliberation role.

PROPOSAL

The 2018/19 representatives for each working group, industry bodies and forums are listed below:

Working Groups, Industry Bodies and Forums	Council Representative 2018/19
Bacchus Marsh Aerodrome Management Committee	Cr. Edwards
Ballarat Rail Action Committee (BRAC)	Cr. Edwards; CEO
Central Highlands Community Road Safety Council	GM Infrastructure
Central Highlands Councils Victoria	Mayor; CEO
Central Highlands Local Learning and Employment Network (CHLLEN)	Cr. Bingham
Concerned Councils for the Moorabool River Flows and Environment	Cr. Toohey
Corangamite Catchment Management Authority Salinity Management Overlay Development Steering Committee	GM Growth & Development
Grow West Implementation Committee	Cr. Keogh; Cr. Bingham (proxy); Coordinator Environmental Planning
Local Government Waste Forum – Grampians Central West Waste and Resource Recovery Region	Cr. Sullivan Cr. Keogh (Proxy GM Infrastructure

MAV Strategic Environment Advisory Group (SEAG)	Cr. Sullivan
MAV Emergency Management Committee	Chief Emergency Management Officer
(MAV) Municipal Association of Victoria	Cr. Sullivan
Municipal Emergency Management Planning Committee (MEMPC)	Cr. Keogh
Municipal Emergency Management Planning Committee (MEMPC)	Cr. Keogh Cr. Bingham (Proxy)
Municipal Fire Management Planning Committee (MFMPC)	Cr. Keogh
National Timber Councils Task Force	Cr. Sullivan
Peri Urban Councils	Cr. Edwards, CEO, GM Growth and Development
Rural Councils Victoria	Cr. Toohey
Timber Towns	Cr. Sullivan
Victorian Local Governance Association (VLGA)	Cr. Bingham
Western Highway Action Committee	Cr. Keogh GM Infrastructure

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 4: Improve Social Outcomes

Context 4B: Community Connectedness and Capacity

A primary role of Council is to advocate on behalf of the interests of the local community to other communities and governments to ensure Council is promoting proposals which are in the best interests of the community.

The appointment of Councillors to the various external bodies and working groups assists in achieving stated objectives and future visions as set out in the Council Plan.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of presenting this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified Risks or OH&S implications as a result of presenting this report.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

Chief Executive Officer – Derek Madden

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

Author – Yvonne Hansen

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

CONCLUSION

It is considered that in the interest of the whole community, the appointment of Councillors to external bodies and workings groups will ensure a coordinated focus on high level strategic projects, decision making and proposed initiatives.

14.7 2017-2021 COUNCIL PLAN SECOND QUARTER PROGRESS FOR OCTOBER - DECEMBER 2019**PURPOSE**

The 2017 – 2021 Moorabool Shire Council Plan (“Council Plan”) sits within the Council’s planning framework and identifies the main priorities and expectations over a four-year period.

EXECUTIVE SUMMARY

- Overall there are 53 actions to be achieved.
- Progress is being made on all actions of the 2017 - 2021 Council Plan.

RESOLUTION

Moved: Cr Tonia Dudzik

Seconded: Cr Paul Tatchell

That Council receives and notes the 2017-2021 Moorabool Shire Council Plan – Second Quarter Progress Report for October - December 2019.

CARRIED

BACKGROUND

The Four Strategic Objectives outlined in the Council Plan and that guide new initiatives and continuing services are:

1. Providing Good Governance and Leadership
2. Minimising Environmental Impact
3. Stimulating Economic Development
4. Improving Social Outcomes

Each Strategic Objective has a set of contexts, or desired outcomes, which sets out strategic actions to be undertaken over the planned four years to achieve the objectives.

Quarterly performance reporting allows Council to effectively measure, monitor, review and report on its performance, while providing open and transparent reporting to the community. This report presents the second quarter progress performance against the actions set for the 2019/20 financial year.

PROPOSAL

The 2017 – 2021 Moorabool Shire Council Plan – Second Quarter Progress Report October – December 2019 is provided as Attachment 1.

Overall there are 53 actions to be achieved this financial year.

Of these actions for the second quarter period, 48 actions have reached 90% or greater of their target for the period, 4 actions have achieved between 60% and 90% of their target and 1 action remains at less than 60% of its target.

The following table summarises the status of those actions set to be achieved in the 2019/20 financial year:

Strategic Objective	Completed	In Progress	Deferred	Not Started	Total
Providing Good Governance and Leadership	7	16	-	-	23
Minimising Environmental Impact	2	7	-	-	9
Stimulating Economic Development	-	10	-	-	10
Improving Social Outcomes	-	11	-	-	11
Totals	9	44	-	-	53

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

The proposal is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

There are no financial implications from this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

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

VICTORIAN CHARTER OF HUMAN RIGHTS & 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 – Caroline Buisson

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

Author – Michelle Morrow

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

CONCLUSION

Overall, there are 53 actions being reported on for 2019/20. Progress is being made on all actions of the Council Plan for the second quarter of the 2019/20 financial year.

15. COMMUNITY ASSETS & INFRASTRUCTURE REPORTS

15.1 PETITION RESPONSE; HOGAN ROAD, BALLAN

PURPOSE

Following the receipt of a petition in relation to the condition of Hogan Road, Ballan, the purpose of this report is to provide Councillors with the background and current status, in addition to outlining future capital works for consideration.

EXECUTIVE SUMMARY

- At the Ordinary Meeting of Council in November 2019, a petition containing 51 signatures was received in relation to the current condition of Hogan Road, Ballan.
- Hogan Road contains a sealed section of 700m and an unsealed section of 60m, providing access to properties along the road and adjacent streets and courts.
- An application for development of a property to the north has been identified which will likely require the construction of the unsealed section.
- The existing sealed section is in average condition with some defects present and has a narrow seal and unsealed shoulders. Due to individual developments occurring over a number of years, the road has not been required to be upgraded to an urban standard.

RESOLUTION

Moved: Cr Tonia Dudzik

Seconded: Cr Paul Tatchell

That Council:

1. Notes the information provided within this report.
2. Requests that the rehabilitation and widening of Hogan Road and Densley Street, Ballan be referred to the Capital Improvement Program for consideration.

CARRIED

BACKGROUND

At the Ordinary Meeting of Council in November 2019, a petition was received raising concerns in relation to the current condition and width of Hogan Road, in Ballan. The petition requests the resurfacing of the road as a priority, particularly given the number of developed properties now in the area.

Site Assessment

Hogan Road is located at the north east of the Ballan township and is made of up of sealed and unsealed section, with footpath the full length on the east side. The road provides access to properties on Hogan Road, Gingella Court, Blake Court, and Fitch Court.

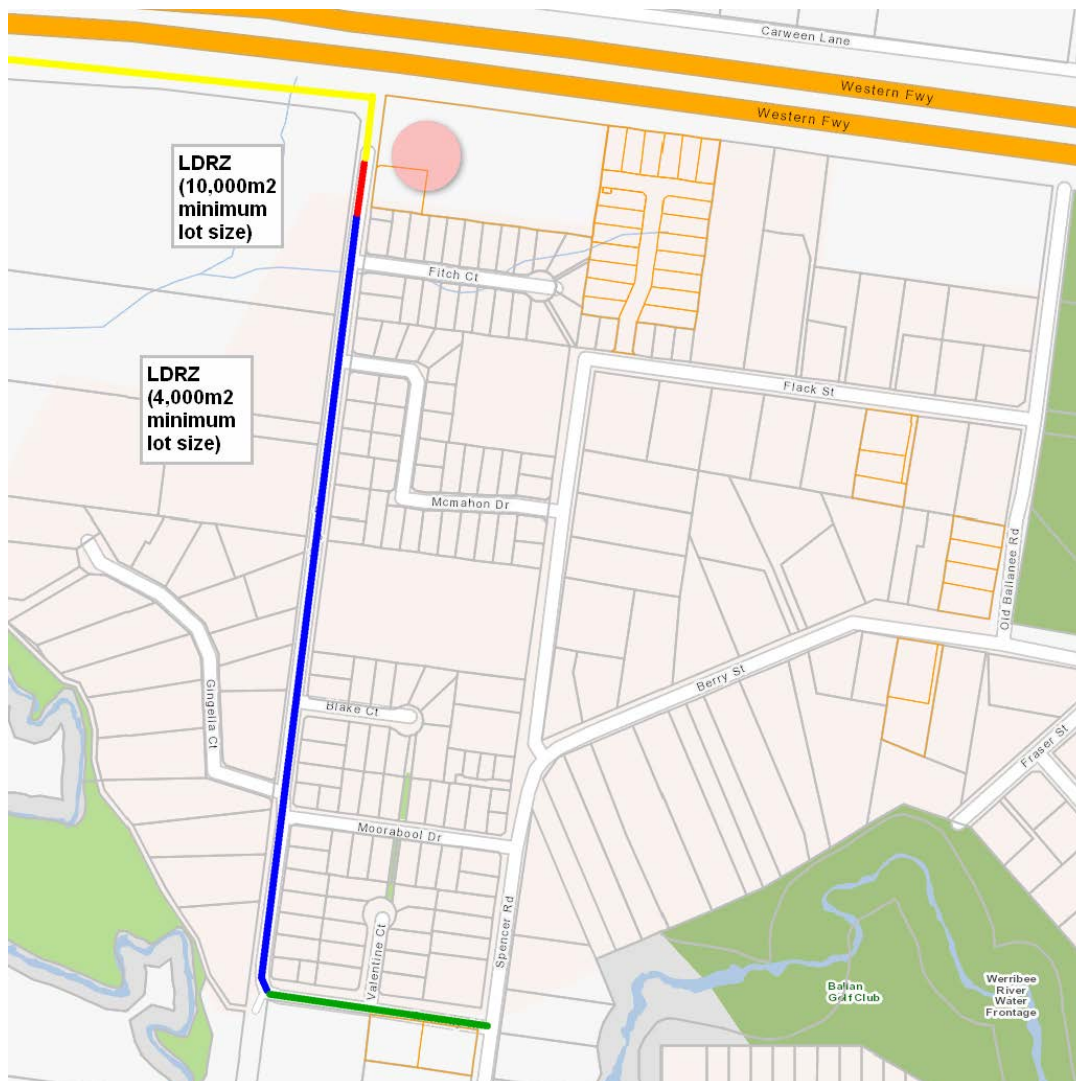
The sealed section (highlighted blue below) extends 700m from Densley Street, is classified as an Access Level 2 Road in accordance with Council's Road Management Plan and is included on the Register of Public Roads. This section is a single lane road with a seal width of 4.0m, and has unsealed shoulders and open drains along its length. The road is generally

in average condition however there are some sections with cracking or pothole patching repairs present. The adjoining courts and through roads are urbanised, with a full width seal, kerb and channel and underground drainage. The most recent traffic count undertaken on the southern section of Hogan Road indicates an average of 241 vehicles per day. Due to individual developments occurring over a number of years, the full length of Hogan Road has not been required to be upgraded as part of individual developments. With further developments proposed, this traffic volume will increase.

The unsealed section (red below) extends a further 60m north of the sealed segment, is classified as an Unsealed Level 2 Road in accordance with Council’s Road Management Plan and is included on the Register of Public Roads. An application for the development of the allotment indicated by a pink dot below, has been received and is currently being assessed. It is likely that the infrastructure conditions placed on this development will include the construction of Hogan Road along the frontage of the property and an extension of the existing footpath.

The remainder of the road reserve (yellow below) does not contain a formed road at this time, is not included in Council’s Register of Public Roads and as such is not inspected or maintained by Council.

Densley Street (green below) is also a single lane road with a seal width of 4m with unsealed shoulders and open drains.





Unsealed section, facing north



Sealed section (midway), facing north



Sealed section (southern end), facing north

Future Development

Allotments at the northern end of the road, on the west side, have been identified in the Ballan Strategic Directions report as being within a Minimal Growth Area with maximum lot sizes of between 4,000m² and 10,000m². If developed to capacity, it is estimated that approximately 30 additional lots may be created within these parcels.

Given the existing road layout and current and potential future development, with urban properties on the eastern side of Hogan Road and rural style properties on the western side, there are a number of options for the upgrade and/or urbanisation the road including widening/ shoulder sealing, formalisation of drainage and installation of kerb and channel on

one or both sides. The design phase of any project will determine the most appropriate outcome for the function of the road.

As Densley Street provides a primary access to Hogan Road, it is considered that any upgrade works should also be replicated along this section of road to ensure a consistent outcome across the network.

PROPOSAL

Given the number of lots serviced by Hogan Road, it is viewed that the upgrade of the road (including Densley Street) is warranted and it is proposed that road upgrades and drainage improvements be referred to Council’s Capital Improvement Program for consideration. It should be noted that the road was already identified as requiring works prior to receipt of the petition and was part of a draft five year program.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

The proposal is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

As upgrade works are recommended to be referred to Council’s Capital Improvement Program, there are no immediate financial impacts associated with this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
OHS	Risk of physical harm to contractors working on site	Low	Ongoing monitoring and audit of works throughout construction.
Financial	Risk of the project going over budget	Low	Thorough cost estimates prepared and ongoing monitoring of costs throughout the project.
Timeframe	Risk of the project running over time	Low	Key milestones and timeframes prepared and ongoing monitoring of throughout the project.
Public Liability	Risk of Public Liability claims against Council	Low	Minimum insurance requirements on contractors undertaking works and ongoing monitoring throughout construction.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Petition convener	Outcomes of the Report to Council provided to the petition convener	n/a	February 2020	Stakeholder/s advised of outcome

VICTORIAN CHARTER OF HUMAN RIGHTS & 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 – Lace Daniel

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

CONCLUSION

Following an assessment of the current condition and layout of Hogan Road, Ballan, it is recommended that upgrade works be referred to Council’s Capital Improvement Program for consideration.

15.2 BALD HILL ACTIVATION PLAN - FEASIBILITY STUDY

PURPOSE

The purpose of this report is to endorse the Bald Hill Activation Plan for the purposes of proceeding with further design of the recommended uses, to guide more accurate construction estimates and community consultation.

EXECUTIVE SUMMARY

- The 2017-21 Council Plan identified the completion of the Bald Hill Activation Plan – Feasibility Study
- The Feasibility Study was completed in November 2019 and identifies the recreation and economic benefits of developing the site for a range of activities and uses.

RESOLUTION

Moved: Cr Jarrod Bingham

Seconded: Cr Tonia Dudzik

That Council:

1. Receives the Bald Hill Feasibility Study.
2. Refers development of the overall masterplan and design of various elements to the Capital Improvement Program for the purposes of progressing design and community engagement.

CARRIED

BACKGROUND

At the Ordinary Meeting of Council in March 2018, Council received the Bald Hill Background and Scoping report which explored potential re-utilisation of the Bald Hill site. The Scoping report recommended that a feasibility study be undertaken to quantify any potential benefits of the proposals raised within. Council supported this recommendation and requested the Feasibility Study be undertaken.

In August 2018, Council applied for funding from Sport Recreation Victoria (SRV) along with council contributions to undertake a detailed assessment of the recreation and economic benefits of developing Bald Hill. The feasibility study was completed in November 2019 and is provided as Attachment 1 to this report.

In developing the feasibility study an analysis of the residential catchment, visitor market and site constraints (including topography, native vegetation and cultural heritage) was undertaken.

A range of potential opportunities for the site were investigated in the feasibility study including walking and cycling trails, lookouts, conference centre, commercial food and beverage use, fitness loop and destination walking trail (e.g. 1001 steps).

Summary of findings:

Based on demand assessments for each of these potential uses, it has been identified that the following are considered the most suitable opportunities for the site, both to encourage increased recreational opportunities for local residents and to benefit the local economy:

- Mountain bike trails (gravity and cross country)
- Destination walking trail (e.g. 1001 steps)
- All accessibility trail and lookouts
- Adventure park/playspace
- Event space and;
- Destination dining
- Picnic & BBQ facilities

As part of the feasibility study a preliminary concept plan (figure 1), has been developed to provide an initial outline of the potential site layout.

Table 1 provides a summary of the proposed uses that have been identified in the feasibility study.

Assuming that all elements listed above were constructed simultaneously, the following immediate key benefits were identified in the feasibility study

- Annual net visitation: 347,199
- Annual local visitation: 152,111 (catchment includes Bacchus Marsh and Melton)
- Annual external visitation: 195,088
- Total estimated cost of construction: \$12.38m (including recreational and commercial facilities)
- Economic impact during construction: \$23.28m
- Ongoing economic impact: \$6.77m

Please note that the visitation estimates are based on the current populations of the investigation area and are not based on future growth projects for Bacchus Marsh and Melbourne's western growth corridor.

While the Bald Hill Activation Project has significant construction costs the feasibility study has flagged the potential to generate large annual returns for the local community.

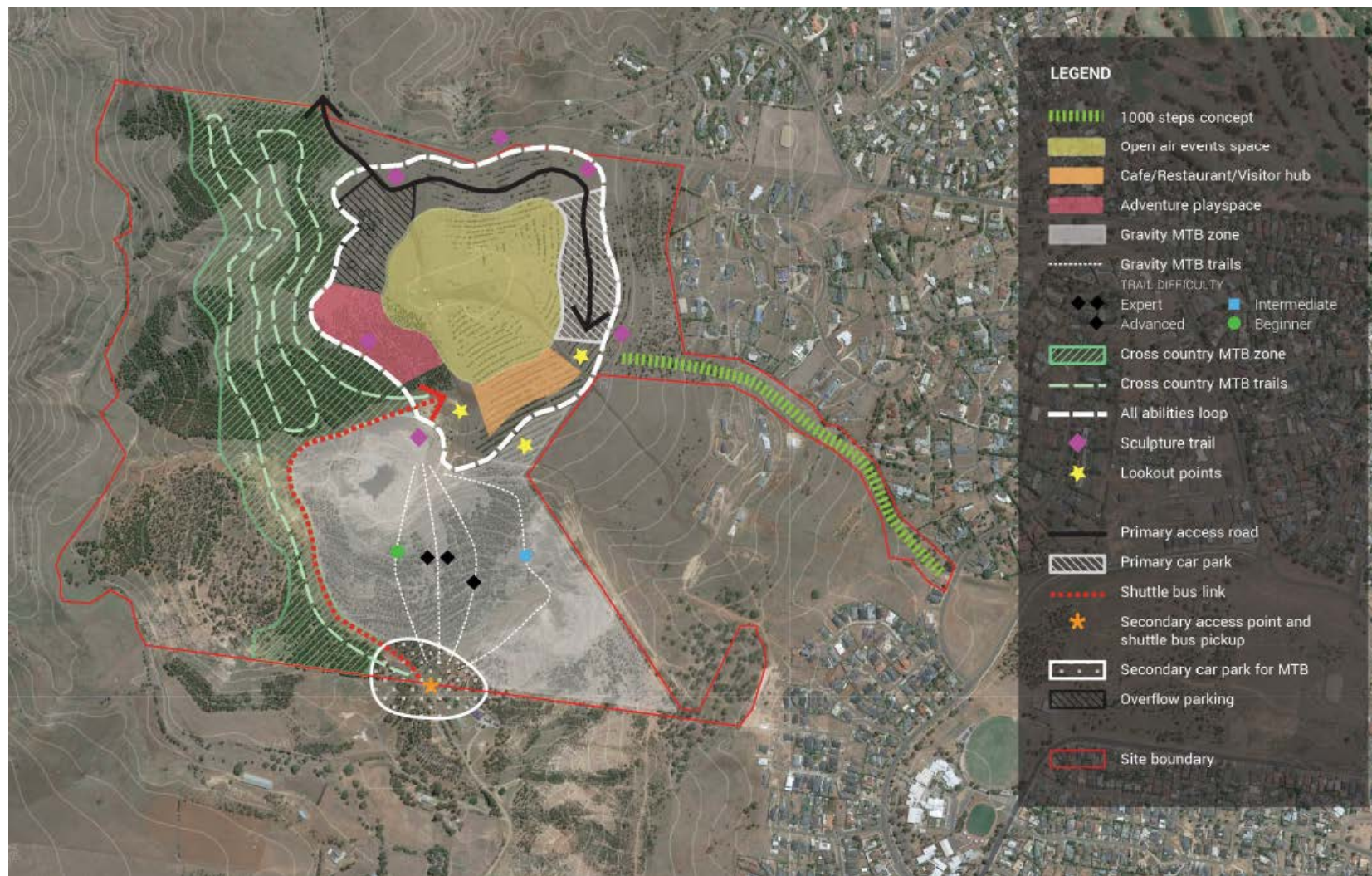


Figure 1: Preliminary site concept plan

	Market				Concept Description
	<i>Local Catchment</i>	<i>Regional Catchment</i>	<i>Melbourne & Victoria</i>	<i>Australia</i>	
Gravity Mountain Bike Park	✓	✓	✓	✓	The Bald Hill Gravity Mountain Bike Park will be a destination mountain bike facility on the southern side of Bald Hill and include the former quarry land. The gravity mountain bike park will be unique in the context of Victoria, forming the first masterplanned gravity and slopestyle park in close proximity to Melbourne. The disturbed nature of the site will allow for the establishment of high end slopestyle, traditional downhill and flow trails from the summit of Bald Hill.
Cross Country Mountain Bike Trails	✓	✓			The mountain bike cross country course will deliver up to 15 kms of flowing single track at beginner and intermediate standard. The course will include land north west of the Gravity Park. The cross country course is intended to be a regional level facility to support local and regional riders. The course will include undulating downhill and switchbacks with uphill climbing limited to 3%. The aim of the cross country course is to support growth in the mountain biking sector. As skills improve cyclists can transition to include circuits of the Gravity Park as well.
1001 Steps	✓	✓	✓		The establishment of a 1001 steps walk that links Halletts Way at the base of Bald Hill with the peak of Bald Hill, similar to the experience of the 1000 steps in the Dandenong Ranges. Landscaping and vegetation plantings are required to create a sheltered and quality experience. The delivery of a themed 1001 steps, potentially with an indigenous interpretive experience, will set the walk aside from others offered in Melbourne.
All abilities trail	✓	✓			An all abilities trail will be delivered on top of Bald Hill which provides an open and largely level site for easy walking, cycling and other activities. The all abilities trail is proposed to be a sealed trail, three metres in width and

	Market				Concept Description
	Local Catchment	Regional Catchment	Melbourne & Victoria	Australia	
					up to 2 kilometres in length. It is proposed that the trail will include a sculptural element to add to the visitor experience. Views along the trail will extend across the Moorabool Valley towards Melbourne.
Adventure Park / Playspace	✓	✓			An Adventure Park/Playspace will be delivered on site in proximity to the restaurant/café. It is envisaged that this will be a destination in its own right and strengthen the family market visitation to the site. There is potential to investigate the delivery of adventure activity by the private sector on site.
Open Air Events Space	✓	✓			An open air events space will be delivered on the top of Bald Hill providing a scenic high amenity events space for festivals, markets, car clubs. The events space will cater for up to 5000 people during peak events. This will also serve as a staging ground for other outdoor focused events such as mountain biking events, orienteering etc.
Restaurant and Events Space	✓	✓	✓	✓	A restaurant /café/ function centre is proposed for the south east side of Bald Hill, allowing extensive views from the facility over the Moorabool Valley towards the You Yangs and Melbourne. The restaurant / café function centre will provide for a high quality local food experience servicing a variety of site users and destination food visitors. It is envisaged that the restaurant be delivered by the private sector, with services and parking delivered by the public sector.
Picnic & BBQ areas	✓				Picnic and BBQ areas will be provided throughout the site. This will attract visitors to the site specifically for these purposes and may also be utilised by those visiting the site for a specific purpose.

Table 1: proposed uses

1. Recreational benefits

The proposed uses identified in the Bald Hill concept have the potential to service a large regional residential catchment, including the municipalities of Moorabool and Melton within the primary catchment (figure 2). The site will serve to increase local participation in walking and cycling.

In addition, as the site will be a Regional Destination Park, it is expected that it will also service a larger secondary catchment that includes western metropolitan local governments areas and western Victorian local government areas including Golden Plains, Macedon Ranges, Hepburn and Ballarat.

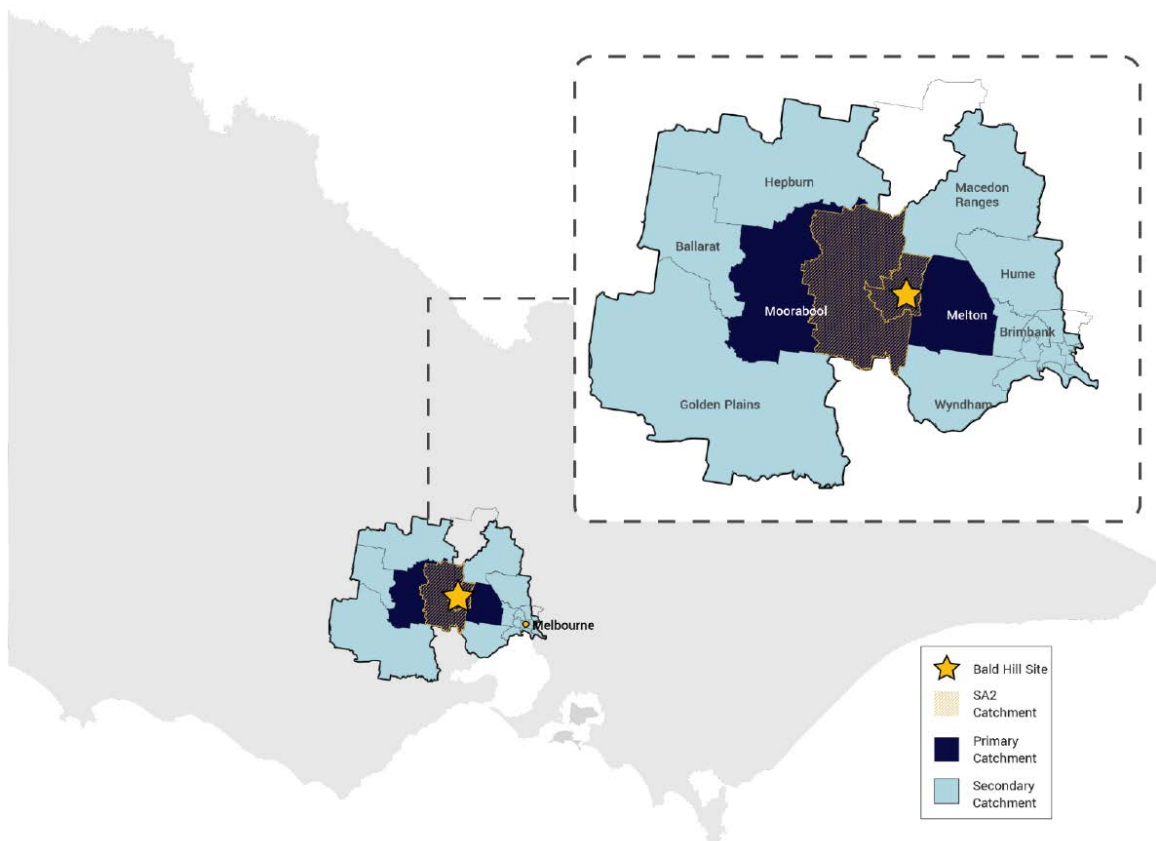


Figure 2: Primary and Secondary catchment areas

Based on the proposed development of recreational activities targeting walking, cycling and play it is anticipated that there will be approximately 293,000 annual visits to the site, with approximately 52% of the users from within the primary catchment area.

Table 2 provides an assessment of the expected use and visitation of the site from residents within the primary and secondary catchments.

Proposed use	Primary catchment	Secondary catchment	Total
Cycling	27,676	40,197	67,873
Walking	66,805	83,377	150,182
Adventure park/playspace	57,630	17,217	74,847
TOTAL	152,111	140,791	292,902

Table 2: estimated visitation to Bald Hill for each of the three proposed recreational uses. Please note that the visitation estimates for events and picnics have been removed.

2. Economic benefits

In preparing the feasibility study an assessment of the economic impacts during construction and ongoing annual impacts. These impacts are assessed as ‘direct’ and ‘indirect’ effects.

Direct effects are the direct output or value of the development or construction activity. While the indirect effects relate to the broader impacts of the project on the supply chain (e.g. increased customers to local food retailers) and consumption effects (e.g. wages of staff working additional hours at local food retailers).

For the purposes of the Bald Hill project the direct and indirect impacts have been assessed for the both the construction and operational phases of the project.

Construction phase:

- The direct effect of the construction phase is defined by the development costs (e.g. construction costs, land acquisition, etc.); and
- The indirect effect of this phase is typified by the subsequent flow-on impacts on other sectors of the economy, particularly the supply-chain.

Operational phase:

This considers the annual (i.e. ongoing) economic impact from additional visitation to the site. The ongoing direct and indirect impacts are defined as follows:

- The direct effect is represented by additional visitor expenditure and in the shire; and;
- The indirect effect reflects the additional, flow-on output generated by other sectors of the economy, particularly the supply-chain.

A summary of the economic impacts of the construction and ongoing operation of the site are provided in tables 3 and 4.

	Output	Employment	Wages	Value-added
Direct effect	\$12,380,000	15	\$2,071,000	\$4,070,000
Indirect effect	\$10,897,000	35	\$2,468,000	\$4,645,000
TOTAL	\$23,277,000	50	\$2,468,000	\$8,715,000

Table 3: anticipated economic impacts during construction

	Output	Employment	Wages	Value-added
Direct effect	\$4,217,000	34	\$1,366,000	\$2,065,000
Indirect effect	\$2,553,000	9	\$572,000	\$1,252,000
TOTAL	\$6,770,000	43	\$1,938,000	\$3,317,000

Table 4: anticipated economic impacts during on-going operation

Value-Added data represents the marginal economic value that is added by each industry sector in a defined region. Value-Added can be calculated by subtracting local expenditure and expenditure on regional imports from the output generated by an industry sector, or alternatively, by adding the Wages & Salaries paid to local employees, the gross operating surplus and taxes on products and production.

3. *Estimated construction cost*

Based on the site concept plan shown in figure 1, it is estimated that the total cost to build each of the identified components would be \$12.38m.

A budget breakdown is provided in table 5 below.

Concept	Estimated development costs	Key assumptions
Destination walking trail (1001 steps)	\$280,000	3km trail @ \$100,000/km
Open air events space	\$1,500,000	750m ² at \$2,000/m ²
Dining facility	\$2,800,000	800m ² at \$3,500/m ² - restaurant/cafe (80 patrons) - events space
Visitor hub	\$1,000,000	200m ² at \$3,500/m ²
Gravity Mountain Bike zone	\$1,050,000	7km trail at \$150,000/km
Cross Country Mountain Bike zone	\$750,000	15km trail at \$50,000/km
All abilities loop	\$300,000	2km trail at \$150,000/km
Sculpture Trail	\$800,000	8 sculptures at \$100,000 each
Lookout points	\$900,000	3 lookouts at \$300,000 each
Site infrastructure	\$3,000,000	Construction of access roads, carparks etc
TOTAL	\$12,380,000	

Table 5: construction cost estimates

Please note that while the construction cost estimates have been based on similar facilities and benchmarked construction cost rates sources from Rawlinson’s Australian Construction Handbook, they are high-level only and will be reviewed in the preparation of a detailed site masterplan.

The sculpture trail concept is based on the development of a sculpture competition similar to Montalto at Red Hill.

4. Implementation Plan

The feasibility study has outlined a 5 stage implementation plan. This implementation plan has been developed to ensure the best investment and development outcomes for the site

Phase	Description	Timeframe	Cost (ex GST)
1: Promotion and funding	Preparation of a communication plan	Oct/Nov 2019	N/A
	Preparation of a pitch document	Oct/Nov 2019	\$8,000
	Review and identify funding opportunities	2019/20	N/A
	Pitch the project to Government	2019	N/A
2. Planning and design	Preparation of EOI for Masterplanning	2019/20	\$450,000
	Preparation of detailed business case	2020	\$50,000
	Negotiate purchase of the site leasehold	2020	TBC
	Planning scheme amendment	2020	TBC
	Seek planning permits	2020	TBC
	Activation and events strategy	2020	\$20,000
3. Preparatory works	Prepare an EOI for preparatory works	2020	n/A
	Undertake Stage 1 infrastructure works (e.g. water, access roads, car park)	2021	\$2.5m
	Undertake Stage 1 landscape works	2021	\$500,000
	Undertake Stage 1 open air events space	2021	\$1.5m
4. Delivery of Stage 2 Key Recreation Assets	Prepare EOI for Stage 2 works	2021	N/A
	Undertake Stage 2 delivery of Mountain Bike assets	2022/23	\$1.75m
	Undertake Stage 2 delivery of 1001 Steps	2022/23	\$280,000
	Undertake Stage 2 delivery of all abilities trail, sculpture and lookouts	2022/23	\$2m
5. Delivery of Stage 3 Commercial uses	Seek private sector partner to establish the restaurant/function centre	2023+	
	Seek private sector partner to operate a bike hub and shuttle services	2023+	

PROPOSAL

It is proposed that Council endorses the Bald Hill Activation Plan Feasibility Study for the purposes of enabling further detailed design, community consultation and advocacy of the document. Endorsement of the feasibility study would result in the completion of the action identified in the Council Plan.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 2: Minimising Environmental Impact

Context 2A: Built Environment

The proposal to endorse the Bald Hill Activation Plan Feasibility Study is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

There are no direct financial implications of endorsing the Bald Hill Activation Plan Feasibility Study, however as part of Council’s annual budget process it is proposed that funding for further design and community engagement is considered by Council.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no direct risk or occupation health and safety implications of endorsing the Bald Hill Activation Plan Feasibility Study.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Community	Media release / Social media informing that Feasibility Study has been endorsed	Various	December 2019 / January 2020	Community informed of progress on the Bald Hill Activation Project
Inform	Key State Government Agencies	Email outlying endorsement of feasibility study by Council	Various	December 2019 / January 2020	Key State Government agencies informed of progress
Inform	Relevant potential user groups	Email sent to key peak bodies such as Mountain Bike Australia	Various	December 2019 / January 2020	Potential users groups notified of progress

VICTORIAN CHARTER OF HUMAN RIGHTS & 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 Jeffery

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

Author – Justin Horne

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

CONCLUSION

The Bald Hill Activation Plan Feasibility Study has identified seven suitable uses that will enable increased recreational and economic benefits for the local community. The development of these seven uses would result in the reserve being established as a regional recreational destination for active recreation activities such as walking and cycling, which would lead to significant economic returns for Bacchus Marsh.

15.3 CAPITAL IMPROVEMENT QUARTERLY REPORT - DECEMBER 2019**PURPOSE**

To provide Council with an overview of the progress of Council's 2019/2020 Capital Improvement Program to 31 December 2019.

EXECUTIVE SUMMARY

The delivery of the 2019-2020 Capital Improvement Program is on schedule with:

- 25% of the CIP Projects completed.
- 44% of the CIP Projects either commenced or awarded awaiting start.
- 23% of the CIP Projects in the design or tendering stage.
- 8% of the CIP Projects not commenced.

RESOLUTION

Moved: Cr Tonia Dudzik

Seconded: Cr Paul Tatchell

That Council resolves to receive the Capital Improvement Program quarterly report to 31 December 2019.

.CARRIED

BACKGROUND

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

PROPOSAL

This quarterly report provides Council with an overview of the progress of Council's 2019/2020 Capital Improvement Program to 31 December 2019.

Implementation of the 2019/2020 Capital Improvement Program

The 2019/2020 Capital Improvement Program currently consists of 64 projects. This number may be adjusted throughout the year as other projects become active.

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

- Projects carried forward from 2018/2019 program.
- 2019/2020 Council budgeted projects.
- Grant funded projects.

For simplicity the reseal and final seal programs have been listed as 2 projects in total rather than listing each individual road under each respective program.

The Engineering Services Unit nominates 6 key stages of the project delivery process and will report with reference to these stages regarding the overall program status.

The table below summarises the overall program status as at 30 September 2019:

CIP Program Delivery Stage	Actuals as of 31 December 2019	
	No. of Projects	%
Inactive / On Hold	0	0
Not Commenced	5	7.8
Documentation / Design Preparation	12	18.8
Tender / Quote Stage	3	4.7
Project Awarded – Awaiting Commencement	9	14.1
In Progress / Under Construction	19	29.7
Complete	16	25.0
Total	64	100

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

Program Status

Minor issues have developed with the asphalt surfacing for the Ballan Recreation Reserve tennis/netball court reconstruction. The application of the acrylic surface has been deferred until February 2020.

At this stage of the financial year the program is relatively on schedule. 69% of the projects are either complete, underway or soon to be started, with a further 23% at document preparation stage.

Of the 5 projects not yet commenced, 1 project relates to the Gravel Road Resheet and 3 projects relate to the Shoulder Resheet program. The Gravel Road Resheet commenced mid-September 2019 and will continue sequentially through to late February 2020 and is currently running slightly ahead of schedule. The Shoulder Resheet Program commenced in late December 2019 and will continue sequentially through to April 2020. The other Project relates to the Wallace Recreation Reserve irrigation project which is a new project added since the last report via grant funding.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

The proposal is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

Reporting of the Capital Improvement Program has been resourced as part of Council's budget; accordingly, there are no additional financial implications. At this point in time, there are no significant budget issues to report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

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

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

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

VICTORIAN CHARTER OF HUMAN RIGHTS & 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 – Ewen Nevett

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

CONCLUSION

This report provides a summary of the progress of the Capital Improvement Program for the second quarter of the 2019/2020 period for the information of Councillors.

15.4 BACCHUS MARSH & BALLAN OPEN SPACE FRAMEWORK

PURPOSE

The objective of this report is for Council to consider the adoption of the Bacchus Marsh & Ballan Open Space Framework 2041.

EXECUTIVE SUMMARY

- The development of an Open Space Framework was identified as a key action of the Bacchus Marsh Urban Growth Framework and to support the implementation of the Ballan Strategic Directions
- The Framework comprises of three sections
- Vision, Principles and Key Actions
- Background report
- Appendices
- Further funding is required for the commencement of a shire wide Open Space Strategy in the 2020

RESOLUTION

Moved: Cr John Keogh

Seconded: Cr Paul Tatchell

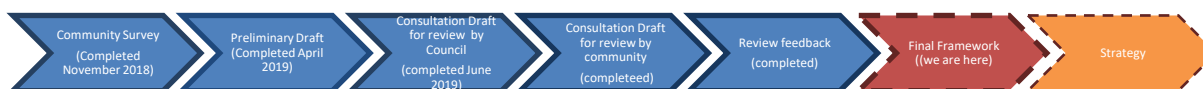
That Council Resolves to:

1. Adopt the Bacchus Marsh and Ballan Open Space Framework 2014 (December 2019).
2. Approve the ‘Open Space Improvement Plan’ allocation in the 2019/20 budget towards the development of a shire wide Open Space Strategy.

CARRIED

BACKGROUND

Presentations to the S86 Moorabool Growth Management Committee have been provided in September 2018, April 2019 and June 2019. The document was considered at the July 2019 Ordinary Meeting of Council for the purposes of being placed on public exhibition for 4 weeks.



These presentations provided an outline of the intention of the Bacchus Marsh and Ballan Open Space Framework, community feedback and an opportunity to provide feedback to assist officers with progressing the development of the framework.

The development of an Open Space Framework was identified as a key action of the Bacchus Marsh Urban Growth Framework (key action and to support the implementation of the Ballan Strategic Directions).

The Bacchus Marsh & Ballan Open Space Open Space Framework is a high level document that will:

1. **Define** open space typologies – regardless of primary use.
2. Establish a **vision** for the role of open space within local communities into the future.
3. **Review** the quality, extent of existing open spaces provided and degree of connectivity within key settlements.
4. Provide **guidance** for future open space provision (e.g. connectivity, typology etc) and the role of Council including high level strategies that achieve the agreed vision.

The Framework does not provide detail information relating to site specific uses or activities.

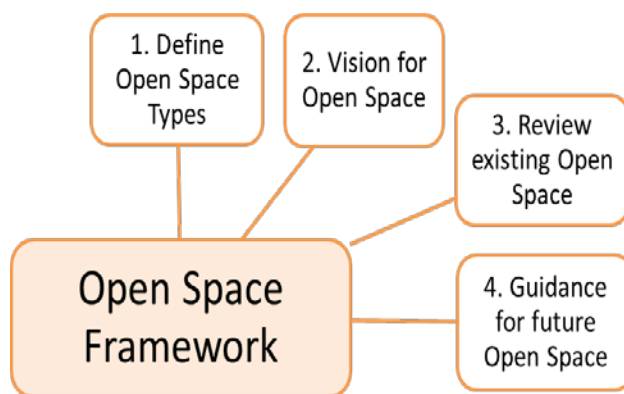


Figure 1: Objectives of The Framework

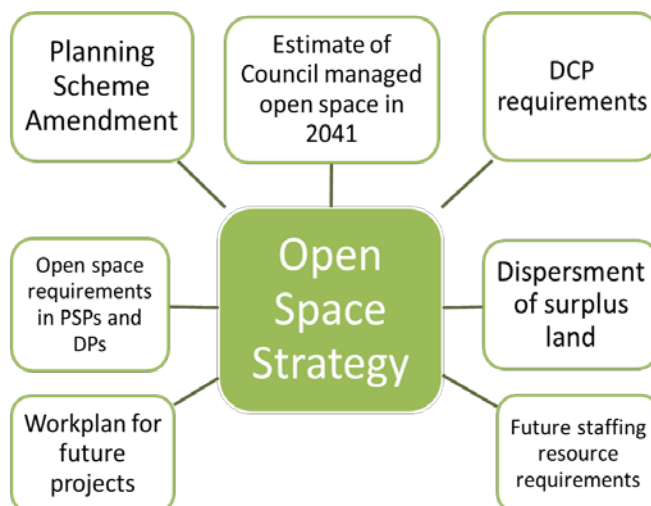


Figure 2: Indicative outputs of an Open Space Strategy.

The Framework was placed on public consultation for a period of 6 weeks between 14 August 2019 and 30 September 2019 and was available for comment on Engagement Hub. The following responses were received:

- One Community survey response
- Response from Victorian Planning Authority

In addition to external responses, further engagement was undertaken with Council departments.

As a result of the feedback, minor changes were made to the document, most notably in relation to the

- Update of population forecasts for Bacchus Marsh and Ballan (page 13 of attachment 1)
- Inclusion of a definition of encumbered open space (page 14 of attachment 1)

PROPOSAL

It is recommended that Council considers the Bacchus Marsh and Ballan Open Space Framework for adoption and reallocation of existing capital funding of the 'Open Space Improvement Plan' to commence a shire wide Open Space Strategy in 2020.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 4: Improve Social Outcomes

Context 4A: Health & Wellbeing

The proposal to consider the adoption of the Bacchus Marsh & Ballan Open Space Framework is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

There are no direct financial implications relating to the adoption of the Bacchus Marsh and Ballan Open Space Framework.

However, the report does recommend the allocation of \$75,000 for the Open Space Improvement Project funded in the capital program to assist in the development of a shire wide Open Space Strategy.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified Risk or Occupation Health & Safety Issues relating to the adoption of the Bacchus Marsh and Ballan Open Space Framework

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform (if adopted)	Community	Facebook post	Various	February 2020	Community is notified that the Framework was adopted

VICTORIAN CHARTER OF HUMAN RIGHTS & 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 Jeffery

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

Author – Justin Horne

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

CONCLUSION

The Bacchus Marsh & Ballan Framework 2041 was placed on community consultation for a period of 6 weeks between 14 August 2019 and 30 September 2019. It was available for comment online and at Council buildings. It was also promoted on Councils Facebook Page.

It is considered of high importance that the framework is completed for Bacchus Marsh and Ballan to ensure that Councils objectives for open space planning are considered by the VPA and developers as these areas are planned for and developed. In addition, the framework will guide open space planning for infill development in these areas as well.

The Framework comprises of three sections:

- Section 1: Vision, Principles and Key Actions.
- Section 2: Background report that supports the identified vision, principles and key actions.
- Section 3: Appendices.

With the expected residential growth of Bacchus Marsh and Ballan to 2041 the framework provides specific directions for these areas, as well as providing guidance for future residential investigation areas.

A whole of Shire open space strategy should be considered to be undertaken on completion of the framework, to incorporate the findings of the Community Infrastructure Framework, review the objectives of the Framework as it applies to the whole of the Shire and to ensure that the required work is completed to facilitate a planning scheme amendment to enable financial contributions in infill development areas.

16. OTHER REPORTS

16.1 ASSEMBLY OF COUNCILLORS

BACKGROUND

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 Meeting of Council, 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))

A record of Assemblies of Councillors is provided for consideration.

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Tom Sullivan

That Council receive the record of Assemblies of Councillors, as follows:

Assembly of Councillors – Wednesday 20 November 2019:

- Road Maintenance - Additional Funds Request
- Local Area Traffic Management Study – Stage 3 Update
- Community Grants Program Review
- Review of the Draft DAC Agenda

Assembly of Councillors – Wednesday 4 December 2019:

- Definition of Community Groups when assessing Community Grants
- Ballarat Rail Line Upgrade
- Aqualink Update
- Bald Hill Feasibility Study
- Recent China Visit / Friendly Cities Briefing
- Darley Civic Hub Indoor Sports Stadium (Confidential)

Assembly of Councillors – Wednesday 18 December 2019:

- Review of the SMC Agenda
- Review of the DAC Agenda

CARRIED

17. NOTICES OF MOTION

Nil.

18. NOTICES OF RESCISSION

Nil

19. MAYOR'S REPORT

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

Cr David Edwards – Mayor's Report	
<i>Date: 5 December, 2019 – 5 February, 2020</i>	
5 December	People Living with a Disability Celebration; including presentation of Inclusion Awards, Bacchus Marsh Community Grants Presentation Evening, Ballan
7 December	Youth Fest, Bacchus Marsh
9 December	Bacchus Marsh Aerodrome Management Inc (BMAM) Meeting
10 December	Farewell Dinner for Barry and Barbara Wilkins, Moorabool Light Orchestra, Bacchus Marsh
13 December	Peri-Urban Group of Rural Councils Meeting, Melbourne
14 December	Moorabool YOUth Mental Health Matters, Ballan
17 December	Local Area Traffic Management Study Stage 3 Community Consultation CHW Ballan Wastewater Treatment Plant Photo Opportunity
18 December	Councillor Briefing – Review of the SMC Agenda Councillor Briefing – Review of the DAC Agenda S86 Development Assessment Committee Meeting Special Meeting of Council
20 December	Central Highlands Council Victoria Meeting, Ballarat Declaration of Poll, Oath of Office – Incoming Woodlands Ward Councillor
24 December	MSC Staff Christmas Function
22 January	Councillor Briefing – SRV Funding Round Proposed Projects and Update on Grants Councillor Briefing – Review of the OMC Agenda
26 January	Australia Day Community Breakfast and Awards Ceremony Australian Citizenship Ceremony
29 January	Meeting with Steve McGhie, Member for Melton

	Meeting with Stuart Grimley, Member for Western Victoria
5 February	Councillor Briefing – Presentation by Mike Said, Chair A&R Committee Councillor Briefing – Councillor Appointments to Committees Councillor Briefing – Community Grants Program Review (Stage 2) Economic Development Taskforce Meeting Ordinary Meeting of Council

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr Jarrod Bingham

That Council resolves to receive the Mayor’s Report.

CARRIED

20. COUNCILLORS’ REPORTS

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

Cr Bingham	
4 February	Bacchus Marsh Tracks & Trails Committee
26 January	Australian Citizenship Ceremony

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr Paul Tatchell

That Council resolves to receive the Councillor’s Report.

CARRIED

21. URGENT BUSINESS**21.1 NAVIGATORS COMMITTEE OF MANAGEMENT - LETTER OF SUPPORT****RESOLUTION****Moved:** Cr Tom Sullivan**Seconded:** Cr Paul Tatchell

As owner of the site, that Council provide in principle support to the Navigators Community Centre Inc in their application under the Community Development Grant Program of the Department of Infrastructure, Regional Development and Cities.

CARRIED

21.2 SPORT AND RECREATION VICTORIA LOCAL SPORT INFRASTRUCTURE GRANT PROGRAM**RESOLUTION****Moved:** Cr John Keogh**Seconded:** Cr Tonia Dudzik

That Council consider an item of urgent business, in the confidential section of tonight's meeting, approving Council officers to submit funding applications for six projects under the Sport and Recreation Victoria Local Sport Infrastructure Grant program for 2020/2021.

CARRIED

ADJOURNMENT OF MEETING

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr John Keogh

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

CARRIED

The meeting was adjourned at 7.27pm.

RESUMPTION OF MEETING

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr Paul Tatchell

That the meeting now be resumed.

CARRIED

The meeting was resumed at 7.35pm.

22. CLOSED SESSION OF THE MEETING TO THE PUBLIC

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Jarrod Bingham

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 the following matters:

22.1 ENERGY EFFICIENT STREET LIGHTING UPGRADE (LED)

Council is satisfied that, pursuant to Section 89(2) of the Local Government Act 1989, the information to be received, discussed or considered relates to a contractual matter.

CARRIED

RETURN TO OPEN SESSION

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Jarrod Bingham

RECOMMENDATION

That Council now return to Open Session.

CARRIED

23. MEETING CLOSURE

The Meeting closed at 7.58pm.

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CHAIRPERSON