

## ORDINARY MEETING OF COUNCIL

**Notice** is hereby given of the  
Ordinary Meeting of Council to be held at  
Elaine Community Hall, 20 Pearsons Road, Elaine  
on Wednesday 5 March 2014,  
commencing at 5:00 p.m.

### Members:

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

### Officers:

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

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

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**1. OPENING OF MEETING AND PRAYER**

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

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

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

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

**Amen**

**2. PRESENT**

**3. APOLOGIES**

**4. CONFIRMATION OF MINUTES**

**4.1 Ordinary Meeting of Council – Wednesday 5 February 2014**

**Recommendation:**

**That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 5 February 2014.**

**4.2 Special Meeting of Council – Wednesday 19 February 2014**

**Recommendation:**

**That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 19 February 2014.**



## 5. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

### Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

**6. MAYOR'S REPORT**

**To be presented at the meeting by the Mayor.**

**Recommendation:**

**That the Mayor's report be received.**

**7. COUNCILLORS' REPORTS**

**To be presented at the meeting by Councillors.**

**Recommendation:**

**That the Councillors' reports be received.**

## **8. PUBLIC QUESTION TIME**

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

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

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

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

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

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

**9. PETITIONS**

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

## 10. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
-	-	-	-

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

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

Item No	Description	Name	Applicant/ Objector
-	-	-	-

**11. OFFICER'S REPORTS**

**11.1 CHIEF EXECUTIVE OFFICER**

*No reports for this meeting*



## **11.2 GROWTH AND DEVELOPMENT**

### **11.2.1 Amendment C53 - Gordon Structure Plan**

#### **Introduction**

File No.: 13/06/059  
Author: Gavin Alford  
General Manager: Satwinder Sandhu

#### **Background**

The Planning Panel reviewing submissions on Amendment C53 has provided its report and recommendations to Council (See Attachment 11.2.1).

Amendment C53 is a Council initiated amendment to give effect to the Gordon Structure Plan, which was adopted on 1 June, 2011. The Structure Plan has been based on an extensive community consultation process and sets out a plan to guide and manage the future development of the township and its surrounds. It addresses land use, zoning, urban design, visual amenity, facilities and infrastructure.

The Structure Plan recommended that changes be made to the Planning Scheme, including the rezoning of some land, the addition of planning provisions to guide the form and type of uses and developments to be supported, and strategies and policies that Council will apply to the future planning and development of Gordon.

The Amendment has undergone public exhibition over a period of four weeks between 6 June, 2013 and 5 July, 2013.

A total of 15 submissions, including five (5) late submissions, were received in response to Amendment C53, of which two (2) supported the amendment or offered no objection, two (2) supported the amendment but requesting alterations/changes, five or six (5) offering no objection but requesting alterations/changes, one (1) offering no position, and two (2) opposed the Amendment.

Three (3) submissions offered comment but neither supported nor objected to the Amendment.

Submissions in response to the amendment cover a range of issues. The key issues include:

- Support for the proposed Gordon township boundary
- Support for the Gordon Structure Plan vision for the town
- Expansion of the extent of the township boundary, i.e., requests from landowners for rezoning for residential development
- Refinements are needed to the MSS policy and Overlay controls
- Expansion of the extent of the Business 1 Zone and Significant Landscape Overlay - Schedule 2
- Impacts of the application of the proposed Overlays
- Bushfire risk

- Gas Transmission Pipeline
- Application of the new Residential Zones.

On 18 September, 2013, Council resolved to request the appointment of a Planning Panel by the Minister for Planning to consider the submissions received. Council resolved to submit the exhibited amendment to the Panel, subject to the recommended changes.

This report recommends the adoption of Amendment C53, modified in accordance with the Panel recommendations.

## **Proposal**

### ***The Amendment***

Amendment C53 seeks to implement the *Gordon Structure Plan 2011*, which was adopted by Council on 1 June, 2011, by making the following changes to the Moorabool Planning Scheme:

#### Municipal Strategic Statement

- Amending the existing Clause 21.09 “Small Towns” (Gordon) to reflect the new land use directions and policies identified in the *Gordon Structure Plan 2011*.
- Amending the existing Clause 21.11 by adding the *Gordon Structure Plan 2011* to the list of reference documents to the Moorabool Planning Scheme.

#### Zoning and Overlays

- Rezoning the identified commercial area of Gordon from Township Zone to Business 1 Zone.
- Rezoning the remaining Gordon residential area from Township Zone to Residential 1 Zone.
- Rezoning an area of 1.26 hectares of land associated with the properties known as No.s 1, 5 and 7 Russell Street from Rural Living Zone to Residential 1 Zone, to remove the existence of two zones from these properties.
- Rezoning lot from Rural Living Zone to Public Use Zone (PUZ5) to reflect the use of land.
- Applying the Significant Landscape Overlay - Schedule 2 “*Gordon Town Centre, Township and Surrounds*” to the Gordon Town Centre and to the rural living surrounds.
- Applying a new Design and Development Overlay - Schedule 5 “*Gordon Town Centre, Township and Surrounds*” to the Gordon Town Centre and to the rural living surrounds.

The purpose of the Design and Development Overlay (DDO) Schedule 5 is to ensure that any development and subdivision responds to the ‘country town feel’ of Gordon, and it contains objectives and guidance for the siting and design of buildings in relation to character and amenity.

In addition, the DDO seeks to protect the spacious character of the township by maintaining larger lot sizes and to ensure equitable development of land within the 'spare capacity' in the reticulated sewerage system.

This overlay ensures a planning permit is not required to construct a building or undertake works, if the following requirements are met:

- Buildings or extensions to existing buildings with a minimum side setback of 2 metres from either boundary, and a minimum rear setback of 5 metres.
- The site area covered by buildings does not exceed 40 per cent.
- Total floor area of all buildings does not exceed 300 square metres in floor area.
- Buildings under 9 metres in height.
- Earthworks under 1 metre in depth or height.
- Where all external walls and roof areas are clad with non-reflective materials.

The Significant Landscape Overlay (SLO) - Schedule 2 seeks to:

- To retain and protect significant trees, vegetation and windbreaks that are significant component of local identity and landscape of the township character of Gordon.
- To protect vegetation and trees of special significance, natural beauty, interest and importance.
- To retain trees where they have high amenity value, unless identified as an environmental weed.
- To support the retention and planting of further exotic and indigenous trees.

The SLO will introduce a permit trigger for the removal of canopy trees and does not prohibit development or tree removal. Standard exemptions for lopping or removal for safety reasons will still apply.

### ***Public Exhibition Process***

Amendment C53 was exhibited in accordance with the provisions of the Planning and Environment Act 1987 between 6 June, 2013 and 5 July, 2013. Notice was provided to all relevant Government Departments, Statutory Authorities and affected landowners and occupiers. Notices were placed in the Moorabool News, Council's web site, Government Gazette and the Moorabool Matters publications.

Public information sessions were held in the Gordon Hall on Tuesday 11 June and Wednesday 13 June, 2013, with a Council officer in attendance.

A total of 15 submissions, including five (5) late submissions, were received in response to Amendment C53, of which two (2) supported the amendment or offered no objection, two (2) supported the amendment but requesting alterations/changes, five or six (5) offering no objection but requesting alterations/changes, one (1) offering no position, and two (2) opposed the Amendment.

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- Support for the proposed Gordon township boundary
- Support for the Gordon Structure Plan vision for the town
- Expansion of the extent of the township boundary, i.e., requests from landowners for rezoning for residential development
- Refinements are needed to the MSS policy and Overlay controls
- Expansion of the extent of the Business 1 Zone and Significant Landscape Overlay - Schedule 2
- Impacts of the application of the proposed Overlays
- Bushfire risk
- Gas Transmission Pipeline
- Application of the new Residential Zones.

### ***Panel Process***

A Planning Panel was appointed by the Minister for Planning to consider and hear submissions in response to Amendment C53 on 11 October, 2013, under the provisions of Sections 153 and 155 of the *Planning and Environment Act 1987*.

All submitters were notified of the Panel Hearing by Planning Panels Victoria and given the opportunity to present to the Panel. All submissions were considered by the Panel, even if the submitter did not make a presentation at the Hearing.

The Panel conducted a directions hearing which was held on 1 November 2013 and the hearing proper on 2 December, 2013 at the Lerderderg Library. In addition to Council, five parties made written and oral submissions at the hearing. Expert evidence was presented on behalf of one submitter, Mr Andrew Findlayson (civil engineering).

In reaching its conclusions and recommendations, the Panel has read and considered the submissions and a range of other material which was provided by Council and other parties. This material includes written submissions, evidence and verbal presentations.

### ***Panel Findings and Recommendations***

In summary, the Panel supports the Amendment and found that it was generally sound. Whilst the Panel did not support the adoption and referencing of the Structure Plan, as presently drafted, in its view this is not a ground for abandoning the Amendment.

In the Panel's opinion, as proposed, the value of the Structure Plan for Gordon is limited to ensuring that residential development within the Town occurs in a manner which preserves its 'village' character. It considers that the Plan does not extend to the study of the business area in the Town, in determining how it should develop, and where its focus should be in providing the appropriate level of commercial services to residents of Gordon.

Thus, the Panel is of the opinion that the absence of any analysis of commercial uses is a matter which needs to be rectified before zones are selected and applied to land in Gordon's town centre.

Although Main Street is the likely location for the Town's commercial hub, the Panel believes that the required strategic analysis has not been undertaken to support the extent and split of the Business 1 Zone, as proposed under the Amendment.

Therefore, the Panel has recommended that the land bounded by Brougham, Tennyson, Lyndhurst and Urquhart Streets (the 'core town centre') should be retained in the Township Zone, until this analysis has been completed.

This analysis should identify the likely demand for and type of businesses required to service the Gordon community and the extent of land that will need to be rezoned to accommodate these uses. As well as considering the future zoning of this 'core town centre' of Gordon, the Panel believes that consideration should be given to the application of zones which would support the objective *"to encourage medium density dwellings in the central area of Gordon"*.

Until this work is finalised the Panel does not support referencing the Structure Plan in the Scheme. However, the Panel sees no reason to delay the Amendment, in so far as it applies the residential zone and overlays at Gordon.

It is also noted that there has been a trend in recent times for Panels not to recommend Structure Plans become reference documents within Planning Schemes. Reasons for this include, in part, the volume of planning documentation that is becoming entwined with Planning Scheme. One of the initial objectives of the introduction of New Format Planning Schemes was to streamline the system. Since that time Planning Authorities have been attempting to tailor schemes to local needs. One approach has been to prepare a specific plan for a specific area, include this plan as a reference document to help guide decision making, whilst also at the same time seeking to make a number of changes to Planning Scheme policy and tools.

The Panel supports the application of the Residential 1 Zone at Gordon and the adoption of the schedules to the overlays, generally as revised by Council post exhibition, but with some further minor revisions, as outlined in the Appendices to its Report. In addition, the Panel supports the revised version of Clause 21.09-1 Small Towns - Gordon, subject to further revisions recommended in its Report.

The Panel recommended that Amendment C53 to the Moorabool Planning Scheme be adopted as exhibited, subject to a number of recommendations.

The Panel recommendations and Council officer's response are outlined below:

**1. Gordon Structure Plan 2013 not be adopted as a Reference Document.**

**Officer comment**

The Panel is of the opinion that the predominant focus of the Structure Plan is on the residential areas of the town, with only fleeting references to business activity and provision of land for commercial purposes in Gordon.

In the Panel's view, *"the absence of analysis concerning the demand for commercial land uses and where they should be located is a failing of the structure planning process, which needs to be addressed before the Structure Plan is referenced in the Planning Scheme"*.

Preparation of the Structure Plan was undertaken in anticipation of the provision of reticulated sewerage to Gordon and was primarily intended to manage the additional residential growth facilitated by the availability of this infrastructure.

The Panel recommendation not to adopt the Gordon Structure Plan as a Reference Document, at this stage, is not supported. Including the Structure Plan in its current form would assist and further articulate the preferred directions for Gordon and highlight the strategic intent for the township. It is noted that the Panel did not dismiss the Structure Plan per se, rather said that it was incomplete.

It is considered, however, that the analysis of commercial demand and is not an onerous requirement and could be undertaken expeditiously, subject to the availability of funding.

Once the revised Structure Plan is completed a subsequent planning scheme amendment could then be prepared to include a revised Structure Plan as a reference document in the Moorabool Planning Scheme, as per Panel recommendation 3(a).

In the interim the Gordon Structure Plan could be considered as the reference document. Most structure plans need to be updated from time to time and this is also the case with the Gordon Structure Plan.

**2. Delete reference to the Gordon Structure Plan 2013 under Clause 21.09-1 and Clause 21.11.**

**Officer comment**

The Panel recommendation for these changes is not supported.

The current Structure Plan will provide a sound basis for the immediate development of the Gordon township and provides opportunities for infill development whilst ensuring it occurs in a manner which preserves its 'village' character.

It is considered that the Gordon Structure Plan should be a Reference Document in the Moorabool Planning Scheme and Clauses 21.09-1 and Clause 21.11 should be amended as exhibited.

**3. Amend Clause 21.09-1, under the heading 'Further Strategic work', to include a further dot point:**

- a) Prepare a revised Structure Plan for Gordon.**

**Officer comment**

The Panel has recommended that a revised Structure Plan for Gordon should be prepared, essentially because the Plan does not extend to the study of the business area in the Town, in determining how it should develop, and where its focus should be in providing the appropriate level of commercial services to residents of Gordon.

As noted above, the current Structure Plan will provide a sound basis for the immediate development of the Gordon township and provides opportunities for infill development whilst ensuring it occurs in a manner which preserves its 'village' character.

It is considered that the revisions recommended by the Panel could be undertaken expeditiously and will not be an extensive reworking of the Gordon Structure Plan. It would ensure that appropriate guidance would be provided for the development of the town over the planning period of twenty years until 2030.

Officers agree with the Panel recommendation and will seek to progress this action subject to the availability of funding.

**4. Amend dot point nine of the Strategies to Clause 21.09-1 to read:**

- a) Ensure that new development in the township responds to bushfire risk in a way that minimises loss of the environmental values of the surrounding landscape.**

**Officer comment**

This change reflects the position adopted by Council in response to submissions. At the Panel Hearing, Council suggested an addition to strengthen Clause 21.09-1 – Gordon, to recognise bushfire risk affecting the township and surrounds, and to ensure that development within Gordon responds to and mitigates any identified bushfire risks

Officers agree with the Panel recommendation and will revise the relevant amendment documentation accordingly.

**5. Retain land bounded by Brougham Street, Tennyson Street, Urquhart Street and Lyndhurst Street in the Township Zone.**

**Officer comment**

In light of the Panels previous recommendations, specially relating to the need for additional commercial analysis be undertaken and a revised Structure Plan be prepared, Officers agree with the Panel recommendation not to rezone land in Gordon for commercial purposes, due to the need for further analysis of future commercial development needs for the town.

Retention of the Township Zone will enable appropriate commercial development to occur, subject to planning approval, in the Town Centre, while a review of the Structure Plan is undertaken in accordance with Recommendation No. 3 of the Panel Report.

**6. Except for that part of the residential area to be retained in the Township Zone, adopt the Residential 1 Zone, as exhibited.**

**Officer comment**

Officers agree with the Panel recommendation and will revise the relevant amendment documentation accordingly. This recommendation accords Council's decision to rezone the majority of the township to the Residential 1 Zone, via the exhibited Amendment.

**7. Adopt Schedule 2 to the Significant Landscape Overlay, as revised by Council post exhibition, and included at Appendix D in this Report (*Appendix D of the Panel report*)**

**Officer comment**

The modifications proposed reflect the changes to the wording of Schedule 2 to the Significant Landscape Overlay in response to submissions, outlined and supported by Council during the Panel Hearing.

Council submitted to the Panel that changes should be made to the Schedule, to address matters raised by submitters and to improve the functionality of the control. The main change is to include 'Application requirements' in the Schedule to specify the level of documentation to accompany applications for planning permits.

Officers agree with the Panel recommendation and will revise the relevant amendment documentation accordingly.



- 8. Remove reference to “(Commercial Zones)” in the heading “General design objectives for the core town centre” in Schedule 5 to the Design and Development Overlay and adopt the revised post exhibition version, as included at Appendix E in this Report.**  
*(Appendix E of the Panel report)*

**Officer comment**

Given that the Panel recommended that land in Gordon should not be rezoned for commercial purposes, the reference to Commercial Zones is not required in Schedule 5 to the Design and Development Overlay.

Officers agree with the Panel recommendation and will revise the relevant amendment documentation accordingly.

**Zoning of other land not part of the Amendment**

The Panel noted that it is clear that the expectations of submitters, whose land was included in the Study Area for the Gordon Structure Plan but not subject to the Amendment, have not been met.

It was satisfied that the intention of containing the town boundaries is ultimately in the interest of retaining the village character of Gordon and understands that determining boundaries will never satisfy all parties. In addition, the Panel acknowledged that the current Amendment is limited to the immediate township area and is silent on the land the subject of two submissions for inclusion in the R1Z and one submission for inclusion in the LDRZ, even though these properties are within the Gordon Structure Plan Study Area.

The Panel believes that any consideration of these requests would constitute a transformation of the Amendment and could prejudice other parties who have not had the opportunity to make submissions.

Transforming an amendment is changing it in a fundamental way so that, in effect, it becomes a different amendment.

*It is only possible to consider such significant changes to an amendment if the rules of natural justice are adhered to. The particular rule of natural justice, which must be satisfied, is the requirement that all matters upon which a decision will be based are revealed to all parties and they are given an opportunity to be heard.*

In relation to submissions to have other land rezoned, the Panel advised those present at the Hearing that any such changes would transform the Amendment.

The Panel noted that Council may, at some future time, consider other land suitable for low density residential use as a ‘transition to the town’ or an extension of the R1Z if there is the demand for these lots and of infrastructure is available. In addition, is open to any owner to request that Council to rezone land at any time.

However, if a proposed rezoning does not have strategic justification, for example, is not supported by a Structure or Framework Plan, it may not be able to be supported and may not gain Ministerial approval.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

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

The proposed Amendment C53 is consistent with the 2013-2017 Council Plan.

The Structure Plan is consistent with all relevant State and Council planning policies, which have been described and discussed in detail in the Structure Plan.

### **Financial Implications**

The revised Local Planning Policy and accompanying zone and overlay changes will not place any substantial additional burden on the resources or administrative costs of Council.

It is anticipated that the cost of obtaining the specialist material required to revise the Gordon Structure Plan as recommended by the Panel would be in the order of \$25,000. In light of current Strategic Planning work priorities no new initiative bid has been submitted to undertake this work at the current time.

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

Adopting a planning scheme amendment is a normal part of the planning process and thus there are unlikely to be any risks if Council resolves to adopt Amendment C53 in accordance with the recommendations of the Planning Panel.

There are unlikely to be any occupational health and safety implications for Council in relation to this amendment.

## **Community Engagement Strategy**

From the inception of the project in 2008 to date, significant public consultation and engagement has been undertaken, including three stakeholder workshops and three community workshops which were held at various stages of the Structure Plan preparation process.

The draft Structure Plan itself was the subject of a further two stakeholder workshops and two community workshops. In addition, letters were sent to each landholder in the study area.

Public exhibition of Amendment C53 has been undertaken in accordance with the provisions of the *Planning and Environment Act 1987*.

The Gordon Structure Plan has previously been publicly exhibited through an informal consultation process. All affected landowners have been notified of the changes that are proposed to the planning scheme, thus offering an opportunity to further participate in the planning process.

Formal notification by mail, newspaper advertisement, government gazette (as required by legislation), was undertaken as part of the exhibition of the amendment. Public information sessions were held in the Gordon Hall on Tuesday 11 June and Wednesday 13 June, 2013. These sessions enabled members of the community to discuss any issues in relation to Amendment C53 and the adopted Structure Plan with a Council officer.

The Independent Panel conducted its public hearing in Bacchus Marsh, and provided the opportunity for submitters to attend the hearing and make a presentation to the Panel. The Panel Hearing was the culmination of all previous consultation undertaken in relation to the Gordon Structure Plan and Amendment C53.

## **Communications Strategy**

All submitters will be notified of the date of the meeting when this report will be presented to Council.

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

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

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

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

*General Manager – Satwinder Sandhu*

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

*Author – Gavin Alford*

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

## **Conclusion**

The Gordon Structure Plan provides the framework for future planning of the township.

Amendment C53 to implement the Structure Plan is supported by the Planning and Environment Act 1987, Council's Municipal Strategic Statement and the State Planning Policy Framework. It proposes to implement Design and Development (DDO), and Significant Landscape Overlays (SLO) and rezone land to the Residential 1 Zone.

The proposed DDO and SLO will provide statutory requirements for new development within Gordon, which will ensure that new development achieves the preferred character and is sympathetic to, and maintains, the existing built form.

The Panel did not recommend that the commercial area of Gordon be zoned Business 1 at this time, rather recommending that a larger area remain Township Zone subject to further work being undertaken.

If the panel recommendation is support the proposed amendment, however, will maintain the Main Street's role in being the location for commercial and retail uses, with the wider area being rezoned to Residential 1 with minimum lot sizes, to enable the sense of space, which is part of the country village character to be maintained and further enhanced.

To provide direction to Council as to how best to proceed with the amendment, a Planning Panel was appointed to consider these issues. All submitters were notified of the Panel Hearing by Planning Panels Victoria and given the opportunity to present to the Panel. The Panel reviewed the merits of the Amendment, and all submissions were considered by the Panel, even if the submitter did not make a presentation at the Hearing.

The Panel Hearing process and findings provides a significant planning milestone for Council. It represents a culmination of a significant planning process, which commenced in 2009. A significant amount of community and stakeholder engagement has occurred to the stage of enabling the Amendment to be considered for adoption.

Therefore, it is considered that the Panel's Report, which supports the adoption of the Amendment, is a significant step towards providing the clear articulation of Council's planning policies for Gordon, and will result in a better understanding of the future vision for the township.

Whilst the Panel has recommended that the Amendment be adopted by Council, subject to some changes, it is noted that many of these changes were suggested in Council's submission to the Panel.

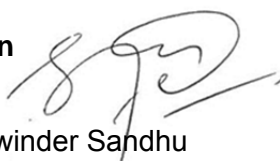
Therefore, it is recommended that the modified amendment be submitted to the Minister for Planning for approval.

**Recommendation:**

That Council, having considered the recommendations of the Planning Panel's Report regarding Moorabool Planning Scheme Amendment C53, pursuant to Section 27 of the Planning and Environment Act 1987, resolves to:

1. **Adopt Amendment C53, with changes as recommended by the Panel as follows:**
  - a. **Amend Clause 21.09-1, under the heading 'Further Strategic work', to include a further dot point:**
    - i. **Prepare a revised Structure Plan for Gordon.**
  - b. **Amend dot point nine of the Strategies to Clause 21.09-1 to read:**
    - i. **Ensure that new development in the township responds to bushfire risk in a way that minimises loss of the environmental values of the surrounding landscape.**
  - c. **Retain land bounded by Brougham Street, Tennyson Street, Urquhart Street and Lyndhurst Street in the Township Zone.**
  - d. **Except for that part of the residential area to be retained in the Township Zone, adopt the Residential 1 Zone, as exhibited.**
  - e. **Adopt Schedule 2 to the Significant Landscape Overlay, as revised by Council post exhibition, and included at Appendix D in the Panel Report.**
  - f. **Remove reference to "(Commercial Zones)" in the heading "General design objectives for the core town centre" in Schedule 5 to the Design and Development Overlay and adopt the revised post exhibition version, as included at Appendix E in the Panel Report.**
2. **Not accept the Panel recommendation 1 and 2 that the Gordon Structure Plan 2013 not be adopted as a Reference Document and Delete reference to the Gordon Structure Plan 2013 under Clause 21.09-1 and Clause 21.11.**
3. **Submit the adopted Amendment C53, together with the prescribed information, to the Minister for Planning requesting approval pursuant to Section 31(1) of the Planning and Environment Act 1987.**
4. **Note the Panel's recommendations about the issues to be addressed in reviewing the Gordon Structure Plan.**

---

**Report Authorisation****Authorised by:****Name:** Satwinder Sandhu**Title:** General Manager Growth and Development**Date:** Friday, 14 February 2014

# Attachment - Item 11.2.1



*Planning and Environment Act 1987*

## Panel Report

Moorabool Planning Scheme  
Amendment C53

16 January 2014



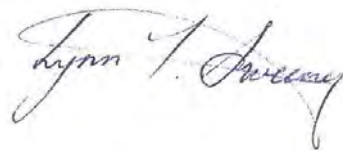
*Planning and Environment Act 1987*

Panel Report pursuant to Section 25 of the Act

Amendment C53 to the Moorabool Planning Scheme

A handwritten signature in dark ink, appearing to read 'Gaye McKenzie', written in a cursive style.

Gaye McKenzie, Chair

A handwritten signature in dark ink, appearing to read 'Lynn T. Sweeney', written in a cursive style.

Lynn Sweeney, Member



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**Appendix E    Schedule 5 to the Design and Development Overlay, as revised**

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## List of Abbreviations

B1Z	Business 1 Zone
C1Z	Commercial 1 Zone
CFA	Country Fire Authority
CHW	Central Highlands Water
DDO2	Design and Development Overlay – Schedule 2
DDO5	Design and Development Overlay – Schedule 5
DEPI	Department of Environment and Primary Industries
DPCD	Department of Planning and Community Development
DSE	Department of Sustainability and Environment
DTPLI	Department of Transport, Planning and Local Infrastructure
EPA	Environment Protection Authority
GVW	Goulburn Valley Water
LDRZ	Low Density Residential Zone
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
R1Z	Residential 1 Zone
RLZ	Rural Living Zone
SLO2	Significant Landscape Overlay – Schedule 2
SPPF	State Planning Policy Framework
TZ	Township Zone

## Executive Summary

### Summary

Amendment C53 to the Moorabool Planning Scheme was prepared following completion of a Structure Plan for Gordon. The basis for undertaking the work associated with the Structure Plan and Amendment was the delivery of the required infrastructure to provide reticulated sewerage to properties within Gordon.

The Amendment updates local policy at Clause 21.09 - Small Towns, as it applies to Gordon and references the Structure Plan at Clause 21.11. It applies the Residential 1 and Business 1 Zones to land presently in the Township Zone and new Schedules to the Design and Development Overlay and the Significant Landscape Overlay, to land within and adjoining the Town.

The Amendment was exhibited from early June to early July 2013 and 15 written submissions were received by Council. Following consideration of the submissions, and in response to those from the Department of Environment and Primary Industries and the Country Fire Authority, changes were made to Schedule 2 to the Significant Landscape Overlay and Clause 21.09-1. Application requirements were added to this Schedule in response to Submission 8.

One of the revisions to Schedule 5 to the Design and Development Overlay responded to one of the matters raised by Submitter 9.

As all the matters raised by submitters could not be resolved the Council requested the appointment of an independent Panel to consider submissions and make recommendations in respect of the Amendment. The Panel appointed consisted of Gaye McKenzie (Chair) and Lynn Sweeney.

The main issues raised by submitters related to:

- Content of the Structure Plan;
- The content of the Schedules to the Overlays; and
- Zoning of other land not part of the Amendment.

Prior to the Hearing the Council provided the Panel with a copy of the provisions that had been revised following its consideration of submissions.

The Panel has considered all written submissions along with those made to it at the Hearing.

In relation to submissions to have other land rezoned, the Panel advised those present at the Hearing that any such changes would transform the Amendment. The Panel has not considered these requests. Requests to rezone land not in the Amendment can of course be made to the Council at any time.

Turning to the Structure Plan prepared for Gordon, the Panel is of the opinion that the absence of any analysis of commercial uses is a matter that needs to be rectified before zones are selected and applied to land in Gordon's town centre.

Although Main Street is the likely location for the Town's commercial hub, based on the material provided to the Panel, it believes the required strategic analysis has not

been provided to support the size and split of the Business 1 Zone, as proposed under the Amendment.

The Panel has recommended that the land bounded by Brougham, Tennyson, Lyndhurst and Urquhart Streets (the 'core town centre') be retained in the Township Zone until this analysis has been completed.

This analysis should identify the likely demand for and type of businesses required to service the Gordon community and the extent of land that will need to be rezoned to accommodate these uses. In considering the future zoning of this 'core town centre' of Gordon, it would also be appropriate to consider the zone mix that would support the objective 'to encourage medium density dwellings in the central area of Gordon'.

Until this work is finalised the Panel does not support referencing the Structure Plan in the Scheme. This said the Panel sees no reason to delay the Amendment, in so far as it applies the residential zone and overlays at Gordon.

The Panel supports the application of the Residential 1 Zone at Gordon and the adoption of the schedules to the overlays, generally as revised by Council post exhibition, but with some further minor revisions, as outlined in the body of this Report and included in the Appendices. It supports the revised version of Clause 21.09-1, subject to the further revisions recommended by the Panel.

The revised versions of Clause 21.09-1 and the Overlay Schedules supported by the Panel are at *Appendices C, D and E* of this Report.

### Recommendations

Based on the reasons set out in this Report, the Panel recommends that **Amendment C53 to the Moorabool Planning Scheme** be adopted as exhibited subject to the following modifications:

1. **Gordon Structure Plan 2013 not be adopted as a Reference Document.**
2. **Delete reference to the Gordon Structure Plan 2013 under Clause 21.09-1 and Clause 21.11.**
3. **Amend Clause 21.09-1, under the heading 'Further Strategic work', to include a further dot point:**
  - a) **Prepare a revised Structure Plan for Gordon.**
4. **Amend dot point nine of the Strategies to Clause 21.09-1 to read:**
  - a) **Ensure that new development in the township responds to bushfire risk in a way that minimises loss of the environmental values of the surrounding landscape.**
5. **Retain land bounded by Brougham Street, Tennyson Street, Urquhart Street and Lyndhurst Street in the Township Zone.**
6. **Except for that part of the residential area to be retained in the Township Zone, adopt the Residential 1 Zone, as exhibited.**
7. **Adopt Schedule 2 to the Significant Landscape Overlay, as revised by Council post exhibition, and included at Appendix D in this Report.**

8. Remove reference to “(Commercial Zones)” in the heading “General design objectives for the core town centre” in Schedule 5 to the Design and Development Overlay and adopt the revised post exhibition version, as included at Appendix E in this Report.

## 1 Introduction

Amendment C53 to the Moorabool Planning Scheme (the Amendment) was prepared by the Moorabool Council as Planning Authority. The Amendment applies to land in the township of Gordon.

As exhibited, the Amendment proposes to implement the Gordon Structure Plan 2013 by:

- Amending Clauses 21.09 (Small Towns) and 21.11 (Reference documents).
- Introducing new schedules to Clauses 42.03 (Significant Landscape Overlay) and 43.02 (Design and Development Overlay) are proposed
- Amending the Schedule to Clause 61.03 to refer to the new Schedules.

The Amendment applies to land currently included in the Township Zone at Gordon, which is to be rezoned to Business 1 (B1Z) and Residential 1 (R1Z) to reflect the Structure Plan. Public Use Zone 5 is to apply to land on the west side of Brougham Street to reflect its current use as a cemetery.

The Amendment was authorised by the Department of Planning and Community Development (DPCD) (now DTPLI) on 7 February, 2012. The authorisation period was extended by six months on 19 February, 2013.

The Amendment was placed on public exhibition between 6 June and 5 July 2013 and 15 submissions were lodged by public authorities and land owners.

Goulburn Valley Water (GVW) and the Environment Protection Authority (EPA) raised no objection to the Amendment.

Central Highlands Water (CHW) advised the Council that it supported the Neighbourhood Residential Zone but objected to the General Residential Zone or Residential Growth Zone being applied to land within the township. The Country Fire Authority (CFA) requested changes to Clause 21.09-1 and the CFA and the Department of Environment and Primary Industries (DEPI) requested changes to the Schedule to the Significant Landscape Overlay. The Department of Transport, Planning and Local Infrastructure (DTPLI) and the APA Group commented on some aspects of the Amendment.

Some of the six submissions from land owners in general support of the Amendment requested changes. Two submitters objected to the Amendment, on the basis that the Structure Plan was flawed, contained inconsistencies and would unreasonably constrain development of land within Gordon.

At its meeting of 18 September 2013, Council resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 11 October 2013 and comprised Gaye McKenzie (Chair) and Lynn Sweeney.

A Directions Hearing was held in relation to the Amendment on 1 November 2013. Following the Directions Hearing, the Panel undertook an inspection of the township and its surrounds.

The Panel then met on 2 December 2013 to hear submissions in respect of the Amendment. Those in attendance at the Panel Hearing are listed in Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Moorabool Shire Council	Mr Damien Drew
Country Fire Authority	Ms Adele McErlain
Central Highland Water	Mr Matthew Gilbertson
Mr Woodhouse	Robert Eskdale
Andrew Finlayson	Trevor Ludeman who called Mr Chris Coughlan, Civil Engineer to give engineering evidence
S Graham, K Chua, D Rodgers, S Alshamsi	Mr Scott Graham

In reaching its conclusions and recommendations, the Panel has read and considered the submissions and a range of other material referred to it. This includes written submissions, evidence and verbal presentations. The following chapters of this report discuss the issues raised in submission relating to the Amendment in further detail, with the Panel's conclusions and recommendation provided in the Executive Summary.



## 2 The Proposal

### 2.1 Background to the Amendment

Amendment C53 was based on the Structure Plan prepared for the Gordon Township and its surrounds to guide the future planning of land uses and development within the Town. Its preparation followed the decision of CHW to include Gordon in its 'Country Towns Sewerage Project', whereby properties could be connected to a reticulated sewerage system.

In the time that elapsed between the initial preparation of the Structure Plan and exhibition of Amendment C53, changes were made to the zones and overlays originally selected by the Council. This was partly as a result of discussions with officers of the then DPCD. These changes are referred to in Chapter 4 of this Report.

### 2.2 Issues dealt with in this report

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of the town and its environs.

This report deals with the issues under the following headings:

- Strategic Planning Context;
- The Structure Plan for Gordon;
- Local Policy;
- The Zones;
- The Overlays;
- Other matter.

### 3 Strategic Planning Context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

#### 3.1 Policy framework

##### (i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the SPPF:

Clause 11.02-1 – Supply of urban land

Clause 11.02-3 – Structure planning

Clause 11.02-4 – Urban Growth

Clause 11.03-1 – Open space planning

Clause 11.05-1 – Regional Settlement Networks

Clause 11.05-2 – Melbourne's Hinterland Areas

Clause 11.05-4 – Regional Planning Strategies and Principles

Clause 12.01-1 – Protection of habitat

Clause 13.05-1 – Bushfire

Clause 14.02-1 - Catchment Planning and Management

Clause 15.01-2 – Urban Design Principles

Clause 15.03-1 – Heritage Conservation

Clause 16.01-1 – Residential development – Integrated housing

Clause 16.01-2 – Residential development – Location of residential development

Clause 17.01-1 – Commercial

Clause 18.01 – Integrated transport – Land use and transport planning

Clause 19.03-1 – Development infrastructure

Clause 19.03-2 Water supply, sewerage and drainage

Clause 19.03-6 – Pipeline infrastructure.

##### (ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

Clause 21.01 – Municipal context

Clause 21.01-3 – Strategic Framework Plan

Clause 21.02 – Natural Environment

Clause 21.03 – Settlement and Housing

Clause 21.05 – Economic Development and Employment

Clause 21.05 – Development and Community Infrastructure

Clause 21.06 – Heritage

Clause 21 09-1 - Gordon

### **3.2 Planning scheme provisions**

#### **(i) Zones**

The major part of the land affected by the Amendment is currently in the Township Zone. The exceptions are the cemetery on the west side of Brougham Street and part of three lots, east of Brougham Street which are in the Rural Living Zone.

#### **(ii) Overlays**

The following overlays apply to Gordon and its environs:

- Schedule 1 to the Environment Significance Overlay – Proclaimed Water Catchment Areas.
- Schedule 2 to the Design and Development Overlay. This Schedule covers a large part of the municipality and its objective is to control buildings that are constructed of reflective materials.
- The Bushfire Management Overlay applies to the eastern and north-eastern part of the Town.

The Amendment does not remove or change these overlays.

#### **(iii) Other provisions**

The Amendment does not affect particular or general provisions in the Scheme.

#### **(iv) Other planning strategies**

The following strategic policies are relevant in considering the subject Amendment.

- The Central Highlands Regional Strategic Plan.
- The Central Highlands Regional Growth Plan.
- The Regional Bushfire Assessment Grampians Region.

### **3.3 Ministerial Directions and Practice Notes**

The Amendment complies with the relevant Ministerial Directions and Practice Notes.

### **3.4 Strategic Assessment**

The Panel concludes that the basis for preparing the Amendment is supported by the relevant sections of the State and Local Planning Policy Framework.

## 4 The Structure Plan for Gordon

### 4.1 The issue

The issue relates to the content of the Structure Plan for Gordon and whether it will provide the required strategic base to ensure Gordon develops in an orderly fashion.

### 4.2 The Structure Plan process

In 2009, the Moorabool Shire Council commissioned consultants to “work with the community and assist Council” in preparing a Structure Plan for the Gordon Township and its surrounds. This was preceded by the preparation of a Background Report to facilitate discussion in the preparation of the Structure Plan.

The Background Report stated that Gordon and its immediate surrounds had a growing population of around 1,000 people. It stated that the construction of a sewage treatment plant would “boost demand for further development and provide opportunities for different forms of residential and other development in the town.” The ‘Introduction to the Structure Plan’ states that it “is not advocating further population growth for Gordon”. It is however premised on the basis that “further housing development is not only highly likely but needs to be planned in advance rather than applying a reactive approach when development proposals are submitted to Council.”

A Structure Plan was considered necessary to set out the requirements for the form and scale of future development, in protecting the community expectation that the rural setting and ‘village feel’ of the Town would be retained.

The Structure Plan set the parameters for future development, to ensure the Objectives for Gordon, as contained in the Planning Scheme, were met. In the Background Report these Objectives were listed as:

- *To plan for further development including the provision of reticulated sewerage.*
- *To protect water quality within the catchment.*
- *To provide a clear township boundary definition for future population and urban growth.*
- *To protect the urban landscape elements that contribute to the township’s rural character and image.*

The Structure Plan Study Area extended south from the Western Highway to the Melbourne-Ballarat railway line. It also included a strip of land west of Brougham Street and some land on the east side of the existing township.

Potential residential opportunities in the Structure Plan identified that future growth was to be directed to the south, towards the railway station which the Council wanted re-opened in the future. It was envisaged that growth to the north would be restricted by the topography of that area. The intersections of Main Street with Brougham and Russell Streets and Cartons Road were identified in the Plan as ‘key intersections’.

The Structure Plan was silent in relation to the future opportunities for commercial development and where these should be located within the Town.

The part of the Study Area outside the Town boundary was not discussed in any detail in the Structure Plan.

As submitted to Council in June 2011, two of the points listed in implementing the Structure Plan were “retaining the existing zones – that is the Township Zone and the Rural Living Zone” and “any future re-zoning of land would be required to be in accord with the Structure Plan linked to the approval of detailed development plans”.

The Gordon Structure Plan that was adopted by Council on 1 June 2011 was subsequently amended and re-adopted by Council on 21 December 2011.

The updated version (at page 32) stated that the implementation of the adopted revised Structure Plan was to be achieved by:

- *“Rezone all existing Township Zone to Residential 1 Zone, with the exception of a portion of the Town Centre, which was to be zoned to Business 1.*
- *Application of a Schedule to the Residential 1 zone to direct the scale, mass and siting for dwellings on lots between 300 square metres and 500 square metres.*
- *Referencing the Structure Plan in the Municipal Strategic Statement.*
- *Inclusion of a revised clause 21.09 in relation to Gordon township to replace the existing clause 21.09.*
- *Creation of three distinct township character precincts (town centre, core residential and rural living surrounds) which are identified by separate Design and Development Overlay schedules.*
- *Application of the Vegetation Protection Overlay over the town centre and the rural living surrounds precincts.”*

Included in the material provided to Council at this time were maps of the proposed zones and overlays that had been prepared following consultation with Regional officers of the Department of Planning and Community Development.

By the time the Amendment was exhibited in 2013, further changes had been made to the Structure Plan, and this amended document was exhibited and referenced in the Amendment. Attached to this final version of the Structure Plan was a revised version of Clause 21.09-1 and the Overlay Schedules.

#### **4.3 Evidence and submissions**

Submission 9 opposed the Structure Plan on the basis that it was flawed, contained inconsistencies and would constrain development, and therefore the future population growth at Gordon. It stated that Gordon is presently an under-developed township in an extremely attractive setting that is valued by its residents. The submitter supported development that would enable residents to remain in the town instead of having to re-locate to secure essential services. Other submitters generally supported the Plan however there were some who believed it sent “mixed messages as to the future role and development potential” of Gordon. It was the view of some landowners that the structure planning exercise had ignored the opportunities associated with their land for future residential or commercial use.

Mr Graham (submitter 10) saw the need for the Structure Plan to include a more definitive structure for Main Street that would directly relate to and inform the C53 Amendment. Mr Graham also believed there was some confusion as to which version of the Structure Plan was being referenced.

#### 4.4 Discussion

The Panel supports of having a Structure Plan for Gordon to provide the blueprint to ensure future development will protect its 'Village' character; a character evident to the Panel during its visit to the Town and its environs. The Panel accepts the notion that future residential development will more than likely be infill development on existing vacant residential lots or on re-subdivided larger lots; at least in the short to medium term.

What concerns the Panel however, is that the entire focus of the Structure Plan is on the residential areas of the Town, with only a fleeting reference to existing businesses and "the potential for other appropriately sited businesses to establish" at Gordon. The Panel noted that data collected from the community and set out in the 2009 Background Report stated that two thirds of survey respondents were of the opinion that more shops and businesses should be provided in Gordon. While half believed that these should be limited to the existing business in Main Street, around two-thirds stated they would support a specialised area for small scale businesses.

While population, housing trends and availability of vacant residential land at Gordon are analysed in determining how the Town will develop, to the Panel's knowledge there was no equivalent analysis undertaken in relation to existing or likely future demand for commercial uses and, based on such analysis, where future growth should be directed. The absence of this data undermines any rationale to support the selection of particular sites for commercial use and development, or the extent of any such zone at Gordon in the Panel's opinion.

In the report to Council in September 2013, it was stated that the amount of land included in the B1Z in Gordon would cater for demand during the life of the Structure Plan. The Panel is unaware of the data relied on to support this assumption.

In the Panel's view, the absence of any known analysis concerning the demand for commercial land uses and where they should be located is a failing of the structure planning process, which needs to be addressed before the Structure Plan is referenced in the Planning Scheme.

#### 4.5 Conclusions

In the Panel's opinion, as proposed, the value of the Structure Plan for Gordon is limited to ensuring that residential development within the Town occurs in a manner that preserves its 'village' character. The Plan does not extend to the study of the business area in the Town, in determining how it should develop and where its focus should be in providing the appropriate level of commercial services to its residents.

The Panel is of the opinion that the preparation of a single composite Strategic Framework Plan, identifying the preferred directions for future development and growth for the town, would provide greater clarity of Council's intentions for the future development of the town

and its environs. Such a Strategic Framework Plan could be included in the Municipal Strategic Statement.

Although the Panel does not support the adoption and referencing of the Structure Plan, as presently drafted, in its view this is not a ground for abandoning the Amendment. Other than the absence of data to support the commercial zone as proposed for Gordon, the Amendment is generally sound and is supported by the Panel.

#### **4.6 Recommendation**

**1. Gordon Structure Plan 2013 not be adopted as a Reference Document.**

**Based on this recommendation, reference to it should be removed from Clause 21.09 and Clause 21.11 and it should be retained as an item under ‘further strategic work’, as set out in Recommendations 2 and 3.**

## 5 Local Policy

### 5.1 The issue

The issue relates to the strategies contained for the small town of Gordon under Clause 21.09 – Small Towns.

### 5.2 Evidence and submissions

Local Policy for Gordon is contained at Clause 21.09-1 of the Scheme.

At the Hearing, the CFA expanded on its initial written submission in requesting changes to Clause 21.09-1, as exhibited. Following exhibition and receipt of submissions the Council revised Clause 21.09-1 in response to the CFA's submission.

In revising this Clause one outstanding difference of opinion remained between the Council and the CFA. This related to the wording of one of its Strategy which, in the Council revised version reads: *"To ensure the new development in the township responds to bushfire risk and the environmental values of the surrounding landscape"*.

The CFA objected to including the words "and the environmental values" which in its view could conflict with the need to protect properties against bushfire risk.

### 5.3 Discussion

The Panel generally supports the revision to a Strategy under Clause 21.09-1, as put forward by the CFA and acknowledges that in requiring that new development responds to bushfire risk and environmental landscape values in the same Strategy could be seen to be contradictory. While balancing competing agendas is the role of planning it may be more appropriate to identify the primary objective in this Strategy as minimising risk from bushfire. This may be achieved by amending the wording to read, for example: *"Ensure that new development in the township responds to bushfire risk in a way that minimises loss of the environmental values of the surrounding landscape."*

The Panel's version of this particularly Strategy is included in the Council's revised version of this Clause contained in *Appendix C* of this Report.

Based on the Panel's recommendation that the Structure Plan for Gordon not be adopted at this stage, in its opinion, it should not be referred to under Local Policy and its revision should be the subject of 'further strategic work'.

### 5.4 Recommendation

2. **Delete reference to the Gordon Structure Plan 2013 under Clause 21.09-1 and Clause 21.11.**
3. **Amend Clause 21.09-1, under the heading 'Further Strategic work', to include a further dot point:**
  - a) **Prepare a revised Structure Plan for Gordon.**
4. **Amend dot point nine of the Strategies to Clause 21.09-1 to read:**



- a) Ensure that new development in the township responds to bushfire risk in a way that minimises loss of the environmental values of the surrounding landscape.**

## 6 The zones

### 6.1 The issue

The issue relates to the selection and application of the zones to land at Gordon.

### 6.2 The process

The proposed amendment evolved over a period of some two years before and after it was exhibited. Given the history of the Amendment the Panel has found it useful to include a synopsis of the changes made during its preparation, particularly as these changes seem to have influenced the final selection of zones (and overlays), and corresponding changes to the Structure Plan.

Following the completion of the Structure Plan in 2011, a report was presented to Council in June 2011 proposing that it seek authorisation to prepare an Amendment.

Based on the ability of properties to connect to reticulated sewerage, initially it was proposed to include land in the 'Town Centre', extending along Main Street between Brougham Street and Lyndhurst and Russell Streets, in the B1Z. All other land was to be included in the Low Density Residential Zone (LDRZ), with the Schedule to this Zone setting a minimum lot size of 800 square metres. Following discussions with Regional officers at the DPCD, a further report was submitted to Council in December 2011, updating it on progress of the Amendment and the necessity to make changes to the original documentation. A revised version of the Structure Plan was also attached to this Council report.

With the exception of land to be zoned for business purposes, it was now proposed to apply the Residential 1 Zone (R1Z) to land in the Township Zone (TZ) and a small part of the Rural Living Zone (RLZ) on the west side of Brougham Street. This zoning change was based on advice from DPCD that a lot size less than 0.4 hectare could not be scheduled into the LDRZ.

At this time the B1Z was limited to the western end of Main Street between Brougham Street and the Palmerston Street road reserve to the east, extending through to Tennyson Street to its north and Urquhart Street to its south. The reason for this change was to avoid existing lots from having two zones (B1Z and R1Z), as originally proposed.

In limiting the Town's commercial area to the western end of Main Street, the only properties retained in the B1Z at its eastern end at this time were those occupied by the Post Office, (south east corner of Main Street and Russell Street) and a small vacant industrial style building at the front of a larger lot, to its east (south west corner of Main Street and the continuation of Lyndhurst Street).

By the time the Amendment was exhibited, with the exception of an existing cemetery, land on the west side of Brougham Street had been excluded from the Amendment and the B1Z had been applied to additional lots occupied by commercial-style buildings, adjacent to the intersection of Main Street with Lyndhurst and Russell Streets. It was the Panel's understanding, based on Mr Drew's submission, that the reason for applying this Zone to these additional lots was based on their historic built form, whether or not they were occupied by commercial uses.

After exhibition, Council formed the view that following the introduction of new residential and commercial zones into the Victoria Planning Provisions (VPP); the Neighbourhood Residential Zone (NRZ) and Commercial 1 Zone (C1Z), could replace the R1Z and B1Z at Gordon.

### **6.3 Evidence and submissions**

In the Council submission, Mr Drew referred to the State Government's recent introduction of the reformed residential and commercial zones into the Planning Scheme. Given the requirement to have these zones introduced by July 2014, he submitted it would be appropriate to replace the B1Z and R1Z under Amendment C53 with the C1Z and the NRZ respectively. It was the Council view that these were the most appropriate zones for land at Gordon.

#### **(i) Residential zoning**

The submission made to the Panel by Mr Gilbertson, on behalf of CHW, provided overall support for the Amendment. Mr Gilbertson referred to the responsibilities of the CHW and to the proposed rezoning of residential land at Gordon from the TZ to the R1Z. Given the availability of the reformed residential zones, the CHW sought to clarify which of these zones the Council intended applying to land at Gordon. Mr Gilbertson advised the Panel that the CHW supports the Council's selection of the NRZ was supported by the CHW.

Mr Ludeman represented Mr Finlayson in relation to the rezoning of land in the RLZ on the west side of Brougham Street for residential use. Mr Coughlan was called to give engineering evidence concerning the servicing of this land and its suitability to be subdivided into residential lots. It was his evidence that infrastructure could be more efficiently provided to this land than to infill sites within the town. Mr Ludeman submitted that the strategy to develop land on an 'infill only' strategy is flawed and that additional green-field land should be identified for town growth to assist the development of the town.

Mr Eskdale represented Mr and Mrs Woodhouse in submitting that while they supported the general thrust of the Amendment, they were of the opinion that the location of their land, in close proximity to the town centre and adjoining existing low density residential lots, and their existing road frontage supported its rezoning from RLZ to LDRZ.

Submitter 7 advised that their property has been connected to reticulated sewerage and has the potential for further development. These owners requested their land be rezoned from the RLZ to the R1Z.

Mr Drew submitted that the translation from the R1Z to the NRZ reflects the community's vision for the town. It was also his view that it reflects Council's long standing policy approach at Gordon to manage the demand for residential land, equitably manage the demand for lots that can be sewered and respond to the town character identified in the Structure Plan.

#### **(ii) Business zoning**

Mr Graham appeared at the hearing, representing himself and the other owners of land at the south west corner of Main and Russell Streets. Mr Graham advised the Panel that this land consists of two lots under single ownership and while the corner lot is zoned R1Z, the

other is B1Z. Mr Graham submitted that the vacant corner lot should be included in the B1Z. The Council supported this change to the exhibited Amendment.

Submitter 5 referred to the previous use of 32 Russell Street (south of Main Street) as a shop which he believed justified its inclusion in the B1Z. Council submitted that it does not support further fragmentation of commercial land away from Main Street.

Mr Drew advised the Panel that the Council was of the view that following the adoption of the new suite of zones it would be appropriate to translate the B1Z to the new C1Z.

## **6.4 Discussion**

The Panel has noted that the zones and overlays in the exhibited Amendment vary from those shown in the amended Structure Plan adopted by Council in December 2011. Whether these changes came about as a result of further discussions with Departmental officers or property owners, was a matter the Council was unable to clarify at the Hearing.

### **(i) Residential zoning**

It is clear that the expectations of submitters, whose land was included in the Study Area for the Gordon Structure Plan but not subject to the Amendment, have not been met. The Panel has surmised that Council's expectations of the Structure Plan and subsequent rezoning have changed over a three year period and have evolved through discussions with state government, agencies and submitters.

The Panel is satisfied that the intention of containing the town boundaries is ultimately in the interest of retaining the village character of Gordon and understands that determining boundaries will never satisfy all parties. The current Amendment is limited to the immediate township area and is silent on the land the subject of two submissions for inclusion in the R1Z and one submission for inclusion in the LDRZ, even though these properties are within the Gordon Structure Plan Study Area.

The Panel believes that any consideration of these requests would constitute a transformation of the Amendment and could prejudice other parties who have not had the opportunity to make submissions. Council may, at some future time, consider other land suitable for low density residential use as a 'transition to the town' or an extension of the R1Z if there is the demand for these lots and of infrastructure is available. It is also open to any owner to request that Council to rezone land at any time.

While the Council and the CHW support the adoption of the NRZ over residential land at Gordon, the Panel is unaware of broader public consultation within the local community on this matter. It is therefore of the opinion that it would be premature to apply the NRZ as part of this Amendment.

### **(ii) The Business zoning**

The proposed B1Z, at the western end of Main Street, allows for the expansion eastwards of the existing small commercial core of the Town. This zone has also been applied to properties at the intersection of Main, Russell and Lyndhurst Streets that have an existing non-residential built form. As proposed under the Amendment the application of the B1Z over two quite distinct parts of Main Street has the potential to see a fragmented commercial centre develop at Gordon. In its submission, the DTPLI noted "the two areas

identified to be rezoned Business 1 reflects current land use". It went on to refer to the possible need to "consider more favourable land use planning controls for the area between the two identified areas."

While the Gordon Structure Plan articulates large treed residential lots contributing to Gordon's 'village' character it fails to comment on the more finely grained and compact main street. This is as important to the small town character of Gordon and other small towns as large residential lots, in the Panel's opinion. The risk of further fragmentation and haphazard commercial development is therefore to be avoided in retaining the character that is valued by the community.

The zoning issue raised by the DTPLI and the lack of background data points, in the opinion of the Panel, to a rather ad-hoc approach to the application of the business zoning along Main Street, Gordon.

Having considered the submissions requesting a change of zoning of two individual lots from residential to business the Panel has formed the view that this would not be appropriate as part of this Amendment. This is because adjoining or nearby landowners have not had the opportunity to make a submission to any such change. The Panel also believes any such consideration would be premature given its recommendations regarding the need to review the location of the commercial area at Gordon.

The Panel does not support the inclusion of 32 Russell Street in the B1Z, based on its physical separation from Main Street.

## 6.5 Conclusions

The Panel considers that neither the Structure Plan, nor Council reports, provided sufficient analysis to justify the application of the B1Z, as proposed by the Amendment. In the Panel's opinion, until the necessary analysis is undertaken in respect of commercial uses at Gordon, the TZ should be retained over land bounded by Brougham Street, Tennyson Street, Lyndhurst Street and Urquhart Street (*the Core Town Centre*). The retention of this Zone will not prevent development from occurring because of its level of discretion. Once the required analysis relating to commercial uses has been completed the appropriate zones can be selected and applied. This analysis could also include consideration of other zones; in providing the opportunity for more intensive residential development and other uses in association with the final designated commercial area.

With the exception of land in the 'Core Town Centre' the Panel is of the opinion that the rezoning from TZ to R1Z can proceed. It is also of the view that the R1Z together with the SLO2 and DDO5 will provide the level of statutory control envisaged by the Structure Plan in protecting the qualities that give Gordon its particular residential character.

In considering the zoning of land along Main Street, the Panel believes that, given the Council support for medium density in this area, it may wish to turn its mind to the range of zones best suited to meet this strategy. In undertaking this work the Council can also consult with the local community in relation to the selection of the residential zone(s) for application at Gordon.

## **6.6 Recommendations**

- 5. Retain land bounded by Brougham Street, Tennyson Street, Urquhart Street and Lyndhurst Street in the Township Zone.**
- 6. Except for that part of the residential area to be retained in the Township Zone, adopt the Residential 1 Zone, as exhibited.**

## 7 The Overlays

### 7.1 The issue

The issue relates to the drafting of the schedules of the selected Overlays and whether they will guide the future development of Gordon in a manner that will ensure its 'village' character, as valued by the community, is protected.

### 7.2 Evidence and submissions

The subject Amendment applies new schedules to the Significant Landscape Overlay (SLO2) and the Design and Development Overlay (DDO5) to land at Gordon.

The CFA, the DEPI and three land owners made submissions to SLO2.

Submissions to DDO5 were made by the DTPLI and two local land owners.

#### (i) Schedule 2 to the Significant Landscape Overlay (SLO2)

Of the written submissions from local land owners, Submitter 9 objected to the controls that apply to the removal of large trees. On the other hand Submitter 6 requested that SLO2 be amended to apply to additional land, to protect the skyline on the south side of the General Cemetery.

In providing general support of the Amendment, Submitter 8 was of the opinion that SLO2 did not provide adequate guidance as to what would be considered 'significant' vegetation and was unclear as to the level of documentation that would be required as part of an application to remove vegetation. The Council added 'Application requirements' to this Schedule in responding to this submission.

The DEPI requested minor changes to two of the permit requirements. These related to how the circumference and height above ground level of a tree were expressed and clarification as to what dead vegetation could be removed without a permit. These changes were agreed to by the Council and were incorporated into its amended version of SLO2.

In its submission to the Panel the CFA put forward its requested changes to SLO2 and these were accepted by Council.

A revised version of SLO2, incorporating the changes requested by the DEPI, the CFA and a land owner was forwarded to the Panel prior to the Hearing and is included as *Appendix D* of this Report.

#### (ii) Schedule 5 to the Design and Development Overlay (DDO5)

Submitter 9 opposed the application of the schedule to the DDO on the basis that it would restrict the size and shape of dwellings and roof types. This submitter believed that this would impose additional costs to those who may wish to adopt alternative design outcomes which would contribute to the 'village scale' of the Town. This submitter also objected to confining higher density and smaller lot residential development to a small designated area of the town.

Submitter 8 suggested that the following objective be added to the DDO5:

- *To provide a transition of lot sizes between the township and rural areas.*

The DTPLI was of the view that it was unclear as to how the parameters of DDO5 had been derived and that a largely 'organic' boundary may prove problematic.

At the Hearing the Council informed the Panel that DDO2 presently applies to Gordon and the surrounding area. DDO2 applies to rural land and small townships within the Shire. Its design objectives are listed as:

- *To enhance visual amenity in rural, township and vegetated areas of the Moorabool Shire.*
- *To encourage the use of external cladding, such as non-reflective materials for building construction.*
- *To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on amenity.*

Mr Drew agreed that with the approval of a new Schedule to the DDO the existing Schedule, applying to that area, could possibly be deleted.

### **7.3 Discussion**

Originally separate schedules to the Design and Development Overlay were to be applied to the Town Centre, residential and rural living areas of Gordon with a Schedule to the Vegetation Protection Overlay applied over the Town Centre and part of the RLZ adjoining the Town.

The exhibited Amendment proposed a single Schedule to the Design and Development Overlay (DDO5) and a Schedule to the Significant Landscape Overlay (SLO2) be applied to the Gordon Township and its environs. It was confirmed at the Hearing by Mr Drew that the boundary of these overlays had been determined by the topography of the land east of Brougham Street / Old Western Highway.

#### **(i) Schedule 2 to the Significant Landscape Overlay (SLO2)**

In relation to submissions to SLO2, given the contribution that vegetation makes to the character of Gordon, the Panel supports its application, as revised, in line with the submissions of the DEPI and the CFA.

In relation to the submission received that it be extended over additional land south of the General Cemetery the Panel refers this to the Council for its consideration. If supported it could progress as a separate Amendment to allow for submissions from affected landowners and others having an interest in the area.

#### **(ii) Schedule 5 to the Design and Development Overlay (DDO5)**

While a single schedule will apply to the residential, business and adjacent rural areas it contains design objectives specific to these different land uses.

Under DDO5 a minimum lot size of 800 square metres has been adopted for subdivision of land in the residential zone. This means that, under the Amendment, medium density development would be restricted to land included in the B1Z; where opportunity for this form of development is referred to as a design objective. The reason stated for adopting a minimum lot size in residential areas is to retain the spacious character the town currently enjoys.



In the opinion of the Panel setting a minimum residential lot size of 800 square metres is not unreasonable for a small town such as Gordon, in seeking to protect its particular small town character.

In response to Submission 9, the Panel is of the view that the revised requirement in DDO5 in relation to the selection of materials and roof forms, will allow for innovative developments.

The Panel believes that small lots and medium density close to the Town Centre is an appropriate objective for a small town like Gordon. This is not to say that, in the longer term, other areas may also be identified for varied forms and densities of dwellings.

Given the size of lots in the Town, the Panel does not see the need for any transition between it and the adjoining rural living areas.

Although the Panel accepts the view of the DTPLI that the 'organic' nature of the overlay boundary could be problematic at 'its edges', it supports its adoption, as exhibited, noting that DDO2 will continue to apply to adjoining land.

### **(iii) Schedule 2 to the Design and Development Overlay (DDO2)**

The Panel believes that the existing DDO2 could be deleted from the area to which the Amendment applies. In the case of land in the Rural Living and Farming Zones, to which DDO5 will apply, there is a general design objective that discourages the use of materials such as reflective cladding where there could be a detrimental effect on amenity. In the case of land within the Town, to which the R1Z (or NRZ) will apply, in the Panel's opinion the Zone, Overlays and specific provisions of the Scheme will enable the visual amenity of the Town to be protected.

## **7.4 Conclusions**

The Panel supports the adoption of SLO2 in its revised form for application over the area exhibited under the Amendment.

In the case of DDO5, the Panel supports its adoption generally as revised by Council. This includes retaining the design objectives over the Town Centre to assist the Council in considering any proposal that may be put forward while the zoning of this area is being re-evaluated. The words "Commercial zones" should however be removed.

Given the application of DDO5 to the Town, the Panel is of the view that the Council could apply to the Minister to have DDO2 deleted. Alternatively, its deletion could form part a subsequent Amendment when reconsideration of the commercial zoning of land in the Town has been resolved.

## **7.5 Recommendations**

- 7. Adopt Schedule 2 to the Significant Landscape Overlay, as revised by Council post exhibition, and included at Appendix D in this Report.**
- 8. Remove reference to "(Commercial Zones)" in the heading "General design objectives for the core town centre" in Schedule 5 to the Design and Development**

**Overlay and adopt the revised post exhibition version, as included at Appendix E in this Report.**

## 8 Other matter

### 8.1 APA Group submission

A submission was made by the APA Group advising that it owns and operates a high pressure gas transmission line, with associated easements, to the south of Gordon. This Group has requested that development be restricted within the area of its easements.

### 8.2 Discussion

The land occupied by the gas transmission line easements does not form part of this Amendment. In the event that this land is the subject of rezoning at some later date, the existence of these easements is a matter the Council will have to consider.

## Appendix A List of Submitters

No.	Submitter
1	Goulburn-Murray Water
2	Project Planning and Development for Mr A Finlayson
3	I & M Woodhouse
4	APA Group
5	Mr C Mueller
6	Mr D Bainbridge
7	Mr P & Ms V Magill
8	P Zheng
9	Mr G E Gregson
10	K Chua, D Rodgers, S Alshamsi & S Graham
11	Department of Environment and Primary Industries
12	Department of Transport, Planning and Local Infrastructure
13	Country Fire Authority
14	Environment Protection Authority
15	Central Highlands Water

## Appendix B Document List

No.	Document	Submitted by
1	Updated version of the Gordon Structure Plan (2013)	Mr Drew
2	Council submission	Mr Drew
3	Pages 28-31 of the Regional Bushfire Planning Assessment for Grampians Region	Mr Drew
4	Schedule 2 to the Design and Development Overlay Moorabool Planning Scheme	Mr Drew
5	Street map for Gordon	Mr Drew
6	CFA submission	Ms McErlain
7	Central Highlands Water submission	Mr Gilbertson
8	EDQ Group submission for Mr & Mrs Woodhouse	Mr Eskdale
9	Project Planning & Development P/L submission for Mr Finlayson	Mr Ludeman
10	Services cost estimates for land in Gordon	Mr Coughlan
11	Submission of K Chua, D Rodgers, S Alshamsi, S Graham	Mr Graham
12	Council closing submission	Mr Drew

## Appendix C Clause 21.09 - Small Towns, as revised

Blue text with underlining – insertions by the Council

Green text with underlining – insertions by the Panel

~~Red text with strikethrough~~ – deletions by the Council

~~Pink text with strikethrough~~ – deletions by the Panel

## 21.09 SMALL TOWNS

26/02/2009

### 21.09-1 Gordon

26/02/2009

#### Key Issues and Influences

- Gordon is the third largest town in the Shire located on the Western Freeway some 23 kilometres from central Ballarat. The town layout is characterised by two residential areas and a denser central core with larger lots on its outskirts that provide a distinctly rural character. Sewerage reticulation is planned for the town in the short term that will provide opportunities and increased demand for residential growth.
- Gordon is strategically located on the Western Freeway between Bacchus Marsh and Ballarat, and has direct access to both Ballarat and Melbourne by rail with the Gordon Railway Station located less than a kilometre south of the town centre that could be re-opened to support public transport to both Ballarat and Melbourne. Sewerage and the proximity to Ballarat and major employers such as the University of Ballarat and IBM are anticipated to drive growth that must be planned for.
- Future growth of the township will be based initially on infill [development](#) within the township zoned Residential 1 and Business 1.
- [There are significant environmental constraints within Gordon and surrounds, including bushfire risks and special water catchments, which affect future potential for expansion of the town.](#)
- Long term future growth in Gordon will be concentrated between the southern boundary of the existing township and the railway line and areas to the west on Old Melbourne Road [as shown in the Gordon Structure Plan 2013.](#)

#### Objective—Township Growth

- Manage urban development so as to maintain and reinforce the village character of the township and the rural landscape quality of the surrounding area.
- [To ensure that development within Gordon responds to, and mitigates, any identified bushfire risks.](#)

#### Strategies

- ~~Implement the Gordon Structure Plan 2013.~~
- ~~Apply the Gordon Structure Plan 2013 for the assessment of all applications for land use and development including subdivision.~~
- Manage the development of Gordon consistent with the principles of establishing walkable catchments with access to community facilities, shops, and public transport.
- Require a detailed development plan to be prepared for any areas to be rezoned to residential to accommodate long term growth of the Gordon township.
- Protect the urban and landscape elements including view lines, windbreak planting, large freestanding native trees and areas of bushland that adjoin the township, that contribute to the township's village and rural character.
- Provide for the progressive development of a linked series of parks to serve township and local needs.
- Maintain a clear township boundary.
- Contain urban growth by promoting infill development.

- [Ensure that new development in the township responds to bushfire risk in a way that minimises loss of ~~and~~ the environmental values of the surrounding landscape.](#)
- Require new development to provide adequate drainage infrastructure.
- Provide for the progressive development of a designated pedestrian and cycle pathway system.

## Implementation

### Further Strategic Work

- Prepare a small town's development strategy that includes Gordon.
- Investigate areas identified for future growth of the township.
- Complete a Heritage Study of Gordon and surrounds.
- [Investigate the opportunity to introduce a schedule to the Bushfire Management Overlay where the Bushfire Management Overlay applies to land within the existing township.](#)
- [Prepare a revised Structure Plan for Gordon.](#)

### Other Actions

- Advocate for the reopening of the Gordon Railway station.
- Advocate for the provision of natural gas for Gordon.

## 21.09-2

26/02/2009

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## Blackwood

### Key Issues and Influences

- Blackwood is a small village situated in the Wombat Forest on the Lerderderg River that includes the satellite townships of Simmons Reef, Barry's Reef, and Golden Point. The town's settlement pattern has been influenced by its historical development as a goldmining area and its steep undulating terrain.
- Blackwood provides some of the most scenic localities within Moorabool Shire and is a significant tourist and weekend retreat market for Melbourne, Moorabool Shire and surrounding areas. The township has a considerable number of historic buildings, and an open treed aspect in part influenced by the need for the disposal of onsite sewerage.
- Blackwood is planned to be sewered because of ongoing water quality issues with the Lerderderg River. Sewering will provide the potential for infill development that should be managed to limit its affect on the character of the township.

### Objective—Managing Growth

- Provide for orderly and controlled development in Blackwood.

### Strategies

- Develop a structure plan that controls the scope and type of development in Blackwood.
- Until a structure plan is implemented ensure that the location, form, and design of new development in Blackwood are consistent with the Moorabool Shire Land Use and Development Strategy 1997.
- Protect significant built heritage and streetscape assets.

### Objective—Built and Natural Environment

- To preserve the heritage and treed character of Blackwood.



### Strategies

- Protect remnant native vegetation and encourage planting of additional indigenous vegetation.
- Retain the visual dominance of the bush landscape and ensure development responds to the scenic qualities and vegetated landscape character of the townships

21.09-3

26/02/2009  
~ ~ ~

### Implementation

#### Zones and Overlays

Specific application of zones and overlays to achieve the strategic objectives includes:

- Apply heritage overlays to appropriate buildings and precincts in Blackwood;
- Apply a Vegetation Protection Overlay to Blackwood township environs; and
- Apply the Wildfire Management Overlay to the Blackwood Township.

#### Local policy and exercise of discretion

- It is policy to:
  - Require the following information, where relevant, with any application in addition to that specified in any relevant overlay:
    - Property boundaries and roads (including unmade roads);
    - Existing building, fences and other site features;
    - The location of adjoining buildings;
    - Electricity and other service easements;
    - Watercourses, creeks, gullies, and drainage lines;
    - Contours and details of any proposed excavation or fill;
    - Views, ridge lines and rock outcrops; and
    - Significant vegetation, flora, and fauna areas.
  - Ensure that development is located and designed to complement the scenic qualities and vegetated landscape character of the town;
  - Minimise the removal of native vegetation and require replacement planting of indigenous trees;
  - Avoid the development of visually dominant buildings and use materials and colours that blend with the natural bush setting of the area;
  - Require lots to have access to an all weather public road;
  - Design access roads and driveways to follow contours and minimise cut and fill in order to avoid potential for soil erosion, sedimentation, and runoff into streams;
  - Minimise the location of access roads close streams and stream crossings;
  - Require each lot to have access to a reliable water supply for household use, gardens, fire fighting, and stock purposes; and
  - Require water storage tanks in accordance with CFA requirements.

#### Further Strategic Work

- Prepare and adopt a heritage study that includes Blackwood.
- Prepare and adopt a structure plan for Blackwood.

### 21.09-3 Other Small Towns—Key Issues and Influences

26/02/2009

- Other small towns in Moorabool such as Myrniong, Bungaree, Dunnstown, Greendale, Wallace, Mt Egerton, Lal Lal, Yendon, Elaine, and Rowsley provide a limited level of services and facilities to their residents and the surrounding rural areas and are characterised by visual dominance of the rural landscape. These towns are integral to the cultural heritage of the Shire.
- The demand for alternate lifestyle choices has provided limited growth to the townships, particularly within the main Ballarat corridor.
- Myrniong is well placed to continue to attract in-migration. There is a need for future investigation of the growth potential of Myrniong. Future development in Myrniong would necessarily be focused to the north as Myrniong is bounded by the Western Freeway in the south.
- Wallace has a considerable infrastructure advantage including natural gas, the old butter factory and a full interchange to the Western freeway.
- Changing demographics and a reduction in the number of people working in farming around these small towns have resulted in a decrease in population in these small communities which threatens the viability of institutions such as sporting clubs and other community groups. Strategies are needed to achieve sustainable population sizes in these historically important small towns.
- The zones abutting small town boundaries need to be reviewed to identify where further sustainable residential development could occur and what the best zone would apply to support sustainable populations in these small communities, particularly Wallace, Dunnstown, and Bungaree.
- Many of the small towns are within Special Water Catchment Areas, therefore requiring consideration of sewerage. Soil absorption capacity and physical drainage issues need to be examined in any strategic work that aims to identify the development potential of these small towns.

#### Objective—Sustainable Small towns

- To provide for the sustainable development of small towns.

#### Strategies

- Support limited development in small towns as an additional residential choice.
- Provide a clearly defined and compact urban form and character for the small towns with rearrangement of lot boundaries that demonstrate beneficial and sustainable use.
- Protect prominent view-lines in small towns particularly to and from the Western Freeway.
- Advocate for sewerage in the small towns.

#### Implementation

##### Further Strategic Work

- Undertake a small towns strategy to review existing infrastructure within small towns including access to transport infrastructure, land capability, and suitability to different economic activities.
- Prepare and adopt structure plans for each of the small towns.

#### Other Actions

- Promote the lifestyle and tourist attractions of the small towns.

## Appendix D Schedule 2 to the Significant Landscape Overlay, as revised

Blue text with underlining – insertions by the Council

Green text with underlining – insertions by the Panel

~~Red text with strikethrough~~ – deletions by the Council

**SCHEDULE 2 TO THE SIGNIFICANT LANDSCAPE OVERLAY**

- Shown on the planning scheme map as **SLO2**

**GORDON TOWN CENTRE, TOWNSHIP AND SURROUNDS****1.0 Statement of nature and key elements of landscape**XX/XX/2  
0XX

Gordon is regarded as a village community with a distinct pattern of single storey dwellings with generous side and rear setbacks that ~~complement~~ complement the landscaped setting. There are major stands of remnant vegetation and isolated trees within the town that are set amongst a backdrop of shelter belt plantings and forested ridgelines. Exotic tree plantings form ~~s~~ major windbreaks in parts of the township, particularly towards the Paddock Creek corridor, and surrounds. These features make strong statements and a significant contribution to the character of the township. Considerable care needs to be taken to ensure that the landscape and the character of the town are not compromised through the removal of vegetation.

**2.0 Landscape character objective to be achieved**XX/XX/2  
0XX

To retain and protect significant trees, vegetation and windbreaks that are significant component of local identity and landscape of the township character of Gordon.

To protect vegetation and trees of special significance, natural beauty, interest and importance.

To retain trees where they have high amenity value, unless identified as an environmental weed.

To support the retention and planting of further exotic and indigenous trees.

**3.0 Permit requirement**XX/XX/2  
0XX

A permit is not required for buildings and works provided a permit is not required under any other schedule, overlay or provision that applies to the land.

A permit is required to remove, destroy or lop a tree. This does not apply to:

- A tree having a single trunk circumference of ~~0.4~~ 40 centimetres or less at a height of ~~one~~ 1.3 metres above ground level.
- To remove, destroy or lop the minimum extent of vegetation necessary to continue the activity on land which has previously been cleared where seedlings or regrowth are less than 10 years old and the land is within the formation of a road or railway line.
- To remove, destroy or lop the minimum extent of vegetation necessary to maintain public utility services for the transmission of water, sewage, gas, electricity, electronic communications or the like.
- To remove, destroy or lop vegetation that is deemed unsafe by a suitably qualified arborist, and to the satisfaction of the responsible authority.
- To prune a tree for regeneration or ornamental shaping.
- ~~To remove, destroy or lop vegetation that is dead to the satisfaction of the responsible authority.~~
- Vegetation that is dead. This exemption does not apply to standing dead native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.
- To remove, destroy or lop vegetation that is being maintained in accordance with a management program developed by a suitably qualified arborist and approved by the responsible authority.

#### 4.0 Decision guidelines

XX/XX/20X  
X

Before deciding on an application to remove, destroy or lop any tree, the responsible authority must consider:

- Whether it is possible for the ~~proposal~~ proposed development, subdivision or works to be undertaken in a manner to avoid the necessity to remove the tree or trees.
- Whether the application provides for the long term management of the tree or trees to be lopped.
- Whether it is possible to provide compensatory habitat for native fauna. Such habitat should be of a similar value to that removed or destroyed and must be planted within the vicinity.
- The impact of the tree removal, destruction or lopping on visual amenity both from adjoining properties and from within the township of Gordon.

#### 5.0 Application requirements

XX/XX/2  
XX

An application for a permit must be accompanied by the following information:

- A site plan (drawn to scale) showing the boundaries of the site, location of existing vegetation and each tree to be removed, destroyed or lopped.
- A description of the species, height, trunk diameter at a height of 1.3 metres above ground level, and condition of each tree to be removed, destroyed, or lopped.
- A photograph of each tree to be removed, destroyed, or lopped.
- A statement explaining:
  - the purpose of the tree removal, destruction or lopping and how it responds to the landscape character objectives of this Schedule.
  - any proposed actions to compensate for the loss of the tree canopy, including the species and numbers of any trees or shrubs to be established or maintained.
  - whether the need for removal, destruction or lopping of trees has been reduced to the maximum extent that is reasonable and practical.
- A landscape plan which shows the extent of revegetation works proposed to be undertaken on the site.
- Where the removal, destruction or lopping of vegetation is to create defensible space, a statement explaining why removal, destruction or lopping of vegetation is required having regard to other available bushfire risk mitigation measures. This does not apply to the creation of defensible space in conjunction with an application under the Bushfire Management Overlay.

## Appendix E Schedule 5 to the Design and Development Overlay, as revised

Blue text with underlining – insertions by the Council

~~Red text with strikethrough~~ – deletions by the Council

Pink text with strike-through – deletions by the Panel

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## SCHEDULE 5 TO THE DESIGN AND DEVELOPMENT OVERLAY

- Shown on the planning scheme map as **DDO5**

### GORDON TOWN CENTRE, TOWNSHIP and RURAL SURROUNDS

#### 1.0

XX/XX/20X  
v

#### 4.4

XX/XX/20X  
v

#### Design objectives

##### General design objectives for the core town centre (Commercial Zones)

- To reinforce and strengthen the distinctive character of the Gordon town centre.
- To maintain the pedestrian scale of the existing town centre.
- To maintain the low rise character of the town centre.
- To provide for commercial development with retail uses and active frontages.
- To allow some opportunity for medium density residential development.
- To provide for advertising signs that are in character with the town centre.

#### 1.2

XX/XX/20X  
v

##### General design objectives for the township (Residential Zones)

- To protect the village character of the township.
- ~~To discourage commercial or retail development.~~
- To ensure that buildings with visible roof forms make a positive contribution to the character of the township.
- To protect the spacious character of the township by maintaining larger lot sizes.

#### 1.3

XX/XX/20X  
v

##### General design objectives for the rural surrounds (Rural Living and Farming Zones)

- To ensure that the design of buildings responds to the site slope and landscape features.
- Carefully site new development so that it does not impact on the appearance of the rural ~~amenity~~ setting of the town and the views from the town to the rural areas ~~that~~ which reinforce that setting.
- Carefully consider the landscaping and scale of new development particularly in open areas and locations ~~exposed~~ on exposed hill tops and slopes.
- To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on amenity.

#### 2.0

XX/XX/20X  
v

#### Buildings and works

A planning permit is not required for the construction of a fence within the residential zones under 1.2 metres in height which abuts a primary street frontage ~~street~~. If the site is on a corner, a permit is not required for the construction of a fence which fronts the side street.

~~A permit is not required for buildings and works that meet the following requirements:~~

#### Requirements

A permit is not required for buildings and works that meet the following requirements:

- Buildings or extensions to existing buildings with a minimum side setback of 2 metres from either boundary and a minimum rear setback of 5 metres.
- The site area covered by buildings does not exceed 40%.
- Total floor area of all buildings does not exceed ~~300m2~~ 300 square metres in floor area.

- Buildings under 9 metres in height [from natural ground level](#).
- Earthworks under 1 metre in depth or height.
- Where all external walls and roof areas are clad with non-reflective materials.

All buildings and works should comply with the following standards:

- Development should not obscure views and view lines from the town and particularly the town centre to the surrounding rural landscape features.
- Development should ~~avoid visible expanses of flat roofs and support~~ [have](#) a varied and interesting roof form.
- Development should be stepped with slope so that changes in natural ground level do not result in built form with a visual bulk that undermines the low-rise and fine-grained character of the town centre and township area.
- Buildings within commercial areas may be constructed to the street frontage along Main Street except where a setback is required to reflect site constraints including significant trees.
- Development providing for retail uses must have windows ~~frontage to~~ [facing](#) main roads, not present large expanses of blank walls, have site car parking at the rear of the premises, and present a frontage design in harmony with the streetscape scale and appearance.
- Development should provide a [strong](#) physical and pedestrian connection between the town centre, the two schools, Paddock Creek and the Recreation Reserve ~~in accordance with the Gordon Structure Plan~~.
- Development on land adjoining the Paddock Creek Reserve or open space areas should be designed to protect the bushland character of the open space areas.
- Development applications must address potential drainage and flooding issues and indicate works to be undertaken to [minimise](#) the impact [of](#) increased stormwater run off. The use of unique rainwater harvesting design responses, is highly encouraged, particularly in car parking areas.
- Colours, materials, finishes, façade articulation, roof pitch and form should respond to the existing neighbourhood character.

An application to undertake buildings and works and / or the construction and carrying out of works must be accompanied by the following:

- Details on why the setback, height and material requirements of this [Schedule](#) cannot be met.
- Plans detailing compliance with the design objectives, including schedule of building materials which responds to the existing neighbourhood character.
- Plans detailing the topography of the site including any cut and fill required for the development.
- Full details of the type, colour and finish of all external cladding materials [proposed](#).
- Details of drainage and how the development will manage stormwater runoff.
- Any landscaping proposed around the buildings and works.

### 3.0

XX/XX/20X  
x

#### Subdivision

- A permit is required to subdivide land.
- Subdivision of lots within the residential zoned areas must have a minimum lot size of 800 ~~m2~~ [square metres](#) to retain the spacious nature of the township.
- Subdivision\design should respond to existing site features and vegetation.
- Subdivision design is to respond to the pattern of development and the character of the township.



#### 4.0 Advertising signs

XX/XX/20X  
v

In addition to the requirements of the zone, a permit is required to display any of the following:

- Any advertising sign unless it is an above-verandah sign or a sign which does not exceed a total advertisement area of 1.5 square metres below a verandah.
- An internally illuminated or floodlit sign.

#### 4.1 Performance Criteria

XX/XX/20X  
v

In addition to the decision guidelines at Clause 52.05, the following principles should be considered:

- Advertising signs should not obscure architectural features, and supporting structures should not be viewed from public areas.
- The display of floodlit or internally illuminated signs is strongly discouraged.
- Signage should be integrated with the building form and not protrude above the parapet or roof line.
- The total advertisement area of business identification signs must not exceed 10 square metres.

#### 5.0 Decision guidelines

XX/XX/20X  
v

Before deciding on an application to construct or carry out works including development of advertising signage, the responsible authority must consider:

- Whether the development responds to the design objectives of the overlay.
- The contribution that the development makes to the preferred character of the area.
- Whether the development within the town provides pedestrian links to the established town centre.
- Whether the development has addressed [stormwater](#) drainage issues.
- Whether the development within commercial town centre maintains the low rise built form and interaction to the public realm with minimal front setbacks and weather protection for pedestrians.
- Whether the development within the town centre has been designed to be visually appealing to pedestrians, through the placement of windows, entrances and architectural detailing.
- The impact of the development on visual amenity both from adjoining properties and from within the township of Gordon.
- The impact of the landscaping and scale of new development, particularly in open areas and locations ~~exposed~~ on [exposed](#) hill tops and slopes.
- Whether the proposed buildings and works would have any adverse impact on the landscape and the visual amenity of the surrounding area.
- Whether the materials proposed to be used, and the form of development proposed would avoid or reduce any adverse impact on the landscape and the visual amenity of the surrounding area.
- Whether the setbacks of the proposed building and works from adjoining roads and properties will ensure that the development would avoid or reduce any adverse impact on the landscape and the visual amenity of the surrounding area.
- Whether any proposed landscaping around the buildings and works would reduce any adverse visual impacts on the landscape and the visual amenity of the surrounding area.

## **11.2.2 Amendment C70 – Anomalies (Correction of Mapping Errors within the Moorabool Planning Scheme)**

### **Introduction**

File No.: U/MPS  
Author: Shane Schmidt  
General Manager: Satwinder Sandhu

### **Background**

In the last two years a number of errors in the planning scheme and maps have been identified. These errors are clerical in nature or are result of public land returning to private without necessary zoning changes. A planning scheme amendment is required to correct these errors and can be done under Section 20(1) of the *Planning and Environment Act 1987* which exempts the amendment from the public notice requirements of section 20(2) of The Act.

### **The Amendment**

Amendment C70 seeks to fix twenty-one (21) errors within the Moorabool planning scheme including 18 mapping errors and 3 policy errors. These errors are found in Attachment 11.2.2.

### **Discussion**

Correcting the identified errors will have no impact on the amenity, planning policies, owners and surrounding owners of the subject properties. The amendment is clerical in nature with no policy implications. For this reason it is recommended Council seek an exemption from notification of the amendment under *section 20 (2) of the Planning and Environment Act 1987*.

Notification may still be necessary to relevant authorities and prescribed ministers under *section 20 (2)* of the act, however the Minister may remove the requirement to be sent to landowners affected by the amendment therefore removing the need for a planning panel and lengthy amendment process.

### **Policy Implications**

The 2013–2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced natural and Built Environment
<b>Objective</b>	Effective and efficient land use planning and building control
<b>Strategy</b>	Ensure the Planning Scheme is reviewed and updated in order to facilitate land use and development to support the social, economic, environment and well-being of the Shire.

### **Financial Implications**

Council officer time and resources are involved in the preparation of the amendment documentation. It is not expected more than normal administration costs will be required for the amendment process.

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

There are unlikely to be any risk and occupational health and safety implications for Council.

### **Communications Strategy**

Council will be seeking an exemption from normal exhibition advertising that takes place in the Amendment process. There may still be notification to relevant authorities and prescribed ministers.

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

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

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

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

*General Manager – Satwinder Sandhu*

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

*Author – Shane Schmidt*

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

### **Conclusion**

The proposed amendment is to correct errors found in the Moorabool planning scheme over time with a majority being minor map changes and rezoning of land to reflect ownership and location. No policy implications will be a result of the amendment and it is therefore requested to seek exemption from normal notification under the *Planning and Environment Act 1987*.

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

1. Requests authorisation from the Minister for Planning to prepare an amendment which seeks to amend the mapping and planning scheme errors indicated in Attachment 11.2.2.
2. In accordance with section 20(1) of the Planning and Environment Act 1987 (The Act), requests that the Minister for Planning exempt the amendment from the public notice requirements of section 20(2) of The Act, except for the requirement to notify the land owners of the affected sites and the prescribed Ministers.
3. Send out required notice of the amendment in accordance with Section 20 of the *Planning and Environment Act 1987*.

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

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Friday, 21 February 2014

# Attachment - Item 11.2.2

*Note: Non- mapping errors or 'policy errors' highlighted in bold.*

No	ADDRESS/PLACE	ERROR	CORRECTION
1.	Bacchus Marsh Road Avenue of Honour	<b>HO47 Elm Trees along Bacchus Marsh Road</b> Avenue of Honour  Does not have a VHR reference number in the schedule however is included in the Victorian Heritage Register as a state significant site.	Correct the schedule to Clause 43.02 to Include the VHR reference no. H2238 in the schedule to HO47
2.	CA 36 Section 7 Parish Blackwood, Mt Blackwood Road	<b>HO191 Mt Blackwood Hotel Ruins (Drury's Hotel)</b>  The schedule says it is on the VHR however it is not.	Correct the schedule to Clause 43.02 to Remove 'YES' from the VHR on the schedule to HO191. The site is on the Heritage Inventory (HR) H7722-0065 not the VHR.
3.	Seven properties in Merrimu: <ul style="list-style-type: none"><li>▪ Lots S3 &amp; S2, Condor Drive off Flanagans Drive</li><li>▪ 98 Possumtail Run</li><li>▪ 58 Possumtail Run</li><li>▪ 64 Possumtail Run</li><li>▪ 289 Bences Road</li><li>▪ Lot Bences Road</li><li>▪ 235 Bences Road</li></ul>	A number of lots are partly zoned Public Conservation and Recreation Zone (PCRZ) in Bences Road, Merrimu that are in private ownership.	Amend Map 38 of the Planning Scheme to rezone lands identified as <ul style="list-style-type: none"><li>▪ Lots 15, 16 No. 235, 16A, Lot E Section 18 No. 289 Bences Road, Merrimu;</li><li>▪ Lots 10, 11 &amp; A on PS 540095, 19 on PS545410 &amp; 1 on TP 620232, Possum Tail Run, Merrimu;</li><li>▪ Lots S3 &amp; S2 (6 sites) on PS 420001, Condor Drive, Merrimu;</li><li>▪ Lot 1 on LP 71311 &amp; Lot 3 on LP 71734 No. 249 Long Forest Road, Merrimu,</li></ul> from Public Conservation & Resource Zone (PCRZ) to Rural Conservation Zone (RCZ).
4.	Ballan Township	ESO1 applies to all sewered areas of the township when there is no need	Remove ESO1 from sewered areas of Ballan. (as shown shaded below).
5.	Bungaree Railway Land	PUZ4 applies due to once being a railway	<ul style="list-style-type: none"><li>▪ Remove PUZ4 from 338 Bungaree-Wallace Road and 100</li></ul>

	332, 338 Bungaree-Wallace Road and 100 Murphys Road, Bungaree	reserve however now under various private ownership	Murphys Road, Bungaree and apply Farming Zone (FZ) and Township Zone (TZ) as shown below. <ul style="list-style-type: none"> <li>332 Bungaree-Wallace Road apply Township Zone (TZ)</li> </ul>
6.	HO110 <b>South Africa War Memorial and Drinking Fountain</b> Outside 156 Main Street, Bacchus Marsh	Mapped on 156 Main Street however on Road Reserve	To change map as so HO110 is on road reserve of Main Street as shown.
7.	40 Swans Road, Darley	Half of the property is within Low Density Residential Zone LDRZ and the other half is in Residential 1 Zone (R1Z).	Rezone part of 40 Swans Road, Darley to LDRZ to be consistent with the majority of the property.
8.	4/77 Simpson Street, Ballan	Half of the property is within the Commercial 1 Zone (C1Z) and the other half is in Residential 1 Zone (R1Z).	Rezone part of 4/77 Simpson Street to R1Z to be consistent with the majority of the property.
9.	83A Simpson Street, Ballan	Half of the property is within the Commercial 1 Zone (C1Z) and the other half is in Residential 1 Zone (R1Z).	Rezone part of 83A Simpson Street to R1Z to be consistent with the majority of the property.
10.	Ballan Golf Course Crown Allotment 2, Berry Street, Ballan	Partly zoned SUZ3 and Residential 1 Zone	Rezone part of allotment that is R1Z to SUZ3 be consistent with the majority of the property.
11.	61 Main Street, Myrniong	Zoned PPRZ although privately owned	Rezone from PPRZ to Township Zone (TZ)

<b>12.</b>	102 Gillets Lane, Ingliston	Part of the property is within the Public Use Zone 1 (PUZ1) Crown Allotment 32A with the remainder in Farming Zone. The whole property is in private ownership. with Crown Allotment 32A being sold from local government in 1998	Rezone the portion of land zoned PUZ1 to Farming Zone (FZ).
<b>13.</b>	All land affected by ESO1	<p>Within the schedule to Clause 66.04 there is no reference Clause within the table to refer to the Department of Primary Industries :</p> <p>An application to:</p> <p>Subdivision creating lots less than 40 hectares.</p> <p>Development that facilitates intensive animal husbandry and horticulture.</p>	Add "Clause 4 of Schedule 1 to Clause 42.01(ESO)".
<b>14</b>	21 Brady's Lane, Greendale	Part of property is zoned PPRZ although it is in private ownership.	Rezone from PPRZ to Farming Zone (FZ).
<b>15</b>	Bungaree School 348 Bungaree-Wallace Road, Bungaree	Bungaree School Site, owned by Dept. of Education. If still operating as a schools; should be rezoned from FZ to PUZ2	Rezone from Farming Zone to Public Use Zone (PUZ2).
<b>16</b>	Morrison Cemetery Cemetery Lane, Morrison Crown Allotment 3B~B\PP2206	Rezone from Farming Zone to Public Use Zone 5 (PUZ5) to reflect public ownership and cemetery use.	Rezone from Farming Zone to Public Use Zone 5 (PUZ5) to reflect public ownership and cemetery use.
<b>17</b>	Napoleon Street, Greendale	Rezone from Rural Living Zone to Public Use Zone 5 (PUZ5) to reflect public ownership and cemetery use.	Rezone from Rural Living Zone to Public Use Zone 5 (PUZ5) to reflect public ownership and cemetery use.



<b>18</b>	Crown allotment 205A Horsehill Road South, Elaine	Rezone from Farming Zone to Public Use Zone 5 (PUZ5) to reflect public ownership and cemetery use.	Rezone from Farming Zone to Public Use Zone 5 (PUZ5) to reflect public ownership and cemetery use.
<b>19</b>	26 Pilmer Street, Bacchus Marsh	The subject land is incorrectly Zoned PPRZ and needs to be rezoned to RZ2	Rezone from PPRZ to Residential 2 Zone.
<b>20</b>	1560 Greendale- Trentham Road, Lerderderg	Land is privately owned however portions are zoned PCRZ. Rezone areas to Rural Conservation Zone (RCZ) like the majority of the property.	Rezone areas within allotment from PCRZ to Rural Conservation Zone (RCZ)
<b>21</b>	Long Forest Road	Land is publicly owned and managed by Parks Victoria as part of the Long Forest Reserve however is within the Farming Zone (FZ)	Rezone land from Farming Zone (FZ) to Public Conservation and Reservation Zone (PCRZ)

### 11.2.3 Planning Application PA2012-244; Proposed dwelling at Lot 1 on PS 435803J, Mt Blackwood Road, Myrniong 3341

<b>Application Summary:</b>	
Permit No:	PA2012-244
Lodgement Date:	12 October 2012
Planning Officer:	Rob Fillisch
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	30 December 2013
Address of the land:	Mt Blackwood Road, Myrniong
Proposal:	Proposed dwelling and shed
Lot size:	4.35 hectares
Why is a permit required	<p>Clause 35.07-1 – Farming Zone – use falls within Section 2</p> <p>Clause 43.02 – Design &amp; Development Overlay (DDO2) – buildings and works</p>
<b>Public Consultation:</b>	
Number of notices to properties:	8
Notices on site:	One
Notice in Moorabool Newspaper:	No
Number of Submissions:	Eighteen (18)
Consultation meeting:	No consultation meeting was held as the permit applicant following the public notice period decided to amend the application by deleting the proposed intensive animal husbandry component. A second public notice period took place after the application was amended.

<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building controls.
<b>Strategy</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications  Ensure that development is sustainable, resilient to change and respects the existing character.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
<b>Officer's Declaration of Conflict of Interests</b>	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.  <i>Manager – Sian Smith</i>  In providing this advice to Council as the Manager, I have no interests to disclose in this report.  <i>Author – Robert Fillisch</i>  In providing this advice to Council as the Author, I have no interests to disclose in this report.	
<b>Executive Summary:</b>	
The planning application seeks approval for the erection of a dwelling and shed. Initially, the application included the use of the site for intensive animal husbandry (raising chickens). The application has been advertised twice and eighteen submissions were received, all but one being objections. The objections primarily focused on the use of the site for intensive animal husbandry. The permit applicant subsequently amended the planning application to delete the intensive animal husbandry component.  The subject site is a battle-axe shape with the western portion adjacent to Mt Blackwood Road being largely cleared. The property has two portions divided by the Korkuperrimal Creek, which is within a reserve vested in Council. The eastern area of the site has native tree cover.	

The proposal is to construct a dwelling and shed on the western portion of the site close to Mt Blackwood Road. No native vegetation removal is proposed. Properties on the west side of Mt Blackwood Road contain large holdings used for agricultural purposes. Properties on the eastern side of Mt Blackwood Road in this vicinity have relatively smaller holdings and have less of an agricultural capability.

The application was referred to all appropriate authorities and within Council departments for comment. Additional information was requested with regards to the potential impacts of the intensive animal husbandry component of the proposal. The application, post amendment has been re-referred to the same agencies. None have objected subject to the inclusion of permit conditions.

The application was reviewed against the provisions of the Moorabool Planning Scheme.

The pre-amended application (i.e. with the intensive animal husbandry component) was problematic on several planning grounds. The deletion of this contentious element removes a number of the grounds of concern. The immediate area is of a low-density rural residential appearance with an attractive native vegetation backdrop. Dwellings are evident from Mt Blackwood Road.

This report recommends that Council issue a Notice of Decision to Grant a permit for the use and development of a dwelling and shed.

#### **Summary Recommendation:**

That having considered all relevant matters as required by s.60 of the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit to use and develop the land for a dwelling and shed at Lot 1 on PS 435803J, Mt Blackwood Road, Myrniong subject to permit conditions.

### **Background**

The original application sought approval for a dwelling, outbuilding and the use of the site for intensive animal husbandry. The application was accompanied by a farm management plan and a land capability assessment. A number of the submissions received from nearby landowners identified deficiencies with the detail and projections associated with the intensive animal husbandry component.

The State Government amended the provisions of the Farming Zone on the 5 September 2013. One of the changes was the removal of the requirement that an applicant show a nexus between a proposed dwelling and the agricultural activity onsite. Council is still required to consider any potential adverse impact on surrounding agricultural activities by a proposed dwelling.

The permit applicant on the 27 September 2013 decided to amend the application to delete the intensive animal husbandry component. The application now only seeks approval for the use and development of a dwelling and shed.

A previous permit PA2001-327 was issued for the construction of a dwelling in 2002. The dwelling was commenced with the installation of stumps, however no further progress was made and the permit has now expired. This application is to construct the same dwelling.

### **Proposal**

It is proposed to construct a dwelling and shed within the eastern portion of the site. Details of the proposal can be summarised as follows:

- The dwelling will be single storey.
- It will have a footprint of 17m x 11m.
- The dwelling will have a pitched roof and with maisonette walls.
- The shed will be located to the south west of the dwelling and setback approximately 6m from the west (front) boundary.
- The shed will have a height of 3m. It will have a footprint of 14.4m x 9m.
- Vehicle access would be via an existing accessway to Mt Blackwood Road.
- No vegetation would be removed to construct the building or works.
- A septic system is located to the south east of the dwelling.

### **Site Description**

The subject site has a battle-axe shape with a frontage of 49.27m to Mt Blackwood Road. The land area is 4.35 hectares. The eastern portion of the site is largely cleared and there is an outbuilding located centrally to the frontage. The eastern portion of the site slopes down to the Korkuperrimal Creek, which runs north south in this location. The creek and immediate surrounds are contained within a reserve that is vested in Council. The eastern and western portions of the subject site are joined on the title by a vinculum. The land is not actively used for agriculture.

There are agricultural properties set on large lots on the west side of Mt Blackwood Road. Properties on the eastern side of Mt Blackwood Road are typically smaller and have rear abuttal to the Lerderderg State Forest. A number of these properties have dwellings on them and low scale agricultural activity.

### **Locality Map**

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



### Planning Scheme Provisions

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

SPPF		
Clause 12.01	Biodiversity/Native Vegetation	Planning policy seeks to protect and enhance the natural environment. The proposal does not include the removal of native vegetation as the area designated for development is cleared.
Clause 13.05	Bushfire	The eastern area of the subject site is located in an area identified as being at risk of bushfire. As the buildings are proposed outside the area of the site covered by the Bushfire Management Overlay these provisions do not apply. Nonetheless Council's Infrastructure Department has required a condition relating to achieving suitable access.

Clause 14.01-1	Protection of agricultural land use	<p>The objective of this policy is to protect productive farmland of strategic significance in the local or regional context.</p> <p>The proposal is not considered to adversely impact on the agricultural capacity of nearby land. The subject site has only limited potential for agriculture given the topography, split holdings (i.e. caused by the creek) and native tree coverage.</p>
Clause 14.02	Water Quality	<p>Planning policy seeks to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment. Appropriate conditions can be placed on the operation of the proposed septic system.</p>
<b>LPPF</b>		
Clause 21.02	Natural Environment	<p>Policy seeks to protect the ecological values of places such as the Lerderderg State Forest and Korkuperrimal Creek. The proposed septic system is separated some distance from the creek. No native vegetation will be lost as part of the proposal.</p>
Clause 21.02-3	Water catchment and management	<p>Policy seeks to ensure that the removal of all storm water and effluent caused by new development is undertaken in a way which is not to the detriment of the quality or quantity of water in local watercourses and limits downstream effects.</p>
Clause 21.04-2	Agriculture	<p>The policy aims to protect good quality land and support the productivity and sustainability of existing and future agricultural and horticultural activities. The proposal will not adversely impact on the agricultural capacity of surrounding land.</p>

## Zone

The land is zoned Farming under the Moorabool Planning Scheme. Pursuant to Clause 35.07-1, a planning permit is required to use and develop a dwelling on a lot less than 40 hectares.

The purpose of the zone is:

- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To protect and enhance natural resources and the biodiversity of the area.*

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the decision guidelines under the zone provisions.

## Overlays

The area where the proposed development is to occur is within the Design and Development Overlay – Visual amenity and building design (DDO2).

Pursuant to Clause 43.02-2, a planning permit is required to construct a building if external walls or roof areas are clad with non-reflective materials.

The design objectives are:

- *To enhance visual amenity in rural, township and vegetated areas of the Moorabool Shire.*
- *To encourage the use of external cladding, such as non-reflective materials for building construction.*
- *To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on amenity.*

In this instance the DDO2 does trigger the requirement for a planning permit.

A Bushfire Management Overlay and Environmental Significance Overlay (Schedule 2) cover the eastern portion of the site but not the development area and therefore these provisions do not apply to the application.



### General Provisions

Under Clause 65, the responsible authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*

### **Discussion**

#### State and Local Planning Policies

Several different strands of planning policies of the Moorabool Planning Scheme are relevant to the assessment of the proposal. The planning policies and controls seek the protection of both agricultural capacity and the natural ecology.

The site locational characteristics are of fundamental importance in the application of the planning scheme policies.

The site is not presently used for agriculture. The building of a house on a small part of the site will not restrict the land for being used for agricultural activities in the future. A dwelling in this location should not adversely impact upon the agricultural activities undertaken on nearby land.

Much of the land contains native vegetation although not where the proposed dwelling is proposed to be located. The proposed dwelling setback at 31.5m from the frontage is considered suitable given the pattern of development. The position of the shed within the front setback would normally not be considered appropriate; however the site is limited due to the topography. In reality the selected site is the only place a shed could be constructed, and it is well screened by existing vegetation and therefore considered to limit the impact on the amenity of the surrounding area.

A Land Capability Assessment submitted with the application recommends an aerated wastewater treatment plan in conjunction with shallow sub-surface irrigation system. Subject to conditions, the proposed use and development should not adversely impact on the quality of the adjacent creek.

The proposal for a dwelling and shed on the site is considered reasonable given the locational characteristic subject to permit conditions.

**Environmental Significance**

The proposed position of the dwelling and shed is within a cleared area of the site. The existing accessway is available from Mt Blackwood Road. The Land Capability Report makes recommendations concerning the proposed septic system. The new development is within a fairly level area of the site well removed from the adjacent creek. The proposal should cause no undue adverse environmental outcomes

**Clauses 35.07, 43.02 & 65 – Decision Guidelines**

The proposal is considered to be consistent with the zoning and overlay provisions.

The proposed development occurs within the most suitable area of the site where there are minimal topographical or vegetation issues. The proposal would be consistent with the general pattern of development on the east side of Mt Blackwood Road.

**General Provisions**

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

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

**Referrals**

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

<b>Referrals/Notice</b>	<b>Response</b>
Section 55 Referrals: Western Water Southern Rural Water Port Phillip CMA	No objection No response No response
Section 52 notice: Melbourne Water	No objection.
Internal Council Referrals  Environmental Health Officer Infrastructure	Consent with conditions. Consent with conditions.

## Public Notice

Notice of the application consisted of notice to nearby landowners and an onsite notice. The advertising process was from 8 April 2013 to 22 April 2013. Following the amendment of the application with the deletion of the intensive animal husbandry component, the application was readvertised by mail on the 15 October 2013. A total of eighteen (18) submissions were received over both advertising periods.

Two objections from the same person were withdrawn when the application was amended to a dwelling and shed only.

## Summary of Objections

The objections received are detailed below with officer's comments accompanying them. The primary focus of many of the objections related to the intensive animal husbandry component. As this no longer forms part of the application, comment is limited to issues associated with the proposed dwelling and shed.

Objection	Officer's response
The buildings are too close to the frontage.	As discussed in the report there is limited provision for a shed on the site due to the topography. The shed will be close to the frontage however this is well screened by existing vegetation.
An increase in dwelling density would have adverse impacts on the amenity of the area.	A number of dwellings front the east side of Mt Blackwood Road. These properties have low scale agricultural activity. The proposal fits with the general pattern of development in the locality.
Access to the eastern portion of the block is uncertain.	The eastern and western portions of the land are separated by the Korkuperrimal Creek, which runs north south in this location. There is a bridge located adjacent the site, the legal status of which in terms of rights of way is uncertain. The proposed dwelling and shed are located on the western portion of the site with direct access to Mt Blackwood Road; therefore the status of the bridge is irrelevant to the consideration of the application and is a civil matter.
An increase in traffic will occur.	The application has been assessed by Council's Infrastructure Department and found to be satisfactory subject to the inclusion of permit conditions.

**Other policies/procedures**

Council adopted the Rural Growth Policy Statement at the Ordinary Meeting of Council of 5 September 2012. Council can give weight to this document under the provisions of section 60(1A)(g) of the Planning and Environment Act 1987.

This policy seeks "To articulate the Council's support for resilient and integrated rural communities and agricultural enterprises". This policy has been considered to the extent appropriate in the writing of this report.

**Financial Implications**

The recommendation of approval of this development does not implicate any Financial risk issues to Council.

**Risk and Occupational Health and Safety Issues**

The recommendation of approval of this development does not implicate any risk or OH & S issues to Council.

**Communications Strategy**

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. A consultation meeting has not taken place as the application was amended in such a way whereby the primary contentious element was deleted.

**Conclusion**

The proposal is considered to be an appropriate use and development of the site. The proposal is not expected to compromise the agricultural capability of surrounding land and will be generally consistent with the established pattern of development.

The application has been assessed against the relevant sections of the Moorabool Planning Scheme, and found to be consistent with the provisions therein. The application can be issued with a Notice of Decision to Grant a Permit.

**Recommendation:**

**That having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Notice of Decision to Grant a Permit PA2012-244 for the development and use of a dwelling and shed at Lot 1 on PS 435803J, Mt Blackwood Road, Myrniong subject to the following grounds of refusal:**

1. **Before the development starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with the plans submitted but modified to show:**
  - a) **An amended site plan showing the effluent field in accordance with the recommendations in the Land Capability Assessment report by Provincial Geotechnical Pty Ltd (Ref. A3090, 26 January 2013).**
  - b) **Elevation and floor plans showing the proposed dwelling.**
  - c) **The dwelling and shed elevations be modified to show a non-reflective roofing material.**

**Such plans must be to the satisfaction of the Responsible Authority and when approved, will be endorsed and form part of this permit.**

2. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
3. **All external materials to be used in the construction of the dwelling and shed hereby permitted shall be of muted toning and non-reflective and shall not result in any adverse visual impact on the amenity of the surrounding area to the satisfaction of the Responsible Authority.**
4. **Prior to the issue of Certificate of Occupancy for the dwelling the permit holder must provide a Land Management Plan to the satisfaction of the Responsible Authority. When endorsed the Land Management Plan will form part of the permit.**

#### **Environmental Health**

5. **An Aerated Wastewater Treatment System (AWTS) that produces wastewater to a minimum standard of 20/30 (BOD/suspended solids) must be installed.**
6. **Due to the nature of the soil on site, soil conditioning must be applied to the effluent disposal field area to facilitate improved effluent drainage.**
7. **All conditions by the Land Capability Assessment by Provincial Geotechnical Pty Ltd (Ref. A3090, 26 January 2013) must be adhered to.**
8. **The applicant must submit an application to install a septic system.**

**Infrastructure**

9. A standard rural vehicle crossing with culvert must be provided on Mt Blackwood Road to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
10. The property access and the internal driveways must be constructed in accordance with the requirements specified in the CFA publication "Building in a Wildfire Management Overlay".
11. Stormwater drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any wastewater disposal areas.
12. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
13. Unless otherwise approved by the Responsible Authority, there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
14. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

**Expiry**

15. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the time frames as specified in Section 69 of the Planning and Environment Act 1987.

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

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Thursday, 13 February 2014

**11.2.4 Planning Application PA2013-236; Two (2) Lot Subdivision and Development of Two (2) Dwellings, Lot 3 on PS536561T, 43 Inglis Street, Ballan.**

<b>Application Summary:</b>	
Application No:	PA2013-236
Lodgement Date:	8 October 2013
Planning Officer:	Natalie Robertson
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	8 December 2013
Address of the land:	Lot 3 on PS 536561T 43 Inglis Street, Ballan
Proposal:	Two Lot Subdivision and Development of Two (2) Dwellings
Lot size:	442 sq m
Restrictive covenant	Covenant PS536561T
Why is a permit required?	Pursuant to the Moorabool Planning Scheme, Clause 32.01-2 a permit is required to subdivide land and under Clause 32.01-4 a planning permit is required to construct two or more dwellings on a lot.
<b>Public Consultation:</b>	
Number of notices to properties:	Nine (9)
Notices on site:	One
Notice in Newspaper:	Nil
Number of objections:	Two (2)
Submission of support:	Nil
Consultation meeting:	The inadequacies of the proposal determined that a recommendation for refusal would be put to Council and therefore no consultation meeting was held.

<b>Policy Implications:</b>	
<b>Key Result Area -</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective -</b>	Effective and efficient land use planning and building controls.
<b>Strategy -</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications  Ensure that development is sustainable, resilient to change and respects the existing character.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
<b>Officer's Declaration of Conflict of Interests</b>	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.  <i>Manager – Sian Smith</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report.  <i>Author – Natalie Robertson</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	



**Executive Summary:**

The application is for the construction of two (2) double storey dwellings on Lot 3, 43 Inglis Street, Ballan. This application is before Council due to the inadequacies of the proposal and receipt of two objections from nearby neighbours.

The site has an area of 430 sq m and a restrictive covenant which limits dwelling development to within a building envelope of 150sqm. While the proposed development provides housing choice for a range of households, which accords with State and Local Planning Policies, and the objectives of the zone, it is considered that the layout and design of the development is not in accordance with the character of the surrounding area and does not provide for an amenable living environment.

The layout of the dwellings on the site does not meet all the requirements of Clause 55 (Rescode) of the Moorabool Planning Scheme.

Objections relate to lack of aesthetics, design character, overshadowing, overlooking and suitability of the development on the site. Details of the objectors concerns and response to the key issues have been provided in the report.

It is considered that the proposal is inconsistent with the pattern of development and character in the area and further the proposed development fails to comply with some requirements of Clause 55.

**Summary Recommendation:**

The proposal has been assessed against the relevant components of the Planning and Environment Act 1987, particularly with regard to Section 61 (4), the Moorabool Planning Scheme, particularly those set out in the State and Local Planning Policy Framework, Clause 32.01-4 - Residential 1 Zone – and Clause 55 of the Moorabool Planning Scheme (Rescode). It is considered that the proposal is generally inconsistent with requirements of the scheme which is outlined in detail in this report.

It is recommended that Council resolve to Refuse to Grant a Permit for this application pursuant to Section 61(1) and (4) of the Planning and Environment Act 1987 on grounds contained later in this report.

**Site and Surrounds**

The subject site is on the southern side of Inglis Street, Ballan close to the eastern gateway to the township. The site is almost triangular in shape with a frontage of 14.7m, rear of 14.51m, western side boundary of 31.59m and eastern side boundary of 29.27m. The site is 442sqm in area, however dwelling development is limited to a building envelope of 150sqm. A crossover is provided to the site.

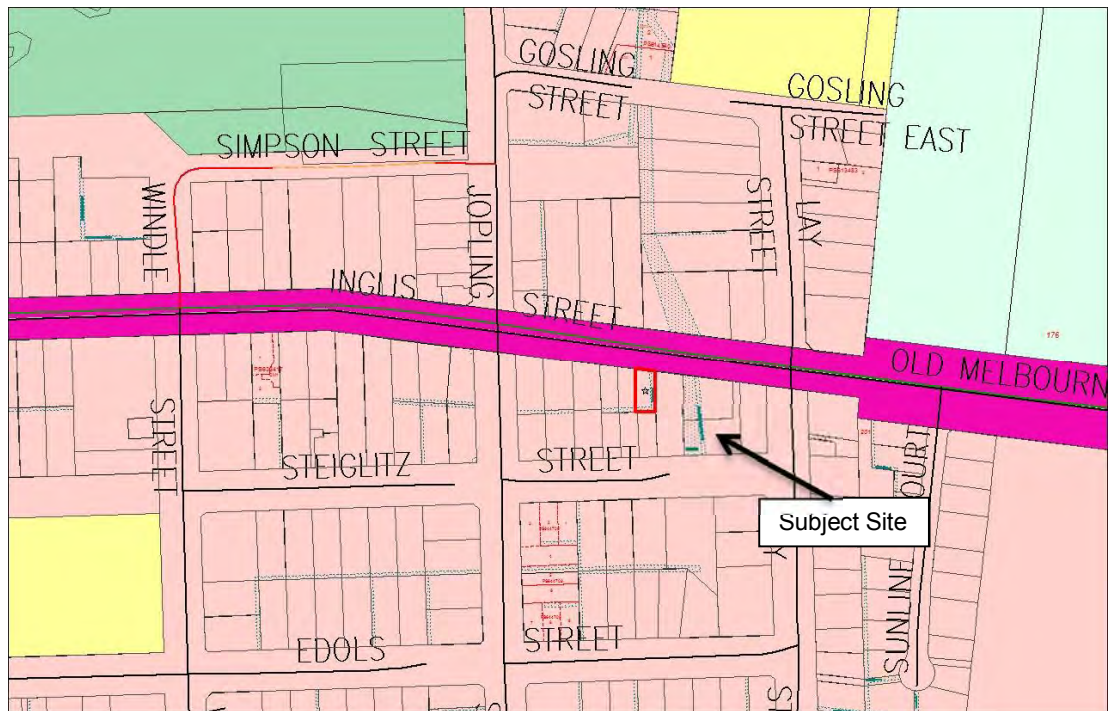
The site is encumbered by a 3m wide easement along the length of the rear and eastern side boundary and the building envelope is shown as a hatched portion of land on the title plan.

There are dwellings on each side of the subject site with 9m to 8m setbacks. These dwellings, as with most in the neighbourhood are single storey. Dwellings styles vary greatly and there are multi dwelling developments within the area

The area is zoned Residential 1 and is a mixture of new and older dwellings with varied styles and lot sizes. The subject site is 620 m east of the commercial area of Ballan. There is access to public open space and is within a reasonable distance to community facilities and services such as schools, shopping, medical facilities and approximately 1km north of the Ballan train station. There is no bus service within Ballan.

Inglis Street is a Road Zone Category 1 road with a 12m wide sealed road, a wide grassed nature strip and concrete footpath passing the site.

There is no significant vegetation on the subject site, however a mature tree of at least 6m in height sits within the road reserve.



## Proposal

The proponent seeks approval for the construction of two (2) dwellings and a two lot subdivision of the land.

The dwellings would be double storey dwellings which share a central common wall. The dwellings would be located within the building envelope and each dwelling would comprise:

**Ground Floor:**

- Kitchen
- Meals / living area
- Laundry
- Stairway
- Storage area under stairwell
- Single car garage

**First Floor:**

- Bedroom 1 with ensuite;
- Bedroom 2
- Bathroom
- Linen closet
- First floor land

The dwellings would be rectangular and have a north south orientation with some site levelling proposed. Dwelling 1 has a setback of 7.184m and dwelling 2 a setback of 7.860m. Each dwelling has a ground floor area of 82.09sqm and first floor area of 55.97sqm with a total floor area for each dwelling being 138.06sqm.

Dwelling 1 has private open space of 57.38sqm with secluded private open space totalling 43.82sqm.

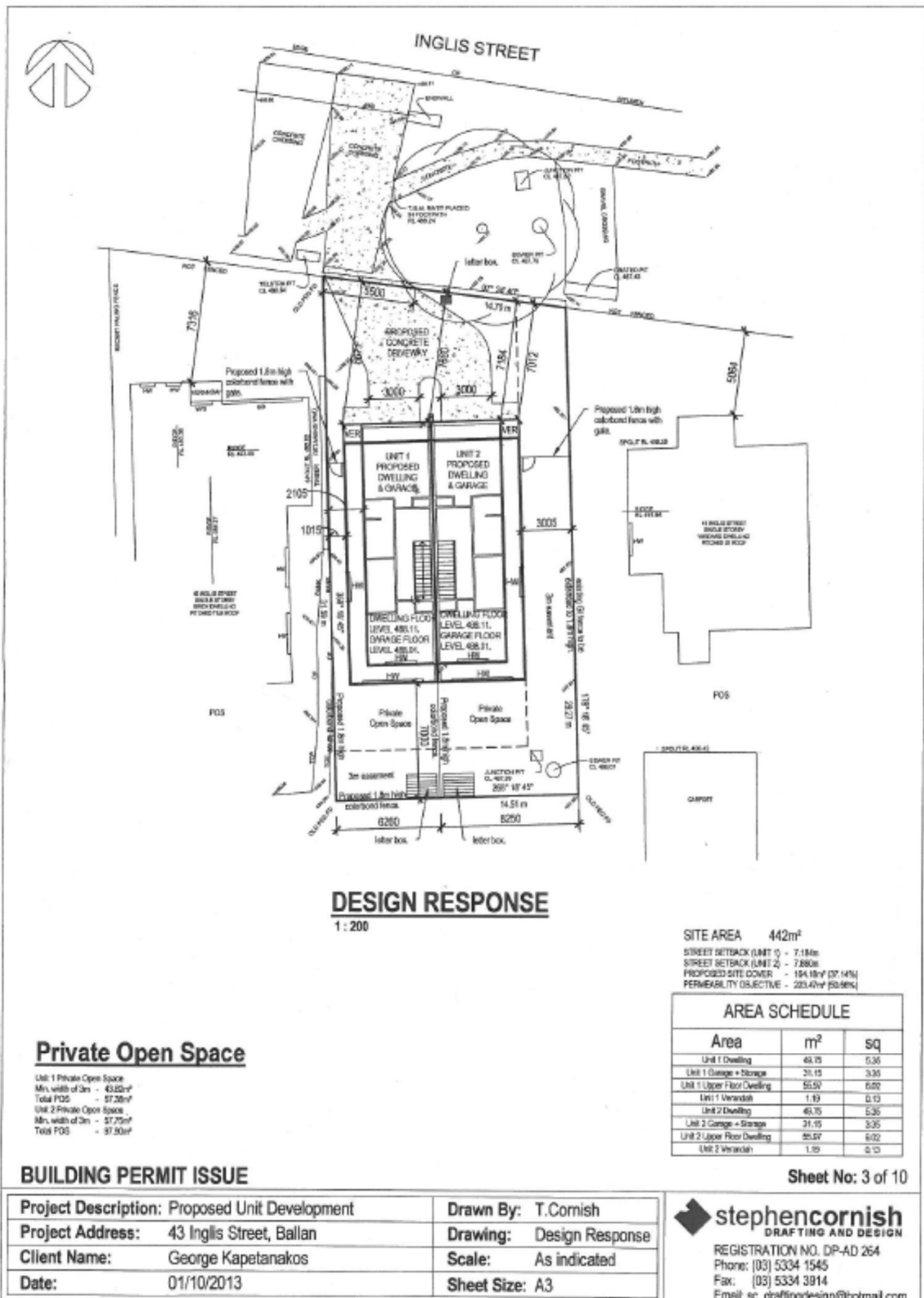
Dwelling 2 has private open space totalling 97.90sqm with private open space totalling 57.75sqm.

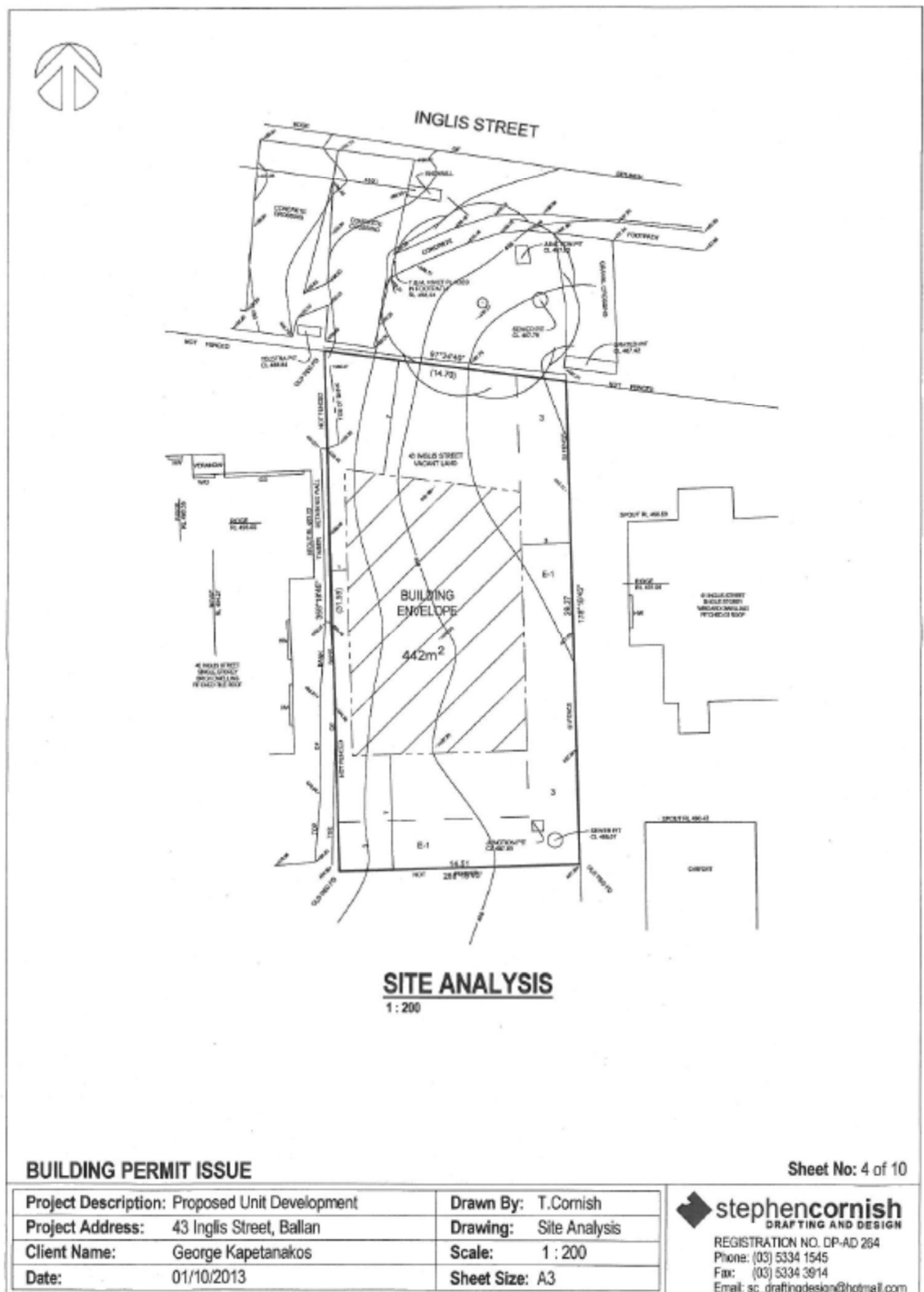
Access is via an existing single concrete crossing onto a curved concrete driveway.

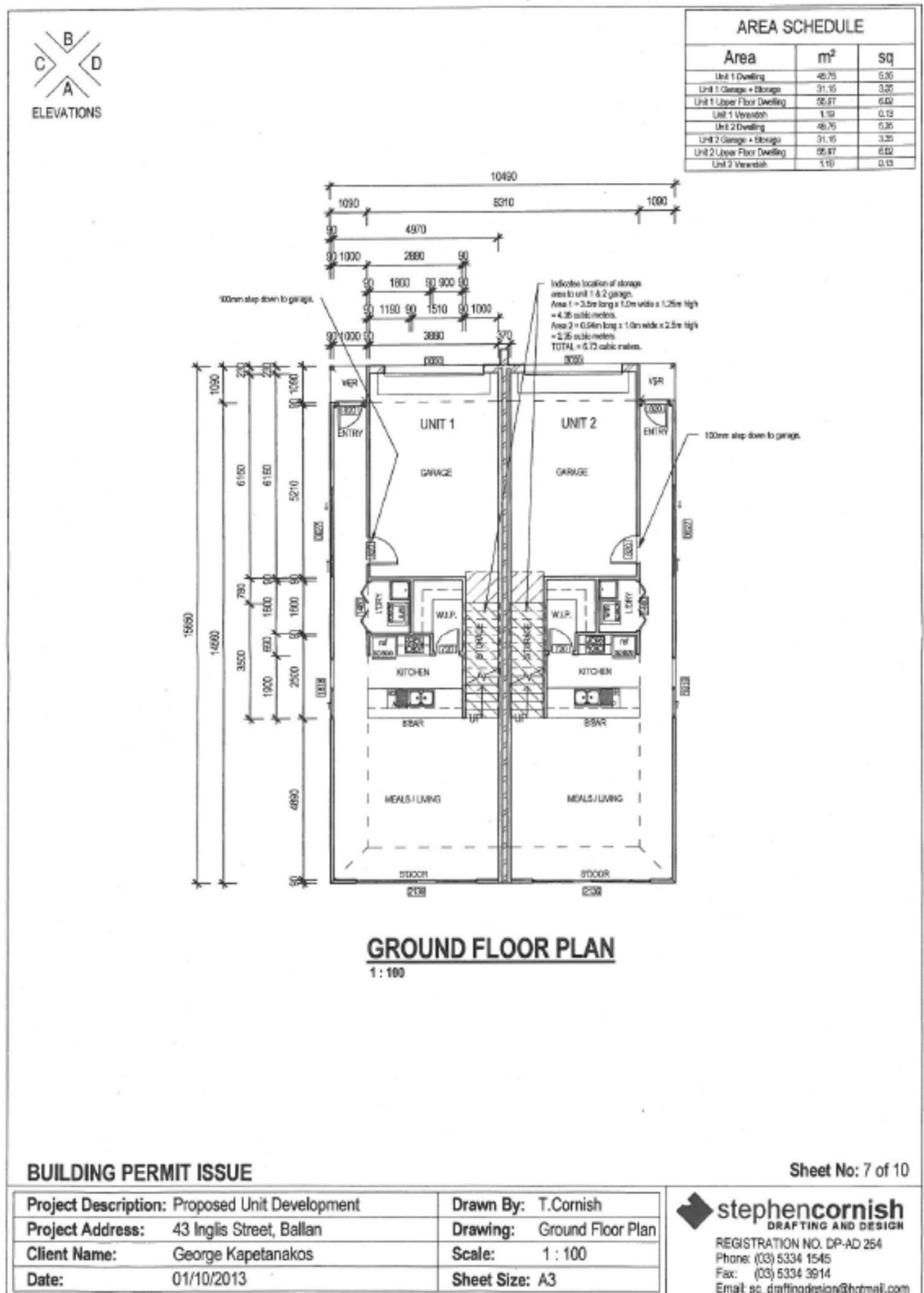
No front fence to Inglis Street is proposed.



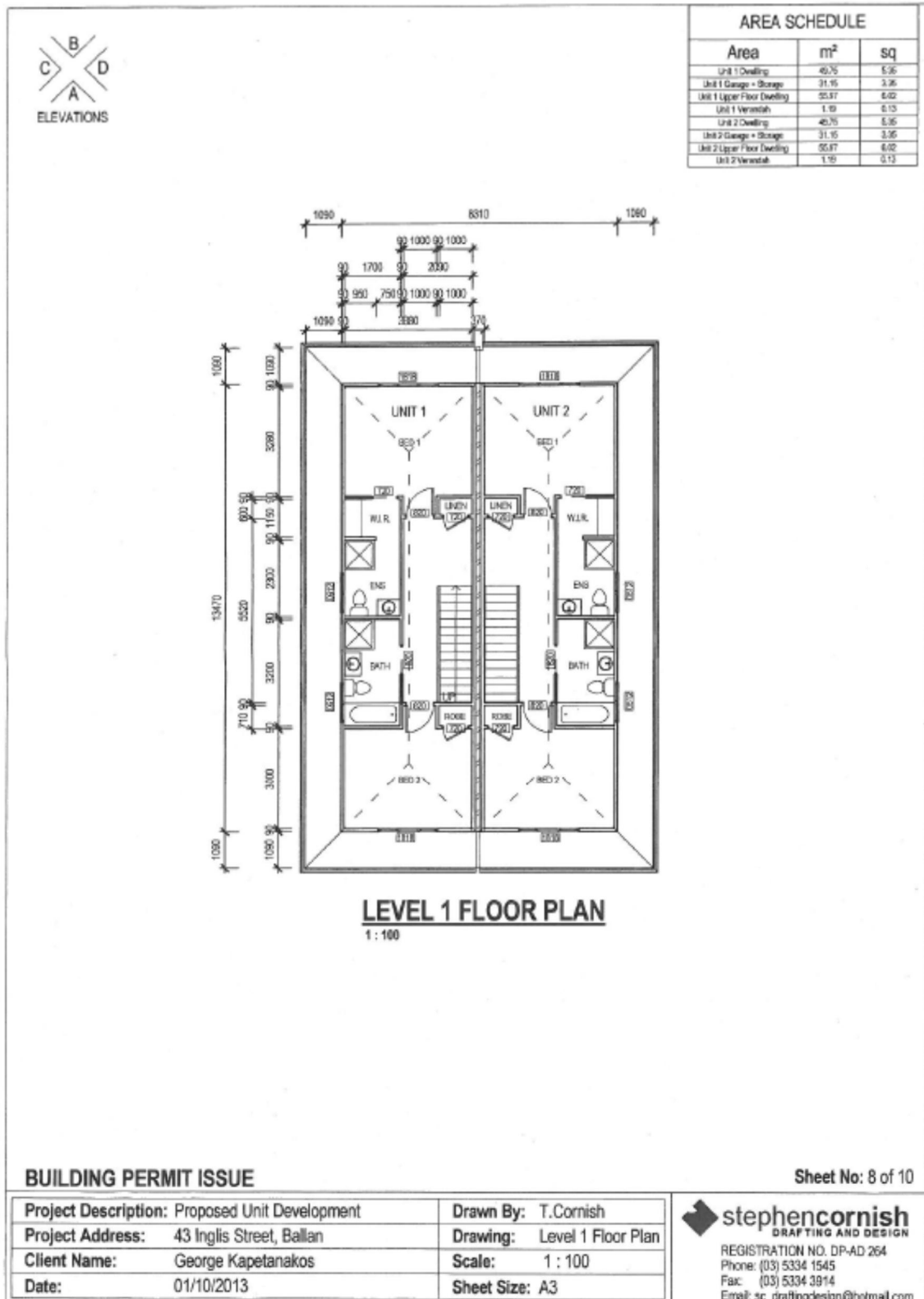
<p><b>DESCRIPTION OF RESTRICTION CREATED BY PS 53656IT :</b></p> <p>No dwelling shall be constructed on lots 1, 2 &amp; 3 PS 53656IT other than in accordance with the dwelling envelopes shown hatched herewith.</p> <p>Any dwelling constructed on Lot 1 PS 53656IT shall have a minimum Floor Level of 489.50</p> <p>Any dwelling constructed on Lot 2 PS 53656IT shall have a minimum Floor Level of 488.60</p> <p>Any dwelling constructed on Lot 3 PS 53656IT shall have a minimum Floor Level of 488.00 (Heights indicated herein are based on A.H.D. (PM 20 BALLAN))</p> <p><b>VARIATIONS :</b> Variations of these requirements will require planning approval from the Responsible Authority.</p> <p>Land to benefit : Lots on PS 53656IT. Land to be burdened : Lots on PS53656IT.</p> <p>DWELLING ENVELOPE IS INDICATED THUS : </p>	<p><b>PS 722250A</b></p> <div style="text-align: right; margin-top: 20px;">   <small>MGA 94 ZONE 55</small> </div> <div style="text-align: center; margin-top: 20px;"> <p><b>INGLIS STREET</b></p> <p><b>LOT 3 PS 53656IT</b></p> </div>		
<p><b>LAND MANAGEMENT SURVEYS (MELB)</b>          34 BALCOMBE ROAD, (P.O. BOX 158)          MENTONE 3194          Ph : 9583 0888          Fax : 9583 5888          Email: lms_melb@dmpl.com.au</p>	<p><b>SCALE</b>            LENGTHS ARE IN METRES</p>	<p><b>ORIGINAL SCALE</b>          1:150</p>	<p><b>Sheet 3</b>          ORIGINAL SHEET SIZE A3</p>
<p><small>DIGITALLY SIGNED BY LICENSED SURVEYOR:</small></p>			
<p><small>REF 10946      VERSION 01</small></p>			





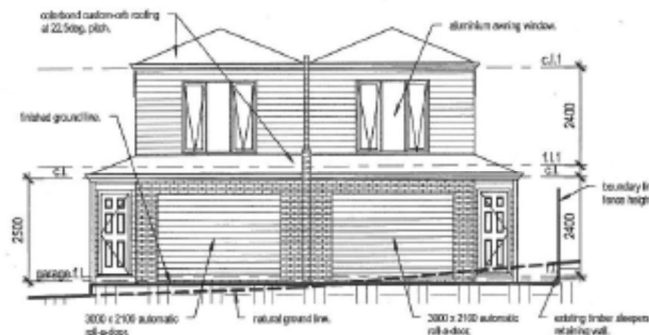






**ELEVATION A (SOUTH)**

1 : 100

**ELEVATION B (NORTH)**

1 : 100

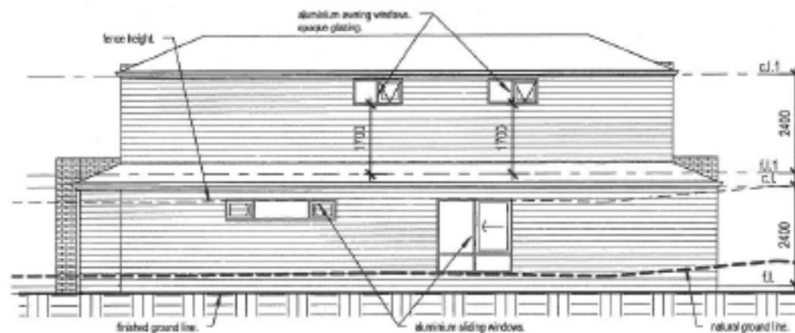
**BUILDING PERMIT ISSUE**

Sheet No: 9 of 10

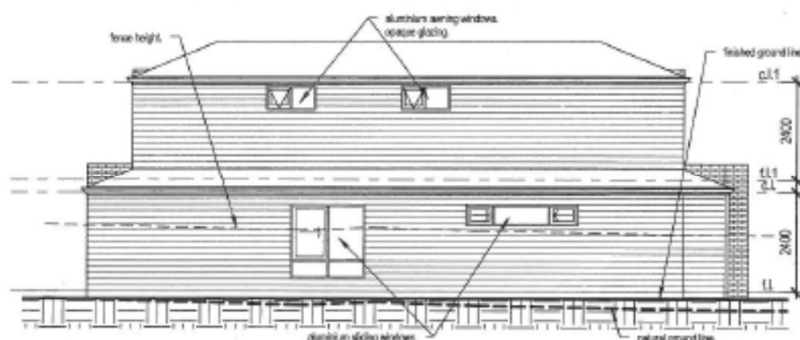
<b>Project Description:</b> Proposed Unit Development	<b>Drawn By:</b> T.Cornish
<b>Project Address:</b> 43 Inglis Street, Ballan	<b>Drawing:</b> Elevations
<b>Client Name:</b> George Kapetanakos	<b>Scale:</b> 1 : 100
<b>Date:</b> 01/10/2013	<b>Sheet Size:</b> A3

**stephencornish**  
DRAFTING AND DESIGN  
REGISTRATION NO. DP-AD 264  
Phone: (03) 5334 1545  
Fax: (03) 5334 3914  
Email: sc\_draftingdesign@hotmail.com

01/10/2013



**ELEVATION C (WEST)**  
1:100



**ELEVATION D (EAST)**  
1:100

**BUILDING PERMIT ISSUE**

Sheet No: 10 of 10

<b>Project Description:</b> Proposed Unit Development	<b>Drawn By:</b> T.Cornish
<b>Project Address:</b> 43 Inglis Street, Ballan	<b>Drawing:</b> Elevations
<b>Client Name:</b> George Kapetanakis	<b>Scale:</b> 1:100
<b>Date:</b> 01/10/2013	<b>Sheet Size:</b> A3

**stephencornish**  
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REGISTRATION NO. DP-AD 264  
Phone: (03) 5334 1545  
Fax: (03) 5334 3914  
Email: sc\_draftingdesign@hotmail.com

01/10/2013

## Restrictive Covenant

Pursuant to Section 61 of the Planning and Environment Act 1987:

- (4) *if the grant of a permit would authorise anything which would result in a breach of a registered restrictive covenant, the responsible authority must refuse to grant the permit unless a permit has been issued, or a decision made to grant a permit to allow the removal or variation of the covenant.*

The Restrictive Covenant on the land is shown on the land title as No. PS536561T. The Restriction states:

*"No dwelling shall be constructed on lots 1, 2 & 3 other than in accordance with the dwelling envelopes shown hatched herewith."*

*"...Any dwelling constructed on Lot 3 shall have a minimum Floor Level of 488.00."*

Heights for minimum floor levels are based on Australian Height Datum (AHD).

The building envelope for the subject site is approximately 150sqm and the proposed dwellings have been presented to sit within the envelope.

Elevations do not appear to comply with the minimum floor level requirement and should a permit issue in this matter a condition would be necessary to require plans to be revised to reflect the necessary height.

## Planning Scheme Provisions

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

SPPF		
Clause 11	Settlement	The proposal for two dwellings is inconsistent with this policy, which advocates sustainable development that takes full advantage of existing settlement patterns. The dwellings are not consistent with the developments within the balance of the neighbourhood.
Clause 11.02-1	Supply of urban land	Responding to urban consolidation strategies, the size of the site, and more particularly the building envelope, makes it suited to single medium density housing, however the character of the area, the constraints of the lot and the overall design make the proposal inconsistent with the objectives of this policy.

Clause 11.05-2	Melbourne's hinterland	Providing for residential development within the urban growth boundary of the Ballan township is supported by this policy.
Clause 16.01-2	Location of Residential Development	In accordance with policy, the site has reasonable access to public transport given that it is within 1 km of the Ballan train station. There is no public bus service operates in Ballan.
Clause 16.01-4	Housing Diversity	Whilst smaller dwellings cater to greater housing choice the dwellings themselves do not cater to all demographics, particularly the aged or those with limited mobility.
<b>LPPF</b>		
Clause 21.03-3	Residential Development	The proposal is consistent with strategies to extend the range of housing types and densities to improve resident choice and meet changing housing needs, however, the development itself offers only one form of housing choice and does not cater to the aged, aging in place or those with limited mobility,
Clause 21.03-4	Landscape and Neighbourhood Character Objective	The proposal is inconsistent with the general built form of the area. The development is fronted by two garages that visually dominate the lot.
Clause 21.087	Ballan	The proposal encourages consolidation and urban growth within the inner area of Ballan.  Any medium density development in the outer areas should be of high quality.

**Zone:**Residential 1 Zone

The site is located within the Residential 1 Zone. Pursuant to Clause 32.01-2 and Clause 32.01-4 of the Moorabool Planning Scheme a planning permit is required to subdivide the land and a planning permit is required to construct two or more dwellings on a lot.

The purpose of the zone is:

- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*

#### Road Zone

A permit is required to construct a building or carry out works for a use in Section 2 of Clause 36.04-1 and to subdivide land.

As there is an existing access and it is not intended to alter the existing access to the Road Zone no planning permit is triggered in this regard.

#### **Overlay:**

##### Environmental Significance Overlay

The subject site is affected by an Environmental Significance Overlay – Schedule 1, Proclaimed Water Catchment Areas.

The objective of the overlay is:

- *to protect the quality and quantity of water produced within proclaimed water catchments; and*
- *to provide for appropriate development of land within proclaimed water catchments.*

Pursuant to Clause 42.01-2 a permit is required to subdivide land.

#### **Particular Provisions:**

An assessment against Clause 55 of the Moorabool Planning Scheme shows compliance except in the following standards:

Clause	Title	Standard	Compliance
Rescode			
55.02-1	Neighbourhood Character Objectives	B1	<b>Does not comply</b> The proposal does not consider an appropriate design response to the neighbourhood as it fails to respect existing character, fails to respond to the site features and fails to attempt to integrate with the existing neighbourhood character.
55.02-2	Residential Policy	B2	<b>Complies</b> In that the application addresses housing policies in the SPPF, LPPF and MSS and local policies.

55.02-3	Dwelling diversity	B3	<b>N/A</b>
55.02-4	Infrastructure	B4	<b>Complies</b> The development is likely to have connection to all services.
55.02-5	Integration with Street	B5	<b>Complies</b>
55.03-1	Street setback	B6	<b>Complies</b>
55.03-2	Building height	B7	<b>Complies</b>
55.03-3	Site coverage	B8	<b>Complies</b>
55.03-4	Permeability	B9	<b>Complies.</b>
55.03-5	Energy efficiency	B10	<b>Does not comply.</b> The dwellings are not orientated to make appropriate use of solar energy.
55.03-6	Open space	B11	<b>N/A</b>
55.03-7	Safety	B12	<b>Does not comply</b> The style of development provides a front entry dominated by a garage. There is no passive surveillance of the street from the front door and the entry is obscured by the garage.
55.03-8	Landscaping	B13	<b>Does not comply</b> Plans are only indicative. Should a permit issue more detailed landscaping plans would be required.
55.03-9	Access	B14	<b>Complies</b>
55.03-10	Parking location	B15	<b>Complies</b> No lighting has been nominated.
55.04-1	Side and rear Setbacks	B17	<b>Complies</b>
55.04-2	Walls on Boundaries	B18	<b>N/A</b>
55.04-3	Daylight existing windows to	B19	<b>Complies</b>
55.04-4	North facing windows	B20	<b>Complies</b>

55.04-5	Overshadowing open space	B21	<b>Complies</b>
55.04-6	Overlooking	B22	<b>Complies</b>
55.04-7	Internal Views	B23	<b>Complies</b>
55.04-8	Noise impacts	B24	<b>Complies</b>
55.05-1	Accessibility	B25	<b>Does not comply</b>  Whilst access to the ground floor of dwellings is accessible to people with limited mobility, the design of all dwellings does not cater to those with limited mobility. No bedrooms or amenity facilities are provided on the ground floor.
55.05-2	Dwelling entry	B26	<b>Does not comply</b>  Dwelling entries only partially comply. The design obscures the dwelling entry to the street.  The front elevation provides for an entry door and a garage for each dwelling. The design does not provide a sense of personal address or identity.
55.05-3	Daylight to new windows	B27	<b>Complies</b>
55.05-4	Private open space	B28	<b>Complies</b>
55.05-5	Solar access to open space	B29	<b>Complies</b>
55.05-6	Storage	B30	<b>Does not comply</b> Plans do not indicate access to a minimum of 6m <sup>3</sup> of externally accessible, secure storage space.



55.06-1	Design detail	B31	<p><b>Does not comply</b></p> <p>The Design of the buildings fails to respect existing neighbourhood character. Particularly where the decision guidelines require consideration of the effect of visual bulk of the building and whether this is acceptable in the neighbourhood setting.</p> <p>Further the design provides no surveillance of the street and provides a design that has no sense of identity or address or a liveable environment.</p>
55.06-2	Front fences	B32	<p><b>N/A</b></p> <p>No fence proposed</p>
55.06-3	Common property	B33	<b>Complies</b>
55.06-4	Site services	B34	<b>Complies</b>
Clause	Title	Standard	Compliance
56.03-5	Neighbourhood character	C6	<p><b>Does not comply</b></p> <p>Fails to respect existing character and does not respond or integrated with the surrounding environment.</p>
56.04-2	Lot area and building envelope objective	C8	<p><b>Does not comply</b></p> <p>Does not offer appropriate siting particularly for solar access and does not support active street frontages or street based community interaction.</p>
56.04-3	Built environment	C5	<p><b>Does not comply</b></p> <p>Does not provide a functional or attractive living environment. Does not contribute to a sense of place and identity.</p>
56.04-5	Common area	C11	<b>Complies</b>
56.06-8	Lot access	C21	<b>Complies</b>

56.07	Integrated water management	C22, C23, C24, C25, C26	<b>Complies</b>
56.09-2	Utilities	C27, C28	<b>Complies</b>

### Clause 65.02- Decision Guidelines

This report has considered the decision guidelines of Clause 65.

### Referrals:

Pursuant to Section 52 and 55 of the Planning and Environment Act 1987 the application was referred to the following authorities.

Authority	Response
Infrastructure	No objection – subject to conditions
Western Water	No objection – subject
Southern Rural Water	No objection – subject to conditions
VicRoads	No objection

### Public Notice:

The application was advertised to adjoining owners and occupiers by sending individual notices on 1 November 2013 and a sign placed on the site from 1 November 2013 to 15 November 2013.

Two objections were received.

A consultation meeting was not held on the basis of the number of objections and the officer's assessment of the proposal.

### Summary of Objections:

The grounds of objection are outlined below with officer's comments accompanying them.

Objection	Officer's response
The area of Inglis Street is the gateway to Ballan so aesthetics is an important factor.	It is important to consider developments that would be reasonable within the gateway to the township. Under normal circumstance a two dwelling development would be reasonable, however the design of this proposal presents a building form that would be unacceptable in most areas of Ballan township.
The development in the narrow building envelope is unsuitable.	Due to the constraints of the building envelope the presentation of two dwellings within it is limited and subsequently the proposal fails to present dwellings of suitable standard.

Shadowing to the West from proposed 2 story building will have a large impact on existing building at No 45b Inglis Street with the living area receiving no sunshine whatsoever due to the narrowness of the subdivision of blocks at 45 a, b and 43.	The dwelling at 45b will have a degree of overshadowing and will have limited solar access available to it for most part of the day.
There will be privacy issues with overlooking into the rear yards from the second story.	<p>The proposal has provided on the second story on the eastern and western sides small windows that sit 1.7 m above floor level to prevent overlooking. These windows are suitable under Rescode and for bathroom windows.</p> <p>Windows on the southern and northern ends would not overlook any adjoining allotments.</p>
Although the application states that there are few front fences in Inglis Street, this is untrue and many homes in Inglis Street, particularly in this area have front fences. This proposal obviously cannot have front fences as the whole frontage is made up of garages.	Concur. Inglis Street has many front fences, particular 1.2m picket style fences.

### Assessment of Application

The purpose of the Residential 1 Zone is to support a range of dwelling types to enhance consumer choice and to provide opportunities for affordable housing, however dwellings should provide a reasonable standard of amenity for existing and new residents.

The immediate area is characterised by large lots with an average lot size of 1500 sqm). This proposal would create nine new lots with an average lot size in the order of 250sqm (excluding the common property accessway) which is significantly smaller than the average lot size within the subdivision.

The key issues arising from this proposal are:

1. The development fails to provide a layout which integrates well with the street and provide any surveillance of the street.
2. The development would present to adjoining and surrounding neighbours, together with the entry to Ballan a street frontage of garage and does not provide a potential resident with any sense of identity and individual address within the street.
3. The development would not be respectful of the prevailing neighbourhood character and is, in a sense, an overdevelopment of the site.

4. The proposal does not provide any amenity facilities on the ground floor and therefore could not cater to any person with limited mobility or make provision the aged, or aging in place for a potential resident.

In the matter of Chak Lai Li v Whitehorse CC (No. 1) [2005] VCAT 1274 (30 June 2005) Senior Member Byard states on the matter of ResCode:

*It does not follow from this that a proposal that meets the relevant ResCode standards must necessarily receive a permit. That may be a strong indication for the grant of a permit, but it does not mean that a permit is an automatic result. There may nevertheless be vital planning considerations that indicate refusal, and that outweigh considerations in favour of the proposal.*

### **Conclusion**

The proposal introduces a built form which does not respect the prevailing character, offers bulk and visual dominance to adjoining neighbours and within the important gateway of the Ballan township.

The proposed development generally does not comply with a number of the required ResCode Standards nor does it meet a number of the objectives of Clause 55 of the Moorabool Planning Scheme.

### **Recommendation:**

**That Council having considered all relevant matters as prescribed by s.61(1) and s. 61(4) of the Planning and Environment Act 1987 for Planning Application PA2013-236 issue a Refusal to Grant a Permit for a two (2) lot subdivision and development of two (2) dwellings at Lot 3 on PS 536561T, 43 Inglis Street, Ballan on the following grounds:**

1. **The development does not satisfy a number of the Recode standards nor achieves the objectives contained within Clause 55 of the Moorabool Planning Scheme.**
2. **The development fails to provide a layout which integrates well with the street and provide surveillance of the street.**
3. **The development would present to adjoining and surrounding neighbours, together with the entry to Ballan, a street frontage of garage only and does not provide a potential resident with any sense of identity and individual address within the street.**
4. **The development would not be respectful of the prevailing neighbourhood character and is an overdevelopment of the site.**

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### **Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Thursday, 13 February 2014

## 11.2.5 Residential Zone Reforms for Moorabool Shire

### Introduction

File No.: 13/01/014  
Author: Andrew Goodsell  
General Manager: Satwinder Sandhu

### Background

In July 2013 the Minister for Planning issued a series of amendments to the Victorian Planning Provisions (VPP) by removing, amending and adding new residential zones for the whole of Victoria and consequently affecting all Councils.

These amendments (amongst other matters) remove the Residential 1 (R1), Residential 2 (R2) and Residential 3 (R3) zones from all planning schemes and introduce three new zones – the General Residential Zone (GRZ), Neighbourhood Residential Zone (NRZ) and Residential Growth Zone (RGZ). Updates were also made to the Township Zone, Low Density Residential Zone and the Mixed Use Zone.

These zone reforms introduce different controls and generate different built form outcomes. The general intent is to more clearly emphasise where development should occur through directed growth zones (RGZ) and zones where neighbourhood character takes precedent (NRZ).

Moorabool Shire Council's Planning Scheme presently applies the R1 Zone and R2 Zone to Bacchus Marsh's residential precincts, the R1 Zone to Ballan and the Township Zone to Gordon.

The Minister for Planning requires that all Councils implement the residential zone reforms by 30 June 2014. If this timeframe is not met the General Residential Zone becomes the 'default' zone on 1 July 2014. A consequence of such a change is likely indiscriminate infill development on a case by case basis, assessed against the State Planning Policy Framework and Local Planning Policy Framework, much as is presently occurring in both Bacchus Marsh and Ballan.

Separately, Council foreshadowed in the Panels Victoria hearing on Amendment C53 Gordon Structure Plan that the Township Zone and the new suite of zones would also be addressed. The Panel has recently reported back accordingly on where the zone boundaries should be applied in Gordon involving the introduction of the new residential zones.

Given that Council is undertaking a Housing Strategy for Bacchus Marsh and has applied significant resources into structure plans to guide development in Ballan and Gordon, the above zone reforms are proposed to be applied in a way which is consistent with work now completed. Council, through the draft amendments, seek therefore to link the zone translation with the new housing strategy to better guide how, where and in what form future housing is to occur in Bacchus Marsh.

Planisphere has been appointed to undertake this work in Bacchus Marsh in concert with Council's Strategic and Sustainable Development Department. In Ballan, the structure plan will also be informed by Planisphere's work as the suite of residential zones are finalised for that town in coming months. In Gordon, the advertised structure plan and Panel report provide the basis for the intended zone changes.

The Minister, as explained in Advisory Note 50 Reformed Residential Zones, provides three scenarios as to how Councils can proceed with the necessary planning scheme amendments. These are as follows with Council's current circumstance highlighted:

Tier	Circumstance	Suggested Approach
1	Councils with existing policies.	Prepare a S20(4) amendment under the <i>Planning and Environment Act 1987</i> to exempt the Minister from giving notice –fast tracking the amendment.
2	Councils with draft policies.	Council can work to complete draft policies concurrently with work on an amendment to implement the new zones. Notification of the amendment would be required.
3	Councils with no relevant strategic policy work.	A Council can work to develop relevant policies that will provide the strategic basis for applying the new residential zones. Notification requirements are the same as for tier 2 conditions.

**Table 1** Suggested Amendment Approach (source: DTPLI, 2013)

### Purpose of this Report

The purpose of this report is to:

- (a) brief Council on the zoning proposed for the residential areas in Bacchus Marsh, Ballan and Gordon;
- (b) seek Council resolution to endorse the new residential zones proposed as a consequence of Planisphere's analysis on the appropriate application of the new zone suite; and
- (c) advertise the draft zones for public comment for a period as required by the Ministerial Advisory Committee

The Minister's Standing Advisory Committee required councils to notify them by 21 February 2014 if Council intended to refer the introduction of the new residential zones into the Moorabool Planning Scheme to that Committee.

In light of the tight timeframes Council officers provided an interim notification to the Committee of its intention to refer this matter. Confirmation of this interim advice will be provided should Council so resolve.

## Proposed Amendments

### • Key Elements:

The proposal is to update the residential suite of zones within the planning scheme in relation to Bacchus Marsh, Ballan and Gordon.

To achieve this, Council will apply zones and standards delivered via schedules which direct how each precinct or area will be developed, consistent with either:

- an exhibited structure plan (Gordon);
- a structure plan in preparation and informally exhibited (Ballan);
- a housing strategy and background analysis as per work developed by Planisphere and MSC<sup>1</sup> (for Bacchus Marsh) as informed by Departmental Practice Notes.

In practical terms the outcome of the intended planning scheme amendments is as follows (Table 2):

	<b>RGZ (ha)</b>	<b>GRZ (ha)</b>	<b>NRZ (ha)</b>	<b>Mixed Use (ha)</b>	<b>LDRZ (ha)</b>	<b>Township (ha)</b>
Bacchus Marsh	Nil	128.3	1043.0 <sup>2</sup>	5.0	142.9	Nil
Ballan	Nil	Nil	153.1	Nil	38.8	Nil
Gordon	Nil	Nil	105.7	Nil	Nil	9.1

**Table 2** Proposed Zones

The intention of each zone flows through to the allowable uses and development standards. The RGZ Zone allows for higher density housing such as apartments at building heights up to 13.5m in height. The GRZ Zone allows for moderate growth and housing diversity, where existing neighbourhood character is to be taken into consideration and a 9m height limit applies. The NRZ zone encourages single dwelling development, limits housing to 2 dwellings on existing lots and requires greater control on site coverage, setbacks and landscape outcomes.

Noting that the GRZ Zone enables a range of non-residential uses, the view has been taken that it does not fit well with the existing or likely future character of Bacchus Marsh or any other settlements in the Shire. The stronger limitations on non-residential use characteristic of the GRZ and NRZ zones therefore have greater application, with schedules to provide a sliding scale based on accessibility to services to determine which schedule applies to particular areas.

The zones, applied as Precincts are described in Table 3 and mapped in Figure 1. NRZ applies to land zoned under Development Plan Overlays (Stonehill).

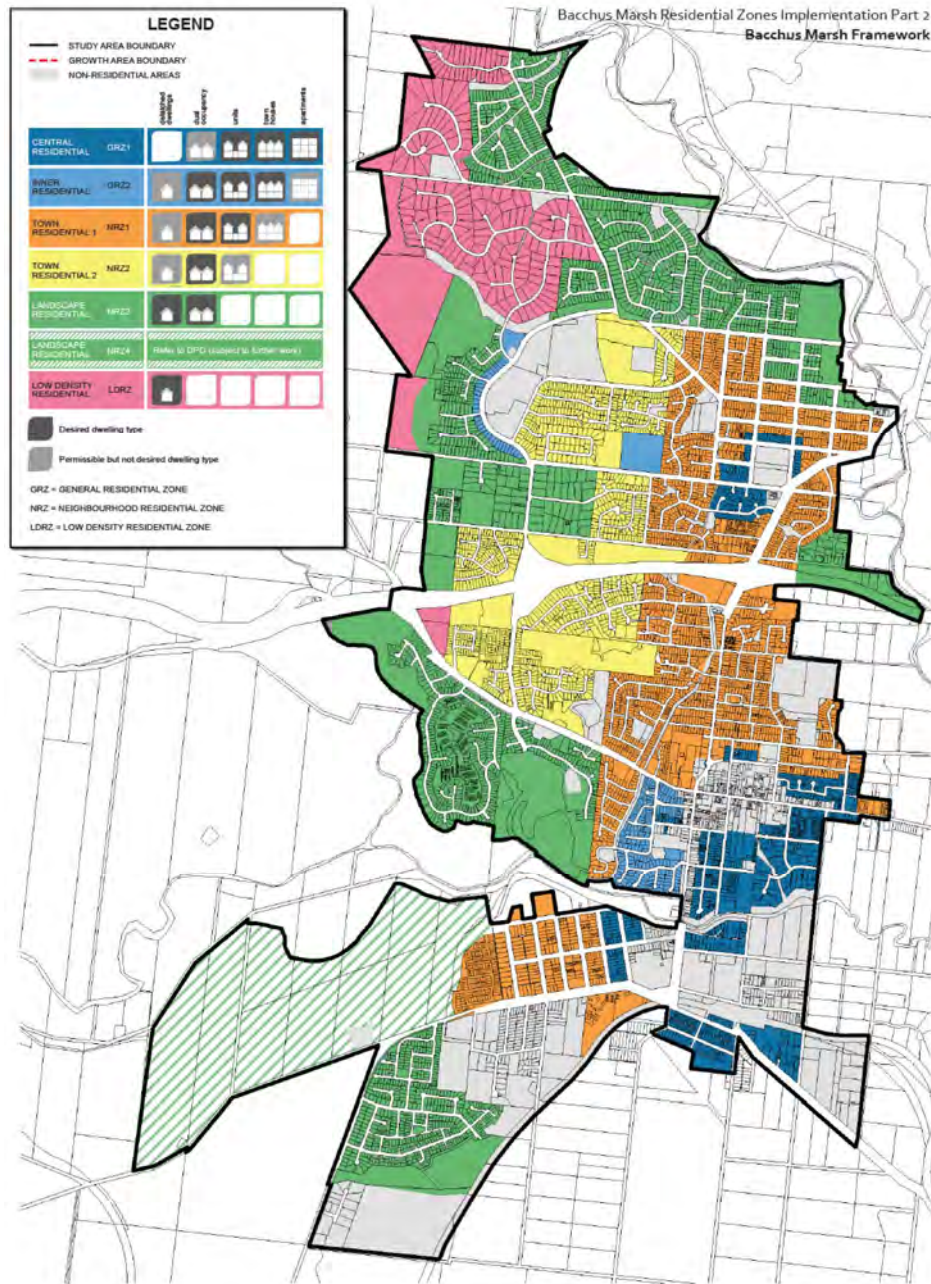
<sup>1</sup> Moorabool Shire Council.

<sup>2</sup> Excludes Underbank.

	GRZ1 (ha)	GRZ2 (ha)	NRZ1 (ha)	NRZ2 (ha)	NRZ3 (ha)	NRZ4 (ha)
Bacchus Marsh	93.3	46.5	328.8	154.9	517.0	181.6 <sup>2</sup>
Ballan	Nil	Nil	49.4	103.7	86.1	Nil
Gordon	Nil	Nil	Nil	Nil	Nil	98.2 <sup>1</sup>

**Table 3** Proposed Zones Schedule

- 1 In Gordon the Township Zone is proposed to still apply to the core main street area as per the Panel recommendation.
- 2 Underbank is excluded from these calculations.

**Figure 1** Proposed Zones for Bacchus Marsh



- **Key Schedule Standards:**

Table 4 summarises the key standards to be applied across the residential zones in Bacchus Marsh, Ballan and Gordon.

































**Table 4** Summary of Key Standards – existing and future controls

Zone Proposed	Previous Zone	Min lot size (sq.m) <sup>1</sup>	Building Height (m)	Min. Front setback <sup>4</sup>	Min Side setback	Max Site Coverage (%)	No of dwellings /lot	Trees/(sq.m)	Min Permeability (%)
Central Residential (GRZ1)	R1 & R2	Nil (300) <sup>1</sup>	9 (9 & 9)	5 (9)	1 (A10) <sup>5</sup>	70 (60)	No limit (NS)	Nil (NS)	20 (20)
Inner Residential (GRZ2)	R1	Nil (300)	9 (9)	6 (9)	1 (A10)	60 (60)	No limit (NS)	1/600 (NS)	20 (20)
Town Residential 1 (NRZ1)	R1	400 (300)	8 (9)	9 (9)	2 + 1 (A10) <sup>8</sup>	50 (60)	2 (2)	1/ 350 (NS)	30 (20)
Town Residential 2 (NRZ2)	R1	600 (300)	8 (9)	9 (9)	2 (A10) <sup>8</sup>	40 (60%)	2 (2)	1/ 250 (NS)	50 (20)
Landscape Residential (NRZ3)	R1	800 (300)	8 (9)	9 (9)	3 (A10) <sup>8</sup>	20 (60%)	2 (2)	1/ 250 (NS)	70 (20)
Landscape Residential (NRZ4)	R1 or TZ	Note 7 (300)	Note 7 (9)	Note 7 (9)	Note 7 (A10)	Note 7 (60%)	Note 7 (2)	Note 7 (NS)	Note 7 (20)

- 1 ResCode standards are shown highlighted in red.
- 2 There is no minimum lot size in the existing R1 and R2 zones. However there is a minimum lot size below which a dwelling requires a permit, being 300 sq.m. In effect the minimum lot size is dictated by this standard as there is a general preference to avoid planning permits for new dwellings and only requires a building permit.
- 3 Presently the LDRZ minimum lot size standard is 2000 sq.m due to the re-issued LDRZ provisions in mid 2013. It was historically 4000 sq.m and Council has made a submission that it remains the same.
- 4 Standard specified or average.
- 5 Standard A10 requires 1m and 0.3m for every 1m of building wall height above 3.6m.
- 6 NS = No Standard.
- 7 Defer to DDO or DPO controls.
- 8 Zero metres on one side boundary.

Concerning allowable uses, the new zones will allow a greater level of control on the types of residential use allowed in different areas within Bacchus Marsh (Figure 2). Scope for infill development clearly lessens as degree of accessibility to local facilities becomes more limited.<sup>3</sup>

<sup>3</sup> Consistent with Table 2 Criteria for applying the NRZ, GRZ and RGZ Zones, Practice Note 78.

TYPE	ZONE	detached dwellings	dual occupancy	units	town houses	apartments
CENTRAL RESIDENTIAL	GRZ1					
INNER RESIDENTIAL	GRZ2					
TOWN RESIDENTIAL 1	NRZ1					
TOWN RESIDENTIAL 2	NRZ2					
LANDSCAPE RESIDENTIAL	NRZ3					
LANDSCAPE RESIDENTIAL	NRZ4	Refer to DPO (subject to further work)				
LOW DENSITY RESIDENTIAL	LDRZ					
 Desired dwelling type  Permissible but not desired dwelling type		GRZ = General Residential Zone NRZ = Neighbourhood Residential Zone LDRZ = Low Density Residential Zone				

**Figure 2** Dwelling types allowed by Zone (source: Planisphere)

- Key Principles**

The core element of the proposed amendments relates to zoning which directs where intensification of residential development is to occur. It only applies to areas presently zoned either R1 or R2, or, in the case of Gordon, the Township Zone.

The proposed schedule controls to manage the form of development are also addressed with intended modifications to setbacks, site coverage, fence controls, building height and landscape controls (tree planting provisions).

In Bacchus Marsh, residential growth is to be encouraged around Bacchus Marsh Activity Centre (Main Street), Darley Plaza/Darley Park precinct and Maddingley centred on the railway station/Maddingley Park precinct. Across these areas, development is to be directed and housing intensity encouraged subject to appropriate standards – consistent with the LPPF.

Structurally, Grant Street and Gisborne Road provide the arterial connections between these activity centres are also contemplated to provide zones and standards which allow managed infill development (town houses but not apartments).

In Ballan, the proposed zones and controls sought (including DDO's<sup>4</sup> and DPOs) are reflected in the draft Ballan Structure Plan. The intent is to preserve and manage existing built form character within the heritage streetscape of the core township grid south of the Werribee River. To do this the NRZ Zone is the logical land use control with more intense development allowed around the core areas of Inglis Street.

In Gordon, the proposed NRZ4 zone limits subdivision to 800 sq.m per lot and otherwise the DDO and SLO<sup>5</sup>. This is entirely consistent with the structure plan.

Key principles for the draft zones and standards are as follows:

- Direct where residential growth is to occur based on accessibility to public transport, retail services and local facilities.
- Limit where residential growth is to occur where retail facilities and/or other significant community infrastructure is absent, or where neighbourhood character requires alternative considerations (such as in Gordon).
- Avoid using zones, such as the Residential Growth Zone, which encourage wide discretion and scope for non-residential uses outside neighbourhood activity centres. This means the use of only two zones – GRZ and which provide for different development standards in each respective area.
- Tailor zones to better match with the topography or character of an area. In Bacchus Marsh basin it is logical that the controls for subdivision, use, site coverage, trees within setbacks consciously and with purpose seek to 'green' and re-establish vegetation and canopy cover upon the more elevated footslopes and hills of Darley. In Ballan NRZ1 recognises the amenity and sensitive heritage landscape of Main Street, its wide main street and established built form character. Similar conditions apply in Gordon.
- Street trees and landscape already provide enhanced amenity in the older sections of Bacchus Marsh and Maddingley. There is therefore less need to require additional landscaping on individual lots. Equally, given the accessibility of these areas to services, a higher intensity of use is advocated as definable inner residential areas.

<sup>4</sup> Design and Development Overlays and Development Plan Overlays.

<sup>5</sup> Significant Landscape Overlay – deals with vegetation.

- **Key Deliverable**

The key deliverables which form the amendments are as follows:

- Draft zones map for Bacchus Marsh, Ballan and Gordon.
- Schedules with consistent standards for residential zones across Bacchus Marsh, Ballan and Gordon.
- An overview summary – a document which explains the key standards proposed for each zone (and schedule area) and where these depart from the ResCode controls.
- A Background Analysis summary for each of the proposed zones for Bacchus Marsh, including the analysis to date and reasoning for application of the preferred zone and schedule controls.
- Zones and standards for Ballan and Gordon that logically match with the structure plans previously exhibited.

None of the zone reforms impact on existing valid planning permits. No consideration is required of the application of the Minister's zone reforms for the other settlements in Moorabool Shire as these are zoned Township and are yet to be subject to structure plan analysis, public comment and Panel feedback in the manner of Gordon.

### **Further Analysis**

A number of issues are not addressed by the draft amendments. These concern:

- the Mixed Use Zone in Bacchus Marsh and whether this provides appropriate controls and standards;
- future land releases in Bacchus Marsh to meet housing needs; and
- identified zoning anomalies.

### **Policy Implications**

- **Consistency with the *Planning and Environment Act 1987***

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

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (g) to balance the present and future interests of all Victorians.

The draft amendments are consistent with the objectives of planning in Victoria on the basis that the amendments seeks to direct and regulate residential use and development consistent with the key principles set out in the Bacchus Marsh Housing Strategy Context Report, the Gordon Structure Plan and the Ballan Structure Plan. All have been drafted with full regard to the State and Regional policy guidance set out in Melbourne 2030, Plan Melbourne and the Central Highlands Regional Growth Plan.

In preparing the amendments it is advised that each is consistent with Advisory Note 50 (July 2013) *Reformed Residential Zones*; and Planning Practice Note 78 (December 2013) *Applying the Residential Zones*.

- **Consistency with Council Plan 2013 - 2017**

The Council Plan provides as follows:

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

*Objective*              Effective and efficient land use planning and building controls.

*Strategy*                Ensure the Planning Scheme is reviewed and updated in order to facilitate land use and development to support the social, economic, environment and well-being of the Shire.

Ensure that development is sustainable, resilient to change and respects the existing character.

The proposed amendments are consistent with the 2013-17 Council Plan.

- **Consistency with Moorabool 2041 (M2041)**

M2041 is a planning policy framework identified as an over-arching planning direction for the Shire across the next 30 years. It has two components, being a rural growth strategy and an urban growth strategy. The urban growth strategy component is focused on Bacchus Marsh. The rural growth strategy focuses equally upon all the Shire settlements (excluding Bacchus Marsh) and covers Ballan and Gordon.

Interwoven into the urban growth strategy is a requirement to formulate a housing strategy which addresses the required zoning reforms sought by State Government.

The zoning proposed for Ballan and Gordon respond to the community engagement and structure planning undertaken for each of these settlements. Both pre-date M2041 but are considered consistent with the key directions being advocated.

### **State Planning Policy and the State Planning Policy Framework (SPPF)**

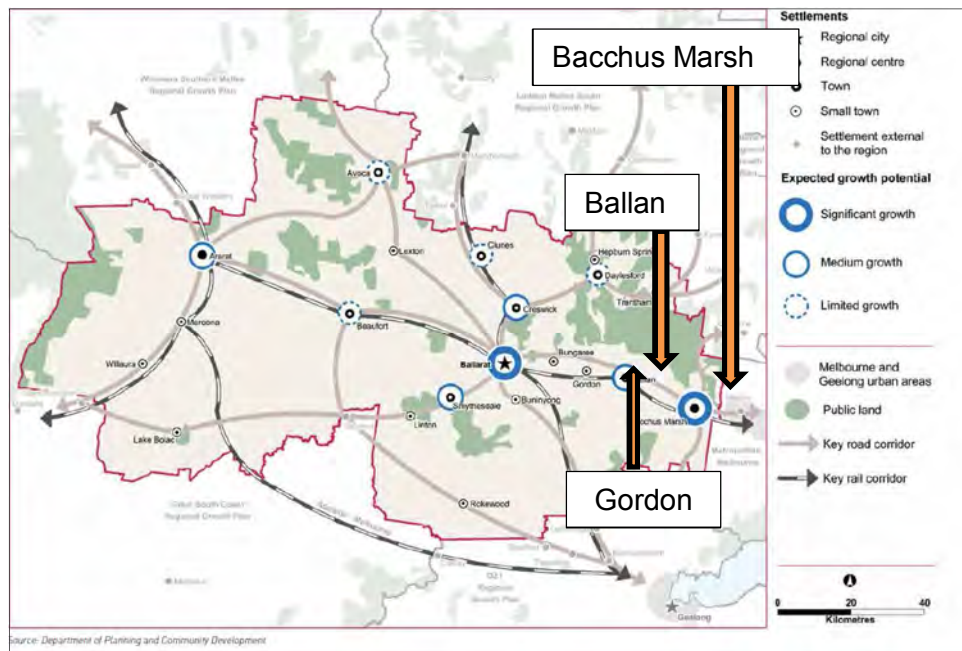
Draft amendments must be consistent with adopted State Planning policies and the SPPF contained within the Victorian Planning Provisions (VPP).

There are effectively two aspects of the State Planning Policy – those elements which form part of cogent strategies (Plan Melbourne, Central Highlands Regional Growth Plan etc) and the written state policies which form part of planning schemes (the SPPF controls contained within the VPP).

With respect to State and Regional Planning Policy, Melbourne 2030 (DPCD, 2002), its successor Plan Melbourne (DTPLI, 2013) and the Central Highlands Regional Growth Plan (DPCD, 2013) identify Bacchus Marsh having a key role as a regional centre. Ballan is also identified as an important township for future housing. Gordon is recognised as a small town with some expectation of limited growth.

Over time these roles have been strengthened, not weakened in the policy directions articulated, consistent with Bacchus Marsh and Ballan's locations on the Western Freeway between Western Melbourne and Ballarat (Figure 3).

The proposed amendment is consistent with these strategies as it structurally addresses the future shape and form of Bacchus Marsh, Ballan and Gordon as each seeks to manage the growth expected over the next 20-30 years.



**Figure 3** Expected Growth Potential, map 8 (source: DPCD, 2013)

A summary of compliance for the proposed amendments against the SPPF is provided in Table 5.

SPPF Clause	Policy Direction	Response
<b>Clause 11 – Settlements</b>	<ul style="list-style-type: none"> <li>○ Planning is to address community needs, taking full advantage of existing settlement patterns.</li> <li>○ Provide a 15 year housing supply.</li> <li>○ Locate growth near high capacity public transport.</li> <li>○ Direct urban growth into major regional cities as part of a regional settlement network.</li> <li>○ Maintain the attractiveness and amenity of hinterland towns.</li> <li>○ Prevent dispersed settlement.</li> <li>○ Manage the growth of settlements to ensure development is linked to the timely and viable provision of physical and social infrastructure and employment.</li> <li>○ Strengthen the character of towns.</li> <li>○ Support and maintain equitable service delivery to settlements.</li> </ul>	<ul style="list-style-type: none"> <li>○ The amendments do not increase the amount of land zoned for residential purposes.</li> <li>○ The controls on setbacks, subdivision and landscaping, will over time result in change in built form patterns. This in turn addresses key issues such as absence of significant landscape elements in new broadacre subdivisions, avoiding significant clusters of multi-unit housing in areas with limited accessibility to local services and encourages greater housing choice in the most appropriate locations.</li> </ul>
<b>Clause 13 – Env. Risks</b>	N/A	Risks arise regardless of zoning. However the Amendment only concerns areas already zoned for residential purposes.
<b>Clause 14 – Natural Resource Management</b>	N/A	Amendment only concerns areas already zoned for residential purposes.
<b>Clause 15 – Built Env. &amp; Heritage</b>	<ul style="list-style-type: none"> <li>○ Create quality built environments supporting the social, cultural, economic and environmental wellbeing of towns.</li> <li>○ Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.</li> <li>○ Recognise and protect cultural identity, neighbourhood character and sense of place.</li> <li>○ Conserve heritage values.</li> </ul>	The amendments will not take away or likely adversely impact existing heritage listed buildings as these are protected via either heritage overlays or as individual properties on the heritage register.



<b>Clause 16 – Housing</b>	<ul style="list-style-type: none"> <li>○ Increase supply of housing in existing urban areas by using under-utilised urban land.</li> <li>○ Ensure housing is integrated with infrastructure and services.</li> <li>○ Encourage the consolidation of new housing in existing settlements where investment in infrastructure has already been made.</li> <li>○ Ensure housing stock matches changing demand by widening housing choice whilst respecting neighbourhood character.</li> </ul>	<ul style="list-style-type: none"> <li>○ The draft amendments will consolidate housing around nodes of existing infrastructure.</li> <li>○ The zones proposed encourage diversity of housing choice in areas convenient to local services.</li> <li>○ Standards proposed identify the evolving neighbourhood character of Bacchus Marsh, Ballan and Gordon.</li> </ul>
<b>Clause 17 – Economic Development</b>	N/A	The draft amendments have little direct bearing on the considerations listed under clause 17.
<b>Clause 18 - Transport</b>	<ul style="list-style-type: none"> <li>○ Create a safe and sustainable transport system by integrating land use and transport.</li> <li>○ Encourage walking and cycling by creating environments that are safe and attractive.</li> </ul>	The draft amendment facilitates the policy outcomes by directing where intensification of residential use occurs.
<b>Clause 19 – Infrastructure</b>	<ul style="list-style-type: none"> <li>○ Strategic planning should facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.</li> <li>○ Provide for fairer distribution of access to of social and cultural infrastructure.</li> </ul>	The draft amendments provide clearer focus on where key infrastructure exists and is to be utilized. Future strategic policy work includes further assessment of each neighbourhood activity centre in Bacchus Marsh and how infrastructure delivery can make these vibrant and efficient service hubs.

**Table 5** Relevant State Planning Policy Guidance**Consistency with Local Planning Policy Framework (LPPF)**

A summary of compliance for the proposed amendments against the LPPF is provided in Table 6.



LPPF Clause	Policy Direction	Response
<b>Clause 21.01 Municipal Context</b>	<ul style="list-style-type: none"> <li>Increased pressure to balance residential growth objectives with the protection of environmental, landscape and lifestyle values.</li> <li>Significant population growth in consolidated urban areas over the next 25 years is expected which requires cost effective delivery of appropriate infrastructure.</li> <li>Housing diversity is required to attract residents and meet the needs of an ageing population.</li> <li>Enhance public transport integration with the existing rail corridor along the Western Freeway between Ballarat and Melbourne.</li> <li>Economic development involving continued use of farming land for agricultural and horticultural purposes is required without residential encroachment.</li> </ul>	<ul style="list-style-type: none"> <li>The draft amendment is consistent with the intention of balancing growth demands with residential amenity in Bacchus Marsh and Ballan through use of zone controls and schedules.</li> <li>The use of zones allowing either greater or lesser degrees of flexibility on the location of units, townhouses and apartments depending on location relative to public transport is consistent with the LPPF.</li> </ul>
<b>Clause 21 .02 Natural Environment</b>	N/A	Not directly relevant to draft amendment.
<b>Clause 21 .03 Settlement &amp; Housing</b>	<ul style="list-style-type: none"> <li>Ensure the supply of land zoned for industry, business and residential purposes is sufficient to accommodate accelerated rates of growth.</li> <li>Direct population and employment growth to Bacchus Marsh with supporting growth in Ballan.</li> </ul>	<ul style="list-style-type: none"> <li>In Bacchus Marsh the final zone boundaries and how greenfield opportunities will be provided is addressed in the housing strategy (in preparation).</li> <li>In Ballan and Gordon the structure plan addresses housing demand and zoning boundaries.</li> </ul>
<b>Clause 21 .04 Economic Development &amp; Employment</b>	N/A	Not directly relevant to draft amendment.

<b>Clause 21.015 Development &amp; Community Infrastructure</b>	N/A	Not directly relevant to draft amendment.
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**Table 6** Local Planning Policy Guidance**Social Considerations**

The draft amendments have been formulated with regard to feedback Council has received on structure plans such as the Bacchus Marsh Activity Centre Structure Plan (Amendment C51), the Gordon Structure Plan (Amendment C53) and Ballan Structure Plan (Amendment C69).

Further analysis and discussion will occur, especially on Bacchus Marsh as a consequence of feedback received during public advertising of the draft amendments as well as ongoing discussion as the Housing Strategy for Bacchus Marsh is workshopped with stakeholders in mid 2014 onwards.

It would, however be reasonably expected that the amendment will facilitate social improvements by greater emphasising the need to integrated land use and decision making and invest in areas around retail and service hubs.

**Financial Implications**

There are no financial implications from the draft amendment proceeding. Advice from the Planning and Development Manager, Grampians Region of Regional Development Victoria indicates S20(4) amendment fees will be waived.

**Risk & Occupational Health & Safety Issues**

No risk or occupational health and safety issues have been identified from the draft amendment proceeding. It is more reasonable to argue that there are greater risks if Council does not proceed with the amendments advocated as there is less scope to direct residential growth and infill development with transport and service infrastructure. This in turn will lead to ongoing demands for infill development, typically townhouses and villas on larger lots on the outer edges of settlement.

**Community Engagement and Communication Strategy**

Having regard to the timelines required by the Minister, there has been no direct community engagement to date on the draft amendment. Notwithstanding this, the Minister has made a number of public comments within the media about the new residential zones and Plan Melbourne directly makes reference to the intended outcomes.

The proposed advertising of the draft amendment for comment will enable direct community feedback and input. In time, further engagement will also occur as the housing strategy is developed. This may lead to further residential zone refinements in time, consistent with the view that the planning scheme is a 'living' document that needs to reflect the ongoing review and upgrade of controls to meet State, Regional and local conditions.

A community engagement and communication strategy as a sub-element for the Housing Strategy has been recently discussed with Council and is expected to be finalised for progressive implementation over the next month.

An article has been released to Moorabool Matters concerning the Housing Strategy and the new zones initiative which is expected to be circulated around the Shire on or after 11 March 2014.

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

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

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

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

*General Manager – Satwinder Sandhu*

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

*Author – Andrew Goodsell*

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

### **Conclusion**

The proposed draft amendments package comprises the maps of intended residential zones, a summary of key standards and their purpose for Bacchus Marsh, Ballan and Gordon.

Whilst on the face of it there are changes envisaged which reflect the intention by Council to direct where residential development is to occur in Bacchus Marsh, Ballan and Gordon, the zones proposed by the Minister seek to do the same.

It is logical and appropriate, given work to date on the draft Housing Strategy for Bacchus Marsh to apply residential zones based on the locational characteristics of each zone. Advisory Note 50 provides a basis for applying such a method.

In respect to Ballan and Gordon, both have been subject to significant community consultation and the zones proposed are in accord with documentation advertised. It is therefore unlikely that the zones proposed will raise any planning issues not previously canvassed with the respective local communities.

Opportunity will exist for community engagement on the draft amendments before these are brought into effect. The Residential Zones Standing Advisory Committee has requested that Councils commence the notification period prior to 20 March 2014.

The Standing Advisory Committee will direct how it wishes the amendment to be formalised and finalised, given the notification process, feedback and timelines in place.

**Recommendation:**

**Council resolves to:**

1. **Confirm the request to the Residential Zones Standing Advisory Committee to review the introduction of the new residential zones into the Moorabool Planning Scheme; and**
2. **Place the proposed new residential zones and schedules as set out in the attachments to this report on public exhibition as required by the Ministerial Residential Zone Standing Advisory Committee along with other relevant supporting material.**

---

**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Friday, 21 February 2014



# Attachment - Item 11.2.5(a)



## LEGEND

- STUDY AREA BOUNDARY
- GROWTH AREA BOUNDARY
- NON-RESIDENTIAL AREAS

		detached dwellings	dual occupancy	units	town houses	apartments
CENTRAL RESIDENTIAL	GRZ1					
INNER RESIDENTIAL	GRZ2					
TOWN RESIDENTIAL 1	NRZ1					
TOWN RESIDENTIAL 2	NRZ2					
LANDSCAPE RESIDENTIAL	NRZ3					
LANDSCAPE RESIDENTIAL	NRZ4	Refer to DPO (subject to further work)				
LOW DENSITY RESIDENTIAL	LDRZ					

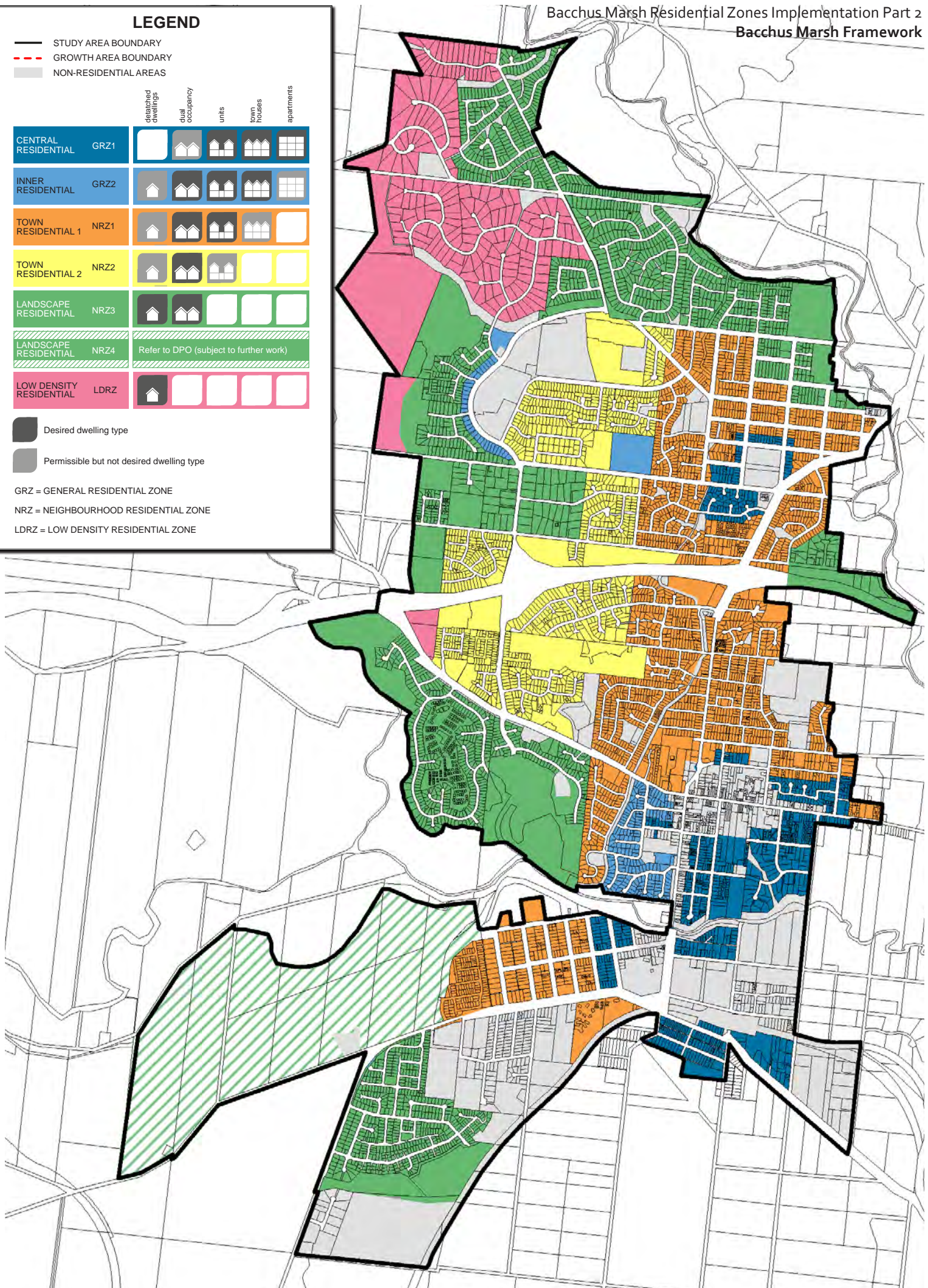
Desired dwelling type

Permissible but not desired dwelling type

GRZ = GENERAL RESIDENTIAL ZONE

NRZ = NEIGHBOURHOOD RESIDENTIAL ZONE

LDRZ = LOW DENSITY RESIDENTIAL ZONE





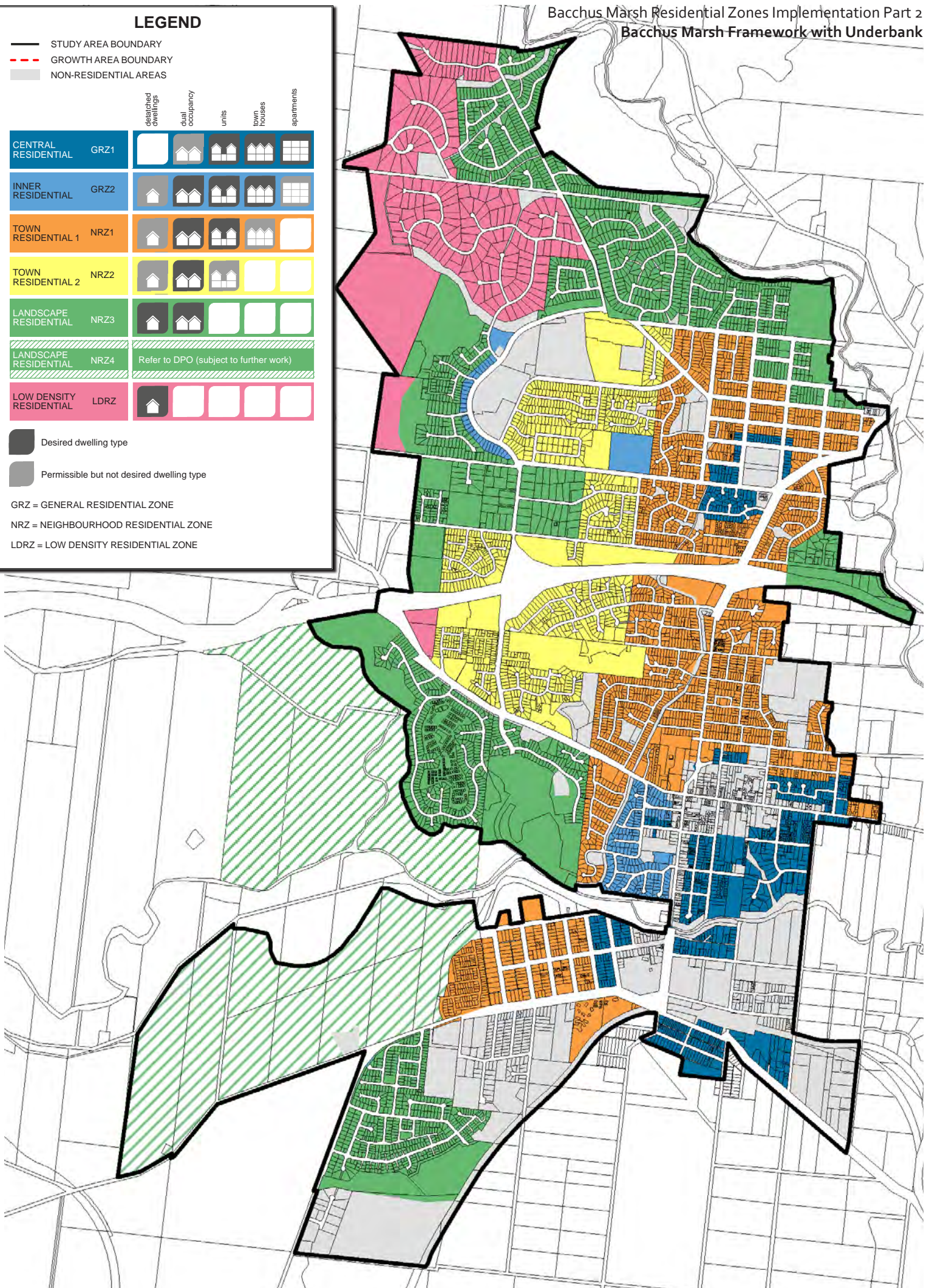
## LEGEND

- STUDY AREA BOUNDARY
- GROWTH AREA BOUNDARY
- NON-RESIDENTIAL AREAS

		detached dwellings	dual occupancy	units	town houses	apartments
CENTRAL RESIDENTIAL	GRZ1	<span style="background-color: white; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>
INNER RESIDENTIAL	GRZ2	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>
TOWN RESIDENTIAL 1	NRZ1	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>
TOWN RESIDENTIAL 2	NRZ2	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>
LANDSCAPE RESIDENTIAL	NRZ3	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>
LANDSCAPE RESIDENTIAL	NRZ4	Refer to DPO (subject to further work)				
LOW DENSITY RESIDENTIAL	LDRZ	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>	<span style="background-color: #cccccc; border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></span>

- Desired dwelling type
- Permissible but not desired dwelling type

GRZ = GENERAL RESIDENTIAL ZONE  
NRZ = NEIGHBOURHOOD RESIDENTIAL ZONE  
LDRZ = LOW DENSITY RESIDENTIAL ZONE





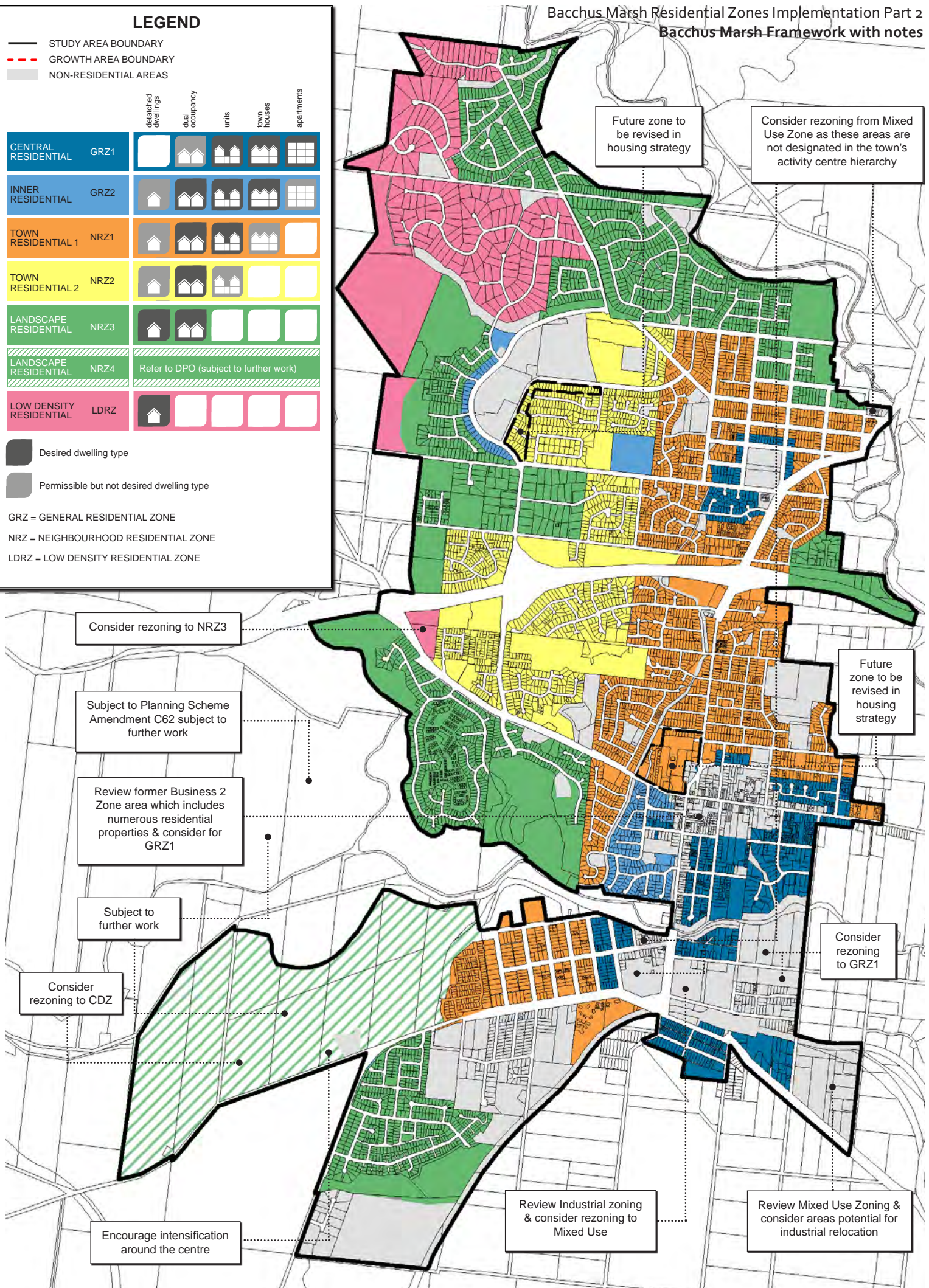
## LEGEND

- STUDY AREA BOUNDARY
- - - GROWTH AREA BOUNDARY
- NON-RESIDENTIAL AREAS

		detached dwellings	dual occupancy	units	town houses	apartments
CENTRAL RESIDENTIAL	GRZ1					
INNER RESIDENTIAL	GRZ2					
TOWN RESIDENTIAL 1	NRZ1					
TOWN RESIDENTIAL 2	NRZ2					
LANDSCAPE RESIDENTIAL	NRZ3					
LANDSCAPE RESIDENTIAL	NRZ4	Refer to DPO (subject to further work)				
LOW DENSITY RESIDENTIAL	LDRZ					

- Desired dwelling type
- Permissible but not desired dwelling type

GRZ = GENERAL RESIDENTIAL ZONE  
NRZ = NEIGHBOURHOOD RESIDENTIAL ZONE  
LDRZ = LOW DENSITY RESIDENTIAL ZONE





# Attachment - Item 11.2.5(b)

--/20--  
C--

## SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ1**.

### CENTRAL RESIDENTIAL

#### 1.0 Permit requirement for the construction or extension of one dwelling on a lot

--/20--  
C--

**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

None specified

#### 2.0 Requirements of Clause 54 and Clause 55

--/20--  
C--

	Standard	Requirement
Minimum street setback	A3 and B6	5 metres
Site coverage	A5 and B8	70%
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	1.2 metres

#### 3.0 Maximum building height requirement for a dwelling or residential building

--/20--  
C--

None specified

#### 4.0 Application requirements

--/20--  
C--

The following application requirements apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- Assessment of the contribution any buildings on the site make to the streetscape if proposed for removal.

## 5.0 Decision guidelines

--/20--  
C--

The following decision guidelines apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- The desired dwelling types in this area.
- The contribution that any existing building makes to the neighbourhood character and its potential for heritage significance if proposed for removal.

# Attachment - Item 11.2.5(c)

--/20--  
C--

## SCHEDULE 2 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ2**.

### INNER RESIDENTIAL

#### 1.0 Permit requirement for the construction or extension of one dwelling on a lot

--/20--  
C--

**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

None specified

#### 2.0 Requirements of Clause 54 and Clause 55

--/20--  
C--

	Standard	Requirement
<b>Minimum street setback</b>	A3 and B6	6 metres
<b>Site coverage</b>	A5 and B8	None specified
<b>Permeability</b>	A6 and B9	None specified
<b>Landscaping</b>	B13	Provide 1 tree per 600sqm of lot size with at least 1 tree in the front setback (with trees >4m height and >3m canopy at maturity)
<b>Side and rear setbacks</b>	A10 and B17	None specified
<b>Walls on boundaries</b>	A11 and B18	None specified
<b>Private open space</b>	A17	None specified
	B28	None specified
<b>Front fence height</b>	A20 and B32	1.2 metres

#### 3.0 Maximum building height requirement for a dwelling or residential building

--/20--  
C--

None specified.

#### 4.0 Application requirements

--/20--  
C--

The following application requirements apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- Assessment of the contribution any buildings on the site make to the streetscape if proposed for removal.

#### 5.0 Decision guidelines

--/20--  
C--

The following decision guidelines apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- The desired built form outcomes in this area.
- The contribution that any existing building makes to the neighbourhood character and its potential for heritage significance if proposed for removal.

# Attachment - Item 11.2.5(d)

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VC37

**SCHEDULE TO THE LOW DENSITY RESIDENTIAL ZONE**

Shown on the planning scheme map as **LDRZ**.

Land				Area
Minimum subdivision area	All			0.4ha
(hectares).				

**Dimensions above which a permit is required to construct an outbuilding**

None specified

# Attachment - Item 11.2.5(e)



--/20--  
C--

## SCHEDULE 1 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ1**.

### TOWN RESIDENTIAL 1

#### 1.0 Minimum subdivision area

The minimum lot size for subdivision is 400 square metres.

--/20--  
C--

#### 2.0 Permit requirement for the construction or extension of one dwelling on a lot

--/20--  
C--

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

#### 3.0 Requirements of Clause 54 and Clause 55

--/20--  
C--

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	50%
Permeability	A6 and B9	30%
Landscaping	B13	Provide 1 tree per 350sqm of lot size with at least 1 tree in the front setback (with trees >4m height and >3m canopy at maturity)
Side and rear setbacks	A10 and B17	<i>Rear setback and one side setback:</i> 2 metres at ground level plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres
Walls on boundaries	A11 and B18	0 metres on one side boundary
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	1.2 metres

#### 4.0 Number of dwellings on a lot

None specified

**5.0 Maximum building height requirement for a dwelling or residential building**

--/20--  
C-- None specified

**6.0 Application requirements**

--/20--  
C-- The following application requirements apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- Landscape plan showing how the proposal meets the requirements of the schedule.

**7.0 Decision guidelines**

--/20--  
C-- The following decision guidelines apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- The desired built form outcomes in this area.

# Attachment - Item 11.2.5(f)

--/20--  
C--

## SCHEDULE 2 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ2**.

### TOWN RESIDENTIAL 2

#### 1.0 Minimum subdivision area

The minimum lot size for subdivision is 600 square metres.

--/20--  
C--

#### 2.0 Permit requirement for the construction or extension of one dwelling on a lot

--/20--  
C--

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

#### 3.0 Requirements of Clause 54 and Clause 55

--/20--  
C--

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	40%
Permeability	A6 and B9	50%
Landscaping	B13	Provide 1 tree per 350sqm of lot size with at least 1 tree in the front setback (with trees >4m height and >3m canopy at maturity)
Side and rear setbacks	A10 and B17	<i>Rear setback and one side setback:</i> 2 metres at ground level plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres <i>Other side setback:</i> 1 metre at ground level plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres
Walls on boundaries	A11 and B18	0 metres
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	1.2 metres

#### 4.0 Number of dwellings on a lot

None specified

**5.0 Maximum building height requirement for a dwelling or residential building**

--/20--  
C-- None specified

**6.0 Application requirements**

--/20--  
C-- The following application requirements apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- Landscape plan showing how the proposal meets the requirements of the schedule.

**7.0 Decision guidelines**

--/20--  
C-- The following decision guidelines apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- The desired built form outcomes in this area.

# Attachment - Item 11.2.5(g)

--/20--  
C--

## SCHEDULE 3 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ3**.

### LANDSCAPE RESIDENTIAL 1

#### 1.0 Minimum subdivision area

The minimum lot size for subdivision is 800 square metres.

--/20--  
C--

#### 2.0 Permit requirement for the construction or extension of one dwelling on a lot

--/20--  
C--

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

#### 3.0 Requirements of Clause 54 and Clause 55

--/20--  
C--

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	20%
Permeability	A6 and B9	70%
Landscaping	B13	Provide 1 tree per 250sqm of property size with at least 1 tree in the front setback (with trees >4m height and >3m canopy at maturity)
Side and rear setbacks	A10 and B17	<i>Rear setback and one side setback:</i> 3 metres at ground level plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres <i>Other side setback:</i> 1 metre at ground level plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres
Walls on boundaries	A11 and B18	0 metres
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	1.2 metres

#### 4.0 Number of dwellings on a lot

None specified

**5.0 Maximum building height requirement for a dwelling or residential building**

--/20--  
C-- None specified

**6.0 Application requirements**

--/20--  
C-- The following application requirements apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- Landscape plan showing how the proposal meets the requirements of the schedule.

**7.0 Decision guidelines**

--/20--  
C-- The following decision guidelines apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- The desired built form outcomes in this area.



# Attachment - Item 11.2.5(h)

--/20--  
C--

## SCHEDULE 3 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ4**.

### LANDSCAPE RESIDENTIAL 2

#### 1.0 Minimum subdivision area

None specified

--/20--  
C--

#### 2.0 Permit requirement for the construction or extension of one dwelling on a lot

--/20--  
C--

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

#### 3.0 Requirements of Clause 54 and Clause 55

--/20--  
C--

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

#### 4.0 Number of dwellings on a lot

None specified

#### 5.0 Maximum building height requirement for a dwelling or residential building

--/20--  
C--

None specified

#### 6.0 Application requirements

--/20--  
C--

None specified

**7.0**

**Decision guidelines**

--/20--  
C-

None specified

## **11.2.6 Moorabool Shire Council - Municipal Emergency Plan 2014-2017**

### **Introduction**

File No.: 12/13/006  
Author: Cherie Graham  
Manager: Satwinder Sandhu

### **Background**

The Emergency Management Act 1986 Part 4 Section 20 and 21 requires Municipal Councils to prepare and maintain a Municipal Emergency Management Plan. This plan must contain provisions for identifying municipal resources and other resources available to the Municipal Council for emergency prevention, response, and recovery.

Council must appoint a Municipal Emergency Management Planning Committee constituted by persons appointed by the Council.

This Committee has the function to prepare a draft Municipal Emergency Management Plan for consideration by Council. Section 21 (a) of the Act states that the Municipal Emergency Management Plan must be audited every 3 years to be assessed for compliance with guidelines.

### **Purpose**

Moorabool Shire Council pursuant to the Emergency Management Act 1986 undertakes to prepare and maintain a Municipal Emergency Management Plan (MEMP) for the Council. This plan has a requirement that it be audited every 3 years.

As part of the audit process the MEMP needs to be assessed by guidelines and a criteria specified in the Audit Tool and Evidence Guide which has been provided by the Victorian State Emergency Service.

The purpose of this report is to present the revised Moorabool Shire Council Municipal Emergency Management Plan (MEMP) for consideration and adoption by Council.

### **Issues**

The audit process was introduced in 2010 to establish an approach in auditing Municipal Emergency Management Plans which is based on the collection of evidence and meeting legislative requirements.

The Moorabool Shire Council MEMP is due for audit in May 2014 and the date has been set for 9 May 2014 so an endorsed reviewed plan is required.

For the Council's MEMP to remain current it has been continually reviewed and updated by the Municipal Emergency Management Planning Committee (MEMPC) and is a standard agenda item for discussion.

The Plan has been reviewed and revised in line with the EMMV (Emergency Management Manual Victoria) being used as the guide and to ensure that it meets all audit requirements.

### **Consultation**

Development of the revised Plan has involved a wide range of people working in Emergency Management including the MEM (Municipal Emergency Manager), MERO (Municipal Emergency Resource Officer), MRM (Municipal Recovery Manager), SES (State Emergency Services) and all members of the the MEMP Committee.

The Plan was developed in accordance with the requirements of the Emergency Management Act 1986 and has been noted by the Municipal Emergency Management Planning Committee (MEMPC) at their meeting held on 11 February 2014 and who were advised it would be presented to Council for endorsement prior to the audit.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	A safe community
<b>Strategy</b>	Support the community in emergency management planning, response, recovery and in the prevention and mitigation of fire risks.

### **Risk Management**

Failure to provide an adopted Municipal Emergency Management Plan may mean that Council does not meet legislation and audit requirements.

### **Financial Implications**

Nil.

### **Communications Strategy**

Once endorsed by Council the MEMP will be included on Council's website where community comments are welcome as the Plan will be reviewed annually by the Municipal Emergency Management Planning Committee (MEMPC).

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

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

### Officer's Declaration of Conflict of Interests

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

*General Manager – Satwinder Sandhu*

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

*Authors – Cherie Graham*

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

### Recommendation:

1. That the Municipal Emergency Management Planning Committee endorse the Draft Municipal Emergency Management Plan 2014-2017 and endorse the appointment of the MEMP Committee for Moorabool Shire Council comprising of the following representatives:
  - Municipal Emergency Manager (MEM)
  - Municipal Emergency Resource Officer (MERO) /Chairperson
  - Municipal Fire Prevention Officer (MFPO)
  - Deputy MEROs (2)
  - Municipal Recovery Manager (MRM)
  - Deputy MRMs (2)
  - MEMPC EM Administration Officer
  - Councillor
  - MERC / Police Representative
  - VICSES Representative - Regional,
  - VICSES Representative - Bacchus Marsh Unit
  - CFA
  - Department of Environment and Primary Industry
  - Ambulance Victoria
  - Health Services
  - Australian Red Cross Representative
  - Department of Human Services
  - Water Authorities
  - WICEN
  - Others as required
2. That the Municipal Emergency Management Plan be signed and sealed by Council.

---

### Report Authorisation

Authorised by:

Name: Satwinder Sandhu  
Title: General Manager Growth and Development  
Date: Monday, 17 February 2014



# Attachment - Item 11.2.6



**Moorabool Shire**

**MUNICIPAL  
EMERGENCY MANAGEMENT  
PLAN**

**2014 – 2017**

**Version 6.0**



## FORWARD

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The economic and social effects of emergencies including loss of life, destruction of property, and dislocation of communities are inevitable.

Coping with hazards gives our reason and focus for planning. Hazards exist within all communities whether they are recognised or not.

The Moorabool Shire Council Municipal Emergency Management Plan has been produced pursuant to Section 20(1) of the Emergency Management Act 1986. This plan addresses the prevention of, response to and recovery from emergencies within the Moorabool Shire Council and is the result of the co-operative efforts of the emergency management planning committee and assistance from Victoria State Emergency Service Ballarat Regional Headquarters and recognises the previous planning activities of the municipal area.

### Disclaimer:

Readers of this Municipal Emergency Management Plan should act on the basis of any matter contained herewith without acknowledging that it may be the subject of amendment or revocation from time to time without notice.

The Councillors of Moorabool Shire Council expressly disclaim all and any liability (including liability in negligence) to any person or body in respect of anything and of the consequences of anything done or omitted to be done by any such person or body in reliance, whether total or partial, upon the whole or any part of this publication.

## AMENDMENT RECORD

Part	Page	Amendment Description	Date of Issue	Received By

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## **PART ONE – INTRODUCTORY INFORMATION**

### **MUNICIPAL STATEMENT OF ENDORSEMENT**

This plan has been produced by and with the authority of the Moorabool Shire Council pursuant to Section 20(1) of the Emergency Management Act 1986.

The Moorabool Shire Council understands and accepts its roles and responsibilities as described in Part 4 of the Emergency Management Act 1986.

This plan is the result of the co-operative efforts of the Municipal Emergency Management Planning Committee (MEMPC) after consultation with those agencies and organisations identified therein.

The COMMON SEAL of the  
MOORABOOL SHIRE COUNCIL  
Was hereunto affixed by authority of the  
Council in the presence of:

\_\_\_\_\_ Mayor/Councillors

\_\_\_\_\_ Chief Executive Officer

\_\_\_\_\_ day of \_\_\_\_\_

## AUDIT REPORT



## MISSION

The mission of this Plan is to detail the agreed arrangements for the prevention of, the response to, and the recovery from, emergencies that could occur in the Moorabool Shire Council as required in Part 4 of the Emergency Management Act, 1986.

## VISION

To provide the community with an enjoyable, safe environment with minimal risk.

## GOALS

The broad goals of this Plan are to: -

- Implement measures to prevent or reduce the causes or effects of emergencies.
- Manage arrangements for the utilisation and implementation of municipal resources in response to emergencies.
- Manage support that may be provided to or from adjoining municipalities.
- Assist the affected community to recover following an emergency.
- Complement other local, regional and state planning arrangements.

## OBJECTIVES

- Prepare a Municipal Emergency Management Plan.
- Contribute to the management of emergency events.
- Identify, treat and evaluate potential risks to the community of Moorabool and the environment.
- Develop and administer programs that reduce the community's vulnerability and increase its capacity for resilience and self-reliance.
- Link more closely with emergency management and other community safety programs.

## STRATEGIES

- Appointment of a Municipal Emergency Management Planning Committee (MEMPC).
- Conduct the Municipal Emergency Management Planning process.
- Develop ideas for involving the community in this process.
- Undertake a risk analysis and treatment process.
- Undertake a Community Emergency Risk Management (CERM) assessment on a 3 year cycle or as risks arise.
- Provide support for prevention and public awareness programs within the Municipality;
- Prepare sub-plans when required for specific events as they arise;
- Identify municipal resources to be used in emergency response and recovery.

## PURPOSE OF THE PLAN

The purpose of this Plan is to establish a coordinated approach to responding to and recovering from emergencies within Moorabool Shire and to ensure that a combined response from everyone with a role to play is well coordinated by emergency personnel with sufficient knowledge of emergency scenarios. It is to achieve the best possible outcomes given the occurrence and nature of an emergency. The best possible outcome relates to minimising deaths, injuries and disruption to the community and agency personnel involved.



## MUNICIPAL EMERGENCY MANAGEMENT FUNCTIONS

The Moorabool Shire Council accepts responsibility for management of municipal resources and the co-ordination of community support to counter the effects of an emergency during both the response to and recovery from emergencies.

This includes the management of:

- (a) the provision of emergency relief to combatants and affected persons during the response phase;
- (b) the provision of resources for control and relief agencies during response and recovery;
- (c) municipal assistance to agencies during the response to and recovery from emergencies;
- (d) the assessment of the impact of the emergency; and
- (e) recovery activities within the municipality, in consultation with Department of Human Services.

## MAINTENANCE OF THE MUNICIPAL EMERGENCY MANAGEMENT PLAN

### Authority

This Plan is developed by the Moorabool Shire Municipal Emergency Management Planning Committee (MEMPC) formed under the authority of the Moorabool Shire Council pursuant to the requirements of Part Four, Section 20 of the Emergency Management Act 1986.

The Municipal Emergency Manager (MEM) is responsible for the overall development/facilitation of this plan.

Please address all enquiries to:  
Municipal Emergency Manager Moorabool Shire Council  
PO Box 18  
Ballan Vic 3342

The Municipal Emergency Management Plan is available to the community via the Moorabool Shire Council website.

### Frequency of Meetings

The Moorabool Shire Council MEMPC has recommended that the Committee will meet on a quarterly basis at 14.00hrs on the following day and month:

Second Tuesday in February  
Second Tuesday in May  
Second Tuesday in August  
Second Tuesday in November

The Agenda and any relevant documents of the MEMP Committee will be distributed **electronically** to all members of the MEMP Committee prior to the meeting.

Minutes of all meetings must be taken and a copy sent to the Regional Emergency Response Co-ordinator (RERC), Department of Human Services (DHS) and all members of the MEMP Committee. Functional Sub Committees, if formed, shall meet at least once per year to review and amend their arrangements where necessary.

Part One – Introductory Information

The contact details for the Administration officer for the Municipal Emergency Management Planning Committee is:

Administration Officer  
Municipal Emergency Management Planning Committee  
Email: [REDACTED]

All agenda items/reports or amendments should be forwarded to this email address at least one week prior to the scheduled meeting date: [REDACTED]

### Plan Review

Content of this Plan is to be reviewed annually or an Extraordinary meeting called for after an emergency which has utilised part of this plan. Organisations delegated with responsibilities in this Plan are required to notify the MERO of any changes of detail (e.g. contact information), as they occur.

Reviews of the plan will specifically focus on hazards in the Moorabool Shire, any changes to legislation and the Contact Directory of the plan.

It is the responsibility of the Municipal Emergency Resource Officer to ensure that all facets of the Plan, including terminology, are updated on a regular basis.

Amendments will be produced and distributed by the Moorabool Shire Council as required via compact disc (CD) to agencies, as identified on the distribution list. Members will be required to complete a revision acknowledgement form for the receipt of amendments and return to [REDACTED] or PO Box 18, Ballan, 3342. Refer Appendix L.

### Testing

In accordance with the Emergency Management Manual Victoria (EMMV), the MEMPlan is to be exercised at least annually. Exercises are to test the arrangements set out in this Plan in a range of emergency situations specific to Moorabool Shire. This will be undertaken in a form determined by the MEMPC. Any procedural anomalies or short falls encountered during these exercises, or ensuing operations, must be addressed and rectified at the earliest opportunity.

Attached as Appendix M is a listing of Municipal Emergency Management exercises undertaken.

### Audit

The Moorabool Shire Council pursuant to section 21A of the Emergency Management Act 1986 shall submit the Municipal Emergency Management Plan to the Victoria State Emergency Service for audit. The purpose of the audit is to assess whether the plan complies with guidelines issued by the Coordinator in Chief.

The plan will be submitted for audit at least once every three years. The next audit is due **May 2017**.

## **Threats**

A Community Emergency Risk Management (CERM) process using the generic guidelines of the Risk Management Standard AS/NZS 4360:2004 and AS/NZS ISO 31000:2009 has been conducted by the members of the MEMP Committee with input from other various experts.

The CERM process has rated the following risks as being either medium, high or extreme. Risk treatments have been developed to reduce either the likelihood or consequences of each risk.

- Wildfire
- Fire domestic/commercial buildings
- Flood/erosion
- Road Accident
- Rail accident
- Aircraft
- Exotic diseases
- Landfills
- Hazardous materials
- Search and rescue (including mines)
- Storms
- Chemical/biological/radioactive
- Flu pandemic
- Drought
- Major utility failure

The management processes and policies within this plan will handle risks that have rated moderate or low.

A summary of the Community Emergency Risk Management findings reviewed in February 2014 is contained in Part Two of this plan. The CERA process commenced in 2013 using the new SES toolkit and will be ongoing with SES guidance.

## **PART TWO – RISK MANAGEMENT**

### **THE ROLE OF THE MUNICIPALITY**

The Moorabool Shire Council recognises it has a key role in prevention and mitigation activities to reduce the risk, or minimise the effects, of emergencies that may occur in the area. Council's enforcement and continued reviewing of existing policies in land use, building codes and regulations, and urban planning, along with the various agencies responsible for prevention activities throughout the community, combine to ensure that all measures possible are addressed to reduce the likelihood of emergency. The Municipal Emergency Management Planning Committee also plays a role in prevention by identifying potential hazard areas.

### **PREPAREDNESS**

Part Four (Response Arrangements) identifies the roles and responsibilities of the various organisations and agencies that exist in the municipality. Each agency's ability to cope with the identified threats was considered during this process.

Municipal Emergency Co-ordination Centres have been identified, along with an alternative in the event that the Primary should become unserviceable. Likewise, Emergency Relief Centres and Assembly Areas have been determined for use during emergencies.

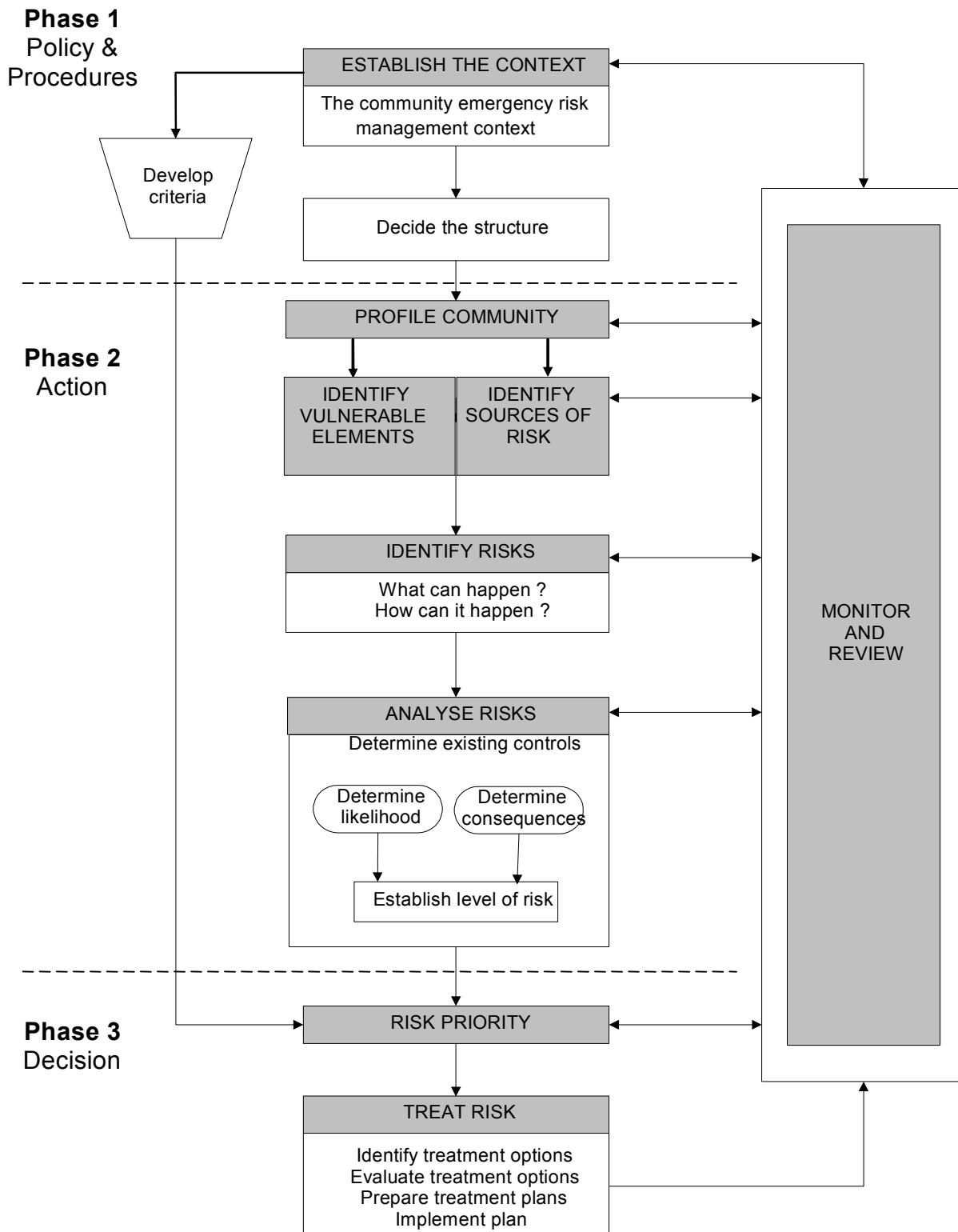
### **RISK MANAGEMENT**

Council opted to adopt and work through a formal process aimed at reducing or eliminating risks likely to have an impact on the Municipality. The process titled 'Community Emergency Risk Management' (CERM) was developed and facilitated by Victoria State Emergency Services in accordance with the provisions of the AS/NZS 4360:2004 and AS/NZS ISO 31000:2009 Standards.

The Municipal Emergency Management Plan Committee continually considers and updates risk management issues in order to minimise the effects of an emergency on the community.

A flow chart showing the process used is included below:

# COMMUNITY EMERGENCY RISK MANAGEMENT MODEL



## **Risk Assessment**

Risks that rated moderate, high or extreme are listed below:

### **Extreme:**

- Wildfire
- Fire domestic/commercial buildings
- Road Accident
- Rail accident
- Aircraft
- Hazardous materials
- Flu Pandemic

### **High:**

- Flood/Erosion
- Exotic diseases
- Search and Rescue (including mines)
- Storms
- Chemical/Biological/Radioactive
- Drought
- Major utility failure

### **Moderate:**

- Landfills

A Risk Treatment Schedule and Plan is contained in the Community Emergency Risk Management (CERM) Plan in Appendix H.

The progress of implementing treatment options is monitored by the MEMPC through reports provided by the MERO at the MEMPC meetings.

## **COMMUNITY AWARENESS**

The ability of a community to respond to an emergency situation and in turn recover from the effects of an emergency will depend on the attitude of the people affected. Obtaining the preferred response from people during emergencies will require community education and awareness programs to be implemented for this purpose. The Council and the Municipal Emergency Management Planning Committee will support and promote appropriate prevention and awareness programs within the municipalities.

Sources will include:

- Media releases
- Council website
- Flyers and brochures
- Information kits
- Newsletters
- Officer attendance at Community Meetings
- Newspapers
- Radio
- Social Media (via usage through VicPol, VICSES and CFA)

Methods of warning the community of an impending emergency are addressed in Part 4 (Response Arrangements). The CFA, VicSES and the Department of Environment and Primary Industries all have informative websites to keep the community informed in the event of an emergency. They are as follows:

<http://www.cfa.vic.gov.au> – Country Fire Authority

<http://www.ses.vic.gov.au> – Victorian SES

<http://www.depi.vic.gov.au> – Department of Environment and Primary Industries

<http://www.vicroads.vic.gov.au> – VicRoads

<http://www.bom.gov.au/> – Bureau of Meteorology

## PREVENTION/MITIGATION PLANS

Within the municipality a number of prevention or mitigation plans have been developed.

Details of these plans are listed in Appendix F of this document.

## MOORABOOL SHIRE PROFILE

Moorabool Shire is located in the Central Highlands region of Victoria, about 80 kilometres west of Melbourne and straddles the Western Freeway in Victoria. Its eastern boundary is located 40 kilometres immediately to the west of Melbourne CBD and extends westwards to within 5km of the City of Ballarat. The Shire stretches from the top of the Great Dividing Range at Mollongghip, across to Woodman's Hill on the rural fringe of Ballarat, through to the urban township of Bacchus Marsh, covering an area of 2,110 square kilometres.

Moorabool Shire is bounded by Hepburn Shire in the north, Macedon Ranges Shire in the north-east, the Shire of Melton in the east, the City of Wyndham in the south-east, the City of Greater Geelong and Golden Plains Shire in the south, and the City of Ballarat in the west.

The Indigenous history of Moorabool Shire is acknowledged by Council as the land was traditionally occupied by and connected to a number of Aboriginal communities, most notably the Wada Wurrung (also known as Wathaurung) Tribe and Woi Wurrung Tribe which extends north east.

Moorabool features 18 localities, hamlets and towns that have a population less than 100 and includes the towns and rural districts of Bacchus Marsh, Ballan, Balliang (part), Balliang East, Barkstead, Barrys Reef, Beremboke, Blackwood, Blakeville, Bolwarrah, Bullarook (part), Bullarto South (part), Bunding, Bungal, Bungaree, Buninyong (part), Cargerie, Clarendon, Claretown, Clarkes Hill, Coimadai, Colbrook, Dales Creek, Darley, Dunnstown, Durham Lead (part), Elaine, Fiskville, Glenmore, Glen Park (part), Gordon, Greendale, Grenville (part), Hopetoun Park, Ingliston, Korobeit, Korweinguboorra (part), Lal Lal, Leigh Creek, Lerderderg, Long Forest, Maddingley, Meredith (part), Merrimu, Millbrook, Mollongghip (part), Morrisons (part), Mount Doran, Mount Egerton, Mount Wallace, Myrniong, Navigators, Parwan (part), Pentland Hills, Pootilla, Rowsley, Scotsburn (part), Spargo Creek, Springbank, Trentham (part), Wallace, Warrenheip (part), Wattle Flat (part) and Yendon.

Moorabool Shire is predominantly a rural area, but also has substantial forests, waterways (including water catchments and storages) and rural residential areas. Most of the northern area is rural, with a large portion being forest. Much of the rural area in the Shire is used for agricultural purposes, including horticulture, sheep and beef farming, timber production and more recently, viticulture. There is also some mining. (Source: *profile.id®* and *Live, Work, Invest Website*)

## COMMUNITY PROFILE AND FORECAST

Moorabool Shire is a popular tree change destination, growing as fast as any other local government area in inland regional Victoria.

The official population of Moorabool Shire at 30 June 2011 was 28,600. This is estimated to grow to 30,117 by the end of 2013. The population living in and around Bacchus Marsh is approximately 16,000 (about 60% of the total shire population). The Shire's second largest population can be found in and around Ballan (6534). The remaining population is distributed throughout the large number of small towns, hamlets and farming areas within the Shire.

The majority of people who relocate to Moorabool Shire are young families seeking a semi-rural lifestyle. Moorabool's demographic reflects this trend. . (Source: *Moorabool Council Plan*)

## CULTURAL DIVERSITY

### Language

Overall 91.7% of the population speak English and 7.2% speak a non-English language, compared with 92.4% and 3.3% respectively for the Central Highlands Statistical Division. The dominant language spoken at home, other than English, in Moorabool Shire was Italian with 0.6% of the population, or 163 people using this language.

Other languages identified in the statistics for Moorabool Shire include, Maltese, German, Greek, Dutch. (Source: *ABS 2011 Census*)

### Religious Affiliations

Overall, 56.5% of the population nominated a religion, and 26.8% had no religion, compared with 65.0% and 22.5% respectively for the Central Highlands Statistical Division. The dominant single religion in Moorabool Shire was Catholic, with 31.0% of the population. (Source: *ABS 2011 Census*)

## TOPOGRAPHY

The Shire is environmentally diverse with topography that is characterised by great ranges, plains and rugged river gorges. These landforms provide spectacular scenery and a great variety of plants and animals. Boasting many significant areas of flora and fauna including the Wombat State Forest in the north, Brisbane Ranges National Park in the south, Lerderderg State Park in the east, Werribee Gorge State Park centrally located in the Shire and a number of regionally significant reserves. 74% of the Shire is made up of water catchment, state forest or national park.

Some of the many reservoirs in the Shire are the Lal Lal, Bostock, Pykes Creek, Moorabool and Korweinguboorra. The Shire also includes three major rivers, the Werribee, Lerderderg and Moorabool.



The charms of Moorabool extend well beyond its landscape. The Shire offers almost everything a family needs: an engaging semi-rural setting, competitively priced land and housing, a range of excellent community and health services, retail, education and efficient transport links.

(Source: *Live, Work, Invest Website*)

## CLIMATE AND RAINFALL

The Moorabool Shire is situated in the Temperate Climatic Zone, with a wide temperature range. The north and west areas of the Shire are subject to severe frost, snow, fog and hail. The Average Rainfall varies from 700mm per annum in the higher areas of the Shire to 400mm per annum along the flatter plains of the Shire.

## HISTORY OF EMERGENCIES

Emergency	Date	Location
<b>Floods</b>	Jan-Feb 2011	Moorabool wide – Flash flooding (ref map Appendix C) ( <i>MECC Activated</i> )
	Sep 2010	Moorabool wide – Flash flooding (ref map Appendix C)
	Mar 2010	Bacchus Marsh - Flood Prone Area
	Feb 2010	Bacchus Marsh – Flood Prone Area
	Oct 1995	Bacchus Marsh – Flood Prone Area
	Sep 1983	Bacchus Marsh – Flood Prone Area
<b>Traffic Accidents</b>	2000(s)	Western Freeway runs through the municipality from Melbourne through to Adelaide which has seen numerous vehicle accidents on the Freeway
<b>Fires</b>	Feb 2013	Mt Warrenheip and Yendon
	Feb 2009	Muskvale Fire
	Jan 2008	Morrisons Fire
	Jan 2006	Anakie Fire
	Feb 1997	Creswick
	Jan 1983	Greendale
<b>Railway Accidents</b>	Nov 2003	Train derailment to the West of Ballan on the Melbourne to Ballarat line.

## AIRPORT

The Bacchus Marsh Aerodrome has two sealed cross strips, both in excess of 5,000 feet in length, with wide grass verges for both private and commercial use. Gliding clubs conduct a combined operation launching from the grass verges while the local power school operates simultaneously from the sealed runways.

The airfield is owned by Moorabool Shire Council and operated by Bacchus Marsh Aerodrome Management Inc, which comprises representatives of the Shire, the three resident gliding clubs, and the power flying school. (Source: MSC Live, Work, Invest Website)

## ROAD NETWORK

Moorabool Shire is conveniently linked via the toll free, doubled laned high speed (110kmph speed limit) Western Highway - the main highway between Melbourne and Adelaide via Ballarat and Horsham. The Western Highway also hooks directly onto the road network to Geelong.

The Deer Park by-pass has substantially cut down travel down to and from Melbourne and road linkages have been further enhanced by the completion of the realignment of Anthony's Cutting.

Moorabool Shire provides a road network covering over 1,440 km.

Moorabool Shire maintains all road-related assets on roads listed on its Register of Public Roads, and Council-owned assets on roads managed by other authorities.

Declared freeways and arterial roads are managed by VicRoads. Moorabool Shire has responsibility for footpaths, service lanes and median strips adjacent to arterial roads as set out in the *VicRoads Code of Practice for Operational Responsibility*<sup>3</sup>.

Listed below are roads within Moorabool Shire for which VicRoads is the Responsible Road Authority for under the Road Management Act 2004;

- Western Freeway / Highway
- Midland Highway
- Geelong-Bacchus Marsh Road
- Bacchus Marsh-Gisborne Road
- Geelong-Ballan Road
- Ballan-Daylesford Road
- Bungaree-Wallace Road
- Bungaree-Creswick Road
- Old Melbourne Road (part only)
- Myrniong-Trentham Road
- Ballan Road
- Bacchus Marsh Road
- Ballarat-Daylesford Road
- Diggers Rest Road

The Council has agreements with neighbouring authorities where the road straddles the boundary and the results of these agreements are identified in the Register of Roads in addition to agreements with other authorities including VicRoads and VLine/VicTrack.

Neighbouring councils are:

- Golden Plains Shire
- City of Ballarat
- Shire of Hepburn
- Shire of Melton
- City of Greater Geelong
- Macedon Ranges Shire
- City of Wyndham.

Other Authorities include:

- VicRoads
- Vline/Vic Track

NAME	AUTHORITY	RELATIONSHIP	DOCUMENT AGREEMENT
Golden Plains Shire	Local Government	Maintenance of boundary roads by Moorabool Shire. Maintenance of boundary roads by Golden Plains Shire. Maintenance of 1 bridge by Golden Plains Shire.	In Place
City of Ballarat	Local Government	Maintenance of boundary roads by Moorabool Shire. Maintenance of boundary roads by City of Ballarat.	In Place
Shire of Hepburn	Local Government	Maintenance of boundary roads by Moorabool Shire. Maintenance of boundary roads by Shire of Hepburn.	In Place
City of Melton	Local Government	Maintenance of boundary roads by Moorabool Shire. Maintenance of boundary roads by City of Melton.	In Place
City of Greater Geelong	Local Government	Maintenance of boundary roads by Moorabool Shire Maintenance of boundary roads by City of Greater Geelong. Maintenance of 3 bridges by City of Greater Geelong.	In Place
Macedon Ranges Shire	Local Government	No boundary roads between Moorabool Shire and Macedon Ranges Shire.	N/A
City of Wyndham	Local Government	Maintenance of boundary roads by Moorabool Shire. 50% of associated costs paid by City of Wyndham.	In Place
VicRoads	Main Roads Authority	VicRoads is the responsible authority for main roads. As per Code of Practice – Operational Responsibility for Public Roads. Maintenance of full road reserve in 'rural' areas by VicRoads. Maintenance of road pavement, kerb and/or table drain in 'urban' areas by VicRoads. Maintenance of road reserves and footpaths in 'urban' areas by Moorabool Shire.	In Place
V/Line	Rail	Level crossings and road pavement 3.0m either side of rail tracks. Road and furniture on approaches to level crossings by Moorabool Shire. Bridges as per SIA.	In Place

Council has responsibility for over 1,4400 kms of sealed and unsealed roads. Other roads in the Moorabool Shire that Council is not responsible for are managed by other road authorities such as DSE and corporate bodies. Typically these include arterial roads, private streets, multi-unit developments and roads and tracks on public land including state forests and parks.

The highways located in the Shire are the Western Freeway and the Midland Highway. Several other major roads dissect the Shire. They are:

- Geelong-Ballan Road
- Ballan-Daylesford Road

- Bungaree-Creswick Road
- Myrniong-Trentham Road
- Bacchus Marsh-Gisborne Road
- Geelong-Bacchus Marsh Road
- Old Melbourne Road
- Daylesford-Ballarat Road
- Bacchus Marsh Road
- Bacchus Marsh-Werribee Road
- Bungaree-Wallace Road
- Diggers Rest-Coimadai Road

(Source: MSC Road Management Plan 2013-2017)

## RAIL

The Shire is served by the Melbourne-Ballarat rail link. The Ballan Railway Station located in Atkinson Street and the Bacchus Marsh Railway Station located in Station Street, are both linked to the Regional Fast Service Train to the CBD Melbourne. Other peak and off peak services also run from these stations. Both stations provide free car parking for commuters.

The MEMPC recognises that a railway line for the movement of freight operates through Moorabool Shire between Geelong and Ballarat.

## VULNERABLE PEOPLE (PERSON)

For the purposes of the Policy a **vulnerable person**<sup>1</sup> is defined as someone living in the community who is:

- frail, and/or physically or cognitively impaired; and
- unable to comprehend warnings and directions and/or respond in an emergency situation.

A **vulnerable person** may be identified for inclusion on a Vulnerable Persons Register if they **additionally**:

- cannot identify personal or community support networks to help them in an emergency.

For the purposes of the Policy **facilities** refers to:

buildings where vulnerable people are likely to be situated, including aged care facilities, hospitals, schools, disability group homes and child care centres. This includes:

- facilities funded or regulated by the Department of Health, Department of Human Services and Department of Education and Early Childhood Development;
- Commonwealth funded residential aged care facilities; and
- other locally identified facilities likely to have vulnerable people situated in them.

(Source: DHS)

Refer to Appendix K – Vulnerable People Facilities and Contacts

<sup>1</sup> This applies to clients of funded agencies and people not receiving services.

## INDUSTRY

The larger industries in the Moorabool Shire are Westside Meats, Genetics Australia, Tripod Farmers and a number of quarries in the Shire. The other most widespread industry in the Shire is agriculture and forestry, considering most of the Shire is of rural background.

The following industries have been identified within the Shire;

- Accommodation, cafes and restaurants
- Agriculture, forestry and fishing
- Construction
- Education
- Electricity, gas and water supply
- Finance, insurance and business services
- Government administration and defence
- Health and community services
- Manufacturing
- Mining
- Personal other services
- Wind Farms
- Tourism

## **PART THREE – ORGANISATIONAL MANAGEMENT ARRANGEMENTS**

Part three identifies specific emergency management roles and responsibilities, as determined by the Emergency Management Act 1986 including the municipal emergency management planning structure.

### **MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE**

The MEMPC is formed pursuant to section 21(3) and (4) of the Emergency Management Act 1986, to formulate a plan for Council's consideration in relation to the prevention of, response to and the recovery from emergencies within the Moorabool Shire. The Terms of Reference for the MEMPC is contained in Appendix E. The MEMPC is made up of the following representatives:

Municipal Emergency Manager (MEM)  
Municipal Emergency Resource Officer (MERO)  
Deputy MERO  
Municipal Recovery Manager (MRM)  
Deputy MRM  
Municipal Fire Prevention Officer (MFPO)  
Municipal Emergency Response Co-ordinator (MERC)  
Deputy MERC  
MEMPC Admin Officer/MECC Facility Manager  
Councillor  
Chief Executive Officer  
Ambulance Victoria  
Australian Red Cross  
Bacchus Marsh and Melton Regional Hospital  
Ballan District Health & Care Hospital  
CFA District 15 (including representatives from Ballan, Buninyong and Bacchus Marsh Groups)  
Parks Victoria  
Department of Human Services  
Department of Environment and Primary Industries  
Victorian State Emergency Service (SES)  
Victoria Police  
Water Authorities  
Wireless Institute Civil Emergency Network (W.I.C.E.N)  
VicRoads

The Municipal Emergency Management Planning Committee (MEMPC) Contact List is attached to this plan as Appendix A.

The Municipal Emergency Management Planning Committee, during the development of this Plan, receives information and advice from representatives of the following agencies and organisations:

Ambulance Victoria  
Bacchus Marsh and Melton Regional Hospital  
Ballan District Health & Care Hospital  
Centrelink  
Country Fire Authority  
Department of Environment and Primary Industries  
Department of Human Services



Communications Sub Committee  
Transport & Engineering Sub Committee  
Relief and Recovery Sub Committee  
Moorabool Shire Council  
Moorabool Municipal Fire Management Planning Committee  
Victoria Police  
Australian Red Cross  
Salvation Army  
St. Johns Ambulance  
Victoria State Emergency Service

## **ROLE OF THE MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE**

It is not the MEMPCs role to manage emergencies. This is the responsibility of the agencies and personnel identified under the response and recovery arrangements. The MEMPC is required to prepare the MEMPlan, which documents response and recovery operational arrangements, and to ensure all the subjects listed in the Plan outline are investigated and adequately provided for. The ongoing role of the Committee is to review and amend the operational components of the Plan.

*(Source: EMMV)*

The committee serves to:

- Assist in analysing and evaluating emergency related risks;
- Help produce risk treatment and mitigation strategies;
- Produce the Municipal Emergency Management Plan (MEMPlan) for consideration by Council;
- Review and update the plan on an annual basis including review of risks with tasks delegated to the Municipal Emergency Manager for action and a review of the CERM every 3 years; and
- Arrange regular tests/exercises of the plan, or parts of the plan.

### **Sub-Committees and Working Parties**

The Municipal Emergency Management Planning Committee will determine the need to establish sub-committees/working parties in order to investigate and report back on specific issues that will assist the Municipal Emergency Management Planning Committee in meeting its obligations under the Emergency Management Act 1986.

The Municipal Emergency Management Planning Committee will determine the terms of reference and reporting timeframes for those committees and/or working parties. The membership of any sub-committee/working party will consist of Agencies and Organisations represented on the Municipal Emergency Management Planning Committee and other representatives deemed necessary by the Municipal Emergency Management Planning Committee.

## **MUNICIPAL EMERGENCY MANAGEMENT GROUP**

In order to carry out these management functions, the Moorabool Shire Council will form an Emergency Management Group. This group will consist of:

- Municipal Emergency Manager (MEM)
- Municipal Emergency Resource Officer (MERO)
- Municipal Recovery Manager (MRM)
- Municipal Fire Prevention Officer (MFPO)
- Municipal Emergency Response Co-ordinator (MERC)
- Municipal Emergency Facility Manager (MEFM)
- Chief Executive Officer
- Control Agency Representative
- Department of Human Services (Recovery)
- Others co-opted as required

The emergency management group or part thereof will convene when the scale of the emergency dictates the requirement for the provision of any of the functions outlined above. Members of the emergency management group will liaise to determine what level of activation is required.

Where appropriate the functions of the Emergency Management Group will be carried out in consultation with the:

- Municipal Emergency Response Co-ordinator (MERC), with respect to the co-ordination and provision of resources; and
- Control agency.

The specific responsibilities of the MEM, MERO, MRM, MFPO and MERC are detailed in this section but are not limited to these functions.

Officers appointed to these roles are as listed:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



## MUNICIPAL EMERGENCY RESPONSE PERSONNEL

### Municipal Emergency Manager (MEM)

The Municipal Emergency Manager is a senior officer, responsible to the Chief Executive for the effective management of the Council's emergency management activities.

#### Responsibilities

1. The Municipal Emergency Manager (MEM) is responsible for the overall development/facilitation of this plan.
2. ensure the MEMPlan is effective and current;
3. ensure that municipal resources are utilised effectively in a community emergency, for response and recovery activities;
4. coordinate the emergency management activities of, and liaise closely with the MERO, MRM and MFPO;
5. ensure that a MECC can be activated at short notice in event of an emergency;
6. arrange meetings of the MEMPC or the Emergency Management Group as appropriate during an emergency;
7. maintain effective liaison with all regional, state or Commonwealth emergency related agencies servicing the municipality;
8. ensure that an effective contact base is maintained so that municipal resources can be accessed on a 24-hour basis;
9. ensure that contractual arrangements with contractors to provide response or recovery support during an emergency are agreed to and documented in advance of such events;
10. ensure that appropriate operating procedures and processes are developed, documented and tested by those required to use them during an emergency, and that suitable training takes place;
11. ensure that appropriate procedures, processes and systems are in place to record and monitor any council expenditure specifically applicable to an emergency

#### Municipal Authority

The Municipal Emergency Manager is responsible for managing and coordinating Council's Emergency Management obligations under the *Emergency Management Act 1986* in planning, preparedness and prevention, response, and recovery functions.

## **Municipal Emergency Resource Officer (MERO)**

The Moorabool Shire Council has appointed the Manager Customer and Business Services to fulfil the function of Municipal Emergency Resource Officer pursuant to Section 21(1) of the Emergency Management Act.-

### **Responsibilities**

The MERO's response roles are to:

1. coordinate municipal resources in emergency response;
2. provide council resources when requested by emergency services or police during response activities;
3. maintain effective liaison with emergency agencies within or servicing the municipal district;
4. maintain an effective contact base so municipal resources can be accessed on a twenty-four hour basis;
5. keep the municipal emergency coordination centre(s) prepared to ensure prompt activation if needed;
6. liaise with the MEM and the *Municipal Recovery Manager* on the best use of municipal resources;
7. organise a response debrief if requested by the Municipal Emergency Response Coordinator (MERC), an appointee of Victoria Police;
8. ensure procedures and systems are in place to monitor and record expenditure by the council in relation to emergencies; and
9. perform other duties as determined

### **Municipal Authority**

The Municipal Emergency Resource Officer is responsible for the co-ordination of municipal resources in responding to emergencies, and has full delegated powers to deploy and manage Council's resources during emergencies.

## **Municipal Recovery Manager (MRM)**

The Moorabool Shire Council has appointed the Community Development Coordinator to fulfil the function of Municipal Recovery Manager pursuant to Section 21(1) of the Emergency Management Act.

### **Responsibilities**

The role of the *Municipal Recovery Manager* is to:

1. coordinate municipal and community resources for recovery;
2. immediately following an emergency, assist with collating and evaluate information gathered in the post impact assessment;
3. establish priorities for the restoration of community services and needs;
4. liaise with the MEM and MERO on the best use of municipal resources;
5. establish an information and coordination centre at the municipal offices or a location more appropriate to the affected area;
6. liaise, consult and negotiate with recovery agencies and council on behalf of the affected area and community recovery committees;
7. liaise with the regional recovery committee and Department of Human Services;
8. undertake other specific recovery activities as determined.

The MRM may delegate duties to provide for effective management of the recovery functions.

## **Municipal Fire Prevention Officer (MFPO)**

The Country Fire Authority Act 1958 and the Metropolitan Fire Brigades Act 1958 require each municipal council to appoint a fire prevention officer (generally known as a Municipal Fire Prevention Officer) and any number of assistant fire prevention officers.

### **Responsibilities**

1. work with the Municipal Fire Management Planning Committee (MFMP) (if formed under the Country Fire Authority Act 1958);
2. undertake and regularly review Council's fire prevention planning and plans (together with the MFMP, if one exists);
3. liaise with fire services, brigades, other authorities and councils regarding fire prevention planning and implementation;
4. advise and assist the Municipal Emergency Management Planning Committee (or MFMP) on fire prevention and related matters;
5. ensure the MEMPlan contains reference to the Municipal Fire Management Plan;
6. report to Council on fire prevention and related matters;
7. carry out statutory tasks related to fire prevention notices and infringement notices;
8. investigate and act on complaints regarding potential fire hazards;
9. advise, assist and make recommendations to the general public on fire prevention and related matters;
10. issue permits to burn (under s. 38 of the Country Fire Authority Act); and
11. Facilitate community fire safety education programs and support Community Fireguard groups in fire-prone areas. Support fire services in the delivery of community fire safety education programs

## **Municipal Emergency Administration Officer**



The Moorabool Shire Council will fulfil the function of Municipal Emergency Administration Officer.

### **Responsibilities:**

1. Coordinate MEMPC meetings and take minutes;
2. Provide a high standard of administrative support.
3. Provide a high standard of administrative support.
4. Coordinate MEMPC meetings inclusive of email invitations, agendas, minutes, filing and distribution.
5. Prepare CD's and distribute MEMPlan CDs to members - includes letter preparation and mail merge of labels.
6. Maintain MEMP evidence folders - prepare for Audit process.
7. Update MEMPlan upon receipt of changes from Members.
8. Maintain correspondence file - incoming and outgoing for next MEMPC meeting.
9. Receive and register MEMPlan acknowledgement forms from Members.

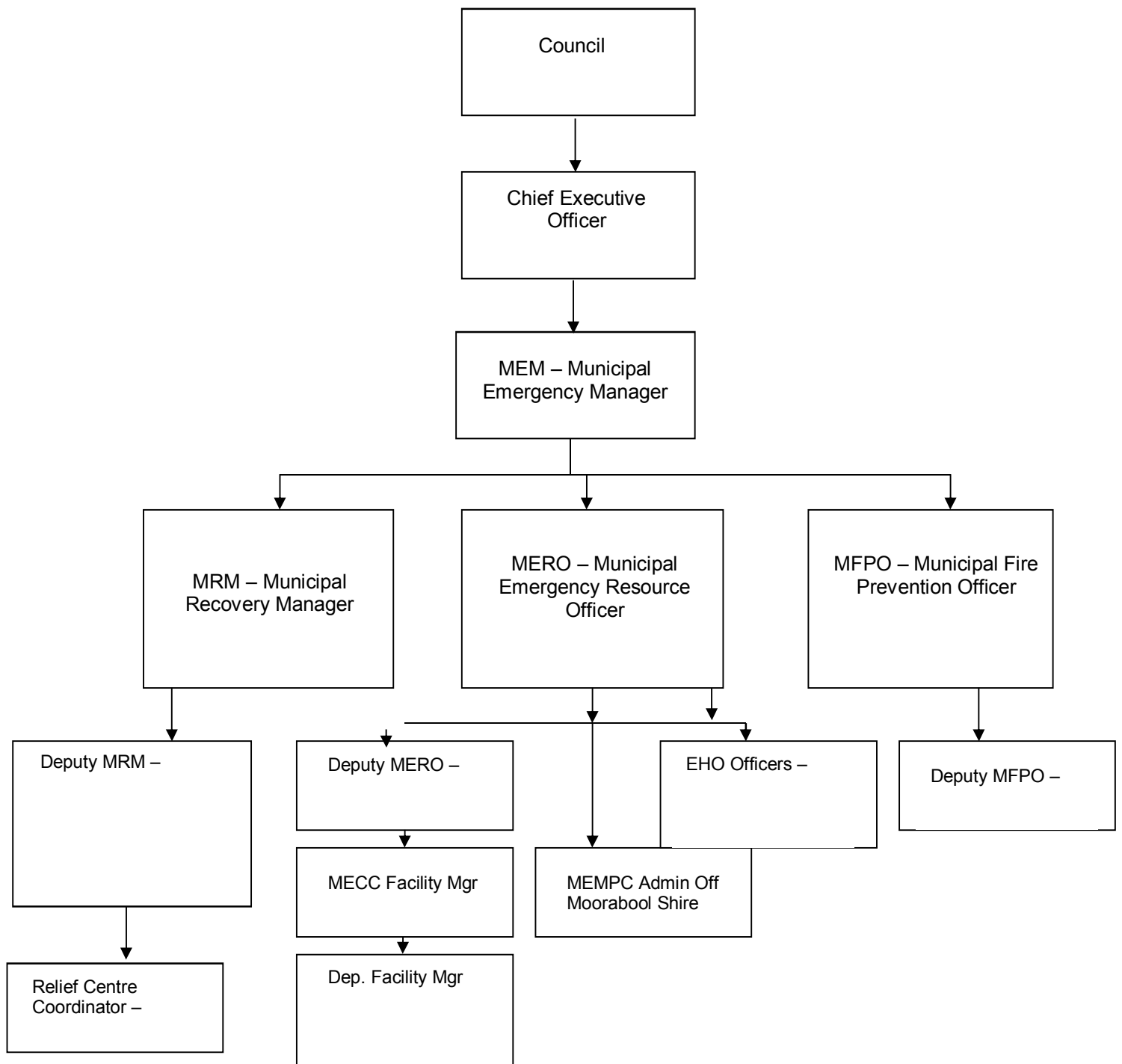
## MECC Facility Manager

The Moorabool Shire Council has appointed the Council Business Coordinator to fulfil the function of MECC Facility Manager

The role of a MECC Facility Manager includes:

1. ensuring that all procedures and systems required to operate the MECC are activated. These include:
  - setting up MECC facility and equipment
  - registration of personnel arriving/departing the MECC
  - registration of all incoming/outgoing calls
  - recording and updating of message/request handling system, whiteboard information
  - operation of information technology and communications
2. ensuring that the MECC is adequately resourced with personnel and equipment to operate for the duration of response and recovery operations
3. providing support staff within the MECC with information and advice to ensure that they can perform operational functions as requested
4. ensuring that catering arrangements are in place
5. ensuring all attendees are provided with appropriate breaks including meal breaks to maintain operational effectiveness
6. ensuring all council staff at the MECC operate in accordance with Occupational Health and Safety and Workplace Agreement guidelines in relation to shift times
7. welcoming persons entering the MECC, providing orientation, introductions and familiarisation with procedures. This may include the provision of appropriate identification to personnel located within the MECC (that is, tabards or name tags).

## Municipal Emergency Management Structure



## MUNICIPAL EMERGENCY COORDINATION CENTRE (MECC)

The ECC will co-ordinate the provision of human and material resources within the municipality, during emergencies. It will also maintain an overall view of the operational activities within this Plan's area of responsibility, for record, planning and debrief purposes. The ECC may also become operational during support operations to a neighbouring municipality. Administrative staff for the ECC will be drawn from municipal employees. Rosters are reviewed on a quarterly basis to ensure details and training is kept up to date.

Provision of ECC functions may in the first instance be conducted from an appropriate Police Station. The Emergency Response Co-ordinator may request activation of an identified ECC if required.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## OPERATIONS CENTRE

An operations centre is established by an agency for the command / control functions within their own agency. The Moorabool Shire Council may establish an operations centre, if necessary, to control its own resources in an emergency.



## PART FOUR – RESPONSE ARRANGEMENTS

### INTRODUCTION

The Emergency Response concept provides the mechanism for the build up of appropriate resources to cope with emergencies throughout the State. It also provides for requests for physical assistance from the Commonwealth when State resources have been exhausted.

Most incidents are of a local concern and can be co-ordinated from local municipal resources. However, when local resources are exhausted, the Emergency Response provides for further resource to be made available, firstly from neighbouring municipalities and then, secondly on a State-wide basis.

### COMMAND

Refers to the direction of personnel and resources of an agency in the performance of that organisation's role and tasks. Authority to command is established in legislation or by agreement within an agency. Command relates to agencies and operates vertically within an agency.

### CONTROL

The overall direction of response activities in an emergency. Authority for control is established in legislation or in an emergency response plan, and carries with it the responsibility for tasking other agencies in accordance with the needs of the situation.

Control relates to situations and operates horizontally across agencies.

### COORDINATION (EMERGENCY RESPONSE)

The bringing together of agencies and resources to ensure effective response to and recovery from emergencies. In relation to response, coordination includes ensuring that effective control has been established.

#### Principal Role of Emergency Response Coordinators (All Levels)

- ***Ensure that the appropriate control and support agencies are in attendance, or have been notified by the incident controller and are responding to an emergency.***
- ***Ensure that effective control has been established by the control agency in responding to an emergency.***
- ***In consultation with the incident controller, ensure an emergency management team has been formed or in absence of incident controller form an Emergency Management Team (EMT)***

Part Four – Response Arrangements

- ***Ensure the effective co-ordination of resources and services having regard to the provisions of section 13(2) of the Emergency Management Act 1986, which empowers co-ordinators to give directions to all relevant agencies concerning the allocation of resources in responding to an emergency.***
- ***Arrange for the provision of resources requested by control and support agencies.***
- ***Ensure allocation of resources on a priority basis.***
- ***In the event of uncertainty, determine which agency is to perform its statutory response role within the region or specified area, where more than one agency is empowered to perform that role.***
- ***Ensure the recovery coordinator has been notified by the incident controller of the emergency.***
- ***Ensure timely information and warnings are provided to the community and support agencies by the control agency***
- ***Consider registration of persons evacuated or otherwise affected.***
- ***Consider provision of relief needs to evacuees and agency personnel where necessary and advise the recovery coordinator of requirements***
- ***In consultation with the control agency, consider the need for declaration of an emergency area.***
- ***Cooperate with all participating agencies and authorities.***

## **Field Emergency Response Coordinator**

This is usually the senior member of the Victoria Police present at the initial scene of an emergency. Primary duties listed as per the Principal Role of ERC's above.

## **Municipal Emergency Response Coordinator**

The Station Commander of the Bacchus Marsh Police Station, or his/her deputy is known as the Municipal Emergency Response Co-ordinator (MERC) for the Moorabool Shire Council.

In addition to the roles listed under the Principal Role of ERC's above, undertake the following;

- Take on active role in planning at a local level including representation on the MEMPC.

### **During an emergency:**

- Ensure that the Municipal Emergency Resource Officer is advised of the emergency and available to provide access to municipal resources if required.
- Ensure the Municipal Emergency Resource Officer is receiving information as appropriate.

## Part Four – Response Arrangements

- Attend at the Municipal Emergency Co-ordination Centre, if activated.
- Advise the Regional Emergency Response Co-ordinator regarding emergencies which have the potential to require supplementary resources from outside the municipal district.

***Any Control Agency requiring municipal support will request that support through the MERC who will pass on all the requirements to the MERO.***

## Regional Emergency Response Coordinator

In addition to the primary roles of coordinator, the response roles, responsibilities and duties of the Regional Emergency Response Co-ordinator are:

- Responsible to the State Emergency Response Co-ordinator for the effective co-ordination of resources or services within the emergency response region, having regard to the provisions of section 13 (2) of the Emergency Management Act 1986
- In an emergency, arrange to provide regional resources requested by a Municipal Emergency Response Co-ordinator, to response or recovery agencies
- In circumstances where requested resources are not available within the region, to request the resources through the State Emergency Response Co-ordinator
- Monitor the provision of emergency relief.

## CONTROL AND SUPPORT AGENCIES

Detailed below is the agreed set of arrangements for the response to identified emergencies within the Moorabool Shire. These arrangements have been tailored to meet local response capabilities based on: the agencies available within the municipality and agencies identified as Control Agencies as specified within Part 7 of the Emergency Management Manual Victoria.

Support Agencies may be able to offer varying levels of support from “on ground” resources to information. It may be appropriate to consult with a number of identified Support Agencies for advice in relation to any given emergency. It is the prerogative of the control agency to formulate action plans for a given emergency in consultation with support agencies.

EMERGENCY/THREAT	CONTROL AGENCY (may vary by location)	SUPPORT AGENCIES
<b>ACCIDENT/INCIDENT</b>		
Aircraft	Victoria Police	AMSA, ARFF, ATSB
Biological Materials	DH	CFA, MFESB
Gas Leakage	CFA/MFESB	Gas Distribution companies
Hazardous materials, high consequence dangerous goods or dangerous goods	CFA/MFESB/ARFF	EPA, AV, Worksafe (workplace, storage facilities and transport)
Lifts, cranes or scaffolding and amusement structures	CFA/MFESB	Worksafe

## Part Four – Response Arrangements

Marine (not including marine pollution)	Victoria Police	Transport Safety Victoria, AMSA
Military aircraft and ships	Defence Forces	AMSA, VicPol, Airservices Australia.
Radioactive materials	DH	CFA/MFESB
Rail	Victoria Police	DOT, V/Line, ARTC, MTM, Yarra Trams, CFA/MFESB, VICSES, PTD
Road	Victoria Police	CFA/MFESB, VICSES, VicRoads, Municipal Councils, CityLink, EastLink
<b>AGRICULTURAL</b>		
Chemical Contamination of livestock or agricultural produce (Agricultural or Veterinary)	DEPI	DFSV, PrimeSafe
Exotic Animal Disease (includes Bees & Aquaculture)	DEPI	DEPI
Plant Pest or Disease	DEPI	DEPI
Drought	DEPI	
<b>ENVIRONMENTAL</b>		
Ship sourced marine pollution oil spills in Victorian coastal waters up to three nautical miles	DOT (Security and Emergency Management Division)/Port Operator	DEPI, EPA, AMSA, PV, BOM, VRCA, CFA/MFESB
Oiled Wildlife	DEPI	PV, DOT, AMSA
Exotic marine pest incursion	DEPI	DEPI, PV
Cetacean (whale) stranding or entanglement	DEPI	DEPI, PV
Vertebrate Pest/Plagues	DEPI	DEPI, PV
Pollution into inland waters	CFA/MFESB	EPA, PV
Pollution of inland waters	EPA/Melbourne Water	PV

## Part Four – Response Arrangements

<b>ESSENTIAL SERVICE DISRUPTION</b>		
Food supply, critical infrastructure damage or disruption.	Victoria Police	DEPI
Electricity	DEPI (Energy Sector Development Division)	AEMO, Electricity distributors, Energy Safe Victoria, DEPI
Natural Gas	DEPI (Energy Sector Development Division)	AEMO, DEPI (Minerals and Petroleum), Energy Safe Victoria, Gas distribution companies
Petroleum and liquid fuels	DEPI (Energy Sector Development Division)	DEPI (Minerals and Petroleum) Worksafe, Oil Companies
Public Transport	DOT (Public Transport Division)/Transport Operator	DOT (Security and Emergency Management Division)
Roads/Bridges/Tunnels	VicRoads	Municipal Councils, CityLink, EastLink, DOT (Security and Emergency Management Division)
Water and Sewerage	DEPI	Water Authorities, DHS, Municipal Councils
<b>FIRE AND/OR EXPLOSION</b>		
Aircraft	ARFF, CFA/MFESB	
Boilers and pressure vessels	CFA/MFESB	Worksafe
Explosion	CFA/MFESB	DEPI, Worksafe
Explosive device	Victoria Police	CFA/MFESB
Fire	CFA/MFESB /DEPI	PV, DEPI, AVCG, Worksafe, BOM
<b>HUMAN DISEASE/ILLNESS</b>		
Retail food contamination	DH	
Food/drinking water contamination	DH	Municipal Councils, DEPI
Human disease	DH	
<b>NATURAL EVENT</b>		
Earthquake	VICSES	All
Flood	VICSES	DEPI, CMA's, Water Authorities, Municipal Councils, CFA/MFESB, BOM, PV

## Part Four – Response Arrangements

Storm	VICSES	BOM, DEPI, PV, CFA/MFESB
Tsunami	VICSES	BOM, All
<b>RESCUE</b>		
Building, structure	CFA/MFESB, VICSES	BC, AV, VicPol, Worksafe
Cave	Victoria Police	VICSES
Land	Victoria Police	VICSES
Lift, crane, scaffolding or amusement structure	CFA/MFESB	VicPol, VICSES, Worksafe, DEPI
Mine/quarry	Victoria Police	DOT, DEPI, CFA, VICSES, Worksafe
Rail, aircraft and industrial	VICSES/ CFA/MFESB	AMSA (aircraft only), Worksafe (rail and industrial only)
Road	VICSES/ CFA/MFESB	AV
Trench or tunnel	CFA/MFESB	
Water	Victoria Police	VICSES, LSV
<b>SEARCH</b>		
Land and Water	Victoria Police	VICSES, others as per VicPol register
Overdue aircraft	AMSA	VicPol, VICSES, Airservices Australia
<b>OTHER</b>		
Aircraft – in-flight emergency	Airservices Australia	ADF
Dam Safety	DEPI	Water Authorities, VICSES, Municipal Councils
Marine casualty – non SAR – (commercial ship) in port – waters	Port Operator, VRCA	MSV, AMSA, CFA/MFESB, VicPol, AV
Marine casualty – non SAR (commercial ship) in coastal waters	Transport Safety Victoria	VRCA/Local port operators, CFA/MFESB, VicPol, AV
Other threats against persons, property or environment	Victoria Police	

**SUPPORT SERVICES AND AGENCIES FOR RESPONSE**

## Part Four – Response Arrangements

A Support Agency is defined as a government or non-government agency that provides essential services, personnel, or material to support or assist a Control Agency, another support agency or affected person.

A key support agency is an agency that has specific skills and resources to support response for a particular emergency. Any agency might be asked to assist in any emergency if it has skills or resources that may contribute to the response. In particular, there are generic support agencies.

The Emergency Management Manual Victoria, Part Seven contains the list of support agencies for various emergencies. These agencies provide their particular support services to any type of emergency where they can contribute to the response effort. Some of these agencies are listed in Part 6 of this Plan.

## COORDINATION OF OTHER RESOURCES

### ***Protocol for Inter-Council Emergency Management Resource Sharing***

Emergencies sometimes require councils to source additional resources to ensure that the affected community is restored to normal functioning as efficiently as possible. Some emergency response agencies have agreements for mutual aid with kindred organisations that allows them to plan appropriately for responding to large scale or complex emergencies, and this protocol is intended to provide a similar agreement for local councils.

Council emergency management resources are generally sourced from within the municipal boundaries where the emergency occurs, which can impact significantly on the resources of the responsible council, particularly for larger or more complex emergencies. The Municipal Association of Victoria (MAV) and the Municipal Emergency Management Enhancement Group (MEMEG) identified a need to determine an agreed position between councils regarding the provision of council resources to assist other councils with response and recovery tasks during emergencies.

The purpose of this protocol is to provide an agreed position between councils for the provision of inter-council assistance for response and recovery activities during an emergency. This protocol details the process for initiating requests for resources from another council and identifies associated operational and administrative requirements.

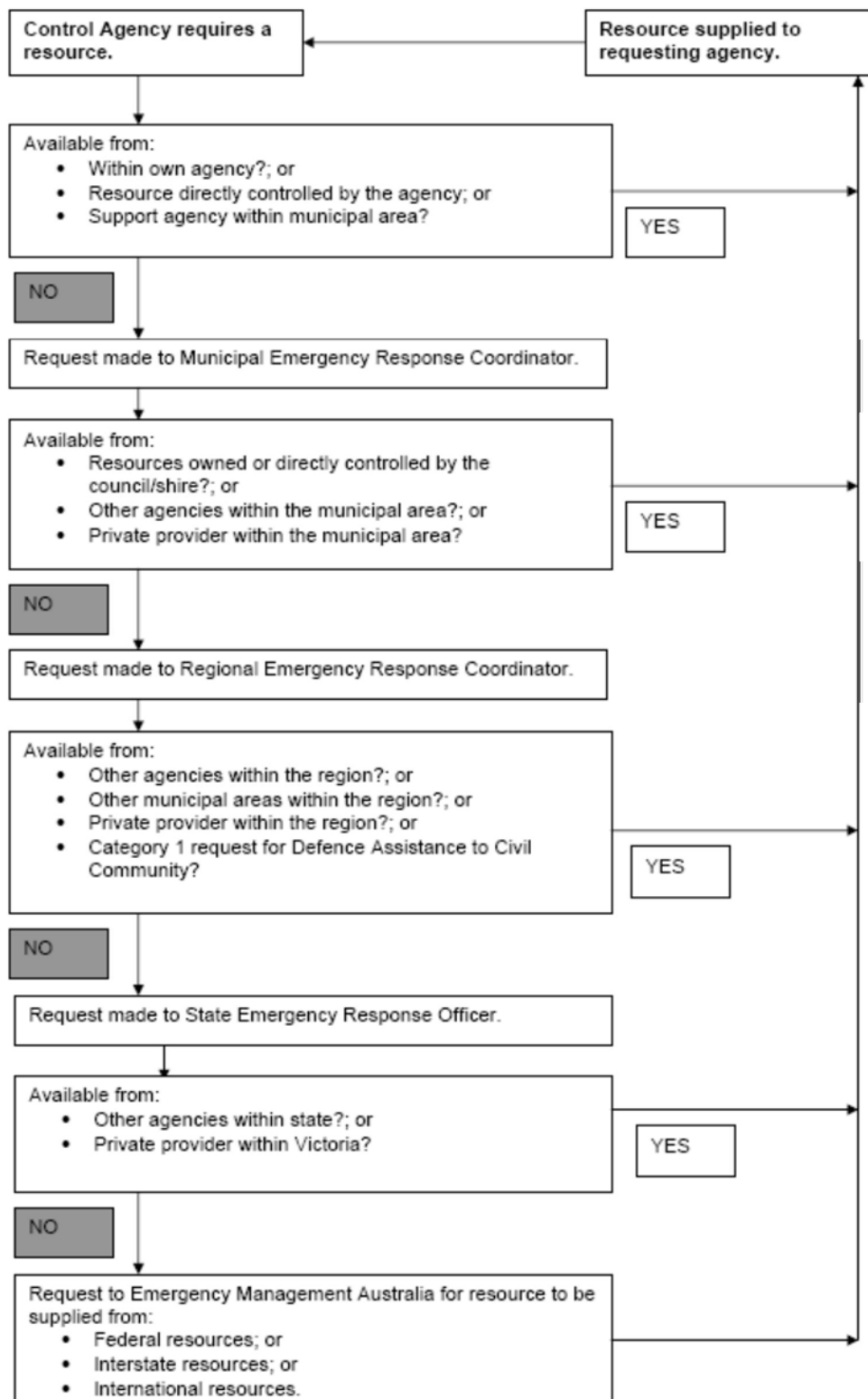
The application of this protocol is expected to enhance the capability of councils to provide the best possible outcomes for emergency management and to support the step up arrangements as detailed in the Emergency Management Manual Victoria (EMMV).

The co-ordination of responding agencies involves the systematic acquisition and application of resources (personnel, equipment and facilities) in accordance with the requirements of the emergency. This protocol will facilitate appropriate timely mustering of resources ready to discharge municipal functions.

The Municipal Association of Victoria Protocol for Inter-Council Emergency Management Resource Sharing was adopted by Moorabool Shire Council on 1 September 2010 and renewed by the Chief Executive Officer in 2013.

## REQUEST PROCEDURES FOR SUPPORT

Any Agency requiring additional support or resources, outside of their own capabilities, should request that support through the Municipal Emergency Response Coordinator (MERC) who, in consultation with the Municipal Emergency Resource Officer (MERO) will pass on the requests to the Regional Emergency Response Coordinator (RERC) for action.



*Flow Chart for Resource Supplementation Source*



## PHASES OF ACTIVATION

Response arrangements should be implemented at the earliest possible opportunity if the effects of emergencies are to be minimised and for this reason several phases of activation have been accepted. These are: -

### ALERT

Upon receipt of any warnings or information that an emergency may occur or affect the relevant area of responsibility, the organisation must be alerted to ensure its readiness to act if called upon. Some of the activities that should be considered in this phase are:

- Warning for key personnel.
- Testing of communications arrangements.
- Establish flow of information between Municipality and Control/Support Agencies.
- Ascertain the availability of appropriate staff.

### STANDBY

As the threat, or the effects of the emergency, becomes imminent, members of the relevant organisation or sections are placed on standby, thus being ready to move immediately they are required. Some of the activities that should be considered in this phase are:

- Staff respective emergency centres.
- Prepare equipment and personnel for immediate action.
- Identify assembly areas.

### ACTION

This is the operational phase of the emergency when control and support agencies are committed to contain or control the emergency. Some operations may necessitate moving to the "Action phase" immediately without the "Alert" and/or "Standby" phases being implemented. For this reason, it is mandatory that all organisations having a role in this Plan be in a state of preparedness at all times. Some of the activities that should be considered in this phase are:

- Mobilise personnel/equipment as requested.
- Produce situation reports on a regular basis
- Deploy additional resources as required.
- Ensure Casual Emergency Workers are registered.

### STAND DOWN

Once "Alert", "Stand-by" or "Action" has been implemented, the Municipal Emergency Response Coordinator must declare a "Stand Down". After consultation with the Control Authority and any other relevant agency, and the Municipal Emergency Response Coordinator is satisfied that the response to the emergency has been completed, he/she will advise all participating agencies of 'Stand Down'.

## LEVELS OF EMERGENCY RESPONSE

There are three levels of emergency response relevant to the Incident Management System.

Level 1 – able to be resolved through the use of local response resources

Level 2 – more complex response in size, resources or risk. This response is characterised by

1. Deployment of resources beyond initial response
2. Sectorisation of the emergency
3. Establishment of functional sections due to levels of complexity
4. Combination of the above.

Level 3 – characterised by degrees of complexity that may require a more substantial establishment for management of the situation. These emergencies will usually involve delegation of all functions.

## PUBLIC INFORMATION AND WARNING

It is important to ensure that public information and warning is maintained at an optimum level. This provides the public with the necessary information to develop an understanding and awareness of the issues associated with the prevention of, response to and recovery from emergencies.

The Control Agency has the responsibility to issue warnings to the potentially affected communities, and other agencies. Where an extreme and imminent threat to life exists and authorisation from the Incident Controller is not practicable in the circumstances, warnings may be issued by any response agency personnel. (Source: EMMV Part 3.7)

## PREVENTION (BEFORE EMERGENCIES)

Any information released to the public on behalf of the Moorabool Shire Council will be to educate and assist the community to prepare for emergencies. Moorabool Shire policies and plans in relation to the prevention of emergencies are available on Council's website e.g. Municipal Fire Management Plan, Road Management Strategy, Municipal Heatwave Plan, Municipal Influenza Plan, Municipal Flood Management Plan.

## RESPONSE PHASE

The control agency has the responsibility to issue warnings to the potentially affected community and to other agencies. Warnings and the release of other public information should be authorised by the Incident Controller prior to dissemination.

Any information released by the municipality in relation to response activities must be approved by the control agency/police media liaison. General information released by the Municipality must be approved by the MEM/MERO or Chief Executive Officer (policy / financial / political matters). Council's Communications and PR office will assist in preparing and disseminating approved information.

Information can be categorised under the following headings:

### **Pre impact**

To enable the public to take reasonable measures to prevent, or lessen the potential effects of emergencies and to cope during the impact phase of an emergency.

### **During impact**

To produce suitable news releases through the media concerning the effects of the emergency and what action can be taken by the public.

### **Post impact**

To maintain the crucial information flow to those in need of assistance and direction.

## **RECOVERY PROCESS**

Releasing information will be the responsibility of the Moorabool Shire Council and Department of Human Services. Any information released must be approved by the MRM (General information) or Chief Executive Officer (Policy / Financial / Political matters). Pending the scale of the emergency and if the Department of Human Services is significantly involved with the Municipality, then direct liaison must take place prior to release of any information to eliminate duplication.

## **DISSEMINATION**

Immediate use of the media should be made to avoid phone congestion. The public should be advised to direct calls to appropriate agencies and centres with adequate facilities, staff and knowledge to answer questions or disseminate information. Relevant advice lines should be used if possible.

All methods of disseminating information should be considered including;

Warning Systems	<ul style="list-style-type: none"> <li>• Emergency Alert</li> <li>• State Emergency Warning Signal (SEWS)</li> <li>• Sirens</li> </ul>
Media	<ul style="list-style-type: none"> <li>• Local and ABC Radio networks, ethnic networks</li> <li>• Television</li> <li>• Local and regional newspapers (particularly in extended response and recovery phases), ethnic publications</li> <li>• Social media (Facebook, twitter etc.)</li> </ul>
Telephone	<ul style="list-style-type: none"> <li>• Victorian Bushfire Information Line (VBIL)</li> <li>• Flood Information Line</li> <li>• VicRoads Information Line</li> <li>• Local telephone information lines</li> <li>• Council after hours message</li> <li>• SMS messages</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Community newsletters</li> <li>• Community meetings</li> <li>• Information centres (one stop shops)</li> <li>• Manual door knocks of each residence</li> <li>• Public address system on vehicles</li> <li>• Community organisations</li> </ul>

## Part Four – Response Arrangements

Websites	<ul style="list-style-type: none"> <li>• CFA – <a href="http://www.cfa.vic.gov.au">www.cfa.vic.gov.au</a></li> <li>• DEPI – <a href="http://www.depi.vic.gov.au">www.depi.vic.gov.au</a></li> <li>• Bureau of Meteorology (BOM) – <a href="http://www.bom.gov.au">www.bom.gov.au</a></li> <li>• Moorabool Shire Council – <a href="http://www.moorabool.vic.gov.au">www.moorabool.vic.gov.au</a></li> <li>• VicRoads - <a href="http://www.vicroads.vic.gov.au">www.vicroads.vic.gov.au</a></li> <li>• SES - <a href="http://www.ses.vic.gov.au">www.ses.vic.gov.au</a></li> <li>• VicPol - <a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a></li> <li>• Mobile applications</li> </ul>
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## NON-ENGLISH SPEAKING PERSONS AND PERSONS WITH DISABILITIES

Special considerations need to be given to warning persons with disabilities and non English speaking groups. In the case where information or communication is required with persons unable to speak English, an interpreter service such as the Telephone Interpreter Service may be able to assist.

All agency representatives dealing with this situation should carry a language indicator card, which can be used to establish the language in question. Copies of this card are available from the Department of Immigration and Citizenship (DIAC) or the Moorabool Shire Council offices.

For persons with a hearing impairment or speech impairment, contact can be made via the [www.relayservice.com.au](http://www.relayservice.com.au):

- TTY users phone 133 677 then ask for 03 5366 7100
- Speak and Listen users phone 1300 555 727 then ask for 03 5366 7100
- Internet relay users connect to the NRS [www.iprelay.com.au/call/index.aspx](http://www.iprelay.com.au/call/index.aspx) then ask for 03 5366 7100.

## EMERGENCY WARNING SYSTEMS

Emergency warning systems have been established to warn individuals and communities in the event of a major emergency. Warnings will be most effective, and reach the most people, when a combination of warning systems is used. Although these systems aim to improve the ability to warn communities about emergencies, individuals and communities still need to prepare themselves in case of an emergency.

Methods of warning systems may vary and once decided upon may either be via television, radio, internet or telephone/mobile phone.

Using CFA Infrastructure for emergency warnings has started to occur by using CFA Fire Station Sirens.

## EMERGENCY BROADCASTERS

The State of Victoria has entered into formal memorandums of understanding (MOUs) for the broadcast of emergency warnings and information. Broadcasters that have signed these agreements, and become official emergency broadcasters, include ABC Local Radio, all commercial radio stations in Victoria, SKY NEWS Television. The aim of these arrangements can greatly increase the reach of emergency warnings in Victoria and to assist the community by enhancing the State's ability to alert people to dangers in their local areas.

## EMERGENCY ALERT SYSTEM (EA)

The Emergency Alert system allows response agencies to send warning messages via mobile and landline telephones to targeted communities.

The Emergency Alert voice messages are easily identifiable by the Standard Emergency Warning Signal (SEWS) at the start of the message together with the words “Emergency, Emergency”. The SMS (text) messages also commence with “Emergency, Emergency” and display the telephone number 0444 444 444. All messages refer the recipient to where they are able to obtain further information.

Although this system aims to improve the ability to warn communities about emergencies, individuals and communities still need to prepare themselves in case of an emergency.

The primary responsibility for issuing information and warnings to the community lies with the incident controller, followed by subsequent tiers of the control agency and then ERC. *(EMMV Part 3)*

## STANDARD EMERGENCY WARNING SYSTEM

The Standard Emergency Warning Signal (SEWS) is an electronic warning signal, to be used in assisting the delivery of public warnings and messages for major emergencies, which is designed to:

- Alert listeners/viewers of radio/television that an official emergency announcement is about to be made concerning an actual or potential emergency which has the potential to affect them.
- Alert the community at large, via a public address system, that an important official emergency announcement is about to be broadcast.

The use of SEWS must be authorised by an Incident Controller. *(EMMV Part 3)*

## INFORMATION RESOURCES

The following systems are an essential part of these arrangements and should be utilised if and when required:

- Electronic Media
- Police Media Liaison
- Emergency Services Media Liaison (VicPol, CFA, SES etc)
- Literature/Brochure Information
- Print Media
- Moorabool Shire Communications/PR
- Moorabool Shire Website

If an emergency requires concurrent media response through radio, television and newspaper outlets, the Police Media Liaison Section may be contacted through the Municipal Emergency Response Co-ordinator.

The Moorabool Shire Council shall appoint a Media Liaison Officer. This officer is responsible for the coordination of all media releases following an emergency incident.

## **INFORMATION CENTRE**

If required, a Public Information Centre will be established. All information for the affected community shall be issued from this centre.

## **DEBRIEFING ARRANGEMENTS**

A debrief should take place as soon as practicable after an emergency. The Municipal Emergency Response Coordinator will convene the meeting and all agencies that participated should be represented with a view to assessing the adequacy of the Plan and to recommend any changes. Such meetings should be chaired by the Chairperson of the MEMPC.

It may also be appropriate to conduct a separate recovery debrief to address recovery issues. This should be convened and chaired by the Municipal Recovery Manager.

Individual debriefing sessions for staff who have been out in the field should be made available.

The results from debriefings are to return to the MEMPC advising of any actions to be undertaken and subsequent results.

## **FINANCIAL CONSIDERATIONS**

Financial accounting for Municipal resources utilised in emergencies must be authorised by the MERO or the MRM and shall be in accordance with the normal financial arrangements of the Moorabool Shire Council.

Control agencies are responsible for all costs involved in that agency responding to an emergency. Government agencies supporting the control agency are expected to defray all costs from their normal budgets.

Depending on the magnitude of the emergency some government financial assistance may be available for prevention, response and recovery activities.

The Moorabool Shire Council is accountable for any monies donated as a result of any emergency event and will implement systems to receive and account for all such donations.

## **TRANSITION OF CO-ORDINATION FROM RESPONSE TO RECOVERY**

Recovery operational planning should commence as soon as possible after the impact of an emergency. Recovery planning and operations are implemented as per the state, regional and municipal recovery arrangements. In large or prolonged emergencies, it may be necessary to continue providing relief services to individuals and families under recovery management arrangements after other response activities have finished. This transition should be seamless, as the municipal council will continue to assume the responsibility for the management of emergency relief centres.

The incident controller, Emergency Response Co-ordinator and recovery manager should commence transition planning as soon as possible following the start of the emergency. The Emergency Management team should be involved in transition planning discussions to ensure a shared and consistent understanding of the planning, timing and expectations for transition.

The decision relating to the timing of the transition of overall co-ordination from response to recovery will be impacted by a number of key considerations, including:

- The nature of the hazard/threat and whether there is a risk of a recurring threat
- The extent of impact on communities, as this may determine if a prolonged transition period needs to be implemented
- The extent of and known level of loss and damage associated with the emergency
- The considerations for the extent of emergency relief required by affected communities
- The considerations for the resources required to be activated for effective recovery arrangements

The Emergency Response Co-ordinator is responsible for advising all agencies involved in the emergency of the time at which response terminates. Following the conclusion of response activities, the effects of the emergency may continue, and recovery activities, the effects of the emergency may continue, and recovery activities will often go on for some time.

The Department of Human services is the agency responsible for state and regional co-ordinator of relief and recovery. Municipal councils are responsible for relief and recovery management at the municipal level.

While termination of response implies the cessation of the responsibilities of Victoria Police as response co-ordinators they, and other response agencies, may have a previously agreed role to play in recovery activities.

## **HANDOVER OF GOODS/FACILITIES**

In some situations, there may be an actual handover to the recovery co-ordinator or agency of response facilities and/or goods to be utilised in recovery activities. This handover will occur only after agreement has been reached, and after any necessary documentation has been completed to the mutual satisfaction of the response and recovery managers.

Resources acquired for the response, which are not required for recovery, remain under the control of the requesting response agency. That agency is responsible for their return or disposal.

Payment for goods and services used in the Recovery process is the responsibility of the Municipal Recovery Manager through the Municipal Emergency Management Plan arrangements.

If the emergency is of significant size which has resulted in the Department of Human Services being actively involved, then the Municipal/Regional Coordinator will consult with the MERO, the MRM and Recovery Manager from the Department of Human Services to agree on the time and process of response stand down.

## **COMPENSATION OF REGISTERED EMERGENCY WORKERS**

Compensation for Registered Emergency Workers will be as laid down in Part 6 of the Emergency Management Act, 1986. It is the responsibility of the Organisation utilising the Registered Emergency Workers to ensure that all of the Emergency Workers are registered.



## PART FIVE – RECOVERY ARRANGEMENTS

### 1. INTRODUCTION

Emergency Management is an increasingly important function for every local government, with each council facing growing levels of expectation from their communities. This section is intended to be a guide for council staff in understanding what emergency recovery entails and who should be involved in an emergency recovery operation. We believe that the information in this plan represents good practice and should be read in conjunction with the ***Moorabool Emergency Recovery Operations Sub-Plan***. (a sub-plan of the MEMP which outlines how the recovery services will be coordinated and when they will be required)

### 2. EMERGENCY RECOVERY CONTEXT

#### 1.1 Emergency Recovery Definition

The Emergency Management Manual Victoria defines Recovery as;

**“The assisting of persons and communities affected by emergencies to achieve a proper and effective level of functioning”.**

It is a coordinated process for enabling the reconstruction of the physical infrastructure and the restoration of emotional, economic and environmental well-being of the community.

The purpose of providing recovery services is to assist the affected community to manage its own recovery. It is recognised and expected that communities will be involved in the recovery process following emergencies, but municipal guidance and support is essential, not only to provide overall management, but also to supplement the personal, family and community structures that have been disrupted by the event.

#### 1.2 Principles of Recovery

The Moorabool Shire Council is responsible for the coordination of recovery at the Municipal level and endeavours to achieve the following:

- Emphasis on confidentiality relating to the identity, dignity and autonomy of individuals, families and the community impacted on by an emergency will be maintained at all times. Refer to the ***Moorabool Privacy Policy in Appendix #*** for more information on privacy and recovering from emergencies.
- Recovery management will be based on the context of clear and agreed arrangements, involving regular community consultation and cooperation through proven and established communication channels.
- Wherever possible, normal municipal management and administrative structures and practices will be used. This will minimize the risk of increased anxiety amongst the affected community that may result from the introduction of any new processes. It is



important however, to ensure that the existing structures and practices do cater for the special needs and circumstances of the affected community.

- Recovery information and recovery services need to be readily accessible to affected individuals, families and communities and responsive to their needs and expectations.
- The recovery process may well be protracted and complex, so sufficient time and resources should be provided to allow for completion of the process. It is important to note that, due to the impact of an emergency, normal business timelines and processes cannot always be adhered to by the affected.

### 1.3 Functional Areas of Recovery

Recovery management must consider the following four (4) key functional areas (or environments) when assessing the impact of an emergency upon the community. Effective recovery management is achieved by identifying all of the impacts of an emergency and aligning the recovery services to address the needs. Impact assessments will identify the needs of the affected community and the resources required to undertake the recovery activities.

Each of these functional areas overlap considerably so collaboration between each area would improve service coordination.

**DIAGRAM 1**



### 1.4 Recovery Services and their functional areas

The types of recovery activities likely to be called upon in each of the functional areas are outlined in the table below.

Social, Health & CD	Built	Natural	Economic
Relief Centres	Post Impact Assessment	Environmental Health	Economic Development
Recovery Centres	Clean-up	Public Health	Tourism Promotion
Accommodation	Utilities	Water	Financial Assistance
Personal Support	Transport	Catchments	Primary Producers
Case Management	Roads and Bridges	Air quality	Small Business Sector
Financial Assistance	Community Infrastructure	Natural environment	Animal Welfare
Material Aid	Fencing	Cultural Heritage	
Community Development	Waste Management		
Information Coordination			
Health services			
Disability/Aged Care			
Volunteer Coordination			
Donations Coordination			
Animal Welfare			

## 3. MUNICIPAL RECOVERY PROCESS

There are two phases in the recovery process:

1. Planning and preparedness phase
2. Emergency Recovery operations phase

### 3.1 Planning and Preparedness

The Municipal Recovery Manager (MRM) is responsible for the development and maintenance of recovery service arrangements within the municipality. Detail on the planning process is covered in section 5 of this plan. Ideally, the planning process should involve the Municipal Relief and Recovery Planning Sub-Committee that meets quarterly.

### 3.2 Emergency Recovery Operations

The MRM is to initiate recovery activities as soon as possible, or when required, during and following an emergency. The MRM shall convene a meeting of the **Emergency Recovery Committee** as soon as is practical to assess the situation. (details on the recovery operations process are covered in section 6 of this plan)

*NOTE: The magnitude of the event and the subsequent recovery activities will be determined by the data collected during the **post impact assessment**.*

## 4. MUNICIPAL RECOVERY MANAGEMENT

Responsibility for the management of recovery in both the planning and recovery operational phases rest with the:

- Moorabool Shire Council Recovery Management Team
- Moorabool Relief and Recovery Planning Committee.

### 4.1 Moorabool Shire Council Recovery Management Team

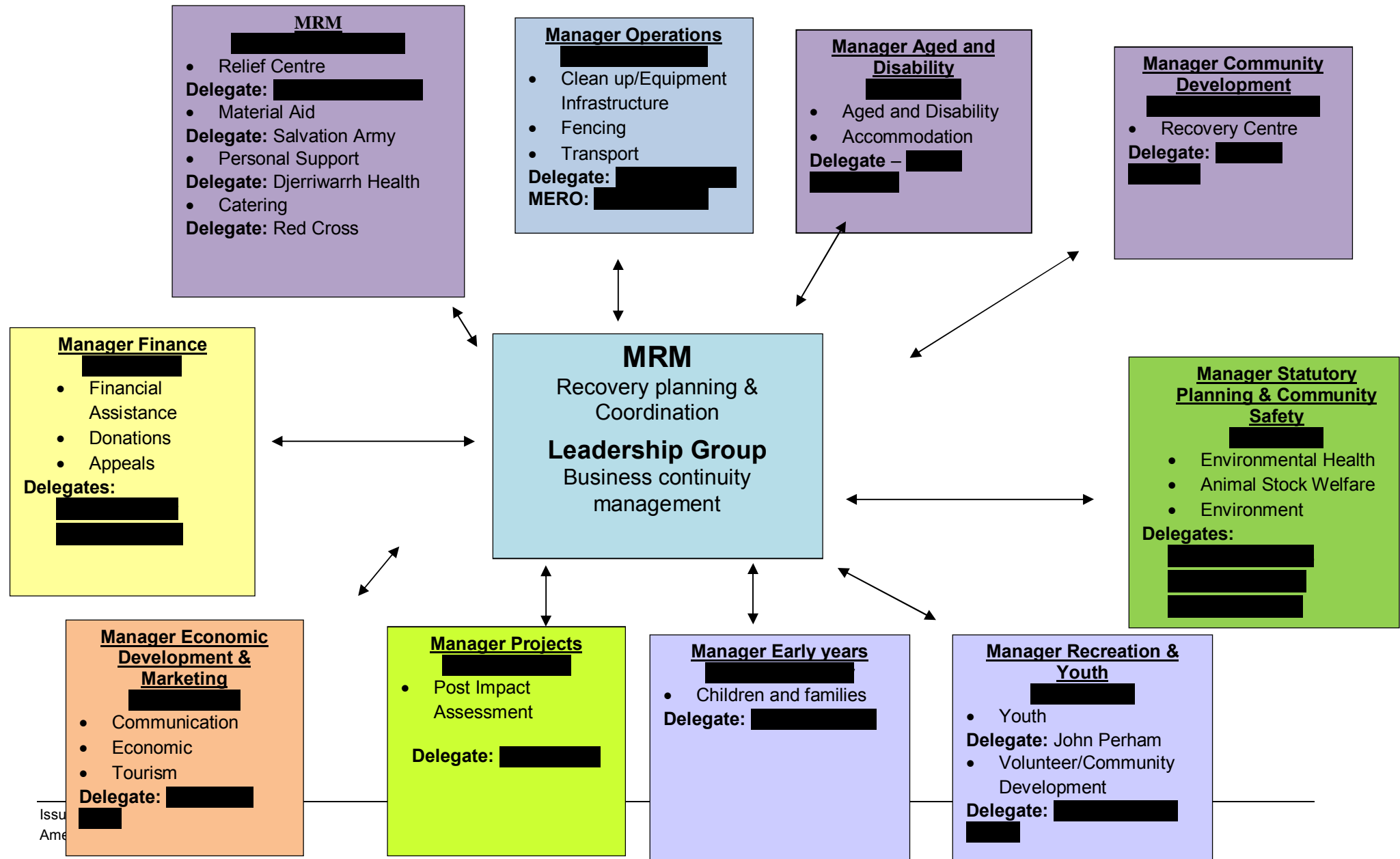
Members of this team manage the key Council recovery service areas and are responsible for the provision/coordination of those emergency recovery services. This structured approach assigns responsibility to line managers and team leaders for recovery service provision and streamlines the approval process.

Their responsibilities include:

- ensuring their service responsibilities are delegated to competent and resourced internal staff members
- ensuring they are trained and prepared
- have lines of communication established and maintained across the other service areas; and
- appoint replacement staff to vacant positions when staff leave.

Diagram 2 on the next page titled, '**Moorabool Shire Council Management Structure**', displays the Management positions, the services they are responsible for and their assigned delegates.

**DIAGRAM 2 MOORABOOL SHIRE COUNCIL RECOVERY MANAGEMENT STRUCTURE**



## 4.2 Moorabool Municipal Emergency Relief and Recovery Planning Sub-Committee

The coordination of recovery planning and service provision across the Council functional areas and external agencies is the responsibility of the ***Moorabool Relief and Recovery Planning Sub-Committee***.

*NOTE: The presence of the Municipal Relief and Recovery Planning Sub-Committee ensures responsibilities are shared across all stakeholders and fully understood. This section of the Recovery Plan sets out the Planning Committee's terms of reference.*

### 4.2.1 Planning Sub-Committee Responsibilities

- Establish and maintain recovery service arrangements in preparation for an emergency. Include business continuity strategies in the planning process.
- Ensure effective communication between stakeholders.
- Coordinate recovery services across the municipality.
- The MRM/deputy represent the municipality at the regional planning meetings.
- Establish working groups to identify and address the recovery requirements of the municipality.
- Through Council, provide logistical support to recovery agencies when required.
- Maintain an effective working relationship between municipal and regional service providers.
- Prepare, maintain and develop the recovery component of the MEMP Plan.

The MRM will maintain a contacts database of the Recovery Planning Sub-Committee members and update annually in all recovery coordinator folders.

### 4.2.2 Membership

The recovery planners include representatives of the Council, key recovery organisations and agencies who may be involved with the recovery process. These include:

- Municipality (MRM, Deputy MRM/s, MERO, and Recovery Service Coordinators)
- Recovery Agencies (Community Health Services, Salvation Army, Red Cross, VCC)
- State Government Departments (Department of Health and Human Services (DOH & DHS), Department of Environment and Primary Industries (DEPI), Department for Planning and Community Development (DPCD), Department of Human Services (DHS formerly Centrelink)

**NOTE:** Refer to the Committee's Terms Of Reference (TOR) in ***the Recovery Operations Sub-Plan***

### 4.2.3 Relief and Recovery Planning Sub-Committee Service Coordination

The Moorabool Recovery Management Structure (Diagram 2) outlines the range of recovery services that may be called upon during and following an emergency. Each recovery service has an assigned delegate who is responsible for the coordination of that service. The delegate could be a Council officer or an external agency.

Recovery service delegates report to their manager, but work closely with the MRM as part of the recovery team during an emergency recovery operation. Their role requires them to:

- Represent their service area on the Relief and Recovery Planning Sub-Committee.
- Liaise with other service coordinators to ensure information sharing and cross-service planning occurs.
- Appoint a Deputy Service Coordinator to relieve when they are unavailable.
- Review service arrangements each year.

## 5. PLANNING FOR RECOVERY

*“By failing to prepare, you are preparing to fail...” Benjamin Franklin*

### 5.1 Role of Relief and Recovery Planning Sub-Committee

No emergency recovery operation can succeed without pre-existing plans, recovery operations arrangements and a team of trained service providers. The primary responsibility of the Relief and Recovery Planning Sub-Committee is to ensure those arrangements are in place. During the planning phase this will involve a range of preparatory activities.

The role of the Committee is to:

- Establish and maintain recovery service arrangements in preparation for an emergency. Include business continuity strategies in the planning process.
- Identify and recruit agencies to assist in the recovery process;
- Identify local and external resources available for recovery;
- Identify and involve the community in planning and implementation of the recovery process;
- Liaise and communicate with other sub committees that may be established.
- Establish and maintain a Municipal Recovery Training Register
- Establish working groups to identify and address the recovery requirements of the municipality.
- Maintain an effective working relationship between municipal and regional service providers.

- Prepare, maintain and develop the recovery component of the MEMP Plan.
- Develop an operational / resource manual that outlines the following:
  - The membership details of the Committee (including all members and phone contacts)
  - Specific roles and responsibilities of the Committee.
  - Policies and standard operating procedures where appropriate.
  - Resources available, where they are and how to access them.

## 5.2 Key Recovery Planning Considerations

The Community Emergency Risk Management Register (CERM) identifies the types of risks within the Shire and provides an assessment on their impact and the likelihood of them occurring. Recovery planners should consider the implications of these CERM assessments when they prepare for an emergency recovery operation. As well as the CERM, the Moorabool Shire Council has a number of other key planning factors which influences its ability to effectively manage recovery from an emergency. This Recovery plan identifies those factors so that any planning and preparatory activities can take them into account.

### Memorandums of Understanding (MOU's)

Moorabool Shire Council has two MOU's that relate specifically to the provision of particular recovery services and should be reviewed annually. These are:

- Personal Support/Case Management provision and coordination between Moorabool SC and 2 community health providers.
- Post Impact Assessment Recovery – between DPI, 4 Ballarat Sector LGAs, DHS, DEPI, SES and CFA.

NOTE: A copy of these MOUs sit in **Recovery Operations Sub-Plan**. Refer to the relevant recovery operations plan.

### Staff Capacity

The Moorabool Shire Council has recognised that, as a medium sized municipality with limited resources, they will struggle to meet the needs of their community should it be impacted by a significant emergency. This recovery plan sets out arrangements that can be addressed 'within' their existing capacity, but also how the recovery operation will be escalated to the regional level should Council capacity be 'exceeded' at any single or multiple point. The Relief and Recovery Planning Sub-Committee, in their planning process, should regularly review their staffing requirements for each recovery service and consider ways that capacity can be increased, either through the use of volunteers or resource sharing arrangements with neighbouring municipalities.



### **Planning Resources:**

Supporting the MRM and the Municipal Relief and Recovery Planning Sub-Committee are a range of advisors and resources. These include:

- Grampians DHS
- State Emergency Services (SES)
- Red Cross
- Municipal Association of Victoria (MAV) provide planning support and training.
- The Grampians Region Recovery Planning Committee is a valuable forum.

### **Regional Escalation:**

The Grampians Regional Recovery Plan complements local arrangements and clearly identifies the triggers for a regional escalation. Should an emergency impact on the Shire to a degree where demand exceeds capacity at the local level, or it extends into additional LGAs, then the Regional Recovery Plan will be activated. A copy of the Grampians Region Recovery Plan can be viewed in the ***Recovery Operations Sub-Plan***.

### **Business Continuity**

Arrangements need to be in place so key recovery staff can be moved off-line from their substantive duties to meet the recovery coordination requirements of an emergency recovery operation. Such arrangements, which need to be included in the Moorabool SC Business Continuity Plan (BCP), outline short and long-term strategies. The welfare of recovery workers has also been included within those arrangements.

### **Neighbouring Municipalities**

Emergencies can impact across municipalities which may require a recovery operation involving recovery team members from multiple municipalities. A coordinated response will depend upon established relationships with neighbouring municipalities and their recovery coordinators as well as a consistent set of recovery protocols and processes.

### **5.3 Recovery Planning Activities**

Moorabool Shire Council recognises the importance of training in building and maintaining an effective level of preparedness. A process of review is also essential in maintaining that level of preparedness as well as it being a mandatory part of the MEMP audit process. Records of recovery arrangement reviews and training exercises must be kept to serve as evidence that those actions have taken place. The responsibility for this task lies with the MRM.



Examples of recovery planning activities include:

### **5.3.1 Training and exercises**

A recovery training exercise will be conducted at **least once each calendar year** which utilises recovery operations Standard Operating Procedures (SOP) and brings supporting agencies together in a practical way. These could include:

- Setting up and operating a relief or recovery centre
- Post impact assessment activities (data gathering, data logging, desktop scenarios)
- Desktop discussions focussing on one or more of the recovery functions (Recovery management, outreach, community development, economic development etc)
- Use of the 'CRISISWORKS' database recovery module for managing recovery service data and reporting.

NOTE: The outcomes of each exercise will be documented and kept on file. Follow up actions identified in that report will be acted upon and noted in that file.

### **5.3.2 Regular review of arrangements**

At each of the quarterly Recovery Planning Committee meetings a section of the Moorabool Recovery Plan should be reviewed. This could be an MOU, a Standard Operating Procedure (SOP) or a recovery service function.

### **5.3.3 Support neighbouring municipalities**

Moorabool should consider brokering staff sharing agreements with neighbouring municipalities in recovery service areas that have a standard operating procedure which don't require pre-existing knowledge of the local community. Deploying Moorabool SC staff to neighbouring municipalities in these recovery roles, which assist and relieve staff in those Councils, not only builds a 'greater shared' capacity in staffing numbers and good will, but it offers a valuable 'real time' training opportunity. These roles include:

- Environmental Health
- Post Impact Assessment
- Relief Centre Management
- Recovery Centre support staff
- Building surveying
- Infrastructure Assessment

## 6. EMERGENCY RECOVERY OPERATIONS

This section of the recovery plan outlines **what** will happen during an emergency recovery operation, and **who** will be responsible for the provision and coordination of each recovery service. A more detailed plan on **how** and **when** each of those recovery services will be delivered is contained in the **Moorabool Recovery Operations Sub-Plan**.

### 6.1 Activation and Notification

Activation of the Emergency Recovery Team is normally triggered when the community is directly impacted by an emergency. The alternative trigger could be a perceived or real **threat** which has a strong likelihood of occurring.

#### Threat Activation

There are times when emergencies have not occurred, but the threat is powerful and real. These could be triggered by a severe weather warning or an emergency occurring in a neighbouring municipality. Activation of the recovery team may be simply an alert message and escalation to standby as the threat level increases.

#### Emergency Activation

When an emergency occurs and it impacts on the Moorabool Shire community, the MEMP alert procedure is activated. (refer to the Activation Procedure outlined in the Recovery Operations Sub-Plan). Essentially, in terms of recovery, the procedure is for the MRM to be notified by the MERO and briefed on the situation. The MRM will respond to the situation according to the circumstances. This could entail:

- Placing part or all of the Recovery team on alert
- Escalating the team (part or all) to standby as the emergency broadens its impact
- Activating the relief and recovery service teams and their operating plans as required

NOTE: Should the MECC open, the MRM (or deputy) will immediately attend the centre and take up their position as member of the Emergency Management Coordination Group (EMCG – MERC, MERO & MRM) which is responsible for the management of the MECC. It will be from the MECC that the MRM can effectively monitor the development of the emergency and activate the recovery team as required.

**NOTE: The 'Recovery Team Activation Procedure' can be viewed in Recovery Operations Sub-Plan**

### 6.2 Escalation to the Regional Level

Allocation of recovery staff and resources can reach a point where the capacity of Moorabool Shire Council will be exceeded. It is best if this point is determined in advance of it actually occurring. This requires forward planning in the MECC and/or by the Emergency Relief and Recovery Sub-Committee as the recovery operation unfolds. When this occurs, the MRM will:

- Determine what additional resources are required
- Notify the EMCG of the circumstances (if this point is reached during the operation of the MECC)

- The MRM will forward the request for additional resources to the Grampians DHS EMLO or the Regional EM Coordinator (if their EMLO is not present in the MECC)
- The MRM will continue to liaise with DHS

### **6.3 Transition from Emergency Response to Recovery**

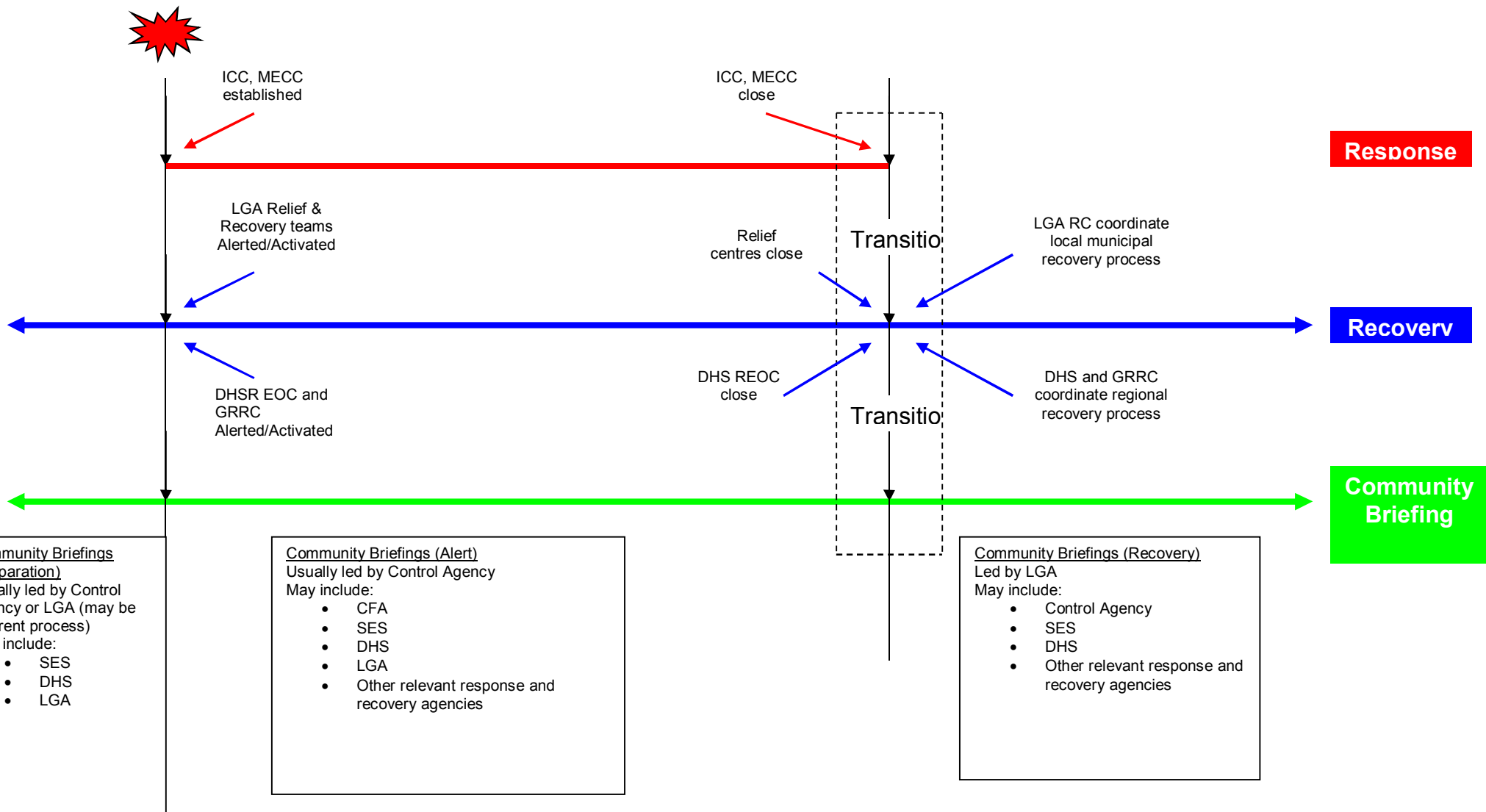
Recovery will begin very soon after an emergency occurs. As the emergency comes under control and containment is achieved, a transition period from response to recovery coordination occurs.

Diagram 3 (Below), **Response/Recovery Interface**, illustrates how the response, relief and recovery processes operate in parallel with each other and then the point where this transition would take place.

The transition from response to recovery requires a level of understanding and cooperation between the respective Emergency Management coordinators. Appropriate arrangements must be negotiated and documented to ensure this occurs.

The Moorabool Shire Council ***‘Response to Recovery Transition Agreement Form’ can be viewed in the Recovery Operations Sub-Plan***

**Diagram 3. Response/Recovery Interface**



## 6.4 Recovery Operation Phases

A recovery operation will move along an evolving continuum, often stretching beyond a 12 month period, with the recovery services changing to meet the needs of the affected community. Essentially, some needs will be met earlier in the recovery process (such as relief, material aid, temporary accommodation, clean-up and financial assistance), but others (such as physical reconstruction, community development, economic development and environment rehabilitation) take a much longer time to deliver. This plan has grouped the key recovery services into five primary phases or steps in emergency recovery operations that are related to a time continuum relative to small, medium and large scale emergencies.

The following table is a **summary** of a hypothetical recovery time continuum for a large scale emergency. The time continuum for small and medium scale emergencies may differ from those outlined below, but they will follow the same basic process. A more detailed description of this time continuum can be found in the '**Moorabool Recovery Operations Sub-Plan**'.

### The Five Phases of Emergency Recovery

1. During the incident (usually the response phase);
2. Immediately after the incident (1 – 7 days);
3. Short term (2 – 4 weeks);
4. Medium term (2 – 3 months); and
5. Long term (4 months and onwards: up to 18 months or 2 years depending upon the impact of the incident).

This table outlines the likely recovery activities in each phase and assigns responsibility

<b>1. During The Incident</b>	
<b>Activity</b>	<b>Responsibility</b>
Activate emergency relief arrangements	EMCG
Conduct an Initial Impact Assessment	ICC, MECC Planning Unit
Assess the need and plan for Post Impact Assessment	MECC Planning Unit
Plan for and conduct community response information meetings	ICC
Plan for community recovery information meetings	MECC Planning Unit
Assess the need, and plan for, the establishment of a recovery centre.	EMCG
<b>2. Immediately After The Incident (1 – 7 days)</b>	
<b>Activity</b>	<b>Responsibility</b>
Notify State Treasury & Finance that there is an emergency	MSC Finance Director
Conduct community recovery information meetings	EMCG
Activate a Recovery centre/s if required	MRM & Recovery Centre Coord.
Conduct a Post Impact - Assessment Recovery operation	MRM & PIAR Coordinator
Emergency Recovery Committee meets to assess needs	MRM & recovery coordinators
Establish recovery task forces to meet those needs	Recovery Committee
Assign case managers to households in need	Personal Support Coordinator
Appoint media liaison coordinator	MRM
Escalate to Regional Recovery Coordination if required	MRM
Manage donation offers and spontaneous volunteers	MRM
Conduct first operational debrief	MRM
<b>3. Short Term (2 – 4 weeks)</b>	
<b>Activity</b>	<b>Responsibility</b>
Task forces submit resource requirements to Vic government	Task force coordinators
Task forces implement recovery action plans	Task force coordinators
Plan for outreach services	Social Environment task force
Plan for community development activities	Social Environment task force
Maintain recovery centre services	MRM & Recovery Centre Coord.
Ensure community needs for shelter and material needs are met	Recovery Committee
<b>4. Medium Term (2 – 3 months)</b>	
<b>Activity</b>	<b>Responsibility</b>
Conduct outreach program	Social Environment task force
Maintain recovery centre services (if required)	MRM & Recovery Centre Coord
Task forces continue action plan implementation	Task force coordinators
Plan for economic development activities (if required)	Recovery Committee
Commence planning for a transition strategy back to normal	Recovery Committee
Continue to conduct recovery service debriefs	MRM
<b>5. Long Term (4 months onwards)</b>	
<b>Activity</b>	<b>Responsibility</b>
Monitor and review the progress of the Recovery Action Plan	Recovery Committee
Celebrate recovery milestones	Recovery Committee
Continue the development of the transition strategy	Recovery Committee
Conduct final debrief	MRM

## 6.5 Recovery Service Activities

This section outlines each of the key recovery activities listed in the table above in the **order** that they are likely to be required. More detail on the operational requirements is contained in the **‘Moorabool Recovery Operations Sub-Plan’**.

### 6.5.1 Emergency Relief Services

Typically, emergency relief services are provided at a municipal **Emergency Relief Centre (ERC)** which is a **facility** managed by the Council and supported by the attendance of relief agencies. The ERC’s purpose is to provide immediate and basic services to people who have been affected by an emergency. People affected by an emergency may need shelter, information, to connect with others affected, or a combination of all of these.

Essentially, an ERC is a facility for providing:

- Emergency shelter
- Food and water
- Material aid
- Information on the emergency
- Registration in the National Registration and Inquiry System (NRIS)
- Personal support
- First aid and primary health care
- Public health advice
- Reconnection of family members
- Overnight accommodation (if required)
- Animal welfare
- Emergency financial assistance

***It is here that the provision of recovery services begins.***

The call to open an Emergency Relief Centre (ERC) will generally come from the Incident Controller for an emergency, who is located in the Incident Control Centre (ICC). The Emergency Management Control Group (EMCG – MERC, MERO & MRM) in the MECC may also activate an ERC in response to a local need. This call will be made when one or more of the following events occur:

- Members of the community are displaced by the emergency and cannot get to their homes until the emergency is brought under control;
- VICPOL evacuate sections of the community which is facing imminent danger;
- Members of the community, in response to reports about an emergency in the media, self-evacuate their homes or workplaces ;

- A request for assistance is received from a neighbouring municipality via the ICC; or
- There is no emergency, but the threat is so extreme that an ERC is opened as a precaution

The activation of an ERC, its setting up and operation is outlined in the **‘Moorabool Recovery Operations Sub-Plan’**. Refer to that for more detail.

### 6.5.2 Communicating with the community

Information is the essence of an effective recovery operation. The MRM needs an Emergency Communications Coordinator with a plan to ensure essential recovery information reaches all members of the community so their needs can be met.

*Getting the right information to the right people at the right time should be the primary goal of the recovery coordinator.*

This can be challenging during a recovery operation because so much information will be circulated from a wide range of sources and some people may be so affected that the messages are not registering with them.

The recovery communication plan needs to take these factors into account and consider the most effective methods available. The Council has a range of options available to them, and these include:

- Community meetings/forums
- Council customer service area
- Recovery centres
- After-hours emergency contact service
- Council website
- Newsletters/letter-drops
- Media releases
- Local community radio / ABC Radio Victoria / other broadcasters including electronic and print media.
- Outreach – visitation to homes and businesses

NOTE: The role of the Council Mayor is paramount, particularly with community meetings and gatherings such as community BBQs.

### 6.5.3 Council Cost Recovery

Procedures for tracking and ultimately recovering the costs incurred by Council related to an emergency need to be implemented as soon as possible. Prompt and accurate record keeping will ensure complete cost recovery and avoid unnecessary strain on the Council budget. This entails:

- Advising Victorian State Department of Treasury and Finance that there is an emergency
- Setting up a cost centre and recording all Council costs (including human resources) to that number



Refer to the MAV Publication 'A Council Guide to The Financial Management of Emergencies' located in the **Recovery Operations Sub-Plan** for more detail. Tracking of resource use can be managed in the CRISISWORKS database.

### 6.5.4 Recovery Centres

Recovery Centres are set up by Councils following a significant emergency within their local government area to coordinate services to the affected community. Centres such as these are established when the demand for information and recovery services exceeds the capacity of council reception staff and the recovery team to manage.

#### Recovery centre considerations:

- If required, a recovery centre/s should be opened as soon as possible after the event.
- A Recovery Centre is a one-stop shop from which information and support can be provided to impacted people **after an emergency has passed**.
- A Recovery Centre is often located as close to an impacted area as possible, although this may change according to the impact of the event (e.g. in the event of widespread flood, it's likely to be at a local centre that can be accessed readily by impacted people.)
- A Recovery Centre may end up operating over many months, once again, depending on the severity of the impact and the needs of the affected community.
- The Council has responsibility for selecting and managing the facility. They will also provide an information service for the affected community members on Council functions (clean-up, community infrastructure, environmental health, buildings and planning etc ) as well as what community recovery activities are currently available. Council will also log requests for assistance and manage the data collected in the centre using the MECC Recovery database titled '**Crisisworks**.'

Attending agencies at a minimum should include:

#### 1. VICDHS – emergency and hardship grants

#### 2. COMDHS (Centrelink) - Support services for emergency affected persons in crisis, for example:

- Disaster Relief payments;
- Exceptional Circumstances Relief payments;
- Bereavement Payments; and
- Special Benefit payments.

### **3. Community Health Centre/s**

- Personal Support;
- Psychological First Aid; and
- Temporary accommodation in some cases

### **4. Salvation Army/material aid agency:**

- Material aid items, such as clothes, food and toiletries;
- Financial grants in some cases; and
- Temporary accommodation in some cases

Additional attending agencies can include:

**5. Rural finance advisor** – business advice and low interest loans

**6. DPCD** – small business support

**7. Insurance Advisor** – general insurance advice and advocacy

**8. DEPI** – information on public land borders, fence lines and farm support

**9. Fencing Coordinator** – assistance with restoring boundary fences

**10. Telstra Countrywide communications advisor** – mobile phone loans

**11. Catchment management authority advisor** – assistance with restoring catchments

**12. Others** as required

The process for collecting and managing recovery centre data is outlined in the '**Moorabool Recovery Operations Sub-Plan**'. This includes a manual and a standard operating procedure for the setting up, staffing and management of a recovery centre.

### 6.5.5 Post Impact Assessment

Post Impact Assessment - Recovery (PIAR) is the process for determining the impact of an emergency on the built, natural, social and economic environments of the affected community. This assessment is conducted primarily after the emergency when it is safe enough for trained personnel to enter the affected area.

A detailed assessment of the damage to the affected area is essential so that the municipal recovery team can:

- determine what needs to occur to ensure safety to life and property
- identify what relief and recovery requirements are needed
- provide advice to relevant government departments, agencies and the community
- effectively commence their planning and recovery operation.

Emergencies can have a wide-ranging impact on a community. Post Impact Assessment, and the ensuing Emergency Recovery operation, is conducted (as mentioned above) across 4 recovery environments:

- Social (assisting people rebuild their lives and getting communities reconnected)
- Built (re-building homes, fences, community structures, roads and utilities)
- Natural (restoring water, national parks, environment and cultural heritage assets)
- Economic (promoting tourism, assisting return of business activity)

Strategies for recovery are developed from the Post Impact Assessment report and then implemented by the range of available agencies within the local government boundary and/or region.

#### Who conducts this assessment?

The following organisations, as designated in the Emergency Management Manual of Victoria (January 2006, Part 7 Emergency Management Agency Roles, Recovery Activities), are responsible for conducting PIAR work in the following areas:

- Local Government Authority (LGA) - Where the impact is within an Urban or Industrial area and on Council property
- Department of Environment and Primary Industries (DEPI) - Where the impact is upon rural and farming enterprises and where the impact is upon state owned public land

#### The Four PIAR Stages

Following a significant emergency, and when the PIAR teams are ready to be deployed, there are four clearly defined stages of PIAR data collection and management. The completion of each stage enables the next one to commence.

##### Stage 1: Municipal Infrastructure Impact Assessment:

Designated outdoor Council staff will conduct a rapid assessment of Council infrastructure. This information will be passed back to the Manager of Infrastructure and PIA Coordinator. The Infrastructure Team will have a standard operating procedure for making this assessment and recording loss and damage data, as this is part of their 'every day' work.

This information is essential not just for the Infrastructure team, but for the other members of the PIA team in planning and understanding the area of impact.

## Stage 2: Private Property PIAR

Council and DEPI staff will commence their assessment of the impacted private properties once the Infrastructure data provides a clear picture on the areas safe to enter. Impact data is recorded on the relevant data collection forms (electronic or hard copy) and copies will be collated by the PIAR Coordinator. Damage to any buildings is reported to the EHO and Buildings team.

## Stage 3: Hazards Identification and Assessment

The EHO and Buildings surveyors/assessors, having data on the locations of damaged structures, (damaged buildings/utilities), will conduct their more detailed assessment of those properties with a focus on the hazards which may exist. These hazards will include identification of dangerous substances (eg asbestos), unstable structures as well as damage to water supplies and sewerage systems.

## Stage 4: PIAR Data Management and Reporting

The influx of the post impact data from these assessments will need to be collated and stored by the Council. The ability to deliver accurate and timely reports on the impact of emergencies is the primary purpose of PIAR. There will be demands placed upon the Council from numerous directions to do just that. In the past, there has been no clear process on just how this should work which raises the following questions.

- How will all this PIAR data be managed and then used to produce reports?
- Who will want these reports and what data will they require?

**NOTE:** An MOU currently exists between all the organisations involved in the PIAR process as well as support agencies (neighbouring LGAs, SES & CFA) who have agreed to assist the Moorabool SC in the conduct of their Municipal PIAR.

A copy of this MOU sits in *the Recovery Operations Sub-Plan*.

As stated earlier, a more detailed PIAR operational plan is held in the ‘**Moorabool Recovery Operations Sub-Plan**’. This includes a manual and a standard operating procedure for the implementation of a Municipal PIAR operation.

## 6.5.6 Municipal (INCIDENT) Recovery Committee

Where the magnitude of the event requires community input into the recovery process, a Municipal (*INCIDENT*) Recovery Committee may be established within the affected area.

For example, a *BUSHFIRE* Recovery Committee may be established following a severe bushfire. The same would apply for managing the recovery process for a drought or flood, etc.

### Municipal (INCIDENT) Recovery Committee Membership

The composition of the committee will be essentially members of the Municipal (INCIDENT) Recovery Committee, but will vary depending on the extent and type of emergency (i.e. which of the 4 recovery environments have been impacted?). For example, a fire could impact on the social, natural, built and economic environments, but drought will largely impact the social and economic environments.

The membership of the committee could include community leaders and agency representatives:-

- Municipal Recovery Manager
- MERC, MERO and MEM
- Councillors (representing affected persons)
- Recovery Service Coordinators
- Government agencies
- Community groups
- Non-government agencies
- Task Force coordinators

### **Recovery Committee Responsibilities**

- Address the impact of the emergency on the four environments and coordinate the required recovery services. Undertake specific recovery activities as determined by the circumstances and the Committee;
- Monitor the overall progress of the recovery process in the affected community. This can be done by:
  - Receiving feedback from personal support case managers
  - Conducting outreach services to the affected community
  - Monitoring service requests via council reception and/or the recovery centre
- Identify community needs and resource requirements and make recommendations to appropriate recovery agencies, municipal councils and state government departments;
- Liaise, consult and negotiate on behalf of the affected communities, with recovery agencies, government departments and municipal councils;
- Liaise with DHS Regional Recovery Coordinator;
- Ensure the affected community is consulted before recovery activities are undertaken;
- Provide leadership and support to staff specifically employed for the recovery effort (e.g. a CDO or business recovery officer).
- Form a 'Community Recovery Committee', made up of interested community members, to develop and implement specific recovery projects.

## Activation

If a Municipal (INCIDENT) Recovery Committee is required to manage the recovery process, the MRM needs to determine;

- Who is the most suitable chair (the MRM or a council member)?
- What is the membership?
- How often should it meet?
- Reporting process
- Authority

### 6.5.7 Personal Support and Case Management

Following an emergency, affected members of the community may require one or more of the following services:

- General personal support
- Case management
- Outreach
- Counselling

Initial personal support services may be general in nature at relief/recovery centres and community meetings. People who have lost their homes may urgently require a case support worker. In all of these cases, the MRM will be advising the Coordinator of Personal Support/Counselling services to activate their part of the Municipal Recovery Plan.

**NOTE:** An MOU currently exists between 2 health services, DHS, Australian Red Cross and the Moorabool SC for the coordination and provision of personal support and case management. A copy of this MOU sits in the **Recovery Operations Sub-Plan**.

#### Implementing the Personal Support Process:

It is important that the post-emergency process is fully understood by all personal support providers and works in conjunction with other recovery services also being provided. The coordination of recovery services is the responsibility of the MRM and the **Municipal (Incident) Recovery Committee** (should it be necessary to convene and again the decision is made by the MRM).

Once all affected citizens (who need assistance) have been assigned a case support worker and community recovery meetings have informed the public of the available services, by about the sixth to the tenth week into the recovery operation, an **outreach activity** (explained further on in this document) may need to be conducted. Planning for this should commence at least two weeks prior to the planned outreach activity so training can be prepared and volunteers recruited.

## Recovery Milestones:

People impacted by emergencies may need support over an extended period of time, particularly upon reaching certain milestones ..... 6 week, 6 month and 12 month points in time have proven to be important stages for some people in their recovery process . The Personal and Case Support Coordinator needs to keep these milestones in mind when planning service delivery.

### 6.5.8 Recovery Task Forces and action plans

Task forces (or recovery workgroups) may be formed within the (INCIDENT) Recovery Committee to develop and implement recovery action plans. They will largely align themselves with the 4 recovery environments (social, built, economic & natural), but additional groups may need to be formed where a specific function or community group requires extra coordination. Examples in the past have seen Tourism, Agriculture and Communication task forces formed to prepare and implement specific recovery service action plans.

The formation of these task forces allow the Council staff, agencies and service coordinators, specific to their particular environment (or function), to meet and develop their action plans in a focussed manner.

Each task force will be required to do the following:

- Appoint a Chair for the workgroup – (eg Council engineer for the built environment)
- Assess the needs identified in the Post Impact Assessment
- Determine the recovery services required to meet those needs
- Prepare an action plan which sets out an implementation plan and timeline
- Apply for funding through the recovery assistance program on offer at the time
- When ready, implement the recovery action plan
- Meet regularly to monitor progress
- The Chair attends the Emergency Recovery Committee meetings to provide progress reports and liaise with the other task forces

### 6.5.9 Donations and Spontaneous Volunteers Management

In an emergency, community goodwill may result in a flood of material goods or volunteer offers of help. The MEMP Recovery Plan should have a clear policy on the handling of donations which will need to be implemented by the MRM starting from the MECC and continue through the recovery operation.

To ensure the effective management of offers of material aid and volunteer support, it is important that those making offers:

- Receive a professional and courteous response from Council staff;
- Understand the conditions where offers of support will or will not be accepted; and
- Are made aware of ways to get involved in recovery activity (service clubs, volunteer agencies etc).



## Moorabool SC Policy

### Donated Goods

Unsolicited goods and services donations can cause many problems, largely related to logistics and administration overheads needed to manage them. Also, only a small percentage of them end up being useful. The introduction of large quantities of commodities into an affected area can also hurt the local economy if it is already vulnerable.

The following recommendations on goods and services management should help with this potential problem:

- The municipality should refuse offers of donated goods that are unsuitable, will cause resource problems for distribution or will disadvantage local suppliers and businesses.
- An alternative approach could be to record (or log) offers of goods and services with a return contact number. Should the need arise, the donor will then be contacted.
- All donations (when solicited) should become resources to be used in the recovery process where best needed and not subject to conditions by the donor or returned.
- Donors who attempt to donate unsolicited or unsuitable goods, such as clothing, should be directed to community agencies who manage these products. Donors could also be encouraged to sell these goods and donate the cash.
- Corporate donors will be subject to the same guidelines as individuals, but where their offers are accepted, the following should be considered:
  - Consideration be given as to whether these offers will adversely affect local businesses
  - All goods should be labelled and provide an inventory list when shipped
  - All corporate goods must be tracked to their end-point, for transparency and auditing purposes (they are tax deductible for the company)
  - Those donated goods not distributed can be sold and added to the appeal total
  - Recognition of the corporate donors should be considered, so liaise with the Communications Coordinator about positive comments to the media.

**NOTE:** Due to food handling regulations, donations of perishable food **CANNOT** be accepted under any circumstances. Non-perishable food donations could be handled by a local agency if one is available.

### Spontaneous Volunteers

These are people who have the desire to help in emergencies even though they may not have had actual experience, or training.

So what's the difference between a volunteer and a spontaneous volunteer?

A volunteer is:

- affiliated - a member of an organised recognised group
- may have been trained to some degree in emergency management relevant skills



- accountable and responsible (through their organisation)
- a known quantity

A spontaneous volunteer is;

- unaffiliated – not a member of an organised, recognised group
- unlikely to have been trained in emergency management relevant skills
- not responsible or accountable to any given organisation
- an unknown quantity
- possibly a 'previous' volunteer (no longer involved)

Volunteers are an essential resource who need to be used in a recovery operation, but spontaneous volunteers require careful pre-planning and preparation as well as close supervision.

There will be tasks and circumstances where these volunteers can be utilised, and there will be times when their offers will be declined. While the Council may not wish to use spontaneous volunteers in their recovery operations, it needs to take into consideration that people will present themselves regardless. It is wise therefore, to have a pre-arranged agreement about how people who present will be communicated with.

Simply telling people they are not wanted and sending them away can lead to very bad feeling in the community when people perceive (rightly or wrongly) a need. It is more appropriate to direct people to other organisations who may be able to use their services. It is valuable to develop a clear message for spontaneous volunteers in advance of an emergency event. Any message should thank them for their offer and their time, and direct them to actions they can undertake or organisations they can assist with.

Moorabool SC, on those occasions when spontaneous volunteers are not required, the following process will be implemented:

- Individuals wanting to volunteer will be encouraged to affiliate themselves with a responding voluntary agency, or an organised group of their choice. *This could include the 'Volunteering Portal's Emergency Volunteer Register'. For more information on this register refer to the **Donations and Appeals** Operations plan.*
- Unaffiliated volunteers will be discouraged from going directly to any emergency site and informed that their presence may hamper relief and recovery efforts. They will be encouraged to contact voluntary agencies in their area.

### **Monetary Appeals**

The optimum and preferred situation in any emergency recovery situation is to have all individuals and organisations wishing to make monetary donations. This will eliminate the logistics involved in managing goods and services. The funds can be used to purchase what people need which meets their individual preferences and circumstances. Monetary gifts are also the least labour intensive.

The following recommendations should be considered should an appeal be launched:

- Where possible, recruit a non-profit, tax exempt organisation with donation management experience (eg Australian Red Cross) to manage the appeals process.

- Develop a funds management procedure which provides guidelines and criteria on funds collection, storage and distribution. This should include the development of a terms of reference for an Appeals Management Committee.
- Ensure the management process is supported and understood by the Mayor and senior management of the municipality.

If an appeal is launched, then the Appeals Committee should be convened to activate the:

- Donated cash management procedure
- Grants eligibility criteria

Refer to the **Donations and Appeals** Operations plan for more information on how this should work.

### 6.5.10 Outreach

Outreach services are defined as a visitation process for delivering and gathering of information at the home or business of affected households or individuals. Essentially it is a coordinated door knock with the intention of providing personal support (which is essentially a sympathetic ear to gauge how they are travelling and the provision of recovery services information).

The Outreach model for providing effective personal support services will aim to assist people to recover from emergencies which may have been stressful and traumatic events, whilst supporting and working within the existing service system structure.

A coordinated proactive Outreach model is one of the primary tools which achieve the following:

- The ability to assess the level of needs within the community;
- Ensure key services are been delivered and that they meet community expectations.
- Reduce the number of visits by agencies to affected people.
- Provide effective personal support which may reduce the requirement for counselling and formal mental health services at a later date.

While it is recognised that many homes may be in the geographic area impacted by an emergency, careful prioritising and monitoring will need to be undertaken to maximise the ability to provide outreach to the areas most affected.

When planning the initial outreach visits, consideration needs to be given to:

- local understandings about the community profile
- which areas have experienced severe damage from the event
- the extent of the loss of essential services. Districts without essential services may also have vulnerable people living in those areas

**NOTE: The Personal Support Coordinator** has the responsibility for planning and implementing an outreach program in partnership with the Recovery Committee and the Australian Red Cross

### 6.5.11 Community Development

An emergency can have a range of impacts on a community which may cause social networks to be disrupted or completely break down. These emergencies can range from single incidents (such as a house fire) to catastrophic events (such as a flood or a major bushfire). These impacts may cause losses of:

- primary residences
- essential services (transport, utilities, local store or service station)
- community assets (community hall or sporting facilities)
- volunteer support (due to them being directly impacted or overworked)
- community and sporting networks
- income (through drop in business activity).

One or a combination of these may cause people to 'disconnect' from the community support networks which can add to their stress level and/or trauma. There are a range of recovery activities that can be undertaken to assist with a return to normality. These include:

- Rebuild lost community infrastructure
- Employ a Community Development Officer (CDO) to prepare and implement a plan which encourages people to reconnect, and thus assist them to recover from the emergency
- Send key messages to the impacted community providing information on the community development process and associated activities.

### 6.5.12 Economic Development

An emergency can also have a range of impacts on the business community which may cause economic activity to be disrupted or completely break down. These impacts may cause losses of:

- Building and production infrastructure
- Customer base (negative impact on tourism numbers)
- Supply chain
- Jobs or employees

One or a combination of these may cause a negative impact on economic activity and the community. There are a range of recovery activities that can be undertaken to assist with a return to normality. These include:

- The Council Economic Development Coordinator visit the impacted businesses and note their concerns and provide support information.

- Employ a Business Development Officer (BDO) to prepare and implement a business support plan which will aid their recovery
- Send key messages to the impacted business community providing information on the business development process and associated activities

### 6.5.13 Recovery Personnel and Staff Welfare

The following should be considered when maintaining an effective workforce within the recovery team.

- staffing numbers and workload
- rotations/rosters
- use of volunteers
- mutual aid from neighbouring municipalities

**Note:** Staff will be undertaking multiple roles and functions.

Staff welfare is often overlooked due to the priority given to supporting the management of the recovery operation. It is important to recognise that emergency recovery staff may be emotionally affected, as they are likely to be dealing with people who have been affected by the emergency. In addition, they may have concerns about their own families and friends who have been similarly impacted. Also, their recovery role is unlikely, in some cases, to be part of their normal Council function and they may feel pressured to undertake these daily tasks as well.

As a result, there is a potential for a substantial amount of stress and work overload among the recovery staff. The Moorabool SC Business Continuity Plan, if implemented as it is designed, should address some of the workload issues, but won't resolve all of them. Therefore, the Leadership Group, in conjunction with the Recovery Management Team, should take steps to provide welfare support to recovery staff including:

- Providing a supportive working environment;
- Providing backfill into their substantive role when required;
- Ensuring regular breaks;
- Making available psychological support and counselling;
- Providing information and assistance regarding staff families and related issues;
- Managing workloads;
- Recognising post-event staff needs.

The recovery operation cannot operate without the relevant individuals to source resources and provide support to the recovery operation. As such, the workforce management issues and welfare of staff, including personnel from other agencies, should be paramount.

### **6.5.14 Evaluation and Reporting Requirements**

#### **Evaluation**

At the conclusion of the various recovery activities (eg Relief and Recovery Centres) and the implementation of recovery action plans, a debrief should be held to evaluate how well the recovery functions and the overall operation performed. This process helps identify good practices and areas for future improvement.

The review also allows any issues falling out of the recovery operation to be aired, for affected individuals to be identified and have their welfare needs addressed, and for lessons learned on the way to be included into the future planning arrangements.

The action items arising out of this evaluation need to be documented, placed on file and worked through by the Recovery Planning Committee. Confirmation that those improvement activities were undertaken will be sought during the next MEMP review, which occurs every 3 years.

#### **Reporting**

The Recovery Committee will be required to prepare reports on a range of activities at various stages in the emergency recovery continuum. These include:

- Loss and damage to private and community infrastructure
- Affected households and businesses
- Funded recovery action plans
- Vulnerable people

### **6.6 Recovery service areas and lead agencies**

The following table outlines the key recovery services that may be called upon following an emergency and includes:

- The responsible coordinator for that service
- Supporting service provider agencies

## Moorabool SC Recovery Service Coordination Arrangements

Activation of any of the following services will be via notification from the Municipal Recovery Manager to the Recovery Service Coordinator of that specific area

### Recovery Environments:

### Additional Environment:

Social Health &amp; Community

Built

Natural

Economic

Planning

Recovery Service	Service Coordinator	Service Providers	Comments/Additional Information
<b>Temporary Accommodation</b> <ul style="list-style-type: none"> <li>Assist in the provision of temporary accommodation after an incident (up to a week)</li> </ul>	<b>Manager Aged and Disability</b>	<ul style="list-style-type: none"> <li>MSC</li> <li>Red Cross</li> <li>Agencies in neighbouring municipalities</li> </ul>	Refer to Recovery Plan Temp Accommodation Register  For single incident - primary residences only; shopping for supplies  Contact MRM in neighbouring LGA
<b>Aged &amp; Disability Support</b> <ul style="list-style-type: none"> <li>Plan for and co-ordinate the recovery process for aged and disabled people in the Shire.</li> <li>Vulnerable People Register used to prioritise service provision</li> </ul>	<b>Manager Aged and Disability</b>	<ul style="list-style-type: none"> <li>Aged Care Providers</li> <li>HACC</li> <li>Dept of Human Services (DHS)</li> <li>Rural Access Worker</li> </ul>	Health Services  Liaise with agencies re: possible additional support required

## Part Six – Ancillary Arrangements

Recovery Service	Service Coordinator	Service Providers	Comments/Additional Information
<b>Catering</b> <ul style="list-style-type: none"> <li>Provide food services as required for response, field and emergency management staff (and attendees at Emergency Relief Centres).</li> </ul>	MRM	<ul style="list-style-type: none"> <li>Red Cross</li> <li>MSC</li> <li>Private caterers</li> </ul>	<p><i>May provide catering in relief centre</i></p> <p><i>Coordinates catering for other EM functions</i></p>
<b>Children's and Youth Services</b> <ul style="list-style-type: none"> <li>Plan for and co-ordinate the recovery process for young people.</li> </ul>	Manager Recreation and Youth Services	<ul style="list-style-type: none"> <li>MAST</li> </ul>	<p><i>MSC and Group of agencies that support Youth Services</i></p>
<b>Children and Families</b> <ul style="list-style-type: none"> <li>Provide Childcare to relief/recovery centres.</li> <li>Plan for and co-ordinate the recovery process for children and young people.</li> </ul>	Manager Early Years	<ul style="list-style-type: none"> <li>Family Day Care Provider</li> <li>Kindergartens/Schools</li> <li>Maternal and Child Health Nurse</li> <li>Child and Family Services</li> </ul>	
<b>Communication</b> <ul style="list-style-type: none"> <li>Coordinate and provide accurate</li> </ul>	Manager Economic Development and	<ul style="list-style-type: none"> <li>Media Liaison Officer</li> <li>Council Mayor</li> </ul>	

## Part Six – Ancillary Arrangements

Recovery Service	Service Coordinator	Service Providers	Comments/Additional Information
<p>information to the public and media after an emergency.</p> <p><i>NOTE: more detail on the provision of this service is provided in the SOP # in the Recovery Operations Sub-Plan</i></p>	<b>Marketing</b>	<ul style="list-style-type: none"> <li>Community Engagement Officer</li> <li>Local Media</li> </ul>	
<p><b>Community Development</b></p> <ul style="list-style-type: none"> <li>Coordinate community events and activities that will assist communities recovery from the impacts of an emergency.</li> <li>Employment of a Community Development Officer (CDO) may well be a key part of this recovery service.</li> </ul>	<b>Manager Community Development</b>	<ul style="list-style-type: none"> <li>MSC</li> <li>Community Health Service providers</li> <li>Dept of Human Services (DHS)</li> <li>Department of Planning and Community Development (DPCD)</li> <li>Community group representatives</li> </ul>	<p>Ballarat Community Health, Beaufort &amp; Skipton and Maryborough Health Services</p> <p>Assistance with gaining funding for Community Development Officer (CDO)</p> <p>Funding provider and coordinator</p>
<p><b>Donations/Appeals Coordination</b></p> <ul style="list-style-type: none"> <li>Coordinate the collection and distribution of donated goods, services and money following an emergency.</li> </ul> <p><i>NOTE: more detail on the provision of this service is provided in the SOP # in the</i></p>	<b>Manager Finance</b>	<ul style="list-style-type: none"> <li>Neighbours Place</li> <li>Red Cross</li> <li>Salvation Army</li> </ul>	<p>May assist with collection and distribution of food</p> <p>Will provide advice and assist with cash donations</p> <p>Will provide material aid</p>



## Part Six – Ancillary Arrangements

Recovery Service	Service Coordinator	Service Providers	Comments/Additional Information
<i>PSC Recovery Operations Sub-Plan</i>		<ul style="list-style-type: none"> <li>Bendigo Bank</li> </ul>	May support and administration of an appeal
<b>Financial Assistance</b> <ul style="list-style-type: none"> <li>Coordinate the distribution of information on financial aid to individuals and communities after an emergency.</li> </ul>	<b>Manager Finance</b>	<ul style="list-style-type: none"> <li>Media Liaison Officer</li> <li>MSC</li> <li>Dept Human Services</li> </ul>	Newsletters, community meetings  Information on grants available
<b>Material Aid</b> <ul style="list-style-type: none"> <li>Co-ordinate distribution of material aid to affected members of the community following an emergency.</li> </ul>	<b>MRM</b>	<ul style="list-style-type: none"> <li>Salvation Army</li> <li>Local opportunity shops</li> <li>Local service organisations</li> </ul>	
<b>Personal Support</b> <ul style="list-style-type: none"> <li>Coordinate the provision of personal support and counselling services during and after an emergency.</li> <li>Case management of affected members of the community will be the preferred approach.</li> </ul>	<b>MRM</b>	<ul style="list-style-type: none"> <li>Community Health Service providers</li> <li>Regional &amp; State authorities</li> </ul>	Personal support, case management, outreach services, counselling  NOTE: Refer to Personal Support MOU for procedures in a minor incident  Personal Support, eg. VicRail in the event of train crash, TAC in the event of road accident

## Part Six – Ancillary Arrangements

Recovery Service	Service Coordinator	Service Providers	Comments/Additional Information
<ul style="list-style-type: none"> <li>Outreach services will be coordinated from this service area</li> </ul> <p><i>NOTE: more detail on the provision of Outreach Services is provided in the SOP # in the Recovery Operations Sub-Plan</i></p>		<ul style="list-style-type: none"> <li>Victorian Council of Churches (VCC)</li> <li>Red Cross</li> <li>Beyond Blue</li> </ul>	<p>Personal support in a relief centre, support for post impact assessment and outreach. Support for single incident emergencies.</p> <p>Personal support, outreach services</p> <p>Will provide resources for community events</p>
<b>Recovery Centre Management</b> <ul style="list-style-type: none"> <li>Coordinate and staff relief and recovery centres as established by the MERO and MRM, and liaise with other Service Coordinators.</li> <li>Regular maintenance of the centre register and support resources is part of the coordinator's role.</li> </ul>	<b>MRM</b>	<ul style="list-style-type: none"> <li>Identified centre managers and deputies</li> <li>Dept of Human Services (DHS)</li> <li>Community Health service providers</li> <li>Salvation Army</li> </ul>	<p>MRM usually determines recovery centre activation</p> <p>Recovery centre support; emergency grants, information &amp; coordination</p> <p>Personal support and case management</p> <p>Material aid and grants</p>

## Part Six – Ancillary Arrangements

Recovery Service	Service Coordinator	Service Providers	Comments/Additional Information
NOTE: more detail on the provision of this service is provided in the SOP # in the PSC Recovery Operations Sub-Plan		<ul style="list-style-type: none"> <li>Centrelink</li> <li>Others support Agencies include Rural Finance, Telstra Countrywide, DSE, Insurance Council of Victoria etc as required</li> </ul>	Financial advice and grants Provide information and recovery services
<b>Relief Centre Management</b>	<b>MRM</b>	<ul style="list-style-type: none"> <li>Red Cross</li> <li>VCC</li> <li>Victoria Police</li> <li>Salvation Army</li> <li>Dept. Human Services</li> </ul>	Registration Personal Support Security Material Aid/bedding Financial assistance

Recovery Service	Service Coordinator	Service Providers	Comments/Additional Information
<b>Volunteer Co-ordination</b> <ul style="list-style-type: none"> <li>Recruit, support and coordinate the work of volunteers after an emergency.</li> <li>Assist other recovery service areas</li> </ul>	<b>Manager Recreation and Youth</b>	<ul style="list-style-type: none"> <li>MSC Community volunteer groups</li> <li>Service Clubs</li> </ul>	Progress associations, sporting clubs etc Lions and Rotary



Part Six – Ancillary Arrangements

through provision of volunteers as required. (This could include cleaning up, fencing and garden restoration.		<ul style="list-style-type: none"> <li>Others as determined</li> </ul>	Football club etc
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## Part Six – Ancillary Arrangements

Recovery Service	Service Coordinator	Service Providers	Comments/Additional Information
<b>Animal/Stock Welfare</b> <ul style="list-style-type: none"> <li>Coordinate pets at relief centres</li> <li>Assist/destroy injured stock/wildlife.</li> <li>Co-ordinate disposal of dead stock.</li> <li>Co-ordinate emergency feed/fodder supplies.</li> <li>Identify holding areas for stock/pets etc.</li> <li>Provide cages/leads etc. for animals and relief/recovery centres.</li> <li>Round up escaped stock.</li> </ul>	<b>Manager Statutory Planning and Community Safety</b>	<ul style="list-style-type: none"> <li>MSC Community Safety Officer</li> </ul>	Implement Animal Emergency Management Plan
		<ul style="list-style-type: none"> <li>Department of Environment and Primary Industries (DEPI)</li> </ul>	Containment and disposal of stock, feed distribution and advice to farmers
		<ul style="list-style-type: none"> <li>Environmental Health Officer (EHO)</li> </ul>	Siting of stock pits in consultation with EPA
		<ul style="list-style-type: none"> <li>MSC Manager Operations</li> </ul>	Create stock disposal pits
		<ul style="list-style-type: none"> <li>RSPCA</li> </ul>	Pet accommodation
		<ul style="list-style-type: none"> <li>Victorian Farmers Federation (VFF)</li> </ul>	Assist DEPI with farm animal support
		<ul style="list-style-type: none"> <li>Parks Victoria</li> </ul>	Wild life assistance
		<ul style="list-style-type: none"> <li>Animal Aid Agencies</li> </ul>	Wild life assistance
<b>Economic Development and Tourism</b> <ul style="list-style-type: none"> <li>Support local businesses and tourism services and provide information and advice</li> </ul>	<b>Manager Economic Development and Marketing</b>	<ul style="list-style-type: none"> <li>MSC tourism, events and economic development staff</li> </ul>	Economic development and tourism assistance
		<ul style="list-style-type: none"> <li>DPCD/RDV</li> </ul>	Economic development assistance and planning, grants
		<ul style="list-style-type: none"> <li>Centrelink</li> </ul>	Financial assistance
		<ul style="list-style-type: none"> <li>Community Service providers</li> </ul>	Business For Beaufort & ABNT



## Part Six – Ancillary Arrangements

Recovery Service	Service Coordinator	Service Providers	Comments/Additional Information
		<ul style="list-style-type: none"> <li>• Dept of Transport &amp; Regional Services (DoTARS)</li> </ul>	Marketing
		<ul style="list-style-type: none"> <li>• Chamber of Commerce</li> </ul>	Connection with local businesses
		<ul style="list-style-type: none"> <li>• Rural counsellors</li> </ul>	Business planning advice

## Part Six – Ancillary Arrangements

Recovery Service	Service Coordinator	Service Providers	Comments/Additional Information
<b>Clean up/Equipment Provision</b> <ul style="list-style-type: none"> <li>Plan for and coordinate the clean up process after an emergency, including the provision of temporary resources as required, eg. toilets, generators, earthmoving equipment, furniture.</li> </ul>	<b>Manager Operations</b>	<ul style="list-style-type: none"> <li>MSC Works Department</li> <li>Environmental Health Officer (EHO)</li> <li>Arborists</li> <li>CFA Volunteers</li> <li>Local Contractors (e.g. earthmovers)</li> </ul>	Outdoor staff Health hazard management Tree clean up Volunteer support
<b>Infrastructure</b> <ul style="list-style-type: none"> <li>Rebuild and restore community infrastructure/utilities after an emergency.</li> </ul>	<b>Manager Operations</b>	<ul style="list-style-type: none"> <li>MSC Manager of Assets</li> <li>Powercor</li> <li>Local water</li> <li>Telstra</li> <li>Catchment Management Authority (CMA)</li> </ul>	Coordinate restoration of roads, bridges, public infrastructure Restore power supply to properties Restore water supply to properties, repair water supply infrastructure Restore phone connections to properties Protect catchment areas/assets
<b>Fencing</b> <ul style="list-style-type: none"> <li>Coordinate the services to support the restoration of fencing in the</li> </ul>	<b>Manager Operations</b>	<ul style="list-style-type: none"> <li>DEPI</li> <li>Service clubs</li> </ul>	Support with rural properties Support with coordination of volunteers

## Part Six – Ancillary Arrangements

Recovery Service	Service Coordinator	Service Providers	Comments/Additional Information
municipality, including volunteer fencing efforts.		<ul style="list-style-type: none"> <li>VFF</li> </ul>	
<b>Transport</b> <ul style="list-style-type: none"> <li>Coordinate and provide advice on public and community transport services</li> </ul>	<b>Manager Operations</b>	<ul style="list-style-type: none"> <li>Dept of Transport</li> <li>MSC (HACC)</li> <li>Merrimu Services</li> <li>Health Services</li> </ul>	Information and services Infrastructure and support Coordination Infrastructure and information



## Part Six – Ancillary Arrangements

Recovery Service	Service Coordinator	Service Providers	Comments/Additional Information
<b>Environment</b> <ul style="list-style-type: none"> <li>Assess, advise on and repair damage after an event, including tree safety/assessment; replanting/revegetation; erosion prevention and control.</li> </ul>	<b>Manager Statutory Planning and Community Safety</b>	<ul style="list-style-type: none"> <li>DEPI/Parks Victoria</li> <li>Catchment management authorities</li> <li>Landcare Groups</li> <li>MSC Works Department</li> <li>Dept Environment and Primary Industries (DEPI)</li> <li>Local water authorities</li> <li>Municipal Environmental Health Officer</li> </ul>	Restoration of public lands and national parks Possible funding for restoration of fence lines and vegetation Volunteer work teams Restoration of Council public open spaces Farm advice and programs for weed and feral animal control Manage local water supply issues
<b>Environmental Health</b> <ul style="list-style-type: none"> <li>Assess, advise on and minimise the public health impact of an emergency e.g. safe water supply, food safety/disposal, septic systems, safe disposal of waste, provision of temporary toilets/facilities etc.</li> </ul>	<b>Manager Statutory Planning and Community Safety</b>	<ul style="list-style-type: none"> <li>Contracted EHO support service</li> <li>Regional DOH Environmental Health Officer</li> <li>Municipal Environmental Health Officer</li> <li>Health Services</li> </ul>	Public Health warnings, advice & info Public Health warnings, advice & info, eg. disposal of hazardous materials Coordinate and address local community health matters



## Part Six – Ancillary Arrangements

Recovery Service	Service Coordinator	Service Providers	Comments/Additional Information
<b>Post Impact Assessment</b> <ul style="list-style-type: none"> <li>Coordinate assessment of damage and losses following an emergency.</li> <li>The gathered information will greatly assist the recovery planning and service provision in the recovery process.</li> </ul> <p>NOTE: more detail on the provision of this service is provided in the SOP # in the PSC Recovery Operations Sub-Plan</p>	<b>Manager Projects</b>	• Dept of Environment and Primary Industry (DEPI)	Responsible for rural areas
		• Municipal Building Inspector	
		• Municipal EHO	
		• Personal Support Coordinator	VCC, Red Cross, VFF
		• Support agencies – other LGA staff	Additional EHO, building surveyor
		• SES, CFA	Assessor support
		• Arborists	

## PART SIX – ANCILLARY ARRANGEMENTS

### SUPPORT TASKS AND FUNCTIONAL SERVICE AGENCIES

The undermentioned list of support tasks indicates the primary support agency or managing agency and other support agencies. This list is neither exhaustive nor exclusive as many agencies, including response agencies may have a support role, depending on the effects of the emergency. In the event that local resources cannot be provided to meet support tasks needed, the request should be passed onto the Regional Emergency Response Coordinator via the MERC.

SUPPORT TASK	PRIMARY AGENCY	SECONDARY AGENCY
Catering	Red Cross	Salvation Army
Commonwealth resources	Victoria Police	EMA, ADF
Communications	Victoria Police	ESTA, Telstra, WICEN
Deceased persons: identification	Victoria Police	CCoV
Detection of Emergency Locator Transmitters	AMSA	Air services Australia
Emergency call taking and dispatch	ESTA	Telstra
Emergency medical care and/or transport	AV	MFESB, ARFF, ESTA – Others as per SHERP (DHS)
Environmental impact assessment	EPA	DEPI, PV
Evacuation	Control Agency, Victoria Police	VICSES, Municipal Councils
First Aid and Primary Care	Ambulance Victoria	St Johns Ambulance
Mapping Services/information, including: <ul style="list-style-type: none"> <li>Digital and hardcopy maps</li> <li>Aerial photography acquisition</li> <li>Satellite imagery acquisition</li> <li>GPS positioning and location</li> </ul>	DEPI	Geoscience Australia
Media relations	Control Agency	Victoria Police
Produce (food) contamination by chemicals of security concern	DEPI	
Public warnings	Control Agency, Victoria Police	BOM, Municipal Councils, Telstra (emergency alert)
Relocation	Control Agency	Victoria Police, VICSES, Municipal Councils
Transport, engineering and services support	VicRoads	Others as per TESS Plan
Weather information and forecasting	BOM	
Wildlife Welfare	DEPI	PV, RSPCA
Work place / work related investigations and technical support	Worksafe	

## EMERGENCY RELIEF

At State and Regional level, Emergency Relief and recovery activities are coordinated by the Department of Human Services. At Municipal level, the coordination rests with the Moorabool Shire Council.

### Aim

To co-ordinate the provision of Emergency Relief to an affected community, and when required, to Control and Support Agencies.

### Role

To establish a system for the provision of any or all of the functional services under Emergency Relief.

### Emergency Relief Management

In the event of requirement for any or all of the functional services of Emergency Relief, the request must be channelled through the Municipal Emergency Response Co-ordinator to the MERO. The MERO will activate the required functional services.

All functional services will operate and report back to the MERO.

## FUNCTIONAL SERVICES

### Catering

At municipal level, the Australian Red Cross Victoria - Grampians Region is responsible for the co-ordination for the provision of catering arrangements during an emergency situation. Red Cross may be supported by:-

- CFA Brigade Auxiliaries – Bacchus Marsh and Ballan
- Bacchus Marsh SES Ladies Auxiliary
- The Salvation Army

Emergency contact details are listed in Part 7 – Appendix B, of this plan.

#### *Activation for service:*

The provision for such catering arrangements is to be requested through the Municipal Emergency Resource Officer (MERO) who will ensure Red Cross Grampians Region Emergency Services Liaison Officer (ESLO) is activated.

These procedures must apply where;

- more than one substantial meal for combatants or other affected persons are required to be supplied
- reimbursement for incurred costs are to be claimed by local providers
- where food goods/resources are required to be purchased by an authorised Australian Red Cross Victoria purchasing office.

Part Six – Ancillary Arrangements

Grampians Region of ARCV being the coordinators for the provision of catering arrangements will, in conjunction with any local catering provider already activated, ascertain the degree of support necessary from ARCV to meet the requested needs of the emergency situation.

### **Material Needs**

The Salvation Army is responsible for material needs and will co-ordinate material need providers. They may be supported by:

- St. Vincent De Paul
- Red Cross
- Brotherhood of St. Laurence

Contact details are listed in Part 7 – Appendix B, of this plan.

### **Emergency Accommodation**

The Moorabool Shire Council will coordinate the provision of emergency shelter.

A list of Emergency Relief Centres identified in the Moorabool Shire Council is included in this plan. Refer Appendix G.

Contact details are listed in Part 7 - Appendix B of this plan.

### **Personal Support, Emergency Grants and Temporary Accommodation**

The Moorabool Shire Council will co-ordinate the provision of these services at municipal level. If the above functions are outside of the capabilities of the municipal resources, the responsible agency is Department of Human Services.

Local support can also be obtained from:

- Djerriwarrh Health Services Lead agency
- Supporting agencies
- Ballan District Health and Care and
- Department of Human Services
- Temporary Accommodation - Moorabool Shire Council (Municipal Recovery Manager)
- VCC
- Hepburn Health
- Australian Red Cross

Contact details are listed in Part 7 - Appendix B of this plan.

### **Community Organisations**

Many community organisations will have resources that can be of use in an emergency. It is the responsibility of the Moorabool Shire Council to provide the management system to co-ordinate offers of assistance from these organisations.

Contact details of organisations able to assist will be maintained by the municipality.

## **Registration**

Victoria Police are responsible for the registration of emergency affected people but have delegated the physical task of the registration process to Red Cross.

Contact details are listed in Part 7 - Appendix B of this plan.

## SUPPLY OF RESOURCES

Supply of resources at municipal level occurs when functional services, or control authorities, exhaust their own avenues of supply and there is a requirement for continued supply. Functional Service agencies supplying a service and requiring additional resources will put their request to the MERO. The control and support agencies will make their request through the Municipal Emergency Response Co-ordinator. The MERO will endeavour to obtain those resources through existing municipal arrangements. If unsuccessful, the request will be passed through the Municipal Emergency Response Co-ordinator to the Regional Emergency Response Co-ordinator. The Victoria State Emergency Service Regional Headquarters will action the request on behalf of the Regional Emergency Response Co-ordinator.

## EVACUATION

Evacuation is the planned relocation of persons from dangerous or potentially dangerous areas to safer areas and eventual return. Evacuation may be undertaken by individuals, families and households on their own volition and independent of any advice, or it may be after an assessment of information provided by a Control Agency. *(Source: EMMV Part Three)*

The decision to recommend that people evacuate rests with the control agency in conjunction with Police and available expert advice. The Victoria Police are responsible for evacuation. Consideration must be given to the area, which is to be evacuated, the route to be followed, the means of transport and the location to which evacuees will be asked to attend.

Once the decision to evacuate has been made the Moorabool Shire Council MERO should be contacted to assist in the implementation of the evacuation. The Moorabool Shire Council will provide advice regarding the most suitable Emergency Relief Centre and other resources that may be required (e.g. public health, emergency relief considerations or requirements and special needs groups).

Assistance in an evacuation may be provided by the following agencies:

- VICSES
- VicRoads
- Bus/transport company proprietors
- Moorabool Shire Council
- Ambulance Victoria – specialist needs

### Warning Considerations

The method of alerting people to the need for evacuation will depend on a number of factors. Consideration should be given to:

- The type of emergency
- The number of people affected
- The ethnic origins of the affected people
- Special needs groups

Evacuation Guidelines are included in the Emergency Management Manual Victoria – Appendix 9 and attached as Appendix N to this Plan.

## VULNERABLE PEOPLE FACILITIES

**Appendix K** includes the following information in accordance with Recommendation 3 of the 2009 Victorian Bushfire Royal Commission Final Report.

- Identification and documentation of facilities where vulnerable people are likely to be situated and the inclusion of these documents in Municipal Emergency Management Plans and other relevant plans.
- Compilation and maintenance of a list of services/agencies that is aware of vulnerable people in their community with contact details that can be accessed at any time.
- Provisions of this list to local police and any other relevant agency.

## OTHER FUNCTIONAL AREAS

### Communications

The Victoria Police is delegated the responsibility for communications. This is in accordance with the Emergency Management Manual Victoria (EMMV) which identifies that the Victoria Police are the primary support agency for communications.

#### Aim

To ensure essential communications when requested.

#### General

All agencies having a role in this Plan are responsible for the provision of their own communications systems during emergencies. Any agency not possessing a communications network but requiring communications during an emergency will put their request to the Municipal Emergency Response Coordinator who will arrange for the request to be actioned.

### Telephone Communications

The Telstra network will be the initial and primary means of communication in the event of an emergency, when it is available, and should be utilised to capacity where possible. When identifying locations for use as MECCs, Assembly Areas and Emergency Relief Centres, consideration should be given to the communications facilities already in place at that location.

Additional telephones can be provided by Telstra, upon request to the Municipal Emergency Response Coordinator, who will, in turn, submit such requests to the Regional Emergency Response Coordinator for action. All costs, related to such installations, are the responsibility of the requesting organisation.





Part Six – Ancillary Arrangements

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Part Six – Ancillary Arrangements

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## Health and Medical

The Municipal Environmental Health Officer has been delegated the responsibility for health and medical matters.

These Municipal Health and Medical arrangements should be considered in conjunction with the State Health Emergency Response Plan (SHERP), the Municipal Hospital Emergency Plans and the MSC Public Health Emergency Management Sub Plan.

### Aim

The aim of these arrangements is to identify the Health and Medical facilities available within the Moorabool Shire Council and identify the arrangements for activation.

Due to the dual nature of these arrangements, it will be divided into two components; each being addressed accordingly. These components will be **HEALTH** and **MEDICAL**.

### Health

The Environmental Health Officer is responsible for all public health matters in the municipality.

The responsibilities of the Environmental Health Officer in emergencies include:

- Food safety (including donated food)
- Safe and adequate water supply
- Infectious disease control
- Waste collection and disposal
- Waste water management
- Emergency toilet and ablution facilities
- Pest control (vermin and vector)
- Disposal of dead animals
- Pollution of water, land and air
- Supply of sanitary and hygienic accommodation when required

### Medical

Implementation of the medical arrangements will be automatic where people are injured or require medical assistance. This automatic response will be by Ambulance Victoria and hospitals within Moorabool and adjoining municipalities.

Ambulance Victoria will be responsible for contacting additional first aid support when required (e.g. St. John Ambulance and Red Cross).

### Management of Medical Response

Medical response management at an emergency scene will be carried out by the most senior medical officer present. This could be any of the following:

- the senior Ambulance Officer present;
- a member of a Medical Team;
- the Area Medical Coordinator.

The role of the Medical Commander at the scene of an emergency is to:

- arrange resources required;
- provide triage, (prioritise patients for treatment);
- coordinate transport of patients; and
- determine destination of patients.

The Ballarat Health Services (Ballarat Base Hospital) and St. John of God Hospital have the ability to cope with a number of casualties. Larger numbers of casualties and more serious injuries will be transported by road or air to other hospitals.

A list of local Medical Practitioners is held at Ballarat Base Hospital, Ballan District Health and Care and Bacchus Marsh and Melton Regional Hospital.

### **Transport and Engineering**

The Works Manager (Deputy MERO) of the Moorabool Shire Council has been delegated the responsibility for transport and engineering matters.

#### **Aim**

The purpose of these arrangements is to identify available transport and engineering resources within the municipality. This will include specialist and technical advice and deployment of those resources.

#### **Requesting Procedure**

All requests for transport and engineering resources should be directed to the Municipal Emergency Response Coordinator, who will request them through the MERO.

Municipal resources should be used in the first instance, prior to engaging private contractors.

#### **Management of Resources**

Responsibility for the management of resources shall rest with the MERO.

The MERO is responsible for maintaining a resource database and contact details

## Post Impact Assessment

A post impact assessment (PIA) is an appraisal of the extent of damage, disruption and breakdown to the community and its infrastructure as a result of the emergency.

A post impact assessment should be carried out at the earliest possible opportunity, either during or following the emergency that has created the damage. To facilitate this process the Moorabool Shire Council has established a Post Impact Assessment Group, whose role is to carry out the following tasks:

- Convene to determine requirements and actions.
- Survey the extent of damage and document financial and material aid needed.
- Identify priorities for restoration of community needs to assist agencies in the performance of their functions.
- Monitor the acquisition and application of financial and material aid needed or made available in the restoration period.

The Emergency Management Group, in conjunction with the PIA Group, may co-opt persons within the community with the appropriate expertise to assist with the above tasks.

Should the emergency extend beyond the boundaries of the Moorabool Shire Council, the post impact assessment may be merged with that of the other affected municipality(s).

## Mutual Aid Arrangements

Moorabool Shire Council is a signatory to the Municipal Associations of Victoria (MAV) Protocol for Inter-Council Emergency Management Resource Sharing.

## PART SEVEN - APPENDICES

*The following appendices are for operational use only.*

**APPENDIX A - MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE CONTACT LIST**

**APPENDIX B - CONTACT DIRECTORY**

**APPENDIX C - MAPS**

**APPENDIX D - MUNICIPAL EMERGENCY CO-ORDINATION CENTRE STANDARD OPERATING PROCEDURES**

**APPENDIX E - MEMPC TERMS OF REFERENCE**

**APPENDIX F - SPECIAL PLANS AND ARRANGEMENTS – PART PROVIDED**

**APPENDIX G - EMERGENCY RELIEF CENTRES**

**APPENDIX H - COMMUNITY EMERGENCY RISK MANAGEMENT**

**APPENDIX I - MECC ROOM LAYOUT**

**APPENDIX J - REVISION ACKNOWLEDGEMENT FORM**

**APPENDIX K – VULNERABLE PEOPLE FACILITIES AND CONTACTS**

**APPENDIX L - MEMPLAN DISTRIBUTION LIST**

**APPENDIX M – MUNICIPAL EMERGENCY MANAGEMENT EXERCISES**

**APPENDIX N – INTERIM EVACUATION GUIDELINES - EMMV**

**APPENDIX O - GLOSSARY OF TERMS/ABBREVIATIONS - PROVIDED**

## APPENDIX F - SPECIAL PLANS AND ARRANGEMENTS

Some special contingency plans have been developed to address recognised municipal issues.

Copies are held by various groups and agencies as listed.

### Places of Last Resort

#### Neighbourhood Safer Places

**Egans Reserve, Greendale - Ballan Road, Greendale**, is the place of last resort for all residents in and around the Dales Creek and Greendale areas.

**Gordon Community Hall, Main Road, Gordon**, is the place of last resort for all residents in and around the Gordon area.'

**Darley Civic and Community Hub (Former Secondary School Campus) Oval, Halletts Way, (opposite Myers Street)** is the place of last resort for all residents in and around the Darley area.

### Shelter Options

#### Community Fire Refuge

**Pilot Project Blackwood Community Fire Refuge** – CFA Fire Station, Terrill Street, Blackwood

### Community Information Guides

Community Information Guides have been developed for the townships of Blackwood, Greendale/Dales Creek, Darley, Coimadai, Hopetoun Park, Long Forest, Myrmiong, Gordon, Mt. Egerton, Lal Lal, Korweinguboora and Beremboke.

The Community Information Guides provide a planned response to a bushfire within, or in close proximity to these townships that has the potential to impact on the local community. The plans provide pre-determined actions that will enable quick and informed decision making by both the community and emergency services. All plans are available at CFA offices and Council's Ballan office.

## APPENDIX O - GLOSSARY OF TERMS/ABBREVIATIONS

The glossary defines or explains terms which have a restricted or technical meaning in the context of the emergency management arrangements. It does not include all of the words, titles or phrases which are defined or described elsewhere in the Plan.

<b>Action</b>	The executive command to mount an operation whereby all required personnel are called to their posts.
<b>Affected Area</b>	An affected area for the purposes of managing response and recovery is the entire geographic area affected in any significant way by an emergency.
<b>Agency</b>	Means a Government agency or a non-Government agency.
<b>Alert</b>	That period when the Regional or Local Emergency Response Co-ordinator, or the Chief Officer of a control agency, believes an emergency may occur and requires all, or designated, Functional Services specified in EMMV to increase their level of preparedness to cope with the emergency.
<b>Assembly Area</b>	A designated location used for the assembly of emergency affected persons.
<b>Coordination</b>	The bringing together of agencies and elements to ensure effective response to emergencies and is primarily concerned with the systematic acquisition and application of resources (agency, manpower and equipment) in accordance with the requirements imposed by the emergency or emergencies. Co-ordination relates primarily to resources and operates; <ul style="list-style-type: none"> <li>• vertically, within an agency, as a function of the authority to command,</li> <li>• horizontally, across agencies as a function of the authority to control.</li> </ul>
<b>Coordinator</b>	At Regional level, a Police Officer appointed by the State Emergency Response Coordinator as Regional/Deputy Regional Emergency Response Coordinator. At local level, it shall be the Officer in Charge of the Police Station or the senior member of the Police Force at the scene of the emergency who shall act as the Emergency Response Coordinator.
<b>Control Agency</b>	The agency identified in EMMV, which is primarily responsible for responding to a specified emergency.
<b>Command</b>	The direction of members and resources of an agency in the performance of the organisation's role and tasks. Authority to command is established in legislation or by agreement within an agency. Command relates to agencies and operates vertically within an agency.
<b>Control</b>	The overall direction of response activities in an emergency situation. Authority for control is established in legislation or in an emergency response plan, and causes with it the responsibility for tasking and co-ordinating other agencies in accordance with the needs of the situation. Control relates to situations and operates horizontally across agencies.
<b>Controller (VICSES)</b>	The person appointed to manage and administer a local volunteer Unit of the Victoria State Emergency Service (VICSES)
<b>Counselling</b>	The provision of psychological support and advice to persons affected by an emergency.
<b>DISPLAN</b>	The Short Title of the Victoria State Emergency Response Plan.
<b>DISPLAN Agency</b>	Means a government or non-government agency committed to DISPLAN.
<b>DISPLAN Committee</b>	The emergency response planning committee ensuring the Co-ordinated response to emergencies by all agencies having roles and responsibilities under EMMV.



## Part Seven – Appendices

<b>Emergency</b>	<p>Emergency means an emergency due to the actual or imminent occurrence of an event which in any way endangers or threatens to endanger the safety or health of any person in Victoria or which destroys or damages, or threatens to destroy or damage any property in Victoria, including, without limiting the generality of the foregoing;</p> <ul style="list-style-type: none"> <li>• an earthquake, flood, windstorm or other natural event; and</li> <li>• a fire; and</li> <li>• an explosion; and</li> <li>• a road accident or any other accident; and</li> <li>• a plague or an epidemic; and</li> <li>• a warlike act, whether directed at Victoria or a part of Victoria or at any other State or Territory of the Commonwealth; and</li> <li>• a hi-jack, siege or riot</li> </ul>
<b>Emergency Area</b>	Means an emergency area declared under Section 36A of the Emergency Management Act.
<b>Emergency Coordination Centre (ECC)</b>	The Centre established at Regional or Municipal level to co-ordinate resources and conduct operations ancillary to the control agency, during the response phase.
<b>Emergency Grant</b>	The provision of finance to affected persons as dictated by Government Policy, during Emergency Relief.
<b>Emergency Management Group</b>	The group formed to assist the municipality in the performance of its Municipal Emergency Management functions.
<b>Emergency Operations Centre (EOC)</b>	The centre established by each agency for the command/control function within their own agency. e.g. Police Operations Centre (POC), Fire Control Centre (FCC).
<b>Emergency Relief</b>	Relief is the provision of immediate life support and human needs of persons affected by, or responding to, an emergency.
<b>Emergency Relief Centres</b>	Centres established to provide groups of persons with any or all of the services, of the functional areas of emergency relief.
<b>Emergency Services Liaison Officer</b>	An Officer designated by his agency to represent it and who is empowered to commit or to arrange the commitment of resources of the agency to the countering of emergencies, and to provide a communication link with his agency.
<b>Emergency Shelter</b>	Group shelter provided for affected persons in a community hall or suchlike, including "relief centres". It is provided during the emergency relief stage and is separate to temporary accommodation.
<b>Evacuation</b>	The planned relocation of persons from dangerous or potentially dangerous areas to safer areas and eventual return. The decision to evacuate rests with the control agency in conjunction with police and available expert advice.
<b>Evacuation Centre</b>	See Assembly Area and/or Emergency Relief Centre.
<b>Field Emergency Response Coordinator</b>	Senior member of the Police Force at the scene of an emergency.
<b>Financial Assistance</b>	See Emergency Grant.

## Part Seven – Appendices

<b>Functional Areas</b>	<p>The categorisation of services required for Emergency Relief for the purposes of allocating responsibility to nominated agencies. These are:</p> <ul style="list-style-type: none"> <li>• Catering</li> <li>• Community Organisations</li> <li>• Emergency Accommodation</li> <li>• Emergency Grants, Counselling &amp; Temporary Accommodation</li> <li>• Material Needs</li> <li>• Registration (National Registration &amp; Inquiry System, NRIS)</li> </ul>
<b>Government Agency</b>	<p>Means-</p> <ul style="list-style-type: none"> <li>• anybody corporate or unincorporated constituted by or under any Act for a public purpose; and</li> <li>• any member or officer of such a body.</li> <li>• Any person in the service of the Crown in the right of the State of Victoria upon whom any function, power, duty or responsibility is conferred by or under the Act</li> </ul>
<b>Incident Control Point</b>	The control point established by the Control Agency in proximity to the emergency and used by the incident controller for forward command/control functions.
<b>Incident Controller</b>	An officer appointed by the control authority responsible for the resolution of an emergency. This title shall also extend to the person appointed under the provisions of Section 16 of the Emergency Management Act.
<b>Lead Agency</b>	The agency designated to co-ordinate the provision of a functional area of emergency relief and supply
<b>Material Needs</b>	The provision of clothing, bedding and personal requisites, during "Emergency Relief".
<b>Municipal Emergency Response Coordinator</b>	The Officer in Charge of the local Police Station or the senior police officer at the scene of the emergency.
<b>Municipal Emergency Management Planning Committee</b>	The Committee which, at municipal level, is responsible for the formation and maintenance of a Municipal Emergency Management Plan.
<b>Municipal Emergency Resource Officer (MERO)</b>	The person appointed by the Municipality responsible to council for the co-ordination of municipal owned or controlled resources in emergencies.
<b>Municipal Recovery Manager</b>	The person appointed by the Municipality responsible to council for the co-ordination of municipal recovery activities after emergencies.
<b>Municipal Emergency Manager</b>	The Municipal Emergency Manager is a senior officer, responsible to the Chief Executive for the effective management of the Council's emergency management activities.
<b>Municipal Fire Prevention Officer</b>	The Municipal Emergency Manager is a senior officer, responsible to the Chief Executive for the effective management of the Council's emergency management activities.

<b>Municipality</b>	The area contained within the defined boundaries for local Government responsibility of a Shire, Borough, Town or City.
<b>National Registration &amp; Inquiry System (NRIS)</b>	The Commonwealth/State's arrangements for the recording of emergency victims and for satisfying inquiries regarding the whereabouts of persons so affected.
<b>Neighbourhood Safer Place</b>	Place of last resort during an emergency. Neighbourhood Safer Places have been designated by the CFA in conjunction with Council for residents to go to in cases of emergencies.
<b>Non Government Agency</b>	Means a voluntary organisation or any person or body other than a government agency.
<b>Primary Support Agency</b>	The agency to be first considered by a Emergency Response Coordinator for support in a DISPLAN role.
<b>Recovery</b>	The process by which affected persons and communities are helped to recover to a proper level of functioning. It commences as soon as practicable after the impact of an emergency, and usually continues long after cessation of response activities. Refer also to the Emergency Management Manual Victoria.
<b>Recovery Agency</b>	A recovery agency is an agency or person which assists individuals, families and communities to attain a proper level of functioning, by providing information, specialist services and resources, and may include Commonwealth, State and local government and non-government agencies.
<b>Region</b>	A geographic area comprising a number of municipal districts and specific Victorian waters.
<b>Divisional Emergency Response Plan</b>	The Emergency Response Plan prepared by the Regional Emergency Response Plan Committee.
<b>Divisional Emergency Response Plan Committee</b>	The committee which at regional level is responsible for the formation and maintenance of a regional Emergency Response Plan for response to emergencies, the chairman being the Regional Emergency Response Co-ordinator or, in his absence, his Deputy Emergency Response Co-ordinator.
<b>Relief Centres</b>	Centres established to provide groups of persons with any or all of the services, of the functional areas of Emergency Relief.
<b>Relief Stage</b>	The immediate post impact stage of an emergency, preceding the recovery phase. For the purposes of this Plan, the end of relief will be when "stand down" is advised by the Emergency Response Co-ordinator.
<b>Response</b>	The control of an emergency and the provision of emergency relief, including rescue and the needs of affected persons.
<b>Staging Area</b>	A location designated and used during emergencies for the assembly of control or support personnel prior to deployment.
<b>Stand-Down</b>	The order given by the Regional or Municipal Emergency Response Co-ordinator that allows personnel to cease operations reflecting the termination of the emergency.
<b>Standby</b>	That period normally following alert when the Regional or Municipal Emergency Response Co-ordinator, or the Chief Officer of a control agency, believes that the occurrence or the effects of the emergency, are imminent. Members of the relevant agencies are placed on "Standby", thus being ready to respond immediately.
<b>Support Agency</b>	A government or non-government agency, which provides essential, services, personnel, or material to support or assist a control agency or affected persons.

<b>Temporary Accommodation</b>	Accommodation provided for individuals or families affected by an emergency. It is separate to emergency shelter. This accommodation includes caravans and suchlike, and will normally be arranged by the recovery agency. In some cases this will occur during the Response Phase.
<b>Community Information Guides</b>	Community Information Guides have been produced by CFA in conjunction with Council for various townships within the Shire. They are to be used in cases of emergencies.
<b>Volunteer Emergency Worker</b>	Means a volunteer worker who engages in emergency activity at the request (whether directly or indirectly) or with the express or implied consent of the chief executive (however designated), or of a person acting with the authority of the chief executive, of an agency to which DISPLAN or the state emergency recovery plan applies.

### **Abbreviations -**

ASA	Air Services Australia
AV	Ambulance Victoria
BOM	Bureau of Meteorology
CFA	Country Fire Authority
CWA	Country Women's Association
DEPI	Department of Environment & Primary Industries
EHO	Environmental Health Officer
EMA	Emergency Management Australia
EMMV	Emergency Management Manual Victoria
EPA	Environmental Protection Authority
ESLO	Emergency Services Liaison Officer
DHS	Human Services Victoria
MAV	Municipal Association of Victoria
MECC	Municipal Emergency Coordination Centre
MEMEG	Municipal Emergency Management Enhancement Group
MEMPC	Municipal Emergency Management Planning Committee
MEMP	Municipal Emergency Management Plan
MERO	Municipal Emergency Resource Officer
MRM	Municipal Recovery Manager
MEM	Municipal Emergency Manager
MEMP	Municipal Fire Management Plan
MFPO	Municipal Fire Prevention Officer
MSC	Moorabool Shire Council
NRIS	National Registration and Inquiry System
NSP	Neighbourhood Safer Place – Place of Last Resort
OIC	Officer in Charge
PTC	Public Transport Corporation
RSPCA	Royal Society for the Prevention of Cruelty to Animals
RWC	Rural Water Corporation
SITREP	Situation Report
SOP	Standard Operating Procedure
CIG	Town Protection Plan
VICSES	Victoria State Emergency Service
VICPOL	Victoria Police
WICEN	Wireless Institute Civil Emergency Network

## **Bibliography**

The following references were used during the preparation of this plan:

Australian Bureau of Statistics (2011)

Department of Justice (2010) - Emergency Management Manual Victoria (EMMV)

Emergency Management Act 1986.

Moorabool Shire Council Community Profile

<http://profile.id.com.au/Default.aspx?id=219&pg=210>

Moorabool Shire Council Road Management Plan (2013)

Victoria State Emergency Service Act, 1987.

Victoria State Emergency Service (2010) MEMPlan Workbook (Audit Tool and Evidence Guide)  
January 2014

Municipal Fire Management Plan

Essential Services Commission – <http://www.esc.vic.gov.au/public/>

Moorabool Shire Council - Municipal Data

SES State/Regional Flood Plans

DEPI – Midlands Fire Protection Plans

Office of the Emergency Services Commissioner - <http://www.oesc.vic.gov.au/>

State Health Emergency Response Plan

### 11.2.7 Amendment C06 – Part 3 - Bacchus Marsh Heritage Study

#### Introduction

File No.: 13/06/007  
Author: Damien Drew  
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#### Background

Moorabool Planning Scheme Amendment C6 Part 3 is seeking to implement the recommendations of the *Bacchus Marsh Heritage Study 1995*. Council received the Panel Report in relation to Part 2 (and Part 3) in May 2013. Council resolved to split the amendment into a further part, Part 3, which would consist of two properties for which an incorporated plan was to be prepared, as well as an incorporated plan comprising the statements of significance for all properties.

The Bacchus Marsh Heritage Study was prepared by Richard Peterson and Daniel Catrice for the (former) Shire of Bacchus Marsh and the (former) Historic Buildings Council in 1995.

This Study recommended that a number of culturally significant heritage places be included in the Planning Scheme (Heritage Overlay) to provide statutory protection from unplanned demolition and inappropriate development or alterations, which could adversely affect their cultural significance.

The Heritage Overlay has a focus on *‘those elements which contribute to the significance of heritage places’* and ensuring *‘that development does not adversely affect the significance of heritage places.’*

At its Ordinary Meeting held on 20 December, 2006, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment (C06) to implement the recommendations of the *Bacchus Marsh Heritage Study 1995*.

Amendment C06 was placed on public exhibition between 14 April and the 25 June, 2010, including notices in local papers and individual letter to all affected property owners. A total of 46 submissions were received in response to the amendment during the public exhibition period, which included, 33 of opposition, seven (7) offering no objection but requesting alterations/changes, one (1) offering no position and four (4) indicating support or no objection for the amendment.

Two (2) late submissions were received after the Council Meeting held on 17 November, 2010. One of the late submissions objected to the inclusion of a property in the Heritage Overlay, and the other did not object but requested alterations/changes to the amendment.

The submissions were evaluated and consultation with the submitters was undertaken. Following this process a summary report and officer recommendations were presented to Council on 18 August, 2010. The resolution of this meeting was to defer consideration of the recommendation.

Council reconsidered the Amendment at its meeting on 17 November, 2010. Further officer advice was provided in relation to the splitting of the amendment into two parts as follows:

- a) public buildings and corrections to the existing heritage overlay; and
- b) private residences and sites with unresolved objections.

At this Meeting, Council resolved to split Moorabool Planning Scheme Amendment C06 into two parts and to adopt Amendment C06 Part 1. Eight submissions were resolved, and one submission was partially resolved, via the splitting of the Amendment and adoption of Part 1.

Amendment C6 Part 1, which included 60 sites of heritage significance (predominantly public buildings and places of assembly, geographical places of significance and commercial buildings) in the Heritage Overlay, was incorporated in the Moorabool Planning Scheme on 9 February, 2012 when that part of the Amendment was gazetted.

Amendment C06 – Part 2 comprises the balance of places (approximately 80 properties) not included within Part 1, such as, private residences and private properties with unresolvable submissions (objections). Thirty four (34) submissions remained unresolved including objections and requests for alterations/changes, in relation to 34 properties proposed to be included in the Heritage Overlay and two sites already included in the Overlay.

On 19 September, 2012, Council resolved to request the appointment of a Planning Panel by the Minister for Planning to consider the submissions received. Council resolved to submit the exhibited amendment to the Panel, subject to the recommended changes.

The Panel conducted its public hearing over a period of three days on 4 March, 2013 to 5 March, 2013 and 3 April, 2013. Two reports were submitted by the Panel, an Interim Report in relation to matters considered during the first two days of the Hearing and a Final Report containing the findings from the third day of the Hearing.

At its meeting on 5 June, 2013, Council resolved to split Amendment C6 Part 2 into two parts to enable the implementation of the majority of the Amendment (64 heritage places), as recommended by the Panel. Part 3 of the Amendment was created to enable incorporated plans to be prepared for two properties HO166 – ‘JBD Industrial Park’ (former CSR Mill), 25 Rowsley Station Road, Maddingley and HO182 – ‘Woodlands’, 229 Long Point Road, Myrniong, prior to approval of the Amendment.

On 21 February, 2014, Council received advice from the Department of Transport, Planning and Local Infrastructure that Amendment C6 Part 2 has been approved under powers delegated by the Minister for Planning.

In its Final Report, the Panel made the following recommendations which relate to C6 Part 3:

1. Reduce the extent of HO166 (JBD Industrial Park, Maddingley) on the west, north and east of the site to:
  - Exclude the new buildings on the west of the site;

- Exclude the chipper house (building 5 shown on Figure 2 of this report); and
  - Encompass only the other elements identified in the statement of significance as contributing to the heritage significance of the complex, plus a distance of five metres from the contributory around the perimeter of each contributory building (where these do not directly abut more recent buildings).
2. Council consider implementing HO166 as a separate part of the Amendment to enable the addition of an incorporated plan that is agreed between Council and the owner within three months of advice to the owner of Council's response to this recommendation (if agreement cannot be reached on a management plan within the nominated timeframe, the application of HO166 should proceed without a management plan).
  4. Alter the address in the schedule entry for HO182 – Farmhouse 'Woodlands', windmills and landscape – to 229 Long Point Road, Myrniong and amend the HO mapping to identify the correct property (excluding the row of pines to the south of the homestead complex, which are located on the adjoining property).
  5. If the draft incorporated plan for the property at 229 Long Point Road, Myrniong can be finalised to the satisfaction of the owner and Council within the timeframe for adoption and approval of Amendment C6 Part 2, include it as part of the amendment.
  7. Council consider preparing a document that compiles the revised statements of significance provided to the Panel (with the further revisions identified during the Hearing process) for incorporation in the planning scheme as part of Amendment C6.

Amendment C06 Part 3 is due to lapse on 19 March, 2014 and discussions with officers of the Department of Transport, Planning and Local Infrastructure have indicated that a request for an extension of time may not be approved. Council has previously been granted two extensions to enable the Amendment to be finalised. Therefore, it is necessary to consider the adoption of Amendment C6 Part 3 prior to 19 March, 2014.

It should be noted that the Amendment has been subject to a number of Council reports, most recently on 5 June, 2013, and Assemblies of Council, most recently on 20 November, 2013.



## Proposal

Amendment C06 Part 3 seeks to include the following places in the Heritage Overlay of the Moorabool Planning Scheme:

### Maddingley

1. HO166, 25 Rowsley Station Road, Maddingley (Industrial Buildings)

### Myrniong

2. HO182, 229 Long Point Road, Myrniong (Farmhouse "Woodlands", windmills and landscape)

In addition, it proposes to include three new incorporated plans in the planning scheme, two in the Schedule to the Heritage Overlay (for HO166 and HO182) and one in the Schedule to Clause 81 (Statements of Heritage Significance for listed properties).

## Discussion

### Pre-Amendment C6 review

The following review process occurred prior to the exhibition of Amendment C6:

- In 2001-2002, Council officers and consultants consulted the owners and occupiers of most places identified in the 1995 Heritage Study. Sixty-two submissions requested that properties not be included in an amendment;
- From the recommended 171 places, 48 were 'short-listed' (presumably for inclusion in the Heritage Overlay) by the consultants;
- Council officers met with Heritage Victoria representatives in February 2002 who advised that:
  - the full list of places should be included in the formal amendment.
  - heritage places are identified on the basis of their heritage significance, and the inclusion or otherwise of a property in a control is based on merit, and not solely based on the owner's preference. Heritage Victoria, as the principal external funding body for heritage studies, was keen to see that the integrity of the study recommendations would be maintained, and
  - the correct forum for any '*culling*' of the list would be at a Panel hearing.
- Due to the long delays in implementing the findings of the 1995 Heritage Study, a '*ground truthing*' exercise was carried out in 2005 by Richard Allen (former Heritage Consultant). It found that 12 former heritage places no longer existed.
- After a Councillor Workshop in March 2005, inspections of places proposed for inclusion in the HO were undertaken to confirm they retain their heritage integrity.

## Public Exhibition Process

Amendment C06 was exhibited in accordance with the provisions of the Planning and Environment Act 1987 between 14 April and 25 June, 2010. Notice was provided to all relevant Government Departments, Statutory Authorities and affected landowners and occupiers. Notices were placed in the Moorabool News, Council's web site, Government Gazette and the Moorabool Matters publications.

In addition, the public exhibition processes included the preparation of a public information brochure, which was distributed to all affected landowners/occupiers.

During the public exhibition period, Council officers met with many affected landowners.

A total of 48 submissions, including two (2) late submissions, were received in response to Amendment C06, of which four (4) supported the amendment or offered no objection, seven (7) offering no objection but requesting alterations/changes, one (1) offering no position, and 34 opposed the inclusion of individual properties in the Amendment.

Submissions not supporting the amendment primarily related to:

- impacts on a specific property;
- potential adverse impacts on property values and development potential;
- the need to obtain planning approval to make changes to properties;
- perceived lack of heritage significance of more recent (Post World War II) dwellings; and
- recent changes to individual buildings reducing their heritage significance.

After the splitting of the amendment, 34 submissions remained unresolved, including objections and requests for alterations/changes, in relation to 34 properties proposed to be included in the Heritage Overlay and two (2) sites already included in the Overlay.

## The Part 2 review process

When Council resolved to split the Amendment on 17 November, 2010, it resolved for Part 2:

- *To develop a policy on selection criteria for inclusion in the Heritage Overlay for amendment C06 to the Moorabool Planning Scheme for Private Residences.*
- *Seek a review of the Planning Scheme Amendment work program having taken into consideration recommendation 4a) of this report and available resources and other identified priorities.*

A review of the heritage places in Amendment C06 – Part 2 was undertaken in a three-tier process. The initial process included a Council officer and the heritage adviser visiting the property and, in the majority of cases, meeting with the property owner on site. This process has assisted the affected community members in understanding the implications of the Heritage Overlay and ensured that all necessary information was provided to the heritage advisor reviewing each submission.

The second review process was revision of the full citations for 22 sites, including HO166 – ‘JBD Industrial Park’ (former CSR Mill), where Council Officers and Heritage Advisor recommended the retention of the place in the HO following the first stage of the review process. It was recommended these properties should remain in Part 2 to the amendment and be forwarded to a planning panel for consideration and recommendation to Council.

The third tier was the development of a threshold policy to provide a basis for the inclusion of private residences in the Heritage Overlay. It included a review of 50 private residences, which were not subject to submissions against the threshold policy, to verify their heritage significance.

Of the 50 properties reviewed, 48 met the requirements of the threshold policy and were recommended to be retained within Amendment C06 – Part 2, with two sites recommended for removal. Revised statements of significance were prepared for the 48 properties recommended for retention in the Amendment.

Thus, the process of review responded to issues raised by submitters in relation to the justification for the inclusion of private properties within the HO by re-examining the policy and criteria that informed the site specific evaluations. Council's heritage consultants Samantha Westbrooke Pty Ltd prepared the following reports:

- *‘Bacchus Marsh Heritage Study Review – C06 Part 2, Significance Threshold Policy & Peer Review of Residential Places July 2012’ (the Threshold Policy report).*
- *‘Moorabool Shire Council Planning Scheme Amendment C06 – Part 2, Application of Heritage Overlay, Revised citations for Properties recommended for inclusion in the Heritage Overlay, July 2012’.*

The report notes:

*“Heritage assessments and studies are usually carried out by qualified and experienced professionals following the principles outlined in the Burra Charter (Australia ICOMOS Charter for the Conservation of Places of Cultural Significance). Assessment reports generally include a history and description of the site, an assessment of the condition and integrity of the place, and a comparative analysis to substantiate the significance of the place. The Statement of Significance generally identifies ‘what’ is historically important and ‘why’ it is important.”*

### **Panel Process**

An Independent Panel was appointed by the Minister for Planning to consider and hear submissions in response to Amendment C06 Part 2 on 14 December, 2012, under the provisions of Sections 153 and 155 of the *Planning and Environment Act 1987*.

It is important to note that the basic role of a panel is to:

- give submitters an opportunity to be heard in an independent forum and in an informal, non-judicial manner. A panel is not a court of law.

- give independent advice to the planning authority (Council) and the Minister for Planning about an amendment and about submissions referred to it. A panel makes a recommendation to the planning authority. It does not formally decide whether the amendment is to be approved.

All submitters were notified of the Panel Hearing by Planning Panels Victoria and given the opportunity to present to the Panel. All submissions were considered by the Panel, even if the submitter did not make a presentation at the Hearing.

The Panel reviewed the merits of the Amendment, including the basis for defining the heritage value of individual properties. In addition, the Panel recognised that Council responded to submissions by supporting changes to the Amendment and the Panel process has provided an opportunity for those affected to present their views.

Prior to the Panel Hearing, Council officers identified several drafting and mapping discrepancies and suggested a number of improvements to the exhibited documentation, which formed part of Council's submission to the Panel.

The Panel conducted its public hearing over a period of three days on 4 March, 2013 to 5 March, 2013 and 3 April, 2013. In addition to Council and its expert witness, seven parties made written and oral submissions at the hearing. Expert evidence was presented on behalf of two submitters, Devine Communities (heritage) and the Calleja Group of Companies (heritage and planning) in relation to HO166 – 'JBD Industrial Park' (former CSR Mill).

This gap between the hearing days primarily occurred due to a request from the Calleja Group for an adjournment of the Panel Hearing. The adjournment was requested to allow further time for the preparation of expert witness reports in relation to the former CSR Mill in Rowsley Station Road.

To ensure that progress on the implementation of other elements of the Amendment (Part 2) was not delayed, the Panel agreed to provide an Interim Report. The interim report considered submissions heard on Days 1 and 2 of the hearing, and those submissions where a request had not been made to be heard (by a submitter).

Submissions addressed on Day 3 (and to be addressed in the Final Panel report) related to: 'Woodlands', 229 Long Point Road, Myrniong (HO182); 33 Clarinda Street, Bacchus Marsh (HO59); 91 Main Street, Bacchus Marsh (HO102); and 25 Rowsley Station Road, Maddingley (HO166).

Council received an Interim Report from the Panel on 10 April, 2013 which presented the Panel findings on Amendment provisions relating to 77 of the 81 places included in Amendment C06 Part 2. The Interim Panel Report was publicly released by DPCD on 9 May, 2013.

It is noted that the Panel's assessment of the submissions made when the hearing reconvened on 3 April, 2013 were not addressed in the Interim Report, but were provided in the Final Report.

Council received the Final Panel Report on 13 May, 2013. It deals only with the submissions heard on Day 3 relating to HO166, HO59, HO102 and HO182. The conclusions and recommendations of the Interim Report are not altered by the Final Report.

The Final Panel Report is included as Attachment 11.2.7(a).

### **Panel Findings and Recommendations**

In summary, the Panel supported the Amendment and endorsed the 1995 Heritage Study, and Council's position on the significance of the majority of places proposed for inclusion in the Heritage Overlay.

The Panel acknowledged that criteria and practice in the assessment of heritage places has evolved since the 1995 Heritage Study that underpins Amendment C6 was undertaken.

However, it was satisfied that the methodology adopted in the 1995 Heritage Study is sound and the extensive reviews undertaken preceding and through the Amendment/Panel processes have provided a significant level of scrutiny of the 1995 assessments. Overall, the Panel found that the basis provided by the study has been verified and revisions have been identified where necessary.

The Panel recommended that Council consider undertaking further work to address a number of remaining 'gaps'. It emphasised that this work should not delay the approval of Amendment C6, which is important to establish a framework to protect the places of identified heritage significance. In addition, the Panel endorsed the expert evidence that the citations for places to which the HO was applied under Part 1 of Amendment C6 should be reviewed and updated if necessary.

Further, the Panel noted that it is best practice to include statements of significance in an incorporated document to provide certainty for the decision making process. It recommended that Council should consider undertaking these further pieces of work.

The Panel recommended that Amendment C6 Part 2 to the Moorabool Planning Scheme be adopted as exhibited, subject to a number of recommendations.

### **Council Decision**

Council adopted Amendment C6 Part 2 (comprising 64 heritage places) on 5 June, 2013 and resolved to create Part 3 to the amendment to allow time for the preparation and consideration of the incorporated plans by the owners of HO166 and HO182 (in accordance with the recommendations of the Panel outlined below).

### **Consolidated Recommendations**

The Panel recommendations relevant to Amendment C6 Part 3 and the Council officer's response are outlined below:

## Final Report

1. ***Reduce the extent of HO166 (JBD Industrial Park, Maddingley) on the west, north and east of the site to:***
  - ***Exclude the new buildings on the west of the site;***
  - ***Exclude the chipper house (building 5 shown on Figure 2 of this report); and***
  - ***Encompass only the other elements identified in the statement of significance as contributing to the heritage significance of the complex, plus a distance of five metres from the contributory around the perimeter of each contributory building (where these do not directly abut more recent buildings).***

## Officer comment

Council submitted to the Panel that the JBD Industrial Park (former CSR Timbrock Mill), Maddingley should be retained in the Amendment, in accordance with the resolution of the OMC Meeting held on 19 September, 2012.

Expert evidence presented by heritage consultants at the Panel hearing on behalf of Council and the property owner (Calleja Group) concurred that the factory complex has heritage significance, however, the evidence differed on the extent of the area of significance.

It was agreed by the experts that Jack Hobbs McConnell whom CSR engaged to design the Timbrock Mill, was a leading architect whose firm was responsible for a number of other significant industrial projects in Australia.

The Panel's accompanied inspection of the site, including the interiors of the key factory buildings, confirmed the high level of intactness of the elements of complex which have been identified as significant.

It accepted the consensus view of the expert witnesses that the complex is of local heritage significance, but recommended exclusion of the chipper house from the HO as it is a relatively minor component of the original factory complex.

The Panel agreed with all parties and the experts' view that facilitating the reuse of heritage places is important and particularly challenging for industrial heritage places. It did not dismiss the implications of either the contamination issues or the integration of very substantial factory infrastructure and machinery on the reuse of the complex.

It was emphasised by the Panel that the application of the HO ensures objectives to protect places of identified heritage significance, such as the former CSR Timbrock hardboard mill, are taken into account in planning decisions, and that these objectives are balanced with the range of other planning considerations.

Although the further evaluation associated with either an application for permit or the formulation of a management plan may establish that some buildings cannot be retained, the Panel did not consider it appropriate to remove the HO from contributory buildings as part of this Amendment.

In the case of the JBD Industrial Park, any new development (buildings and works) on the site will require planning approval regardless of the Heritage Overlay, due to the industrial zoning of the land. Consideration of an application for use and development at the same time as an application to alter a heritage place is common.

As the overall site containing the JBD Industrial Park is significant, the reduction in the extent of the proposed heritage overlay will enable new large format industrial uses to be accommodated on the site without impacting on existing significant structures.

It should be noted that the Heritage Overlay has been applied to another industrial site via Amendment C6 Part 1, the Darley Refractories complex in Grey Street, Darley.

Officers agree with the Panel recommendation as it clarifies and refines the extent of significance of the former CSR mill site, and will revise the relevant amendment documentation accordingly.

A plan showing the revised extent of the proposed HO166 is included as Attachment 11.2.7(b).

- 2. Council consider implementing HO166 as a separate part of the Amendment to enable the addition of an incorporated plan that is agreed between Council and the owner within three months of advice to the owner of Council's response to this recommendation (if agreement cannot be reached on a management plan within the nominated timeframe, the application of HO166 should proceed without a management plan).**

#### **Officer comment**

Council accepted the Panel recommendation to implement HO166 as a separate part of the Amendment (splitting the Amendment into Parts 2 and 3) to enable the addition of an incorporated plan for this site.

The Panel saw merit in the development of an incorporated plan to assist the property owner by providing certainty and appropriate exemptions from planning permit requirements under the Heritage Overlay provisions.

It is the role of an Incorporated Plan to streamline the need for permits for works which do not impact upon the significant fabric of the buildings. The planning permit process is the appropriate process to consider demolition of significant structures as it allows consideration of why demolition is required; options for reuse and whether there is a net community benefit of a replacement structure to the community.

A draft incorporated plan has been prepared on behalf of the owners of HO166, and was submitted for Council's comment on 20 September, 2013.

Council officers have reviewed the Calleja Group's draft incorporated plan, and believe that it goes beyond the intent of the Panel's recommendation in relation to the significant elements on the site, i.e., it would enable demolition of contributory elements identified by the Planning Panel without planning approval.

Council officers have been in discussions with the Calleja Group in relation to the draft Incorporated Plan, and have provided an alternative draft Incorporated Plan which is considered to reflect the recommendations of Panel.

Lawyers acting for the Calleja Group have advised Council in a letter dated 20 February, 2014 that it remains opposed to the imposition of a Heritage Overlay on its site. However, the letter advised that the Calleja Group would like to have input into and discussion with Council in relation to the content of Council's proposed Incorporated Plan.

Furthermore, the Calleja Group has requested that Council delay consideration of the Planning Panel's recommendations in relation to their site is concerned in order to allow them to be able to comment in relation to Council's version of the draft Incorporated Plan.

The Panel recommended that development of an incorporated plan should not cause a significant delay in the application of the HO to the JBD Industrial Park.

It recommended that this course of action should be subject to a time limit, say 3 months, with the application of the HO proceeding without an incorporated plan if an agreement cannot be reached within that time. In addition, the Panel noted that the timeframe for dealing with the JBD Industrial Park may be influenced by the length of the extension of the authorisation of the Amendment.

The recommendation of this report is to adopt the Amendment subject to agreement being reached on an Incorporated Plan for the JBD Industrial Park by 5 April, 2014. This will provide the Calleja Group with additional time to comment on the draft Incorporated Plan, prior to Council submitting the Amendment for Ministerial approval.

- 4. *Alter the address in the schedule entry for HO182 – Farmhouse 'Woodlands', windmills and landscape – to 229 Long Point Road, Myrniong and amend the HO mapping to identify the correct property (excluding the row of pines to the south of the homestead complex, which are located on the adjoining property).***

#### **Officer comment**

Council submitted to the Panel that these changes were required to ensure that the correct property was identified in the HO Schedule and mapping.



Officers agree with the Panel recommendation and have revised the relevant amendment documentation accordingly.

A plan showing the revised extent of the proposed HO182 is included as Attachment 11.2.7(c).

- 5. *If the draft incorporated plan for the property at 229 Long Point Road, Myrniong can be finalised to the satisfaction of the owner and Council within the timeframe for adoption and approval of Amendment C6 Part 2, include it as part of the amendment.***

#### **Officer comment**

Officers agree with the Panel recommendation and have commenced a process to finalise the incorporated plan for the property. Council resolved to include HO182 in Part 3 of the Amendment, to enable the finalisation of an incorporated plan that is agreed between Council and the property owner.

Prior to the Panel Hearing, Council officers prepared an incorporated plan under Clause 43.01-2 of the Planning Scheme (which would be listed in the schedule to the HO), to provide greater certainty to the owner. The draft incorporated plan was sent to the owner, following the Panel Directions Hearing to the enable the owner to make comment at the Panel Hearing.

The Panel agreed with the benefits of applying an incorporated plan to assist with management of the heritage values of the place. It recognised the very significant challenges associated with both maintaining and replacing senescent windbreaks as raised by the property owner. In general terms, the Panel endorsed the provisions proposed in the draft incorporated plan, but agreed that gaining arboricultural advice on the provisions relating to tree management, particularly for the windbreaks, is highly desirable before the plan is finalised.

Additional work to assess and document the significance of vegetation on the site was undertaken by a qualified consultant on behalf of Council. The landscape assessment report was subsequently discussed at a meeting with the consultant and the property owner. Council officers have amended the incorporated plan has been to reflect the findings of this work and the owner is generally satisfied with the recommendations.

The incorporated plan removes the need for planning terms for vegetation which is not significant or significant vegetation which is senescent (at the end of its natural lifespan) and for planting replacement trees. In addition to assessing the condition of vegetation on the property, the landscape assessment report provides detailed advice to the owner regarding the future management of significant vegetation on the property.

A copy of the draft incorporated plan for HO182 is included as Attachment 11.2.7(d).

**7. Council consider preparing a document that compiles the revised statements of significance provided to the Panel (with the further revisions identified during the Hearing process) for incorporation in the planning scheme as part of Amendment C6.**

**Officer comment**

Officers agree with the Panel recommendation and will revise the relevant amendment documentation accordingly. The planning system requires applicants to respond to significance. Having statements of significance in a single document which is available to the public assists both applicants and assessors in navigating the planning permit process.

**Strategic basis of the Amendment**

The Panel considered a number of issues relating to the strategic basis of the Amendment, which were raised in submissions. These general issues related to: planning restrictions on owners, the protracted process and age of the 1995 Heritage Study underpinning the Amendment; whether thresholds of heritage significance for particular places were appropriate; the inconsistent treatment of tree controls and the need for further work required to address gaps (such as, precincts and drystone walls) or dated citations.

*Planning restrictions on owners*

The Panel commented that the HO is an appropriate mechanism to advance the objectives of planning for Victoria, State Planning Policy, Local Planning Policy and DPCD guidelines. This framework for planning in Victoria and the Moorabool Shire clearly establishes a basis for protecting heritage places via application of the HO, where appropriate assessment establishes that places are of significance to the local community or wider population.

Limitations are imposed by the HO through permit requirements, with associated costs and processes. However, the Overlay provides a range of exemptions intended to avoid unnecessary demands on landowners where proposed building or works are unlikely to affect the heritage significance of the property.

*The protracted process and dated Heritage Study*

It was acknowledged by the Panel that criteria and practice in the assessment of heritage places has evolved, as distinct from being transformed, since the 1995 Heritage Study. The same can be said for the assessment of places included in Part 2 of Amendment C6, which were the subject of the Panel's consideration.

The Panel noted comments in the submission presented by the National Trust at the hearing that their representative was not aware of any other heritage amendment process, which had involved so many levels of review and verification and so much additional work.

As noted earlier in this report, the Panel was satisfied that there have been extensive review processes undertaken by Council, prior to the preparation of the Amendment and through the Amendment submission and Panel processes, which have provided a significant level of scrutiny of the 1995 assessments. Overall, the basis provided by the study has been verified and revisions were recommended where necessary.

### *Thresholds*

Various submissions argued that the level of change to the original fabric of their property compromised its heritage values to a point where its inclusion in the HO was not justified.

Assessment of significance is based on established methodology used in Australian jurisdictions, which the Panel was satisfied has been applied in this case. However, an element of expert judgement is required in the assessment process.

The submission and Panel processes allow review of that judgement. Consideration of this issue in relation to specific properties is provided in the Panel report.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Infrastructure and Natural and Built Environment
<b>Objective</b>	<p>Promote, and enhance places of heritage, landscape and environmental significance.</p> <p>Effective and efficient land use planning and building controls</p>
<b>Strategy</b>	<p>Develop future planning policy to ensure it:</p> <ul style="list-style-type: none"><li>• Preserves the unique character and sense of place</li><li>• Maintains the rural setting of the Shire.</li><li>• Provides a sense of connection with the town's origins and familiarity with the country town feel.</li></ul> <p>Ensure that development is sustainable, resilient to change and respects the existing character.</p>

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

## Planning and Environment Act 1987

Council has prepared the heritage study and amendment to meet its responsibilities and duties as a Planning Authority under the provisions of the *Planning and Environment Act 1987*. Section 4(d) of the Act includes and objective to *“to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.”*

Section 12 of the Act outlines the duties and power of planning authority (council) under the Act:

*12(1) A planning authority must –*

- (a) implement the objectives of planning in Victoria;*
- (d) prepare amendments to a planning scheme for which it is a planning authority;*

## Environmental Effects

The Amendment will not have any adverse effects on the environment. Protection of heritage places will retain existing urban infrastructure and resources through the retention of significant heritage places. The protection of heritage places promotes sustainable development through conservation of, and reduced demand for new, construction materials.

## Social Effects

The Amendment will have positive social effects through the protection of places of cultural heritage significance for the benefit of current and future generations. The protection of these places in the planning scheme will benefit the community by:

- Adding to the understanding of the cultural history within the Moorabool Shire.
- Recognising and realising the positive contribution that culturally significant places make to the Moorabool Shire.
- Providing a link to the past and creates a sense of place and cultural identity. Conserving cultural heritage helps ensure that this sense of place and cultural identity may be appreciated by present and future generations.

## Economic effects

It is not expected that the Amendment will have any significant economic impacts. Conservation of heritage places has the potential to add to the tourism industry within the Moorabool Shire. However, the presence of the Heritage Overlay may trigger the need for planning approval which previously was not required, therefore, costs associated with altering heritage places may slightly increase.

Although the conservation of heritage values may impose some obligations on landowners, the recognition of heritage character can have positive economic benefits for specific sites. The inclusion of a site within the Heritage Overlay does not prohibit changes to that site or buildings, but rather requires an approval process whereby effects on heritage characteristics can be properly addressed.

The issue of economic and social impacts of applying the HO has been addressed in many Panel reports. In essence Panels have generally taken the view that the impact, if one actually exists more so than a perception of possible impact, is an issue that is more properly and effectively addressed for individual places at the planning permit application stage, if a permit is triggered via the HO.

In addition, in the context of the Act, social and economic effects are generally considered in relation to the broader community, whereas impacts on individual financial circumstances can be addressed through the planning permit process.

Therefore, the proper time for economic imperatives and the like to be considered is at the permit application stage when the detail of what is proposed to be done to a place is known and heritage considerations can be fairly weighed against other outcomes.

### **State Planning Policy Framework**

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

Clause 11 of the Scheme sets out the goals and principles of State planning policy and provides that:

*“The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.”*

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

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

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

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.*

- *Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.*
- *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive reuse of heritage buildings whose use has become redundant.*

### **Local Planning Policy Framework**

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

#### **“21.01 Municipal Context**

*Moorabool Shire is characterised by its townships in rural settings and its distinctive rural landscapes which comprise a diversity of vast ranges, plains, ancient gorges, and areas of intensive horticulture. The varied and rich topographical features are integral environmental, agricultural, and recreational resources for the Shire.*

*These environmental assets, as well as existing built form, historic buildings and landscapes, contribute to the Shire’s numerous places of natural and cultural heritage significance.”*

#### **“21.01-2 Key Issues**

*Key issues that direct land use planning in Moorabool Shire are:*

##### ***Environment***

*The environmental assets (including the Brisbane Ranges National Park, Lerderderg State Park, Werribee Gorge State Park, the Wombat State Forest, and Long Forest Nature Conservation Reserve), as well significant waterways, historic buildings, rural townscapes, and landscapes contribute to the Shire’s numerous places of natural and cultural heritage significance. These features inter-twined to form the character and lifestyle opportunities that attract people to Moorabool Shire.”*

#### **“21.03 Settlement and Housing**

##### ***21.03-4 Objective—Landscape and Neighbourhood Character***

*To ensure new development in all zones respects the existing character, landscape setting and amenity of the local area.*

### Strategies

- *Infill development should protect and enhance the existing character, built form and natural environment of the Shire's towns and villages including the country town scale and rural atmosphere of each town.*
- *Protect and reinforce the Shire's built and natural heritage as identified in heritage studies for the Shire."*

### "21.04 Economic Development and Employment

#### 21.04-1 Key Issues and Influences

#### Local employment

*Tourism development draws on many aspects of the Shire including recreation, leisure activities, environment, wineries, mineral springs, heritage and landscape features.*

#### 21.04-5 Objective—Local Employment

*Support the development and facilitation of increased local employment opportunities in order to strengthen the local economy.*

### Strategies

- *Facilitate development of the tourism sector by protecting the natural environment, heritage and town character.*

### Clause 21.06- Heritage

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

- *To preserve, promote, and enhance places of heritage significance including those of historical, aesthetic, architectural, scientific, and/or social value.*
- *Ensure new development is sympathetic to existing heritage places and makes a positive contribution to its heritage value.*
- *Where a permit is required for demolition/significant alterations of a heritage place, an application must be supported with documentation which demonstrates:*
  - *That the demolition/alterations will contribute to the long-term conservation of the significant fabric and/or part of the building.*
  - *That the demolition/alterations involve later inappropriate modifications to the heritage place.*
  - *That any cultural heritage significance of the place will be enhanced.*
  - *That any significant fabric to be unavoidably removed as part of the demolition/alterations can be re-instated.*
  - *A heritage impact statement may be required to be prepared, by a person/s of suitable experience and qualification in heritage architecture/interpretation.*

- *Protect important landscape features, views and built heritage including conservation of natural environment that have significant geological, botanical, zoological or other scientific importance.*
- *Encourage replanting of a similar type of tree where the removal of a significant tree is unavoidable.*
- *Protect known and identified sites of Aboriginal cultural heritage, including archaeological and historical places.*
- *Protect significant built heritage assets and streetscapes especially in Bacchus Marsh, Ballan, Blackwood, Gordon, and Mt Egerton.*

The implementation action is to:

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

#### *Clause 21.07- Bacchus Marsh*

Clause 21.07 describes many attributes, which define the character of Bacchus Marsh, included is the significant heritage buildings. Clause 21.07 seeks to facilitate further growth within Bacchus Marsh while maintaining those key attributes that make Bacchus Marsh a unique and attractive place to live.

### **Planning Scheme**

#### **Heritage Overlay**

The Heritage Overlay (HO) is the planning scheme tool used to achieve objectives to conserve and enhance heritage places. It has a focus on *‘those elements which contribute to the significance of heritage places’* and ensuring *‘that development does not adversely affect the significance of heritage places.’*

Permit requirements under the HO are the primary mechanism in the planning scheme to provide statutory protection for heritage places from unplanned demolition and inappropriate development or alterations, which could adversely affect their cultural significance.

The Heritage Overlay controls do not affect routine maintenance, or internal works or renovations (except where the schedule requires it) and specifically, the following minor works do not require a planning approval:

- Repairs or routine maintenance, which does not change the appearance of a heritage place. The repairs must be undertaken to the same details, specifications and materials.
- Anything done in accordance with an incorporated plan specified in a schedule to the overlay.

In summary, permit requirements relate proposals to subdivide land; to demolish or remove a building; to construct a building or construct or carry out works, and to externally paint an unpainted surface. In some cases, the schedule activates provisions, such as, whether prohibited uses may be considered and controls relating to external painting, internal alterations, trees, outbuildings and fences.



Inclusion of a site within the Heritage Overlay does not automatically prevent changes from occurring on the site. Rather, the planning scheme sets in place a process to consider any proposed change against its impact on heritage significance.

In circumstances where there is little impact on key elements of significance a planning permit (under the Heritage Overlay) is likely to be issued. Where there is a greater impact on significance this needs to be evaluated and a decision made in relation to net community impact.

If a planning permit application is refused, it is possible to have that decision reviewed by the Victorian Civil and Administrative Tribunal.

### **Financial Implications**

Substantial financial assistance has been provided to Council by the Commonwealth and State Governments to enable the preparation of the Bacchus Marsh Heritage Study and Amendment C06.

Council has received assistance from the Department of Planning and Community Development's Rural Planning Flying Squad to progress this Amendment. The Department provided funding for the preparation of draft Council reports and draft submissions/presentations to Planning Panels Victoria, which enabled staff resources to be dedicated to other projects on the strategic planning work program.

The new heritage listings are likely to generate additional planning permit applications, however, it is expected that the increase will not exceed the capacity of Council to continue to meet its statutory obligations.

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

Adopting a planning scheme amendment is a normal part of the planning process and thus there are unlikely to be any risks if Council resolves to adopt Amendment C06 in accordance with the recommendations of the Planning Panel.

As Council may be aware, the Minister for Planning makes the ultimate decision in regard to a Planning Scheme Amendment. To ensure that the support of the Minister can be gained for the approval of an amendment, a planning authority (Council) must follow the correct procedures and protocols, in accordance with the provisions of the *Planning and Environment Act 1987*.

Under the provisions of the Act, a Panel is appointed by the Minister for Planning to hear submissions made about amendments to planning schemes, and to make recommendations or provide expert advice about whether or not the amendment should proceed. The Act requires Council to carefully consider the recommendations of a Planning Panel prior to deciding whether the amendment is to proceed.

To minimise any risk, it is recommended that Council be guided by the Panel's findings. Any decision countering the recommendations received would need to be carefully measured given the risk of conflicting with the *Planning and Environment Act 1987*.

If Council chooses to adopt the Amendment without following the Panel's recommendations, the Minister would require significant justification to consider approving the Amendment. In addition, if Council cannot provide appropriate justification for not following the Planning Panel's recommendations, its decision may be deemed to be inconsistent with a number of the objectives of planning in Victoria.

If Council disregards the recommendations of the Planning Panel when submitting Planning Scheme Amendment C06 Part 3 for Ministerial approval, it could be subjected to further procedural delays or even possible changes by the Minister, under Section 35 (1) (b) of the *Planning and Environment Act 1987*.

Considerable financial support has been provided by the Commonwealth and State Governments to enable Council to prepare the Study and Amendment. These grants have been provided on the basis that the implementation of the Study would occur via its incorporation into the planning scheme.

Furthermore, if the Heritage Overlay is not in place to protect the Shire's heritage assets, there is a risk of the potential loss of significant buildings over time, ultimately eroding the heritage significance and character of Bacchus Marsh, which is highly valued by the community.

Council is in a sound position to adopt the Amendment at this time and undertake the further work recommended by the Panel prior to submitting the amendment for Ministerial approval. This approach is consistent with legal advice provided to other municipalities in relation to similar circumstance where Panels have recommended that further work be finalised prior to the approval of the Amendment.

It is appropriate for Council to adopt the amendment subject to the changes set out in its resolution being made to the satisfaction of Council's General Manager - Growth and Development.

There are unlikely to be any occupational health and safety implications for Council in relation to this amendment.

### **Community Engagement Strategy**

Considerable consultation with affected landowners has occurred since the preparation of the Bacchus Marsh Heritage Study commenced in the early 1990s.

This planning scheme amendment has undergone a rigorous consultation process. Public exhibition was undertaken in accordance with the provisions of the *Planning and Environment Act 1987*. The exhibition process is outlined in the Discussion Section of this report.

The Independent Panel conducted its public hearings in Bacchus Marsh and Ballan, and provided the opportunity for submitters to attend the hearing and make a presentation to the Panel. The Panel hearing was the culmination of all previous consultation undertaken in relation to the BMHS and Amendment C6.

In addition, there are many people and groups in the wider community with an interest in heritage. Many have been involved with the BMHS or Stage 1 of the West Moorabool Heritage Study. There was significant media interest in 2012 in relation to the progress of heritage studies in the Shire.

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Date</b>	<b>Outcome</b>
Consult	Affected landowners	Public exhibition & Informal Discussions  Phone Discussions	Various	April 2010-2014	Feedback has been provided as a result of public notification via written submissions, and phone/email enquiries.
Involve	Submitters	Panel Hearing	Bacchus Marsh and Ballan	3 April 2013	Referral to the Planning Panel provided an opportunity for submitters to present their views and evidence to an independent body prior to Council determining its position.

### **Communications Strategy**

All submitters will be notified of the outcome regarding the consideration of this report. Council officers will continue to work with affected property owners to seek the implementation of Amendment C06 Part 3.

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

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

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

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

#### *General Manager – Satwinder Sandhu*

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

#### *Author – Damien Drew*

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

### **Conclusion**

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

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

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

Following the public exhibition of Amendment C06, a number of issues identified in submissions remained unresolved. In response to concerns raised in submissions, a rigorous review of Amendment C06 – Part 2 was undertaken. This review confirmed the validity of the Bacchus Marsh Heritage Study 1995 and that the majority of the properties identified, including HO166– 'JBD Industrial Park' (former CSR Mill), meet the current criteria for protection under the Heritage Overlay.

To provide direction to Council as to how best to proceed with the amendment, a Planning Panel was appointed to consider these issues. All submitters were notified of the Panel Hearing by Planning Panels Victoria and given the opportunity to present to the Panel. All submissions were considered by the Panel, even if the submitter did not make a presentation at the Hearing.

The Panel reviewed the merits of the Amendment, including the basis for defining the heritage value of individual properties. It accepted the consensus view of the expert witnesses that HO166 – ‘JBD Industrial Park’ (former CSR Mill) is of local heritage significance, but recommended exclusion of the chipper house from the HO as it is a relatively minor component of the original factory complex.

In addition, the Panel recognised that Council responded to submissions by supporting changes to the Amendment and the Panel process has provided an opportunity for those affected to present their views.

The Panel Hearing process and findings provides a significant planning milestone for Council. It represents a culmination of a significant planning process, which commenced in 1994-95. A significant amount of community and stakeholder engagement has occurred to the stage of enabling the amendment to be considered for adoption.

Therefore, it is considered that the Panel's Report, which endorses the adoption of the Amendment, is a significant step towards providing greater certainty regarding the protection of heritage places in Bacchus Marsh and surrounds, and meeting Council's requirement as a planning authority to conserve places of heritage significance.

Furthermore, adopting Amendment C06 Part 3 will bring the Amendment closer to its conclusion, ultimately resolving uncertainty in the community in relation to the protection of places of heritage significance in Bacchus Marsh and surrounds.

This report recommends adoption of Amendment C06 Part 3, in accordance with the Panel recommendations. It is recommended that the Amendment be submitted to the Minister for Planning for approval.

Amendment C06 Part 3 is due to lapse on 19 March, 2014 and discussions with officers of the Department of Transport, Planning and Local Infrastructure have indicated that a request for an extension of time may not be approved. Council has previously been granted two extensions to enable the Amendment to be finalised. Therefore, it is necessary to consider the adoption of Amendment C6 Part 3 prior to 19 March, 2014.

**Recommendation:**

**That Council, having considered the recommendations of the Planning Panel's Interim and Final Reports regarding Moorabool Planning Scheme Amendment C06 Part 3 pursuant to Section 27 of the Planning and Environment Act 1987, resolves to:**

- 1. Adopt Amendment C6 Part 3, with changes as recommended by the Panel as follows:**
  - a. Reduce the extent of HO166 (JBD Industrial Park, Maddingley) on the west, north and east of the site to:**
    - **Exclude the new buildings on the west of the site;**
    - **Exclude the chipper house (building 5 shown on Figure 2 of this report); and**

- Encompass only the other elements identified in the statement of significance as contributing to the heritage significance of the complex, plus a distance of five metres from the contributory around the perimeter of each contributory building (where these do not directly abut more recent buildings).
  - b. Addition of an incorporated plan for HO166 that is agreed between Council and the owner, if agreement can be reached by 5 April, 2014.
  - c. Alter the address in the schedule entry for HO182 – Farmhouse ‘Woodlands’, windmills and landscape – to 229 Long Point Road, Myrniong and amend the HO mapping to identify the correct property (excluding the row of pines to the south of the homestead complex, which are located on the adjoining property).
  - d. Preparation of a document that compiles the revised statements of significance provided to the Panel (with the further revisions identified during the Hearing process) for incorporation in the planning scheme.
  - e. the draft incorporated plan presented to the Panel for the property at 229 Long Point Road, Myrniong being finalised to the satisfaction of the owner and Council.
  - f. amendment of the ‘What is significant?’ section of the statement of significance for 55 Main Street, Myrniong (HO188) to record that the rear hip-roofed section of the building is not significant.
  - g. further revision of the citation for 44 Paces Lane, Rowsley (HO202) to improve the consistency of its description of the style of the house.
2. Finalise the documents for incorporation in the planning scheme, prior to Amendment C6 Part 3 being submitted to the Minister for Planning for approval, in accordance with the Panel’s recommendations, as follows:
- the incorporated plan for HO166 if agreed upon between Council and the owner by 5 April, 2014
  - the draft incorporated plan presented to the Panel for the property at 229 Long Point Road, Myrniong to the satisfaction of the owner and Council
  - the document that compiles the revised statements of significance provided to the Panel, with the further revisions identified during the Hearing process, including:
  - amendment of the ‘What is significant?’ section of the statement of significance for 55 Main Street, Myrniong (HO188) to record that the rear hip-roofed section of the building is not significant.

- **further revision of the citation for 44 Paces Lane, Rowsley (HO202) to improve the consistency of its description of the style of the house.**
- 3. Adopt the final version of Incorporated Documents subject to the changes set out in Point 2 being made to the satisfaction of the General Manager Growth and Development.**
  - 4. Submit the adopted Amendment C6 Part 3, together with the prescribed information, to the Minister for Planning requesting approval pursuant to Section 31(1) of the Planning and Environment Act 1987.**

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

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Tuesday, 25 February 2014



# Attachment - Item 11.2.7(a)





*Planning and Environment Act 1987*

## **Final Panel Report**

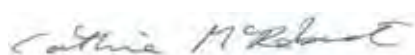
Moorabool Planning Scheme  
Amendment C6 Part 2

**13 May 2013**

*Planning and Environment Act 1987*

Panel Report pursuant to Sections 153 and 155 of the Act

Amendment C6 Part 2 to the Moorabool Planning Scheme

A handwritten signature in dark ink, appearing to read 'Cathie McRobert'.

Cathie McRobert, Chair

A handwritten signature in dark ink, appearing to read 'Helen Martin'.

Helen Martin, Member



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## List of Abbreviations

DPCD	Department of Planning and Community Development
HO	Heritage Overlay
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
SPPF	State Planning Policy Framework
The 1995 Heritage Study	<i>The Bacchus Marsh Heritage Study 1995</i>

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# Summary, Overall Conclusions and Consolidated Recommendations

## Amendment Summary

<b>The Amendment</b>	Amendment C6 Part 2 to the Moorabool Planning Scheme (the Amendment). Council resolved to split the amendment into two parts and to refer submissions relating to the Amendment (Part 2) that remained unresolved for consideration by a Panel.
<b>Purpose of Amendment</b>	To implement the recommendations of the Bacchus Marsh Heritage Study 1995 (the 1995 Heritage Study) by including 81 additional places in the Heritage Overlay (HO).
<b>The proponent &amp; Planning Authority</b>	Moorabool Shire (the Council).
<b>Exhibition</b>	14 April - 25 June 2010.
<b>Submissions</b>	34 submissions relating to the Amendment objected or sought changes to the Amendment. They are listed in Appendix A of the Interim Panel Report.

## The Panel Process

<b>The Panel</b>	Cathie McRobert (Chair) Helen Martin
<b>Panel hearings</b>	<p>Directions Hearing: 1 February 2013</p> <p>Hearings: 4 - 5 March 2013 3 April 2013</p> <p>The Panel agreed to a request on behalf of Calleja Group of Companies (Calleja) to defer the part of the Hearing relating to their submission regarding the JBD Industrial Park at 25 Rowsley Station Road, Maddingley (HO166). The Panel also agreed to defer consideration of submissions relating to the following places to the reconvened Panel Hearing on 3 April 2013:</p> <ul style="list-style-type: none"><li>• 33 Clarinda Street, Bacchus Marsh (HO59);</li><li>• 91 Main Street, Bacchus Marsh (HO102); and</li><li>• 'Woodlands', 229 Long Point Road, Myrniong (HO182).</li></ul>
<b>Site inspections</b>	<p>The Panel made unaccompanied inspections on 4 and 5 March 2013 of the places that were the subject of objecting submissions that were heard on 4 and 5 March 2013, together with other places identified in the Heritage Study or the Amendment that were of interest to the Panel, such as a proposed heritage precinct not included in the Amendment.</p> <p>The Panel made the following inspections accompanied by Council officer(s) and the submitter(s):</p> <ul style="list-style-type: none"><li>• 33 Clarinda Street, Bacchus Marsh on 3 April 2013; and</li><li>• JBD Industrial Park at 25 Rowsley Station Road, Maddingley on 24 April 2013.</li></ul>

<b>Appearances</b>	<p><b>4 - 5 March 2013</b></p> <ul style="list-style-type: none"> <li>▪ Moorabool Shire represented by Damien Drew and Lisa Gervasoni who called expert evidence from Samantha Westbrooke of Samantha Westbrooke Pty Ltd on heritage.</li> <li>▪ National Trust of Australia (Vic) (the National Trust) represented by Paul Roser.</li> <li>▪ Devine Communities represented by Cathy Pearl of SJB Planning who called expert evidence from Peter Lovell of Lovell Chen on heritage.</li> <li>▪ J H White.</li> </ul> <p>(Heather and John Sevald and Mandy Moerenhout originally requested to be heard but withdrew the request after receiving advice of Council support for removal of their property from the HO).</p> <p><b>3 April 2013</b></p> <p>Moorabool Shire Council represented by Damien Drew and Lisa Gervasoni who called expert evidence from Samantha Westbrooke of Samantha Westbrooke Pty Ltd on heritage.</p> <ul style="list-style-type: none"> <li>▪ Calleja Group of Companies represented by Chris Wren, SC instructed by Joanne Merrylees of Merrylees Legal who called the following expert witnesses: <ul style="list-style-type: none"> <li>- Bryce Raworth of Bryce Raworth Pty Ltd on heritage; and</li> <li>- Robert Milner of 10 Consulting Group on planning.</li> </ul> </li> <li>▪ R F &amp; J P Michalski represented by Julie Mundy.</li> <li>▪ Glenda Lidgett.</li> <li>▪ Julie Del Papa.</li> </ul>
<b>The interim report</b>	The interim report (dated 10 April 2013) was provided to avoid delay in the implementation of elements of the Amendment (Part 2) relating to submissions heard on Days 1 and 2 of the Hearing and where a request had not been made to be heard.
<b>The final report</b>	The final report deals with the submissions heard on Day 3 relating to HO166, HO59, HO102 and HO182. It also contains the Panel's conclusions on HO95, a site where amended mapping is proposed, omitted inadvertently from the interim report. The conclusions and recommendations of the interim report are not altered by the final report.
<b>Date of report</b>	Interim Report 10 April 2013. Final Report 13 May 2013.

## Overall Conclusions

As stated in the interim report, the Panel acknowledges that criteria and practice in the assessment of heritage places has evolved since the 1995 Heritage Study that underpins Amendment C6 was undertaken. However, we are satisfied that the methodology adopted in the 1995 Heritage Study is sound and the extensive review undertaken leading up to and through the Amendment/Panel processes have provided a significant level of scrutiny of the 1995 assessments. Overall the basis provided by the study has been verified and revisions have been identified where necessary.

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We have recommended that Council consider undertaking further work to address a number of ‘gaps’ that remain. This work should not delay the approval of Amendment C6 which is important to establish a framework to protect the places of identified heritage significance. Expert evidence has also suggested that the citations for places to which the HO was applied under Part 1 of Amendment C6 should be reviewed and updated if necessary. Further, it is best practice to include statements of significance in an incorporated document to provide certainty for the decision making process. Council should consider undertaking these further pieces of work.

## **Consolidated Recommendations**

Based on the reasons set out in this Report, the Panel recommends that Amendment C6 Part 2 to the Moorabool Planning Scheme be adopted subject to the following recommendations:

### **Final Report**

- 1. Reduce the extent of HO166 (JBD Industrial Park, Maddingley) on the west, north and east of the site to:**
  - **Exclude the new buildings on the west of the site;**
  - **Exclude the chipper house (building 5 shown on Figure 2 of this report); and**
  - **Encompass only the other elements identified in the statement of significance as contributing to the heritage significance of the complex, plus a distance of five metres from the contributory around the perimeter of each contributory building (where these do not directly abut more recent buildings).**
- 2. Council consider implementing HO166 as a separate part of the Amendment to enable the addition of an incorporated plan that is agreed between Council and the owner within three months of advice to the owner of Council’s response to this recommendation (if agreement cannot be reached on a management plan within the nominated timeframe, the application of HO166 should proceed without a management plan).**
- 3. Remove the following properties from Amendment C6 Part 2:**
  - **33 Clarinda Street (HO59); and**
  - **91 Main Street (HO102).**
- 4. Alter the address in the schedule entry for HO182 – Farmhouse ‘Woodlands’, windmills and landscape – to 229 Long Point Road, Myrniong and amend the HO mapping to identify the correct property (excluding the row of pines to the south of the homestead complex, which are located on the adjoining property).**
- 5. If the draft incorporated plan for the property at 229 Long Point Road, Myrniong can be finalised to the satisfaction of the owner and Council within the timeframe for adoption and approval of Amendment C6 Part 2, include it as part of the amendment.**
- 6. Alter the description in the HO schedule for HO95 to ‘Riverton’ and amend the mapping to identify the correct location on the property (as proposed by Council).**
- 7. Council consider preparing a document that compiles the revised statements of significance provided to the Panel (with the further revisions identified during the Hearing process) for incorporation in the planning scheme as part of Amendment C6.**

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## Interim Report

8. Alter the description of the following places in the schedule to the HO:
  - 18 Crook Street, Bacchus Marsh (HO60) to *'Carisbrook'*;
  - Refer to *'Nerowie Outbuildings'* (HO195) and the mapping for the site should be altered as proposed by Council;
  - 80 Lerderderg Street, Bacchus Marsh (HO94) to delete reference to the orchard complex;
  - 44 Paces Lane, Rowsley (HO202) to *'Willowbank'*; and
  - Combine 48 and 48A Grant Street, Bacchus Marsh (HO80 and HO204) into a single listing.
9. Remove the following properties from Amendment C6 Part 2:
  - 2 White Avenue, Bacchus Marsh (HO122);
  - 61 Moonah Drive, Long Forest (HO155);
  - Drystone Wall at McCormacks Road, Maddingley (HO165);
  - 18 Red Box Court, Long Forest (HO156);
  - 33 Wattle Court, Long Forest (HO157); and
  - 38, 40, 42, 48, 52 and 63 Gisborne Road, Bacchus Marsh (HO65-HO70).
10. Revise the HO mapping for:
  - 289 Werribee Vale Road, Maddingley (HO174) to reduce the area (as recommended in Mr Peter Lovell's statement of evidence dated 22 February 2013);
  - 48 and 48A Grant Street, Bacchus Marsh (HO80 and HO204) to combine the HO into a single site;
  - 89 Lerderderg Street, Bacchus Marsh (HO96) to cover the whole of the former military hut; and
  - 97 Main Street, Bacchus Marsh (HO103) to cover the whole of the former garage building, as proposed by Council.
11. Council review the tree control provisions for consistency with citations and delete tree controls from the schedule to the HO where trees are not identified as significant in the citation for the place.
12. Defer action relating to the following properties pending the submission of this Panel's final report:
  - *'Woodlands'*, 229 Long Point Road, Myrniong (HO182);
  - 33 Clarinda Street, Bacchus Marsh (HO59);
  - 91 Main Street, Bacchus Marsh (HO102); and
  - 25 Rowsley Station Road, Maddingley (HO166) (the former CSR Wood Panels Bacchus Marsh Mill, also known as JBD Industrial Park).

## Other Recommendations

13. Amend the *'What is significant?'* section of the statement of significance for 55 Main Street, Myrniong (HO188) to record that the rear hip-roofed section of the building is not significant.



- 
14. Council give consideration to further revision of the citation for 44 Paces Lane, Rowsley (HO202) to improve the consistency of its description of the style of the house.
  15. Council consider undertaking the following further work:
    - Evaluate precincts, such as in Lerderderg Street and Grant Street;
    - An examination of drystone walls of the Shire to determine whether or not Clause 52.37 should be invoked;
    - Review of places from the Post World War 2 era to determine the relative value of houses from this period, including houses that have been deleted during the process leading up to the Amendment and this report;
    - Prepare up to date statements of significance for those properties already included in the Heritage Overlay through Part 1 of Amendment C6 that are currently still relying on the statements of significance provided in the Bacchus Marsh Heritage Study, 1995; and
    - Advance the introduction of protection for potential heritage precincts, such as in Lerderderg and Grant Streets.
  16. Council consider introducing tree controls through a separate Amendment where trees are identified as important to the significance of the place.
  17. Establish a potential heritage place list which includes the places identified in the Bacchus Marsh Heritage Study 1995 as being of Interest.

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# 1 Consideration of Day 3 Submissions

## 1.1 Introduction

This final report only deals with the places where consideration of submissions was deferred to Day 3 of the Hearing, namely:

- JBD Industrial Park at 25 Rowsley Station Road, Maddingley (HO166);
- 33 Clarinda Street, Bacchus Marsh (HO59);
- 91 Main Street, Bacchus Marsh (HO102); and
- 'Woodlands', 229 Long Point Road, Myrniong (HO182).

Council supports making the change requested in one submission - to delete HO102 from the Amendment. In the other cases, Council proposes to retain the places in the Amendment but make changes to the mapping or supporting documentation (the citation for the place) to address issues raised by submitters or to correct inaccuracies.

The interim panel report (dated 10 April 2013) sets out the background and scope of the Amendment. The conclusions and recommendations in the interim report are not varied by this final report of the Panel.

## 1.2 JBD Industrial Park at 25 Rowsley Station Road, Maddingley (HO166)

The exhibited heritage overlay (HO166) covers the southern title of the JBD Industrial Park (the former CSR 'Timbrock' hardboard mill) (Figure 1).

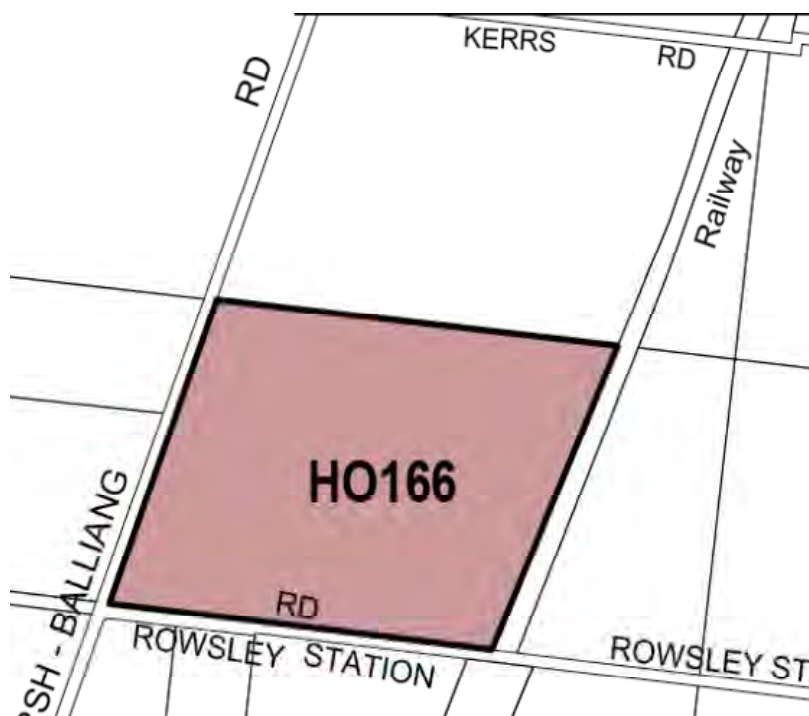


Figure 1 Exhibited HO166

The complex of factory buildings at the south of the site along Rowsley Station Road (see Figure 2) have been identified as significant but a series of large industrial ponds and vacant, grassed open space have not.



**Figure 2 JBD Industrial Park aerial photograph**

The citation prepared by Samantha Westbrooke Pty Ltd describes the factory complex as follows:

*A manufacturing plant complex built in the International Modern style, consisting of rectangular blocks with flat steel deck roofs, salmon and red brick, steel framed windows and cement sheet cladding. There are entire curtain walls of concrete breeze blocks. There are lighting standards with conical luminaries with dish caps. Signage is supported on a rolled hollow section steel frame. The buildings are set within lawns with native planting at the entrance, a rock garden, pool, and possible sculpture remnant.*

*The factory is centred on a 250-metre long main processing building flanked by various storage and administration buildings. The whole complex demonstrates a unity of design in its use of a low brick wall surmounted by corrugated cement sheeting or steel framed glazing. Most south facing walls are completely glazed from the brick dado to the roof, while the north facing walls and some south facing ones have a single strip of glazing along the top of the wall. The brick dado is evidently designed to prevent damage to the fragile cement sheeting and so is used only at the lower level. However, as a stylistic feature, this has also been employed in the administrative buildings.*

*The production line is expressed by the long low main production building, with the tall milling and mixing structure at the eastern end, where raw materials are prepared for processing, a small tower housing the steam accumulator a short distance along, and the large storage and dispatch buildings extending across the western end.*

*The administration block lies between the production building and Rowsley Station Road, with a gatehouse and openwork, concrete block wing walls identifying the main entrance.*

*The brown coal and wood waste fired boiler is a prominent feature at the eastern end of the site. This fully glazed wall to the north and south broken by strips of louvered venting and with a probably accidental random checker pattern created*

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*by different coloured glass panes. The steel chimney stands just south of the boiler house.*

The statement of significance reads:

*What is significant?*

*The CSR Mill designed by T. H. McConnell, which opened in 1960, located at 25 Rowsley Station Road, Maddingley. The following elements contribute to the significance of the place:*

- *Gatehouse & Administration Block;*
- *Amenities Block;*
- *Boiler House;*
- *Bicycle Shed and Factory sign;*
- *Chipper House;*
- *Main Factory Building;*
- *Warehouse;*
- *Workshop and Store;*
- *Factory Supervision; and*
- *The setting of the place, including the boundary trees and rock garden at the front of the site.*

*How is it significant?*

*The former CSR Mill, 25 Rowsley Station Road, Maddingley is of local historical and aesthetic significance to the Shire of Moorabool.*

*Why is it significant?*

*The former CSR Mill, 25 Rowsley Station Road, Maddingley is of historical significance as the embodiment of an industrial process and capital investment in a semi rural location.*

*The factory officially opened in 1961 by State Premier at the time Mr H E Bolte demonstrates the decentralisation policies of the Liberal Government during the 1950s and 60s. The complex is of historical significance for its associations with the development of employment and industry in the former Bacchus Marsh Shire, which demonstrates the utilisation of valuable resources in the area.*

*The former CSR Mill, 25 Rowsley Station Road, Maddingley is of aesthetic significance as an early glass curtain wall Modern factory complex demonstrating a unity of design, in an intact condition. The manufacturing plant complex was designed in the International Style Modern by T H McConnell of Hassell & McConnell architects and built 1960- 61 for the manufacture of hardboard panels known as 'Timbrock'. The original complex of buildings still survives intact demonstrating the layout and building forms required for the hardboard production process. The boiler house and main factory building are rare surviving examples of their building types and even rarer due to their intact glass curtain walls. Features of note demonstrating the International Style, include the flat roof forms, brick walls with under eaves ribbons of windows, openwork concrete block wall to the amenities block, and glazed curtain walls. The setting of the place, including the factory sign and bike shelter, boundary native trees and rock garden at the front of the site contribute to its aesthetic significance.*

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### 1.2.1 Submissions

The original submission on behalf of Calleja opposed the application of the HO to the site at 25 Rowsley Station Road, now known as the JBD Industrial Park, for the following reasons:

- The development on the site is highly modified from its original form;
- The heritage significance and merit is greatly overstated;
- The buildings on the site perform an ongoing industrial role and an HO would unreasonably and excessively constrain the adaptation and extension of uses; and
- The area mapped as HO166 vastly exceeds the land that was historically developed for the CSR wood panels Bacchus Marsh mill.

After consideration of the submission and an inspection of the site with Council officers, Ms Westbrooke concluded:

*The CSR Wood Panels Bacchus Marsh mill has clear local historical and architectural significance and should be included in the current planning scheme amendment with a revised comprehensive citation prepared as a result of further site survey work and a clear definition of the extent of contributory elements.*

The citation was subsequently revised to provide, amongst other things, a list of the elements that contribute to the significance of the site (as shown in the version quoted above).

### 1.2.2 Hearing submissions

At the Hearing, Council maintained the adopted position which identified the following elements as contributing to the significance of the place, namely: gatehouse and administration block; amenities block; boiler house; bicycle shed and factory sign; chipper house; main factory building; warehouse; and workshop and store.

Calleja's primary position at the reconvened Hearing still opposed any listing of the site within the HO.

Calleja argued that Planning Authorities may take economic effects into account when preparing an amendment to a planning scheme (s12(2) of the Act) and should do so when directly relevant<sup>1</sup> and this section will be strengthened when the *Planning and Environment Amendment (General) Act 2012*<sup>2</sup> replaces the word 'may' with the word 'must'. Calleja emphasised the dilapidated state of the site, the safety hazard it poses and the importance of adopting a realistic and practical approach that will facilitate 'the continued future use and economic viability of this disused, obsolete, single-purpose factory site'. The Panel was advised that the buildings contain significant quantities of asbestos and other hazardous materials and are the subject of a Building Notice (26 January 2012) that requires significant upgrades of the building to satisfy current fire safety requirements.

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<sup>1</sup> Mr Wren noted the judicial consideration of the word 'may' by Justice Osborn J. in *Rozen v Macedon Ranges Shire Council & Anor* where he observed:

'61 As I previously observed with respect to the interim Guidelines although s.60(1A) provides that the responsible authority 'may' consider such a Guideline, it is its duty to do so when it is plainly relevant to the subject matter of the permit application.'

<sup>2</sup> The *Planning and Environment Amendment (General) Act 2012* has been gazetted and will be proclaimed no later than October 2013.

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Mr Wren posed the question:

*Is the level of significance so great as to outweigh the opportunities for that site to have continued future use and economic viability in a way that will enable it to be capable of providing investment and employment within the Shire whilst at the same time preserving those aspects of the site that best demonstrate what occurred in the past to inform future residents of its history. ... it is submitted those elements identified by Mr Raworth are the ones that best achieve this outcome and are hence more significant than those less capable of being seen from the public realm and that are not adaptable to reuse because of the inherent constraints that they face.*

### **1.2.3 Heritage Evidence**

#### **Pre-Hearing statement of matters on which experts agree and disagree**

In accordance with directions of the Panel, a pre-Hearing consultation<sup>3</sup> occurred between Mr Raworth and Ms Westbrooke. Mr Raworth proposed:

1. Contraction of the HO to apply to the gatehouse and administration block; the amenities block, bicycle shed, the factory sign, and the front setting (including the rock garden).
2. Calleja would pay for an archive quality photographic survey and an architectural and historical assessment that provided a description and analysis and a range of historic photographs such as can be found.

There were different understandings between the experts on the level of agreement reached during this consultative process. Mr Raworth communicated to Calleja to the effect that agreement, as set out above, had been reached with Ms Westbrook. However, Ms Westbrooke understood the consultative process as identifying the potential to reduce the extent of the HO subject to more specific justification and canvassing of the issues at the Panel Hearing.

Mr Wren told the Hearing that Calleja preferred that the HO not be applied to any part of the site, but accepted what was understood to be the position agreed by the heritage experts at the pre-Hearing consultation. He expressed strong concern that the views subsequently expressed by Ms Westbrook meant they were not sure what case they were to meet until her evidence was presented.

While a consensus between experts cannot necessarily be achieved through the pre-Hearing consultation process, the Panel considers it is unfortunate that the process did not produce a clearer understanding between the experts of their respective opinions. This has meant that the Panel's consideration of the evidence is on the basis of the expert statements, together with their presentations and responses to questions at the Hearing.

#### **Heritage expert views at the Hearing**

It is the Panel's understanding that there was agreement between Mr Raworth and Westbrooke on the following matters:

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<sup>3</sup> 15 March 2013 via a telephone conference.



- The subject site is of sufficient significance at a local level to warrant a heritage control;
- Jack Hobbs McConnell (J H McConnell, not T H McConnell as shown in the citation) was a leading architect, whose firm was responsible for a number of other significant industrial projects;
- It is important that industrial buildings are managed in a way that will enable ongoing use and does not leave the site abandoned and/or derelict; and
- Substantial contamination, dilapidation and ongoing use issues apply to the site.

Mr Raworth's recommendations are set out in the position put at the pre-Hearing consultation. He considered it appropriate to apply the HO to the smaller group of elements at the front of the site and provided two alternatives for mapping (shown in Figures 3 and 4).



**Figure 3 One option for mapping significant elements to be included in the HO (Raworth)**



**Figure 4 Another option for mapping significant elements to be included in the HO (Raworth)**

Mr Raworth gave his reasons for proposing this smaller area for HO protection as:

*... these are the most architecturally distinctive parts of the complex and the most prominent, and provide the visual associations with the group for the majority of*

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*the public due to their location on the nearest thoroughfare. The balance of the site is of lesser public accessibility and lower visibility from the public realm, and includes large structures that are affected by contamination and other issues that I am instructed render their adaptive reuse not feasible.*

*This extent of listing would enable the site to retain its public realm appearance and would celebrate the architectural and historical interest of the place while still enabling substantial change and development on the balance of this large industrial site.*

Mr Raworth referred to other examples<sup>4</sup> where selective application of the HO to elements of industrial heritage places maintained the view from the public realm while enabling substantial change and development on the balance of the site. Mr Raworth acknowledged that, consistent with the DPCD practice note ‘*Applying the Heritage Overlay*’, some planning Panels<sup>5</sup> have recommended the HO apply to whole of an industrial heritage site, with an incorporated plan (as provided for in Clause 43.01-2, to be listed in the schedule to the HO) to identify contributory elements and provide permit exemptions for works to non-contributory elements. However, he considered this approach to be unnecessary in this case where a relatively straightforward delineation can be made between items that should be retained under the HO and those ‘*that are not worthy of retention in the face of appropriate redevelopment*’.

In response to questions from the Panel, Mr Raworth conceded that the main factory building, at least, was of heritage significance but said that he did not see how it could be retained in a redevelopment of the site.

Given the contamination, dilapidation and ongoing use issues, Ms Westbrooke was of the view that the application of the HO to an area sufficient to allow the context of significant elements to be addressed in decision making, together with an incorporated plan provides the most appropriate framework for this site. She did not agree that public accessibility and visibility should be a primary consideration in the delineation of the HO.

Ms Westbrooke noted that it is not proposed to apply internal controls under the HO but she was not aware of the extent to which redundant equipment in the complex formed part of the structural fabric, the nature of contamination or the owners’ plans for the site. At the Hearing Ms Westbrooke acknowledged that some reduction in the extent of the HO identified in presentations to the Panel may be reasonable (for example, exclusion of the timber yard). She considered the preparation of an incorporated plan (with permit exemptions and agreed areas of development) would assist with retention of the identified significance of the place while allowing for ongoing use of the site. The process of formulating an incorporated plan would allow appropriate consideration of issues such as the nature of contamination, constraints on reuse of existing buildings and the owner’s plans for the site. Ms Westbrooke acknowledged that this further assessment may determine that the retention of some elements of the complex may not be justified or feasible.

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<sup>4</sup> The former Nestle site in Wellington Road, Mulgrave (HO86); the Richmond Terminal Station (HO276); and the former Melbourne Woollen Mills, Yarraville (HO81).

<sup>5</sup> For example, in relation to the former Australian Glass Bottle Works (later ACI) in Spotswood.



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Mr Wren, for Calleja, submitted that an Incorporated Plan is an unacceptable requirement as the contents are unresolved, the constraints imposed by it are unknown and it would be an impediment to investment decisions about the future use of this site.

#### 1.2.4 Planning Evidence

Mr Milner identified the strong strategic planning<sup>6</sup> and policy support and benefit to the broader community from development of this large, underutilised, Industrial 2 zoned land with excellent services<sup>7</sup> for employment purposes. He emphasised economic development considerations, highlighting the potential synergies from access to proximate brown coal resource and industrial land upon which that resource might be processed, both of which are owned by the Calleja Group.

Mr Milner's evidence referred to current proposals that illustrate the appeal of the site for industrial development and the potential economic benefit to the Bacchus Marsh economy, including:

- Development of a six hectare site to the north east of the JBD Industrial Park by a company involved in the calcification of limestone;
- An Energy Systems Australia<sup>8</sup> proposal to install 5 Cummins gas fired engines (10 megawatts generating capacity) on land to the immediate east of the boiler house as stage 1, with a second stage utilising the land the boiler house is on doubling the capacity. The project is set to commence works within the next 6 months; and
- Subdivision of two 2-hectare lots along the eastern boundary of JBD Industrial Park is being contemplated.

It was Mr Milner's opinion that:

*Wide ranging heritage provisions applying across this building stock would present serious constraints upon the land being able to serve its intended purpose. From an economic development perspective it would be preferable that any heritage provisions that are applied to the site are selective and confined to portions of the site in a manner that does not compromise its primary land use.*

#### 1.2.5 Discussion

##### The Site Inspection

The accompanied inspection of the site, including inside the key factory buildings, confirmed the high level of intactness of the elements of complex that have been identified as significant. It was also clear that very substantial pieces of redundant machinery are integrated within the complex and that this poses significant challenges for reuse of some

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<sup>6</sup> Including specific reference to the significant capacity of the site in the *Moorabool Industrial Areas Strategy 2001*.

<sup>7</sup> The site is served by a septic tank system that can support up to 380 persons; it is connected to town water and has its own high voltage transmission capacity with approximately 5 megawatts available (which could be enhanced if required), access by main roads to Bacchus Marsh and the freeway network. Mr Milner advised final discussions are taking place to provide JBD Industrial Park with access to the reticulated gas network.

<sup>8</sup> Mr Milner advised that Energy Systems Australia has been given the contract to generate power during peak periods, as Bacchus Marsh and the surrounding towns.

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buildings, particularly the boiler house but also the main factory building. The inspection confirmed that asbestos was widely used in the buildings.

### Heritage Significance

The Panel accepts the consensus expert view that the complex is of local heritage significance but we do not agree with the Proponent and Mr Raworth that the lack of public accessibility and visibility from the public realm justifies excluding from the HO elements that have been identified as contributing to the heritage significance. The exception to this judgement relates to the chipper house (building 5 on Figure 3).

The Panel considers the exclusion of the chipper house from the HO is appropriate, as:

- It is a relatively minor component of the original factory complex and has been substantially altered. The new fabric in the structure reduces its intactness;
- It is located at a considerable distance from the rest of the contributory buildings and would be an incursion into the vacant land; and
- This building could be excluded from the revised HO mapping without detriment to the significance of the site as a whole. It makes a limited contribution to the significance of the complex and the retention of this structure is not critical to the appreciation of the heritage place.

### Other Considerations

The Panel agrees with all parties and the experts' view that facilitating the reuse of heritage places is important and particularly challenging for industrial heritage places.

We do not dismiss the implications of either the contamination issues or the integration of very substantial factory infrastructure and machinery on the reuse of the complex. However, the Panel is not in a position to:

- Confirm the specific nature of the use of asbestos (for example whether it is within the window putty) or the risk it poses in either an undisturbed state or if it is removed/replaced. The management of this safety issue will need to be addressed irrespective of whether the HO applies but we recognise there will be costs associated with appropriate remediation; and
- Evaluate the potential to incorporate contributory buildings within development of the site. The Panel agrees with Ms Westbrooke that the information before us has not established that there is **no** potential for reuse of the buildings that contribute to the significance of the place.

The Panel recognises that Industrial 2 zoned land is a scarce resource and that the JBD Industrial Park land has been identified in planning strategies as an important asset for the Bacchus Marsh economy. We acknowledge advice that proposals are afoot for significant development of the broader site and these plans directly affecting the boiler house, which is one of the buildings identified as contributing to the heritage significance of the complex.

The Panel has not formed a view that there is **no** potential to conserve the contributory buildings at the JBD Industrial Park. Although the further evaluation associated with either an application for permit or the formulation of a management plan may establish that some buildings cannot be retained, we do not consider it is appropriate to remove the HO from contributory buildings as part of this Amendment.

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The application of the HO ensures that objectives to protect places of identified heritage significance, such as the former CSR Timbrock hardboard mill, are taken into account in planning decisions and that these objectives are balanced with the range of other planning considerations<sup>9</sup>. The range of relevant matters can be evaluated through permit and/or incorporated plan processes.

### **The Appropriate Planning Framework**

The first issue for consideration is the extent of the HO that should apply to the JBD Industrial Park.

The Panel has already commented that it considers all contributory buildings except the chipper house should be included in the HO. Council and Ms Westbrooke supported a post-exhibition contraction of the HO that incorporated all of the contributory components plus an extended area to enable the context of the heritage buildings to be considered and protected.

The Panel has a strong preference for the reduced area of HO166 to be mapped as a single polygon, rather than the 'serial' listing model proposed by Mr Raworth.

While a capacity to consider development in the vicinity of elements that contribute to that significance is important, the particular circumstances need to be taken into account. In this case, we note that newer buildings to the west of the complex already compromise the setting in that area. These should be excluded from the reduced area of HO166. Further, the Panel does not consider that control of development of land to the east of the boiler house or north of the main factory building is necessary beyond an area that would enable consideration of interface treatments. We suggest that a distance of five metres from contributory structures would serve that purpose. The boundary on the western side of the site should exclude the newer buildings (those not highlighted in pink in Figure 2).

While the merits of proposals for development of the site, including the demolition of buildings, can be evaluated through permit processes, the Panel sees merit in the development of an incorporated plan to provide certainty and appropriate exemptions from permit requirements.

As others are unlikely to be directly affected by the content of an incorporated plan (heritage management plan) for the site, the Panel considers it would be acceptable for such a plan to be incorporated as part of this Amendment if agreement is reached between Council and the property owner. Otherwise, a separate Amendment process would be required to apply the incorporated plan, or decisions would be made through the permit process alone. The development of an incorporated plan should not delay the remainder of the Amendment or cause a significant delay in the application of the HO to the JBD Industrial Park. Council could consider creating a third part to the amendment to enable the preparation and incorporation of a heritage management plan to be incorporated in the schedule to the HO. This course of action should be subject to a time limit, say 3 months, with the application of the HO proceeding without an incorporated plan if an agreement cannot be reached within that time. The Panel also notes that the timeframe for dealing

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<sup>9</sup> Clause 10.03 of the State Planning Policy Framework states *'Planning and responsible authorities must take account of and give effect to the policies applicable to issues before them to ensure integrated decision making.'*

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with the JBD Industrial Park may also be influenced by the length of the extension of the authorisation of the Amendment.

### **Panel recommendations**

**Reduce the extent of HO166 (JBD Industrial Park, Maddingley) on the west, north and east of the site to:**

- **Exclude the new buildings on the west of the site;**
- **Exclude the chipper house (building 5 shown on Figure 2 of this report); and**
- **Encompass the other elements identified in the statement of significance as contributing to the heritage significance of the complex, plus a distance of five metres around the perimeter of each contributory building (where these do not directly abut more recent buildings).**

**Consider implementing HO166 as a separate part of the Amendment to enable the addition of an incorporated plan that is agreed between Council and the owner within three months of advice to the owner of Council's response to this recommendation (if agreement cannot be reached on a heritage management plan within the nominated timeframe, the application of HO166 should proceed without an incorporated plan).**

### **1.3 91 Main Street, Bacchus Marsh (HO102) – Submissions Nos 25 & 26**

This property is a triple-gabled Victorian weatherboard cottage, with two brick chimneys.

The 1994 citation notes that the cottage and its neighbour at 93 Main Street (since demolished) may have been erected around 1890, when the Millbank Estate opened for subdivision. However, visual inspection suggested to the consultants that these houses could be much earlier, from around the 1860s.

The statement of significance reads:

*An early timber cottage built in the 1860s, or later, surviving intact near to the centre of the town.*

*It is of local historical significance as a representative embodiment of a way of life, 130 years ago. It is also significant as early to this locality.*

*The building is of architectural significance as a representative intact early cottage, a rare intact survival here.*

#### **1.3.1 Submissions and evidence**

Two submissions were received concerning this property, both opposing the application of the HO. As the property was vacant at the time, the owners had not received notification of exhibition of the amendment from Council, but only become aware of it from others. The house was in the process of being sold and they feared that the purchaser would have grounds to withdraw.

The submission recorded a number of changes that had been made to the cottage since the original citation was prepared, including:

- The verandah had been replaced so that it now merged with the side verandah, and the enclosed section and its windows removed, with the result that the façade was completely changed;
- All the windows had been replaced;
- The rear chimney had been absorbed within the structure;
- The weatherboards had been renewed and the paint colour altered; and
- The wire fence had been replaced with palings.

One submitter stated that, according to documents in her possession, the cottage was built in 1906, not the 1860s. This submission also pointed out that the cottage occupies a relatively large lot, close to the centre of Bacchus Marsh and has redevelopment potential. The submitters believed that the HO would constrain the use of the land unfairly.

Ms Westbrooke, after reviewing the submissions, concluded:

*I have inspected the site and confirm that as identified by the submissions, this residence has been substantially altered. Of particular note is the replacement of the original windows to the front facade of the building and the construction of a new verandah surrounding two sides of the building. While the roof form appears to be intact, this is not considered to be sufficient original fabric to justify a level of intactness upon which the significance of this property is primarily based. In addition, without a firm construction date, the significance of the property cannot be based on its early construction. The history indicates a late 1880s construction date and there are other buildings of greater intactness dating from this period recommended for the Heritage Overlay. The matters raised in the submissions with regard to sale of the property and the unknown potential overlay listing relate to the amendment process and will be addressed by the planning department.*

*The significance of this property as identified in the citation is primarily based on the intactness of this building. I believe that the building is no longer sufficiently intact to justify this significance. As a result I recommend that this property be removed from the current planning scheme amendment.*

Ms Westbrook's statement of evidence concerning this dwelling reiterated her recommendation that the property should be removed from the current planning scheme amendment.

Council indicated that it had accepted Ms Westbrooke's advice and intended to delete the property from Amendment C6.

The Panel questioned Ms Westbrooke about the degree of alteration that was acceptable for a very old building and the extent to which the changes to the cottage could be regarded as routine maintenance and renewals. She responded that it depended to some extent on the heritage criteria against which the building had been assessed as meeting the threshold for listing. In this case, the significance attributed to it was partly architectural, where the issue of intactness was important, and partly historical. Ms Westbrooke pointed out that the potential 1860s date for the building had not been confirmed and she believed that there were some details, such as the chimneys, which indicated a later period of construction. If the house dated from the 1860s, she thought it would be worthy of HO listing despite the changes to the fabric, but if it was from the 1880s or later, there were a number of more intact houses from that period in Bacchus Marsh.

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The National Trust of Australia (Victoria) originally indicated it did not oppose the exclusion of a number of properties, including this one, from the amendment. However, after questions from the Panel, Mr Roser and his Trust colleagues inspected the cottage from the street, and subsequently advised that they considered that it was still sufficiently intact to warrant application of the HO. Mr Roser pointed out that the form of the building was still evident in the three gables and the two brick chimneys were still intact.

Ms Del Papa, the new owner, appeared on Day 3 of the Hearing to oppose application of the HO to the property. She advised the Panel that the land title for the allotment is dated 1903.

### **1.3.2 Discussion**

The Panel has found this a difficult property to assess, in terms of whether it meets the threshold for listing under the HO.

Some features of the design, such as the steep pitch of the gables, reflect the 1860s but others, such as the chimneys, point to a later construction date. It is possible that the cottage was moved to this site from elsewhere, and the external chimneys were added at that time.

We agree with Mr Roser that the form of the building is still clearly evident and that the chimneys are intact. Although the windows have been replaced, the original window openings appear to have been retained. The verandahs, though not of the same design as the original, are not inappropriate and their decoration is restrained. The removal of the enclosed section of verandah has probably returned the façade to something more like its original appearance than was the case in 1994. The replacement of the weatherboards could be seen as consistent with the renewals of fabric that are required to maintain a very old timber building.

However, no documentary evidence has been found to support the speculation about the early origin of the cottage. The original study noted that this area of Bacchus Marsh was subdivided around 1890 and, as Ms Del Papa told us, the land title is dated somewhat later again.

If this building were located in a heritage precinct, it would undoubtedly qualify as contributory. However, for an individual listing, the threshold has to be set higher.

The Panel has, therefore, accepted Ms Westbrooke's advice that the potential 1860s date of the property cannot be confirmed and that there are better examples of houses from the 1890s to the early 1900s, the era in which it was most likely to have been constructed.

### **Panel Recommendation**

**Remove the property at 91 Main Street (proposed HO102) from Amendment C6 Part 2.**

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## 1.4 'Woodlands', 229 Long Point Road, Myrniong (HO182) - Submission No 46

'Woodlands', the property at 229 Long Point Road, Myrniong (HO182) contains an early farmhouse, several windmills and a number of pine windbreaks.

The original statement of significance in the 1994 citation concentrated on the significance of the three windmills, as the residence – '*possibly built in 1865 of freestone*' – was barely visible and not able to be described or assessed.

The citation did not give a street number for the property, but it was identified for the purposes of the Amendment as 231 Long Point Road, Myrniong. This property was mapped and notification was sent to its owner.

### 1.4.1 Submissions and evidence

The submission from the owner of 231 Long Point Road, Myrniong, advised that his property was '*Braeside*' and '*Woodlands*' was next door.

This submission was received after Ms Westbrooke had prepared her response to submissions. After the correct address was determined, the Shire planning officers visited '*Woodlands*' and confirmed that it was the property described in the original citation. Council supplied to the Panel a number of photographs taken on this occasion. These show the rubble stone homestead and a number of other elements of the complex.

On the basis of the information supplied by Council officers, Ms Westbrooke revised the comparative analysis and statement of significance, but did not produce a completely new citation. The '*Why is it Significant?*' statement now reads:

*The Farm Complex at 231 Long Point Road, Myrniong is of local historical significance for its demonstration of the early settlement of the Myrniong area for agricultural purposes. With the retention of a number of outbuildings and structures dating from the 1860s, the property is of historical significance for demonstrating the workings of a farm in the 19<sup>th</sup> century.*

*The Farm Complex at 231 Long Point Road, Myrniong is of aesthetic significance for its 1860s rubble stone farmhouse, which is a rare surviving example of the building type in the area. The Farm Complex is also of aesthetic significance as a substantially intact complex of early farm structures, including the 1860s farmhouse with later additions and timber outbuildings. The surviving windmills also contribute to the significant farm landscape.*

*The Farm Complex at 231 Long Point Road, Myrniong is of scientific significance for the intact windmills contained on the property.*

Ms Westbrooke inspected '*Woodlands*' in January 2013. Her statement of evidence to the Hearing said that the inspection strengthened her view that the place was of local historical and aesthetic significance. She recommended that a full revised citation should be prepared for the property using the new comparative analysis and incorporating changes to the statement of significance (as shown above).

Council's submission to the Hearing described discussions with the owner concerning potential changes to the property, particularly regarding replacement of senescent trees.



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The officers proposed an incorporated plan under Clause 43.01-2 of the Planning Scheme (which would be listed in the schedule to the HO), to provide greater certainty to the owner. An incorporated plan was drafted by Council officers and reviewed by Ms Westbrooke. Her statement of evidence stated that she supported the use of such a document to clarify the extent of the HO and assist with assessment of any future permit applications for the site. However, she pointed out that care would need to be taken to ensure that the description and statement of significance in the incorporated plan were the same as in the proposed revised citation. In addition, Council indicated that it would seek arboriculture advice regarding tree management and propagation, for inclusion in the final version of the incorporated plan.

Council advised that the draft incorporated plan had been sent to the owner, along with formal notification of the Amendment (as it affected this property), following the Directions Hearing. The owner requested additional time to consider the matter and respond. The Panel agreed to hear a submission on this property on Day 3 of the Hearing or to receive a written submission.

Ms Lidgett presented to the Panel on 3 April 2013. She tabled a series of photographs and described the various components of the property. While she recognised its heritage values and did not oppose listing under the HO, she was keen to ensure that the resulting controls did not interfere with the operation of her farm business.

In particular, she explained the difficulties of obtaining original parts for the one working windmill, which is essential for watering stock. She also had concerns about the provisions of the draft incorporated plan as they relate to the windbreak plantings, shown as Tree Plantations (TP1 to TP5) on the aerial photo that forms part of the plan. She pointed out that the row of trees numbered TP4 is located on the neighbouring property, not on 'Woodlands'. In addition, she described the difficulties of establishing new trees to replace the senescent pines, which no longer provide good shelter. The trees in a row of Golden Cypress planted some years ago parallel to TP1 have not grown well due to drought conditions and competition from the established pines. Ms Lidgett referred to the dot point in the draft incorporated plan that provides that no permit is needed for *'Replacement of senescent trees in TP1, TP2, TP3, TP4, TP5 with a suitable species. Replacement trees of the same species are planted as soon as possible.'* In her view, this was not realistic, as replacing an individual tree would involve removal of the stump (which would be very expensive) and a new tree was unlikely to thrive under the shadow of its fully-grown neighbours.

#### **1.4.2 Discussion**

The Panel accepts Ms Westbrooke's assessment that the farm complex at 229 Long Point Road, Myrniong (HO182) is of local heritage significance and supports her suggestion that a revised statement of significance should be prepared to reflect all elements of the significance of the site. We also agree with the benefits of applying an incorporated plan to assist with management of the heritage values of the place. The Panel recognises the very significant challenges associated with both maintaining and replacing senescent windbreaks as raised by Ms Lidgett. We endorse, in general terms, the provisions proposed in the draft incorporated plan, but agree that arboricultural advice on the provisions relating to tree management, particularly for the windbreaks, is highly desirable before the plan is finalised. This advice should include whether it is realistic to require the maintenance of the windbreaks.



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The Panel is, on principle, wary about applying incorporated plans as a post exhibition process, particularly where they have the potential to disadvantage neighbours by allowing permit exemptions under the HO in manner that is not transparent. In this case, however, it seems that neighbours are unlikely to be affected in any way by the exemptions proposed in the draft incorporated plan. The Panel is therefore comfortable with the idea of the draft being refined – in conjunction with preparation of a consolidated citation for the place and in consultation with the owner and the Heritage Advisor – and included as part of Amendment C6 Part 2 when it is put up for adoption and approval. If the incorporated document cannot be finalised in the timeframe of the amendment, an approach could be made to the Minister to prepare an amendment to incorporate it at a later date.

In passing, the Panel notes from the aerial photographs that ‘Braeside’, at 231 Long Point Road, Myrniong (the property originally mapped in mistake for ‘Woodlands’) also appears to be an interesting complex of farmhouse, outbuildings and windbreaks. It should be considered for investigation as part of ongoing heritage studies for Moorabool Shire.

The panel concludes that the HO should be applied to the farm complex, ‘Woodlands’, at 229 Long Point Road, Myrniong (HO182) and an incorporated plan should be agreed with the owner.

#### **Panel recommendations**

**Alter the address in the schedule entry for HO182 – Farmhouse ‘Woodlands’, windmills and landscape – to 229 Long Point Road, Myrniong and amend the HO mapping to identify the correct property (excluding the row of pines to the south of the homestead complex, which are located on the adjoining property).**

**If the draft incorporated plan for the property at 229 Long Point Road, Myrniong can be finalised to the satisfaction of the owner and Council within the timeframe for adoption and approval of Amendment C6 Part 2, include it as part of the Amendment.**

### **1.5 33 Clarinda Street, Bacchus Marsh (HO59) – Submission No 47**

This property is a 1960s contemporary-style dwelling, built as a residence for the manager of the Bacchus Marsh hospital. The 1994 statement of significance read:

*A fine Modern brick house, set in an interesting garden contemporary with the house. It was built in 1965, designed by the architects for the hospital as a residence for the hospital’s manager.*

*It is of local architectural significance as representative of an architectural and landscape design style. As a purpose-built staff residence, it is also significant as a relatively rare example of this building type.*

The citation noted that the building’s intactness was excellent externally and the garden layout had not been altered. The description included a list of some of the plant species represented in the garden.

The HO59 schedule entry for this property, exhibited as part of Amendment C6, proposes to apply tree controls but no controls on internal alterations.

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## Submissions and evidence

A late submission was received concerning this property, enclosing a letter written to Council in 2002 when heritage controls were first mooted. The owners objected to the application of the HO on the grounds that it would be an imposition to have to seek permits for changes to the house or maintenance of the garden, and that heritage listing would make the property more difficult to sell and might reduce its value. The 2002 letter catalogued a number of changes to the plants identified as significant in the original (1994) citation and to the fishponds in the garden. It also noted that the back portion of the lot had potential for subdivision.

The 2010 submission pointed out that a new house was nearing completion on what had been the rear of the property. It also noted that the timber fence had been replaced in colorbond. The letter continued:

*We firmly believe that having the home Heritage listed serves no purpose for a much altered property which, due to its age and design, is now requiring continual maintenance, repair and yes, alterations.*

The submission stated that the local hospital building, originally designed and built in a similar style to the house, had also undergone many transformations to make it more in tune with current needs.

Council's submission to the Hearing pointed out that, due to the late receipt of the submission, this property was not included in those reviewed by the Heritage Advisor. However, it was considered in the peer review of residential properties and Ms Westbrooke had prepared a revised comparative analysis. This noted that there were only a few architect designed mid-20<sup>th</sup> century residences in the former Bacchus Marsh Shire. With the proposed deletion from the amendment of the former CSR houses in Gisborne Road, this property was the only architect-designed 1960s building recommended for inclusion in the HO through this amendment. It concluded:

*The building is substantially intact and is distinguished by its architectural design and historical associations with the hospital of the same period across the road designed by the same architect.*

### *Discussion of Significance*

*This building is a particularly good example of a 1960s architect designed dwelling and is therefore of architectural significance. The building is also of historical significance for its construction as the Hospital Manager's residence. It has historical significance for its associations with the hospital of which there is still a visual association in proximity (across the road) and style.*

Ms Westbrooke believed that the significance of the property met the threshold policy and it should be retained in the amendment.

The revised statement of significance reads:

*What is significant?*

*The Residence and its setting at 33 Clarinda Street, Bacchus Marsh.*

*How is it significant?*

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*The Residence and its setting at 33 Clarinda Street, Bacchus Marsh is of local historical and architectural significance to the Shire of Moorabool.*

*Why is it significant?*

*The Residence and its setting at 33 Clarinda Street, Bacchus Marsh is of local historical significance for its associations with the development of health care facilities in Bacchus Marsh. The residence was built in c. 1965 for the manager of the newly completed [hospital]. It is also of significance for its associations with John Gray Wells, a local contractor who built a number of buildings in the township including St. Andrew's Church in Gisborne Road. The bricks for the house were also from Wells' own brickyard situated behind the house.*

*The Residence and its setting at 33 Clarinda Street, Bacchus Marsh is of aesthetic significance as an excellent intact and representative example of an architect designed 1960s residence. Constructed in circa 1965 the building was designed by the same architect who designed the hospital located directly opposite the property.*

*Particular features of note that demonstrate the 1960s style of architecture are the large glazed wall areas, low pitched roof with broad eaves, eaves extending to form a pergola, integral garage, broad oblong chimney and the pale grey brick walls and steel deck roof cladding.*

Ms Westbrooke's statement of evidence for Day 1 of the Hearing included the following comments on this property:

*The property at 33 Clarinda Street, Bacchus Marsh is of local historical and aesthetic significance based solely on the substantially intact 1960s architect designed residence at the site. Given the changed nature of the original garden, the property is therefore recommended for inclusion in the Heritage Overlay without reference to its garden setting. A revised citation should be prepared for the site that removes reference to the garden setting.*

Ms Westbrooke summarised her views on the heritage significance of the property in her expert witness statement:

*As identified by the owners and confirmed by site inspection, it is determined that the original garden setting of the house at 33 Clarinda Street, Bacchus Marsh is no longer intact and a good example of a 1960s garden contemporary with the house on the site. The site however still contains an excellent intact example of a c. 1960 architect designed residence originally built for the Manager of the Bacchus Marsh and District War Memorial Hospital. It is therefore recommended that the property at 33 Clarinda Street, Bacchus Marsh be included in the Heritage Overlay based on the local significance of the residence only.*

She went on to respond to the matters raised by the owners in their submissions. She concluded that:

- Construction of the new house has impacted on the intactness of the original garden but has not affected the original residence or its appearance as viewed from Clarinda Street;

- Internal alterations have not impacted on the external appearance of the building or its identified significance; and
- The garden has been considerably altered since the original assessment and the new colorbond fence detracts from its potential significance.

In response to a question from the Panel, Ms Westbrooke advised that she was reasonably confident that the various heritage studies and reviews had identified the 1960s houses in the former Shire of Bacchus Marsh and that the revised comparative analysis was a fair assessment of the relative significance of 33 Clarinda Street. She also advised that she had been unable to identify the architect for the hospital or the house.

Council supported the recommendation that the property should be retained in the amendment and sought the advice of the Panel regarding the application of tree controls.

Ms Mundy, in a supplementary submission on behalf of the owners presented on Day 3 of the Hearing, raised concerns about the process undertaken by Moorabool Shire Council in regard to the application of heritage controls on this property. These related to an initial lack of consultation, failure to respond to letters including written requests, potential trespass on the property and the lapse of time between the 2002 informal consultation about potential heritage controls and the 2010 notification of the exhibition of Amendment C6. The owners believed that their original objection would be taken into account, so did not make a formal submission on the amendment. They subsequently wrote to Council in December 2010, after the exhibition period, reiterating their opposition to an HO and enclosing the earlier letter. According to an email from a Council officer, this correspondence was not brought to the notice of the Strategic Planning Unit until a further follow-up letter was received in August 2011. This was after the post-exhibition meetings between officers, the heritage consultant and affected landowners, so the owners of 33 Clarinda Street were not included in these consultations. However, Council considered the submission at its meeting in September 2012. The owners received correspondence concerning the scheduling of the Panel Hearing but did not feel that they had sufficient time or resources to respond. Ms Mundy put the view that there had been an absolute failure of due process and that this was extremely unjust and inequitable.

In addition to process matters, Ms Mundy's submission to the Hearing pointed out a number of factual errors in the original citation or significant changes since that time, including:

- The date on which the present owners bought the house from the hospital was incorrect;
- The garden described in the citation was not original but had been planted by the current owners. Since that time, many of the trees listed had been removed for safety reasons and the fishponds filled in;
- The block was subdivided in 2004 and a new house was built on a lot to the rear;
- The large glazed wall areas were not Stegbar modular windows, as suggested, but were constructed on site. The original sliding door units had been replaced and some opening windows were in need of replacement as they were no longer functional;
- There had never been an external pergola on the front or sides of the house;
- The exterior of the house had been altered by the addition of a new carport adjoining the double garage, the back door had been relocated and the back porch removed, the original rear paving had been replaced and the external guttering had been modified and drain pipes replaced with plastic pipes to try to rectify a design fault (related to the

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flat roof) that caused water to run back under the eaves into the roof cavity during heavy rain;

- The chimney had been altered by means of a pipe extension to make it draw properly; and
- The timber fence had been replaced by a colorbond fence located much closer to the street, thus reducing the visibility of the property.

Ms Mundy also confirmed the comments in the citation about extensive internal alterations that had been made to the house, from the time when it was occupied by the hospital manager and his family.

The supplementary submission also drew attention to errors in the excerpt relating to 33 Clarinda Street from Ms Westbrooke's peer review of residential places dated July 2012. These included:

- The house is not constructed of bricks made locally by John Grey Wells, but common commercial Besser Ranger bricks;
- Mr Wells' brickworks was not located at the rear of the house, but off Crook Street, on the other side of the town; and
- Mr Wells is listed as the builder of St Andrew's Presbyterian Church (1856) and as a Shire Councillor in 1910, so it is most unlikely that he could have been involved with producing the bricks for the Clarinda Street house.

Ms Mundy also noted that the 2012 peer review report asserts that the property and its setting is significant because of its '*visual association in proximity and style*' to the Bacchus Marsh Hospital across the road. She pointed out that the hospital had undergone very extensive renovations and alterations and that there are now virtually no similarities of style or visual connection with the house at 33 Clarinda Street. A new hospital emergency department has been built on the Clarinda Street frontage, a large sign obscures the roof and the brickwork has been painted a different colour from the house.

Ms Mundy also took issue with the claim that the house is one of the very few remaining intact 1960s or mid-20<sup>th</sup> century residential buildings in Bacchus Marsh. She noted that Council proposed to remove the former CSR houses from the amendment due to 'major flaws in the assessment of these buildings and alterations undertaken since the study occurred'. She argued that the same reservations should apply to 33 Clarinda Street.

In addition, Ms Mundy identified a number of other intact '*mid-century*' buildings in Bacchus Marsh and Moorabool Shire, which have not been considered for heritage listing. These included:

- 32 Malcolm Street, a modernist brick building, also architect designed and similar to 33 Clarinda Street, in the modernist style with flat roof, wide eaves and large panels of glazing, built by Merchant Builders for the Myers Family;
- A house in Malcolm Street that was built in the late 1960s;
- 5 McFarland Street, built in the late 1950s; and
- 12 Millbank Street, the first cement-based building in Bacchus Marsh, which pre-dates 33 Clarinda Street.

The supplementary submission also noted that records showed that the house was built in 1964, seven years after the hospital was opened, and that no evidence had been produced to indicate that it was built or designed by the same firm.

---

Whilst acknowledging the aesthetic qualities of the design, Ms Mundy pointed out that a number of major building faults were inherent in the design and changes to the structure would be needed to overcome these. She stated that the owners feared that heritage controls would mean that they would be required to maintain the façade as it is and to retain the faulty windows.

## **Discussion**

With regard to Ms Mundy's comments concerning the process involved in application of heritage controls in Bacchus Marsh, the Panel understands the confusion and frustration experienced by some residents during this protracted period. However, it is clear that the owners of 33 Clarinda Street received appropriate notice of the exhibition of Amendment C6 but did not, for various reasons, make a submission during the specified period. It is unfortunate that their subsequent letter was not identified immediately as a late submission on the amendment. However, it was eventually taken into account in the assessment of the heritage significance of the property and was considered by Council. The owners had the opportunity to present a supplementary submission to the Panel and, due to the scheduling of the Hearings, were given additional time in which to prepare. The Panel therefore concludes that there has not been a significant failure of process in this case.

In relation to the potential heritage significance of the property at 33 Clarinda Street, Bacchus Marsh, the Panel considers this has not been established sufficiently to justify listing under the HO at this stage, even though we acknowledge that it is an interesting design and substantially intact.

We accept that the house was built as a residence for the manager of the hospital and was occupied by the holder of that position for approximately 15 years. However, no details have been provided of the individual(s) concerned or their contributions to the town that might give support to the historical significance claimed for the building.

The Panel also accepts that there were certain stylistic similarities between the design of the hospital and the house. However, as Ms Mundy has pointed out, attributing them both to the same architect is supposition and may not be correct, given the lapse of time between the construction date of the hospital and that of the house.

Furthermore, it appears to the Panel that the identification of 1950s and 1960s houses in the former Shire of Bacchus Marsh is incomplete and has been somewhat haphazard, rather than resulting from a systematic assessment. Until such an assessment is carried out, it is difficult to judge the relative significance or architectural value of the property at 33 Clarinda Street compared with others from the same period. As a result, the Panel considers that this property should be deleted from Amendment C6 Part 2.

## **Panel Recommendation**

**Remove the property at 33 Clarinda Street (proposed HO59) from Amendment C6 Part 2.**



## 2 Consideration of 86 – 92 Lerderderg Street, Bacchus Marsh (HO95)

The original 1994 citation for this 86-92 Lerderderg Street, Bacchus Marsh (HO95) referred to two nineteenth-century brick cottages, one (Hobler's Cottage) erected in 1846-48 and the other ('Riverton') in 1873. It included photographs of one of the cottages, identified as 'Riverton', but noted that the other was not visible from the road.

At the Directions Hearing on 1 February 2013, Council advised the Panel that a recent review had shown that the site(s) of 'Riverton' and 'Hobler's Cottage' – listed together as HO95 – had been incorrectly mapped in the exhibited Amendment C6. Officers now believed that the cottages in question were located on the same property, but to the north near the Lerderderg River, off the end of Masons Lane (Figure 5).

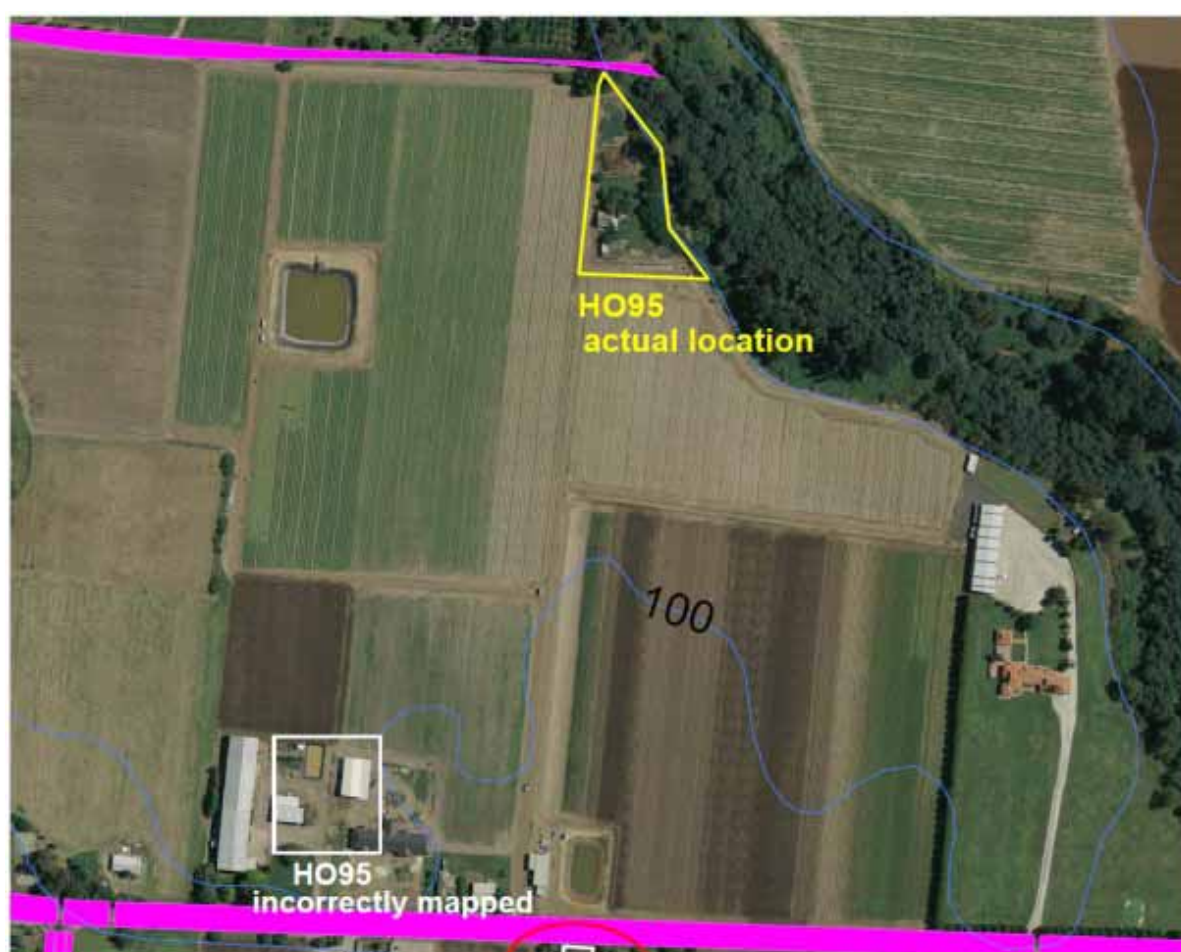


Figure 5 Mapping for HO95 – 'Riverton' and 'Hobler's Cottage', Lerderderg Road, Bacchus Marsh

No submission had been received concerning this property. Council proposed to send a further notification to the owner, calling attention the error and advising that the polygon for HO95 was to be moved to the northern site. The Panel agreed to this course of action.

At the Hearing on 4 March 2013, Council advised that no response had been received to the further notification. Council submitted that the property had met the test of local significance and that the maps should be adjusted accordingly.

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Ms Westbrooke, in her expert witness statement, explained the source of the error:

*As I understand it, the proposed extent of this property as exhibited in 2010 was thought to have covered one of the buildings identified in the original citation (in the Bacchus Marsh Heritage Study 1995) as indicated by the diagram in that citation. What appears to have occurred is that the buildings associated with the early property were not properly located for the purposes of the 1995 Study and the incorrect location has been perpetuated in subsequent reviews (including my review as part of the Significance Threshold Policy & Peer Review of Residential Places, July 2012). The historic brick building located within the exhibited proposed extent may well have been one of the buildings in question but it has since been demolished.*

*Further investigation by Moorabool Shire planning officers has located a complex of early buildings at the end of Masons Lane on the edge of the Lerderderg River and at the northern end of the same property. Initial investigations suggest that at least one of the buildings on this site matches the description of one of those contained in the original citation for the proposed HO95.*

She recommended:

*Further investigation should be undertaken to confirm the history and description of the complex of buildings located at the end of Masons Lane. If it is confirmed that this complex of buildings is associated with the Lardedark Run (cited in the original citation), an up to date citation should be prepared and used as justification for inclusion of HO95 in the Heritage Overlay.*

The Panel has considered the material supplied by Council, including the original 1994 citation and photographs taken in 2001 and 2009. These indicate that the brick building viewed by Peterson and Catrice in 1994, identified by them as 'Riverton', was located close to Lerderderg Street, within the HO95 polygon in the exhibited mapping. Images on Google Maps 'street view' (dated November 2009) and on Google Earth both show the building still in existence. However, the later image supplied by Council (used in the Figure above) indicates that this cottage has been demolished and a new shed built in its place, apparently in association with a large new house also built recently, closer to Lerderderg Road.

The 1994 and 2001 images both show a brick building with a single gable roof and an external brick chimney. The building in the 2009 image has no chimney and most of the end wall has collapsed or been demolished. At first, we could not determine if this was the same building as in the 2001 photograph, as it was taken from a different vantage point. However, the Google 'street view' images from November 2009 confirm that it is the same cottage.

The 1994 citation contains historic photographs obtained from the National Trust file on the property. One, labeled 'Original Hobbler [sic] cottage', shows a brick building with a relatively steeply pitched roof and a single gable. The end shown in the photo has neither chimney nor windows. Two other photos, one labeled 'Second part Hobbler cottage' and the other simply 'Hobbler cottage' show a hip roofed building with small, almost square windows and a chimney. This may be an addition to the 'Original' cottage, as there appears to be a gap in the roofline that corresponds with the location of the chimney; it is not possible to determine whether the other end of the building has a hipped or gabled roof.



The fourth photo is labeled 'Later Hobbler cottage' and shows a brick cottage with a single gable and a lean-to section at the back, an internal chimney and tall 12-paned windows at the front. There are also windows in the end wall, one of which appears to be the same size and shape as the front windows and the other to be smaller. This building corresponds with a 2013 photograph of the main surviving building on the northern site near the Lerderderg River and with another historic photograph of 'Riverton' (taken from the Bacchus Marsh Heritage Guide 2003) – which was also included in Council's submission (shown in Figure 6 below).



**Figure 6** Photographs of 'Riverton' (historic) and the building on the site south of Masons Lane

The Panel believes that the brick building near Lerderderg Street was identified in error as 'Riverton' in the 1994 fieldwork. It may or may not have been 'Hobler's Cottage' (or a part of it) but that is now academic, as the property has been demolished. On the other hand, the remnants of 'Hobler's Cottage' may yet be found adjacent to 'Riverton' on the northern site. If so, it would add greatly to the heritage significance of the place, as pre-Gold Rush buildings are rare throughout Victoria.

Notwithstanding the doubt about the location and/or continued existence of 'Hobler's Cottage' the Panel considers that 'Riverton', dating from 1873, is of sufficient local heritage significance to justify the application of the HO to the northern site, as proposed by Council.

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Further investigation should be undertaken to document the complex of buildings located on this site and the citation should be amended accordingly.

**Panel recommendations**

**Alter the description in the HO schedule for HO95 to 'Riverton' and amend the mapping to identify the correct location on the property (as proposed by Council).**

# Attachment - Item 11.2.7(b)





Reduce extent from red box to white box

# Attachment - Item 11.2.7(c)



# Former CSR Mill 25 Rowsley Station Road, MADDINGLEY Incorporated Plan

## 1.0 Purpose

The former CSR Mill site at 25 Rowsley Station Road, Maddingley is of historic and aesthetic significance to the Shire of Moorabool. The purpose of this incorporated plan is to recognise the significance of the site and establish a framework to allow for its on-going use and potential redevelopment in a manner that retains its significant heritage qualities.

This incorporated plan is prepared for the purpose of Clause 43.01 of the Scheme to exempt certain development, including demolition of some elements, from the requirement for a permit under the provisions of Clause 43.01 of the Scheme. This plan is incorporated in the Moorabool Planning Scheme under Clause 43.01 Heritage Overlay and Clause 81 Incorporated Documents.

## 2.0 Where the Plan Applies

This incorporated plan relates to a generally rectangular portion of land along the northern side of Rowsley Station Road, known as 25 Rowsley Station Road. More particularly, it relates to the extent of mapping of this land within the terms of HO166 to the Moorabool Planning Scheme as indicated by the purple lines and relating to the elements of significance.



### 3.0 Statement of Significance

#### *What is significant?*

The CSR Mill designed by T. H. McConnell, which opened in 1960, located at 25 Rowsley Station Road, Maddingley. The following elements contribute to the significance of the place (numbers relate to numbered plan of factory complex at opening):

Gatehouse & Administration Block (1);

Amenities Block (2);

Boiler House (3);

Bicycle Shed and Factory sign (4);

Main Factory Building (6);

Warehouse (7);

Workshop and Store (8);

Factory Supervision (9); and

The setting of the place, including the boundary trees and rock garden at the front of the site.

#### *How is it significant?*

The former CSR Mill, 25 Rowsley Station Road, Maddingley is of local historical and aesthetic significance to the Shire of Moorabool.

#### *Why is it significant?*

The former CSR Mill, 25 Rowsley Station Road, Maddingley is of historical significance as the embodiment of an industrial process and capital investment in a semi-rural location. The factory officially opened in 1961 by State Premier at the time Mr H. E. Bolte demonstrates the decentralisation policies of the Liberal Government during the 1950s and 60s. The complex is of historical significance for its associations with the development of employment and industry in the former Bacchus Marsh Shire, which demonstrates the utilisation of valuable resources in the area.

The former CSR Mill, 25 Rowsley Station Road, Maddingley is of aesthetic significance as an early glass curtain wall Modern factory complex demonstrating a unity of design, in an intact condition. The manufacturing plant complex was designed in the International Style Modern by T. H. McConnell of Hassell & McConnell architects and built 1960-61 for the manufacture of hardboard panels known as 'Timbrock'. The original complex of buildings still survives intact demonstrating the layout and building forms required for the hardboard production process. The boiler house and main factory building are rare surviving examples of their building types and even rarer due to their intact glass curtain walls. Features of note demonstrating the International Style, include the flat roof forms, brick walls with under eaves ribbons of windows, openwork concrete block wall to the amenities block, and glazed curtain walls. The setting of the place, including the factory sign and bike shelter, boundary native trees and rock garden at the front of the site contribute to its aesthetic significance.

### 4.0 Exemptions from Planning Scheme Requirements

For structures or areas listed as significant, no permit is required under Clause 43.01 of the *Moorabool Planning Scheme* for:

- Agreed emergency and safety works to prevent damage to significant fabric and remove immediate risk or injury to persons.
- Fire safety measures that do not impact on significant fabric.
- Removal of items such as plant and equipment, external lighting, pipe work, ducting, wiring, etc. and making good. If removal of plant requires removal of walls or roof, these are to be reinstated.
- Remedial treatment of corroded or contaminated elements and areas.
- The erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety, which will not adversely affect significant fabric of the place.
- Painting of previously painted structures provided that preparation or painting does not remove evidence of the original paint or other decorative scheme;

- Repairs, conservation and maintenance to hard landscape elements, buildings and structures, ornaments, roads and paths, fences and gates, drainage and irrigation systems;
- Maintenance of roads and paths and gutters to retain their existing plan layout;
- Gardening and maintenance to care for the landscaping and removal of dead plants;
- Management of plants in accordance with Australian Standard AS4373 Pruning of Amenity Trees;
- Removal of plants listed as State Prohibited or Regionally Controlled Weeds in the Catchment and Land Protection Act 1994;
- Removal of vegetation to the extent necessary to protect monuments, paths, buildings and structures from physical damage; and
- Replanting to retain the existing landscape theme and character.

All exempted works are to be recorded and reported annually to the Responsible Authority.

## **6.0 Reference documents**

*Moorabool Shire Council Planning Scheme Amendment C06 – Part 2, Application of Heritage Overlay, Revised citations for Properties recommended for inclusion in the Heritage Overlay, Samantha Westbrooke Pty Ltd, July 2012.*

*Bacchus Marsh Heritage Study, Richard Peterson & Daniel Catrice, 1994.*

*Former CSR Mill, 25 Rowsley Station Road, Maddingley, Expert Witness Statement to Panel, Amendment C06 to the Moorabool Planning Scheme, Bryce Raworth, March 2013.*

*Final Panel Report, Moorabool Planning Scheme Amendment C6 Part 2, 13 May 2013.*



# Attachment - Item 11.2.7(d)





Exhibited site

Actual site

410

This is HO 182 on Map 29HO & 31HO.  
It should be removed from Part 2.  
The white box is the exhibited map.  
The Part 3 map should be the yellow shapes.

HO182

370



# Attachment - Item 11.2.7(e)

# DRAFT OPTION

*Planning and Environment Act 1987*

## **MOORABOOL PLANNING SCHEME Woodlands Incorporated Plan (HO182)**



Incorporated Document  
(April 2014)

This document is an incorporated document in the Moorabool Planning Scheme pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*.

# Draft Woodlands Incorporated Plan (HO182)

## 1.0 Application

This document is an incorporated document in the schedule to Clause 81.01 of the Moorabool Planning Scheme. Pursuant to the schedule at Clause 43.01 of the Melton Planning Scheme the land identified in the plan may be developed and used in accordance with the specific controls contained in the document.

This schedule allows the land to be used and developed for the purposes set out in this schedule subject to the specific controls specified below despite any prohibition or restriction which would otherwise apply to those purposes under the provisions of this scheme.

This incorporated plan applies to the land located at 229 Long Point Road, Myrning as shown on the attached plan. The land is identified as HO182 in the schedule to Clause 43.01.

This document does not apply to any other heritage place listed in the Heritage Overlay.

This document contains information relating to the following specific buildings, structures, trees and garden areas within the identified place, as indicated on Plans 1 & 2:

H1 Dwelling – stone section	TP1-3 Monterey Pine Plantation
H2 Dwelling – weatherboard addition	TP1-4 Monterey Pine Plantation
G1 Garden area	TP2 Monterey Cypress Plantation
C1 Communications tower	TP3-1 Peppercorn Tree
W1 Well	TP3-2 Monterey Cypress Plantation
W2 Windmill	TP3-3 3 Black Locust Trees
W3 Windmill	TP3-4 Monterey Cypress Plantation
01 Vertical slab timber outbuilding and post and rail fence	TP4 Monterey Cypress & Cypress Hybrid Plantation
02 Outbuilding	T1 Monterey Pine
03 Outbuilding	T2 Monterey Cypress
04 Outbuilding	T3 Monterey Pine
05 Outbuilding	T4 2 Monterey Cypress
06 Outbuilding	T5 Ironbark
07 Outbuilding	T6 Bhutan Cypress
08 Outbuilding	T7 Pinus Radiata
TP1-1 Monterey Pine Plantation	T8 Peppercorn Tree
TP1-2 Monterey Cypress Plantation	T9 Orchard

## 2.0 Purpose of the Plan

- To ensure that the property, which contains a homestead, outbuildings, exotic trees and a treed windbreaks lined driveway, is protected.
- To plan for replacement of tree species before they are senescent
- To enable farm operations on the property to continue without being unduly compromised by the heritage overlay provisions.

## 3.0 Statement of Significance

The property is of historical significance as an early farming property in the area, containing a stone farmhouse and a complex of associated farm buildings and infrastructure. The property is of architectural significance for the 1860s stone house and farm buildings contained on the site and of scientific significance for the intact windmill and pump, which are rare, surviving examples.

The Farm Complex at 229 Long Point Road, Myrniong is of local historical, aesthetic and scientific significance to the Shire of Moorabool.

The Farm Complex at 229 Long Point Road, Myrniong is of local historical significance for its demonstration of the early settlement of the Myrniong area for agricultural purposes. With the retention of a number of outbuildings and structures dating from the 1860s, the property is of historical significance for demonstrating the workings of a farm in the 19<sup>th</sup> century.

The Farm Complex at 229 Long Point Road, Myrniong is of aesthetic significance for its 1860s rubble stone farmhouse, which is a rare surviving example of the building type in the area. The Farm Complex is also of aesthetic significance as a substantially intact complex of early farm structures, including the 1860s farmhouse with later additions and timber outbuildings. The surviving windmills also contribute to the significant farm landscape.

The Farm Complex at 229 Long Point Road, Myrniong is of scientific significance for the intact windmills contained on the property.

#### **4.0 No Planning Permit Required**

In addition to the provisions of 43.01-1 and 43.01-2 of the Moorabool Planning Scheme, no permit is required for buildings and works associated with the use of the land for agriculture if undertaken in accordance with the following conditions:

##### *Removal, lopping or pruning of trees*

- The lopping and coppicing of trees for the purpose of collecting firewood is undertaken in a sustainable manner that would not impair the long-term health of the trees.
- Lop or prune a tree TP1, TP2, TP3, TP4, TP5 in accordance with AS 4373.
- Replacement of senescent trees in TP1, TP2, TP3, TP4, TP5 with a suitable species. Replacement trees of the same species are planted as soon as practicable.
- Removal of a senescent tree (T1, T2, T3, T4, T5) where a replacement tree of the same species is planted and maintained. Removal or culling of non-senescent trees cannot be undertaken without formal written approval from Council, unless they pose an immediate risk of personal injury or damage to property. Removal of senescent trees should be in accordance with a tree replacement plan lodged with Council. Replacement trees of the same species are planted as soon as practicable.
- Removal, lopping or pruning of any trees not specifically identified on Plan 1.

##### *Garden, C1, W1, W2, W3*

- Replacement of species in G1 to maintain a garden setting for the dwelling.
- Repairs, conservation and maintenance to hard landscape elements, paths and driveways, garden edging, fences and gates, CFA communications tower, well and windmills.
- Installation or replacement of garden watering and drainage systems.

##### *Building Exterior H2, O2, O3, O4, O5, O6, O7*

- A deck which does not contact the fabric of H1
- Minor repairs and maintenance which replace like with like.
- Treatments to stabilise and protect timber, masonry and metal structures.
- Solar energy panels or solar hot water service.
- Domestic services normal to a dwelling.

##### *New structures and buildings*

- Construct new outbuildings and structures relating to the operation of the farm in the area outside G1 subject to the retention of any otherwise listed feature.



Plan 1





Plan 2





### **11.3 COMMUNITY SERVICES**

*No reports for this meeting*

## **11.4 INFRASTRUCTURE SERVICES**

### **11.4.1 Waste and Resource Recovery Governance Reform**

#### **Introduction**

File No.: 16/05/007  
Author: Glenn Townsend  
General Manager: Phil Jeffrey

#### **Background**

The Environment Protection and Sustainability Victoria Amendment Bill 2014 establishes six new Waste and Resource Recovery Groups (WRRGs) across Victoria, in place of the current twelve Regional Waste Management Groups (RWMGs). The attached map shows the new Waste and Resource Recovery Regions.

It is intended that the new WRRGs will be established from 1 August 2014 and will consist of a Chief Executive Officer and board of eight directors. Four of these directors will come from Local Government in their Waste and Resource Recovery Region, and four will be nominated by the Minister.

This model provides for directors with a wider set of expertise, while retaining local government representation in recognition of its role in providing and funding waste service and infrastructure delivery.

Underneath this structure, the Victorian government is establishing a Local Government Waste Forum in each region, that will nominate the four local government directors, and be an ongoing conduit for consultation between all local governments and the new WRRGs.

The Minister for Environment and Climate Change has requested that each Council in a Waste and Resource Recovery Region nominate a councillor to be its representative on the Local Government Waste Forum by 31 March 2014. Each Council may nominate one Councillor as their representative on the Waste Forum.

Forum representatives are expected to communicate the activities and actions of the Forum back to their Council.

It is proposed that the Local Government Forums will be established under the Environment Protection Act 1970 (EP Act), subject to the passage of legislation.

Local Government Waste Forums will:

- have a statutory role to nominate to the Minister the 4 (four) persons who are to be the representative of Councils for the purposes of appointment as directors of the WRRG;
- develop procedures for the nominations of these persons;
- develop procedures for the nominations of a person to fill a vacancy in one of these positions, should this arise; and

- be a conduit for consultation between the new WRRG and local governments, and for advice to WRRG Boards on matters and issues affecting the role of local governments in waste management and resource recovery.

### **Proposal**

Currently, Councillor Tom Sullivan is the Chair of the Highlands Regional Waste Management Group and Council representative for Moorabool Shire. It is proposed that Councillor Sullivan be nominated as the representative for Moorabool on the Local Government Waste Forum.

### **Policy Implications**

The 2013 – 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and Leadership of our Community
<b>Objective</b>	Advocate for services and infrastructure that meets the Shire's existing and future needs
<b>Strategy</b>	Represent Council at a regional level to improve services and infrastructure within the Shire.

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

### **Financial Implications**

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

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

There are no Risk or Occupational Health and Safety issues to be considered in association with this report.

### **Communications and Consultation Strategy**

Council's nomination will be communicated to the Minister for Environment and Climate Change by 31 March 2014.

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

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

### Officer's Declaration of Conflict of Interests

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

*General Manager – Phil Jeffrey*

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

*Author – Glenn Townsend*

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

### Conclusion

Moorabool Shire Council is required to provide a nomination for appointment of a Council representative to the Grampians Central West Waste and Resource Recovery Group Local Government Waste Forum, a statutory forum under proposed amendments to the *Environment Protection Act 1970*.

Currently, Councillor Tom Sullivan is the Chair of the Highlands Regional Waste Management Group and Council representative for Moorabool Shire. It is proposed that Councillor Sullivan be nominated as the representative for Moorabool on the Local Government Waste Forum.

### Recommendation:

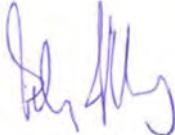
#### That Council:

1. **Endorse the appointment of Councillor Tom Sullivan to the Local Government Waste Forum for the Grampians Central West Waste & Resource Recovery Region, as the representative of Moorabool Shire Council.**
2. **Advise the Minister for Environment and Climate Change of its nomination by 31 March 2014.**

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### Report Authorisation

#### Authorised by:

**Name:** Phil Jeffrey   
**Title:** General Manager Infrastructure  
**Date:** 25 February 2014

# Attachment - Item 11.4.1

## Proposed Regional Waste Management Group Boundaries

- Regional waste management work centres
- DEPI regional head office



Geography for Information Integration  
Information Services Group  
Department of Environment and Primary Industries  
GIS and Information Systems  
August 2010 (v1.0)

Department of  
Environment and  
Primary Industries



## **11.5 CORPORATE SERVICES**

*No reports for this meeting.*

## **12. OTHER REPORTS**

### **12.1 Assembly of Councillors**

File No.: 02/01/002

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

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

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

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

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

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

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

- Assembly of Councillors – Wednesday 29 January 2014 – Water Bill Exposure Draft
- Assembly of Councillors – Wednesday 5 February 2014 – Update on Structure Plans
- Assembly of Councillors – Wednesday 5 February 2014 – Strategic Financial Plan Presentation
- Assembly of Councillors – Wednesday 5 February 2014 – Water Bill Exposure Draft.
- Assembly of Councillors – Wednesday 12 February 2014 – Strategic Financial Plan (continuation) and Rating Strategy Workshop
- Assembly of Councillors – Wednesday 12 February 2014 – Draft AOC Schedule
- Assembly of Councillors – Wednesday 19 February 2014 – Rural Advisory Committee
- Assembly of Councillors – Wednesday 19 February 2014 – Walking Trails Project Update
- Assembly of Councillors – Wednesday 19 February 2014 – Recreation and Leisure Committee



**Recommendation:**

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

- **Assembly of Councillors – Wednesday 29 January 2014 – Water Bill Exposure Draft**
- **Assembly of Councillors – Wednesday 5 February 2014 – Update on Structure Plans**
- **Assembly of Councillors – Wednesday 5 February 2014 – Strategic Financial Plan Presentation**
- **Assembly of Councillors – Wednesday 5 February 2014 – Water Bill Exposure Draft.**
- **Assembly of Councillors – Wednesday 12 February 2014 – Strategic Financial Plan (continuation) and Rating Strategy Workshop**
- **Assembly of Councillors – Wednesday 12 February 2014 – Draft AOC Schedule**
- **Assembly of Councillors – Wednesday 19 February 2014 – Rural Advisory Committee**
- **Assembly of Councillors – Wednesday 19 February 2014 – Walking Trails Project Update**
- **Assembly of Councillors – Wednesday 19 February 2014 – Recreation and Leisure Committee**

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

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

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

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

Committee	Meeting Date	Council Representative
Bacchus Marsh Racecourse and Recreation Reserve Committee of Management	12 February 2014	Cr. Comrie Cr. Edwards. Community Members

### Recommendation:

**That Council receives the report of the following Section 86 - Delegated Committee of Council:**

- **Bacchus Marsh Racecourse and Recreation Reserve Committee of Management meeting of Wednesday 12 February 2014.**

# Attachment - Item 12.2

**BMRRR COM, P.O. Box 287, Bacchus Marsh 3340**  
**ABN: 27 090 466 038**

<b>Subject:</b>	<b>Committee of Management Meeting.</b>	
<b>Attendees:</b>	<b>Peter Thompson (Chairman), Anne Wilson (Assistant Sec), Deirdre Davey (Secretary/BMPC), George Rogers (Treasurer) (BM&amp;D Poultry Club), Jack Pavey (Footscray &amp; District Poultry Club), Robert Young (BM Harness Racing Club), Damien Everard (BM Campdrafters),</b>	
<b>Apologies:</b>	<b>Robert Closter (Community Rep), John Cutler</b>	
<b>Date &amp; Time:</b>	<b>12.2.14</b>	<b>7.30pm</b>
<b>Venue:</b>	<b>POULTRY SHED</b>	
<b>Minutes of COM Meeting 9/10/13 Moved as a true account</b>	Moved JP Seconded RY	Carried
Matters Arising	HRV Board were in touch with Council and they were disappointed in the Council Officers attitude towards the BMRRR COM and the Council officers asked where else the HRV horses could go. The Council officers showed disinterest in HRV coming to BMRRR. HRV have asked for the BMHRC to get a lease.	Pt to take it up with Council
JP re Poultry Lease	Troy Scobie had written to BMHC on 7.3.12 and said their Lease would be available in one week. It still has not arrived.	Pt to take it up with Council
Correspondence In	Invite to Bendigo Bank Launch 11.2.14	
	Account from Leon Manly	to be paid
Correspondence Out	Minutes to Council	done
<b>Treasurers Report</b>		
ATO	The COM have received a refund \$1158.00 from the ATO for overpayment of BAS from previous DSE COM	Deposit in BMRRR COM Account
Account Balance	\$33817.96 with all previous accounts paid and monies received deposited.	
Accounts in hand to be paid	\$918.34 Leon Manly \$250.00 to Mr Everard	
DE re Weed Spraying	Damien's father spent 4 hours x 3 days = 12 hours for spraying weeds on the reserve. This needs to be paid. Thank you to Damien's Dad. <b>Moved that this account be paid JP Seconded RY Carried</b>	GR to write a cheque for this account
Motion	That all accounts to be paid Moved GR Seconded DE	Carried
The Treasurers Report be accepted	Moved GR Seconded DE	Carried
<b>Issue</b>	<b>Action</b>	<b>Timeframe/Result</b>

Toilet Block design	<p>MKLMS - has designed and provided drawings of a portable building including a lock up for an amenities block, priced at \$90,000.00. The cost dose not include ground plumbing. The plans include disability facilities. This facility could be placed anywhere on the Reserve to fit the master plan.</p> <p>It is ready for Council to use in application for funding. This fits the PCAV requirements for riding for disability. Riders with disabilities are being integrated into the PCAV movement. Also this facility complies with RDA requirements.</p> <p>DD is helping develop the Riding with Disabilities program with PCAV.</p> <p>We will proceed with Council towards submitting our application for these urgent facilities.</p> <p>The grave, undulating and eroded surface between club rooms and the toilets must be made suitable for people with disabilities. The current surface is unsuitable.</p> <p>The access to and from vehicles and buildings must be wheelchair friendly and non discriminative.</p> <p>Dept. of Sport and Rec. encourage inclusion of people with disabilities in all sports and activities.</p>	<b>Urgently attention required</b>
Funding	<p>Need to source funding through Council to construct a new portable amenities block with all connections and upgrade of surfaces between buildings to cater for all needs.</p>	PT & AW to again approach Council for support in sourcing funding.
Report on Moorabool Shire Council Meeting 5.2.14	Peter spoke about the Councillors Motion and the Speakers for the BMRRR COM. Thank you to all who were able to attend.	
BMRRR COM Members	The BMRRR COM would like to remain an independent COM committee and not have Moorabool Shire Council managing the reserve.	This has been conveyed to council at the resent Council Meeting.
Question from members	How do we approach council?	
	We don't know what Council want from us.	
	We are autonomous and self managed committee.	
	The council would like to keep the volunteers working on the reserve	
18.12.14 meeting with Talia	George had a meeting at the BMRRR poultry rooms and showed Talia the white ants damage in the building. George hasn't had a response. The assets manager came and inspected the toilet block, and again no response.	
BMRRR COM Achievements through Council	<p>Three signs indication that Dogs must be on a leash is the only achievement we have had with Council out of all our requests.</p> <p>Anne to prepare a full list of items requested and correspondence to present to Councillors at a meeting to be convened.</p>	AW to prepare full list of requests to Council.

Request and Responses	If the COM puts in a question or request from the Council, they would like to have an answer before the next meeting to help volunteers. Delaying response deters enthusiasm with the volunteers and we then lose them. The response must be quick and not delayed.	
Need for User Groups to Manage Calendar and not Council	The need for Harness activity to not be on at the same time as BMPC, and Campdrafters. BMPC & Harness not at the same time as Cricket. There needs to be a 200 meters buffer cricket activities and equine activities.	
List of Need in the Management of the BMRRR	The user groups needs in change each season and when there are special needs when external users use the reserve for State Events.	
Members to Council	We need to explain the amount of hours our volunteers put into the facilities and how we network together.	
	The user groups would like to have the reserve remain managed by the community	
	John Cutler champions bike tracks and casual use.	
	The principle use of this facility is for equine and animals. Eg horse, poultry, dogs, cattle	
Must do	Need to record dates of requests for toilets and other facilities. Must be presented to Councillors if there is no action taken or a response given in a timely manner.	
AC request for key to shed & tractor	AC just needs to drop into PT's office to register for the key. A spare key is always held at PT's office for casual and urgent needs. This key must always be returned. BC has loaned his key to Leon Manly and will get it back soon.	AW & BC to let AC know of the availability of the key.
Mowing Co-ordinator	Should anyone else wish to do additional mowing, they need to speak to BC as he is responsible for the mowing and he will nominate where the next mowing is needed. BC does a wonderful job mowing and the presentation of the Reserve is a credit to him. All user groups appreciate his work.	
AW - Councillors Meeting	Through the Mayor, we seek to have a meeting with the East Ward Councillors and the mayor to discuss the on going responsibilities of the BMRRR COM	AW/PT to invite Councillors to a meeting asap
Motion	The COM recommend to Council that the current community representatives, Steven Lalor and Michael Hazell have their tenure terminated because of their lack of attendance and failure to participate. Moved GR Seconded JP	Carried
Advice of termination	A letter of explanation of their termination and thanking them for their term of office, to be sent to both Steven and Michael once council has approved the termination.	PT & AW

Casual Committee vacancy	The COM has advertised amongst its volunteers to fill the 2 casual vacancies. Two suitable candidates have applied. John Cutler brings a wealth of knowledge both through his local business and previous Council duties. Anne Wilson is currently an active BMRRR volunteer and has extensive knowledge of the running of the reserve and the broader community needs. They are both suitable candidates.	PT make recommendation to council and request nominee declaration forms from Talia.
Motion	The COM recommend to Council that John Cutler and Anne Wilson be co-opted to fill the casual vacancies on the COM. Moved RY Seconded GR Carried	PT to recommend this to council
PT	Inquire with Phil Jefferies where the sewer connection is in location to the BMRRR.	PT
Sub Committee Minutes	The minutes of the Executive sub committee 21.12.14 tabled be accepted. Moved GR Seconded DD	Carried
Code Red and Catastrophic Declared Days	George made an inquiry to Council about what is the requirement of user groups activities on the reserve in a catastrophic declared day. He was advised that the reserve gates must remain open, and that the COM or user groups are not to be responsible for the use of the reserve as a safe haven, but the responsibility lies with the Council Officers.	User groups reps to advise their members.
Signage	We need to request the Council erect a sign indication to the users, the terms of use if a code red catastrophic day occurs.	PT to request signage from Council
Code Red and Catastrophic Declared Days	The reserve will be closed for all organised activities.	User groups reps to advise their members.
IT & Mobile phones	Not everyone is IT literate and use a mobile phone, so we can't rely on just these communication, we need to have signs also.	
RY	Sol Green bequeathed the reserve to the community.	PT to research into the history of the bequeath.
Council Minutes	Council minuted that the Reserve remain an equine recreation reserve.	PT
Calender	De updated the Campdrafters, Poultry and the Barrel Racers Dates on the calendar.	De to circulate revised calendar to the user groups
Plumbing repairs	2 x leaks at the Campdrafters facility. Doug Wilson to be engaged to repair these.	DE to organise this
	Meeting closed 9.40pm	
	Next Meeting 12th March 2014 7.30pm at Poultry Shed	

**13. NOTICES OF MOTION**

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



**14. URGENT BUSINESS**

**15. CLOSED SESSION OF THE MEETING TO THE PUBLIC****Recommendation:**

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

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

**16. MEETING CLOSURE**