

ORDINARY MEETING OF COUNCIL

Minutes of the
Ordinary Meeting of Council to be held at
the Supper Room, Main Street,
Bacchus Marsh on
Wednesday 2 April 2014,
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

The Mayor, Cr. Tatchell, opened the meeting with the Council Prayer at 5.00 pm.

2. PRESENT

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

Officers:

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Shane Marr</i>	<i>General Manager Corporate Services</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Community Services</i>
<i>Ms. Natalie Robertson</i>	<i>Senior Statutory Planner</i>
<i>Ms. Sam Romaszko</i>	<i>Manager Engineering Services</i>
<i>Ms. Sian Smith</i>	<i>Manager Statutory Planning and Community Safety</i>
<i>Ms. Victoria Mack</i>	<i>Statutory Planner</i>
<i>Ms. Deb Absolom</i>	<i>Minute Taker</i>

3. APOLOGIES

Nil.

4. CONFIRMATION OF MINUTES**4.1 Ordinary Meeting of Council – Wednesday 5 March 2014****Resolution:**

Crs. Sullivan/Comrie

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

CARRIED.

4.2 Special Meeting of Council – Tuesday 11 March 2014

Resolution:

Crs. Dudzik/Edwards

That Council confirms the Minutes of the Special Meeting of Council held on Tuesday 11 March 2014.

CARRIED.

5. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

5.1 Disclosure of a Direct Conflict of Interest

Cr. Edwards declared a Direct Conflict of Interest in relation to Item 9.2.3 Planning Scheme Amendment C58 - Camerons Road. The nature of the Conflict of Interest is due to members of Cr. Edward's family's involvement in the proposal.

5.2 Declaration of Interest

Cr. Spain declared a Declaration of Interest in relation to Item 9.2.3 Planning Scheme Amendment C58 - Camerons Road. The nature of the Conflict of Interest is due to members of Cr. Spain's extended family being affected by bushfires.

6. 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.

QUESTION ON NOTICE

Mr. Chris Sharkey raised the following question which was taken on notice by the Chair.

Rating Strategy querying number quoted (1,507 rate assessments issued to farming properties)

RESPONSE TO QUESTION

Council will consider comments on the number of rateable farming assessments in the Shire as part of its deliberations on the Rating Strategy. Council will liaise directly with Mr Sharkey.

7. PETITIONS

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

8. 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
9.3.1	<i>Moorabool Recreation and Leisure Strategic Advisory Committee</i>	Michael Belcher (representing BM Little Athletics Centre)	Objector
9.3.1	<i>Moorabool Recreation and Leisure Strategic Advisory Committee</i>	Marg Scarffe	Supporter

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 Officers report on the planning item.

Item No	Description	Name	Applicant/ Objector
9.2.1	<i>Planning Application PA2012-063; Keith Altmann & Associates Development of Thirteen (13) Dwellings; Lot 4 on PS 146426P, Meikle Street, Maddingley</i>	Lincoln Powell <i>(Did not address Council)</i>	Objector
9.2.1	<i>Planning Application PA2012-063; Keith Altmann & Associates Development of Thirteen (13) Dwellings; Lot 4 on PS 146426P, Meikle Street, Maddingley</i>	Keith Altmann <i>(Did not address Council)</i>	Applicant
9.2.3	<i>Planning Scheme Amendment C58 – Camerons Road</i>	Bob Mundy	Applicant
9.2.4	<i>Planning Scheme Amendment C71 and combined Planning Permit Proposal Rezoning Land and Planning Permit to Facilitate and Construct a Bunnings Warehouse at 101 Gisborne Road, Bacchus Marsh</i>	Cliff Crouch	Objector
9.2.4	<i>Planning Scheme Amendment C71 and combined Planning Permit Proposal Rezoning Land and Planning Permit to Facilitate and Construct a Bunnings Warehouse at 101 Gisborne Road, Bacchus Marsh</i>	Michael Belcher	Objector

9.2.4	<i>Planning Scheme Amendment C71 and combined Planning Permit Proposal Rezoning Land and Planning Permit to Facilitate and Construct a Bunnings Warehouse at 101 Gisborne Road, Bacchus Marsh</i>	Russ Hendry	Objector
9.2.4	<i>Planning Scheme Amendment C71 and combined Planning Permit Proposal Rezoning Land and Planning Permit to Facilitate and Construct a Bunnings Warehouse at 101 Gisborne Road, Bacchus Marsh</i>	Richard Umbers	Representing Applicant

9. OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 Chief Executive Officer – Annual Leave

Introduction

File No.: Personnel File
Author: Rob Croxford

Background

This report requests approval of the Council for the CEO to take leave in June, 2014.

Proposal

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

- 2 June to 13 June, 2014 inclusive - 10 days

The acting CEO for the period 2 June to 13 June, 2014 inclusive will be Phil Jeffrey, General Manager Infrastructure.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Author – Rob Croxford

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

Conclusion

That the CEO be granted annual leave and that Phil Jeffrey be appointed Acting CEO for the period 2 June to 13 June, 2014 inclusive.

Resolution:

Crs. Edwards/Toohey

- 1. That the CEO, Robert Croxford be granted annual leave for the period 2 June to 13 June, 2014 inclusive.**
- 2. That the Acting CEO for the period 2 June to 13 June, 2014 inclusive will be Phil Jeffrey, General Manager Infrastructure.**

CARRIED.

Report Authorisation

Authorised by:

Name: Rob Croxford
Title: Chief Executive Officer
Date: 3 March, 2014



9.2 GROWTH AND DEVELOPMENT

9.2.1 Planning Application PA2012-063; Keith Altmann & Associates Development of Thirteen (13) Dwellings; Lot 4 on PS 146426P, Meikle Street, Maddingley

This matter was deferred at the 5 February 2014 Council meeting to allow for further discussion between the parties, before being presented to a future Ordinary Meeting of Council.

A consultation meeting between the parties was held on 27 February 2014 with the outcome of this meeting discussed within the Executive Summary and Public Notice sections of the report.

The matter is returned to Council to consider a recommendation to issue a Notice of Decision to grant a Planning Permit.

Application Summary:	
Application No:	PA2012-063
Lodgement Date:	Original application 4 April 2013 Amended application 12 April 2013 Amended application 20 November 2013
Planning Officer:	Natalie Robertson
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	20 January 2014
Address of the land:	Lot 4 on PS 146426P Meikle Street, Maddingley
Proposal:	Development of thirteen (13) dwellings
Lot size:	2656sq m

Moorabool Planning Scheme (Relevant details):	
State Planning Policy Framework (SPPF):	Clause 11 Settlement Clause 11.02-1 Supply of urban land Clause 11.05-2 Melbourne's hinterland Clause 16.01-1 Integrated housing Clause 16.01-2 Location of Residential Development Clause 19.03-2 Water Supply, Sewerage and Drainage
Local Planning Policy Framework (LPPF):	Clause 21.03 Settlement Clause 21.03-4 Landscape and Neighbourhood Character Objective Clause 21.05 Development and infrastructure Clause 21.07 Bacchus Marsh
Zone:	Mixed Use Zone (MUZ)
Overlays:	Environmental Significance Overlay Schedule 2 and Schedule 8 (ESO2 and ESO8)
Particular provisions:	Clause 55 More than one dwelling on a lot
General provisions:	Clause 65 Decision guidelines Clause 66 Referrals
Why is a permit required?	Under Clause 32.04-6 of Mixed Use Zone. A planning permit is required to construct two or more dwellings on a lot.
Public Consultation:	
Number of notices to properties:	Twenty (20)
Notices on site:	One
Notice in Newspaper:	Nil
Number of objections:	Three (3)
Submission of support:	Nil
Consultation meeting:	Refer to Public Notice in Report

Policy Implications:	
Key Result Area -	Enhanced Infrastructure and Natural Built Environment.
Objective -	Effective and efficient land use planning and building controls.
Strategy -	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.
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. <i>Manager Statutory Planning and Community Safety – Sian Smith</i> In providing this advice to Council as 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 thirteen (13) double storey dwellings on Lot 4 Meikle Street, Maddingley. This application is before Council due to receipt of three objections from neighbours to the proposed development of the subject site. This matter was deferred at the February 2014 meeting of Council for consideration at the 2 April 2014 meeting of Council. This deferral was to allow time to undertake further consultation with all parties with a view to a possible reduction in dwelling numbers and the potential for a variation in dwellings styles such as single and double storey. A consultation meeting was held on 27 February 2014 with the applicant, landowner and objectors attending.	

The concerns raised in the written objections were again raised at this meeting and it was put to the applicant to amend the proposal to reduce dwelling numbers and provide for a combination of single and double storey with a preference for entirely single storey.

Whilst the proponent took on board the issues raised it was made clear that an assessment on the viability of producing a revised application would be made before informing Council of any decision.

To this effect, Council has received correspondence dated 11 March 2014 which outlines the proponent's desire for the proposal to remain as is currently before Council. This shall be discussed further in the Public Consultation section of this report.

This matter was also deferred for consideration at the 4 December 2013 Council Meeting in order for the proponent to prepare a Traffic Management Plan that addresses both this application and the Child Care Facility proposal PA2013-076. The summary of the findings and recommendations of the Traffic Management Report states *"...There are no traffic engineering reasons as to why a planning permit to develop the subject site into 13 units and a child care centre should not be granted"*. The key findings of this report are discussed under the Traffic Management Plan section of this report.

The current application is the result of an amendment to an application in progress. On 4 April 2012 Council received a Planning application for development of 24 dwellings which incorporated the subject site together with the land parcels known as 8, 10 and 12 Labilliere Street, Maddingley. As part of a further information request, the officer requested that the proponent conduct Cultural Heritage Management Assessment as the site was identified as an area of potential Cultural Heritage sensitivity. During the assessment indigenous remains were discovered on site. As a result, the proponent amended the application PA2012-063 for development of 14 dwellings on the subject site and applied for a planning permit under PA2013-076 for a child care facility on the lots that front Labilliere Street. The applicant has since amended the application in progress to thirteen dwellings.

The allotment has an area of 2656 sq m. The layout of the dwellings on the site satisfactorily meets the requirements of Clause 55 (Rescode) of the Moorabool Planning Scheme, and each dwelling is provided with the minimum requirement for private open space and secluded private open space. While the proposed layout is compact, landscaping would soften the hard edges of the development and other minor matters could be addressed through permit conditions.

Objections to the application expressed concern with regard to neighbourhood character, car parking provisions, impact of the development on the Werribee River environs, including the natural beauty, tranquillity of the adjacent park, waterway and wildlife through additional noise, traffic pollution and activity, building design. Locality, overlooking, setback, tree removal, protection of an adjoining property tree and concern at the possible extension of Lodge Street. Details of the objectors' concerns and response to the key issues have been provided in the report.

While the proposed development is compact in terms of likely subdivision pattern the proposal provides housing choice for Bacchus Marsh residents which accords with State and Local Planning Policies, particularly for those who may not wish to live on larger allotments with larger properties to maintain.

It is not considered that the proposal is out of character with the emerging pattern of development in the surrounding area and Maddingley more generally.

Summary Recommendation:

The proposal has been assessed against the relevant components of the Moorabool Planning Scheme, particularly those set out in the State and Local Planning Policy Framework, Clause 32.04-6 . Mixed use Zone . and Clause 55 of the Moorabool Planning Scheme.

It is considered that the proposed application is generally consistent with the State and Local Planning Policies of the Moorabool Planning Scheme, the Mixed use Zone and Clause 55 (Rescode).

It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit for this application pursuant to Section 61(1) of the Planning and Environment Act 1987, subject to conditions.

Proposal

Approval is sought to construct thirteen (13) dwellings on the lot. The subject site is 2656 sq m in area.

The average size of the dwellings would be 176 sq m inclusive of a single car garage and deck.

There are two contiguous rows of dwellings fronting onto Meikle Street which provides 11 dwellings in total and two dwellings to front Lodge Street.

Each dwelling would be double storey and comprise 3 bedrooms (except for Dwelling 12 which provides for two bedrooms only).

The ground floor of Dwellings 1 to 11 comprise entry into a small foyer or study and access to second storey stairs, a powder room, open kitchen, meals and family area, laundry and single car garage with a tandem single car park in front of the garage.

The upper floor for Dwelling 1 through 11 comprise three bedrooms, bathroom and ensuite with a north facing balcony from bedroom 1.

An additional two dwellings are proposed on the site, Dwellings 12 and 13, which face west onto Lodge Street.

The ground floor of Dwelling 12 comprises front entry and access to upper floor stairs, open kitchen and living area, laundry, powder room and single car garage with a tandem single car park in front of the garage. The upper floor would contain two bedrooms each with an ensuite and an east facing balcony accessed by both bedrooms.

Dwelling 13 comprises ground floor front entry which opens into a sitting room and access to upper floor stairs, open kitchen and living area, study, laundry with a single car garage and tandem single car park in front of the garage. The upper floor comprises three bedrooms, bathroom, ensuite and retreat or landing with an east facing balcony.

The proposal provides a small portion of common land which forms a triangular section of the corner of Meikle and Lodge Street.

The proposal requires the removal of three trees, two on the western Lodge Street boundary and one on what would be on the south west rear boundary.

Land slopes moderately north to south west.

Traffic Management Plan

A Traffic Impact Assessment Report was provided to Council on 13 January 2014. This report provides an analysis of two planning permit applications; PA2012-063 for the development of 13 dwellings and PA2013-076 for the use and development of a child care facility and associated signage.

Key findings in this report worth noting include:

- Meikle Street is designed to carry up to 2000 vehicles per day and the 2010 traffic volume count noted Meikle Street had 88 vehicle movements per day. This is well below capacity.
- Lodge Street is designed to carry up to 1000 vehicles per day and despite there being no traffic count data it is estimated that this street would currently carry approximately 80 vehicles per day.
- Labilliere Street is designed to carry 3000 vehicle per day with the August 2013 vehicle count data showing 2150 vehicles per day using this street.
- Franklin Street is designed to carry 3000 vehicles per day with August 2012 traffic volume data showing 380 vehicle movements per day.
- There are no road safety issues with the road network adjacent to the proposed development based on data from the VicRoads Crash stats database.
- Public transport and sustainable transport options are quite accessible from the subject sites.

This report recommends, relevant to application PA2012-063, the following:

- The carriageway of Meikle Street be widened to allow for on street parking
- The tandem space for Unit 13 be extended by 0.4m to provide sufficient clearance to the garage door and;
- The car parking space for Unit 12 also does not comply but it can be deleted if preferred.

The report concludes by stating “...*There are no traffic engineering reasons as to why a planning permit to develop the subject site into 13 units and a child care centre should not be granted*”.

The recommendations discussed above will form conditions of the proposed Notice of Decision.



*PROPOSED TOWN HOUSE DEVELOPMENT
LOT 4 MEIKLE STREET, MADDINGLEY*

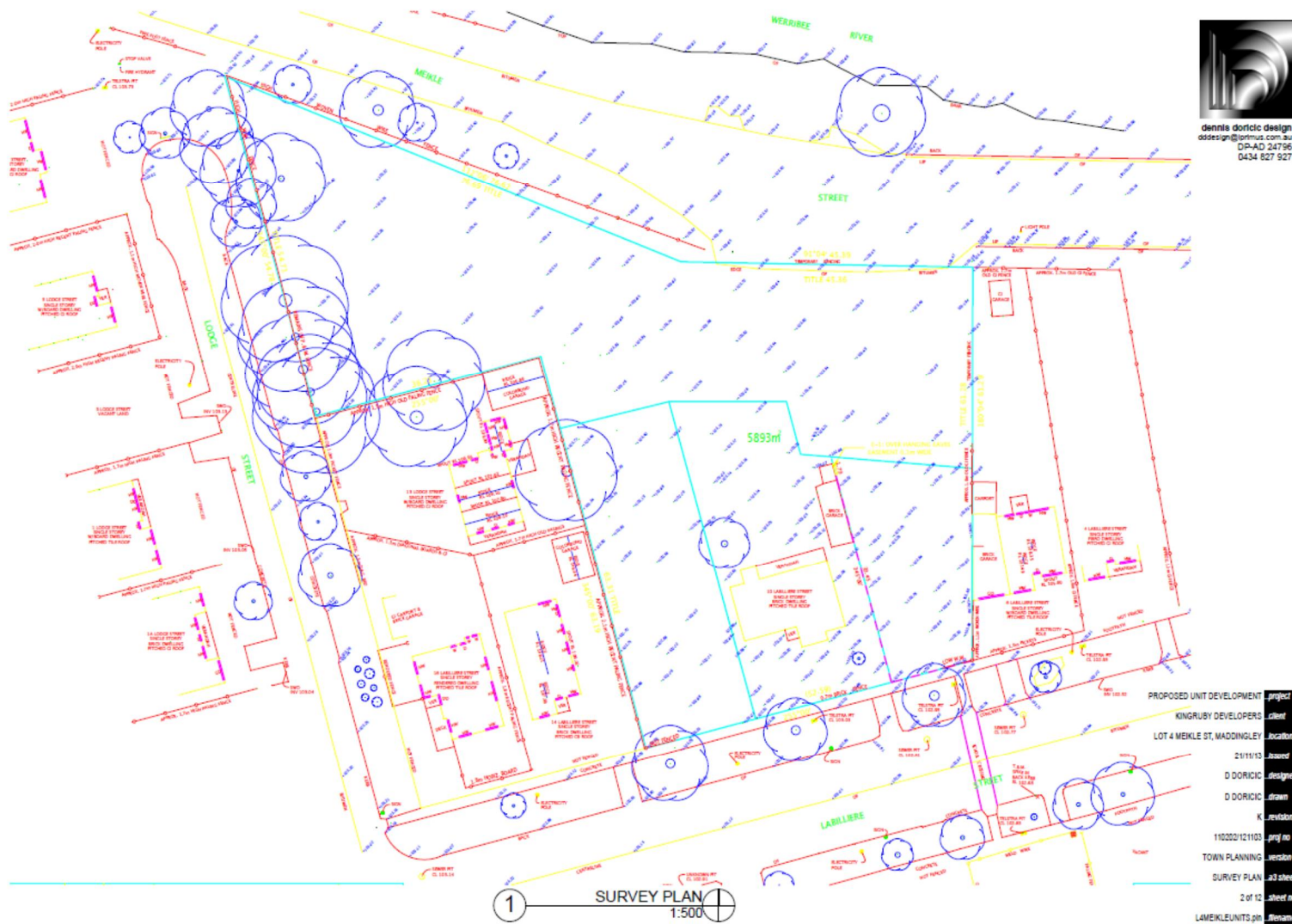


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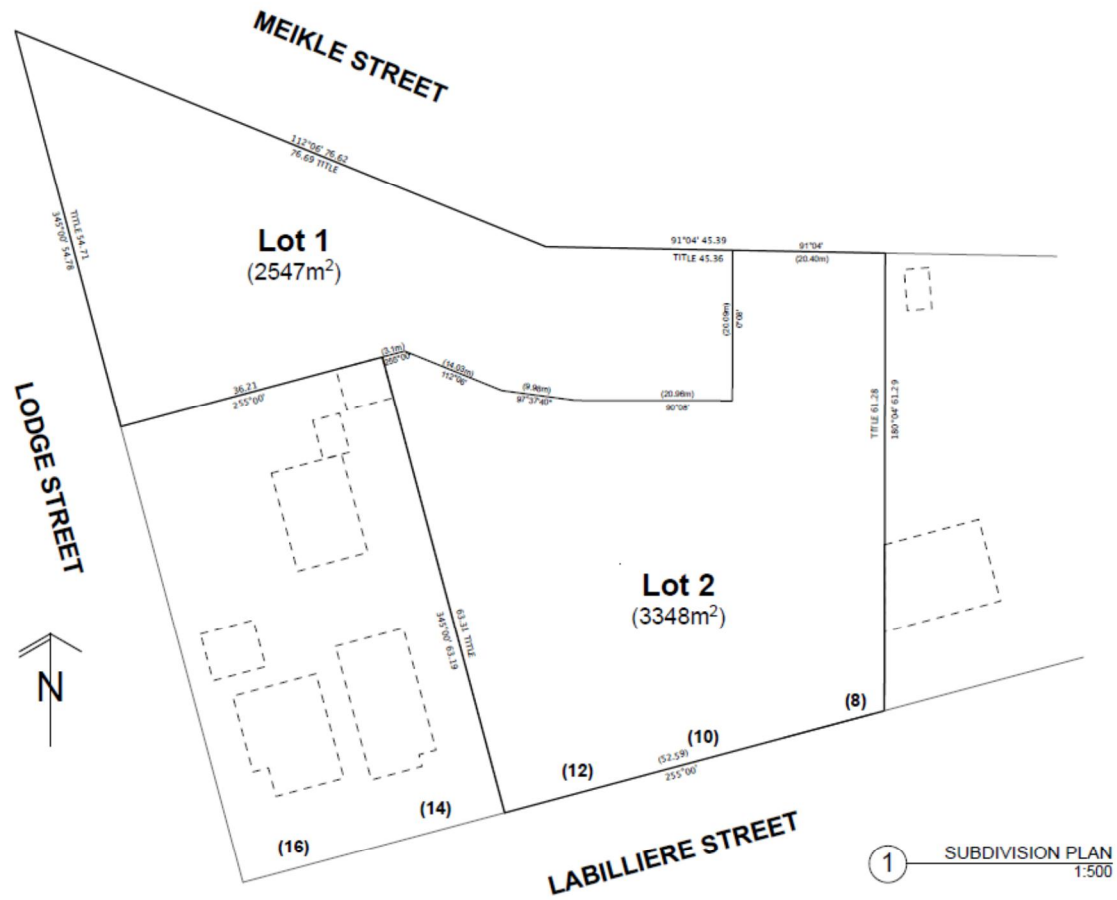
PROPOSED UNIT DEVELOPMENT project
KINGRUBY DEVELOPERS client
LOT 4 MEIKLE ST, MADDINGLEY location
21/11/13 based

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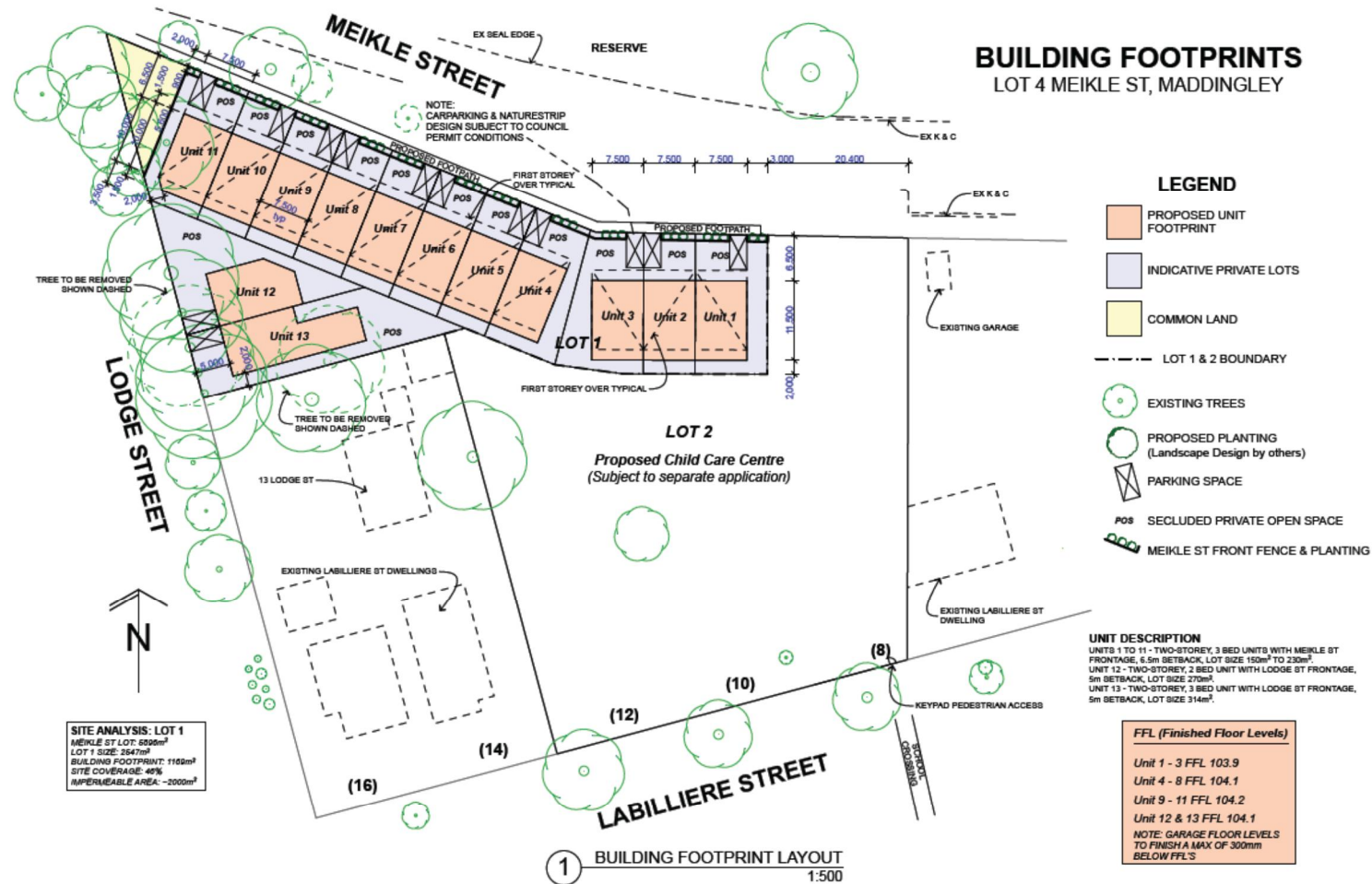


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PROPOSED UNIT DEVELOPMENT project
 KINGRUBY DEVELOPERS client
 LOT 4 MEIKLE ST, MADDINGLEY location
 21/11/13 based

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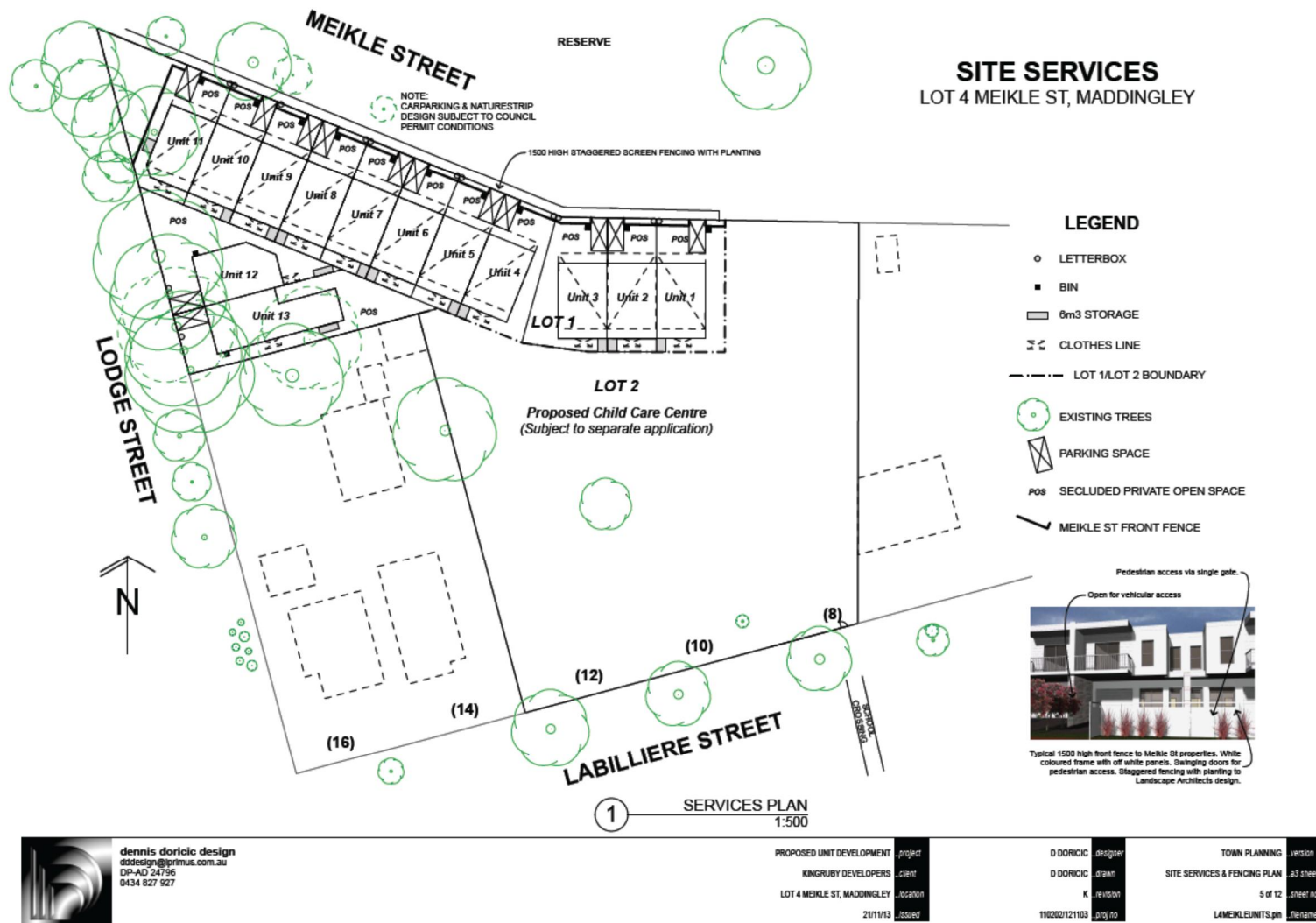


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PROPOSED UNIT DEVELOPMENT project
 KINGRUBY DEVELOPERS client
 LOT 4 MEIKLE ST, MADDINGLEY location
 21/11/13 issued

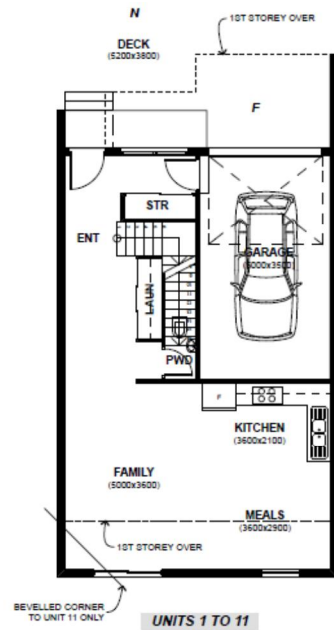
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MEIKLE ST STREETSCAPE

1 Ground Floor Plan
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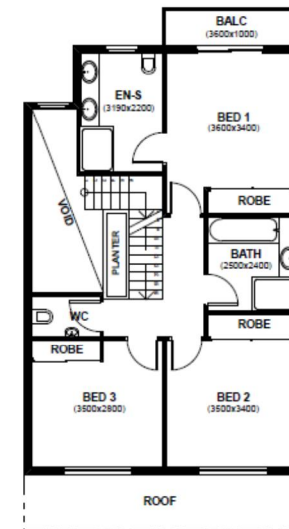
FLOOR AREAS
 UNITS 1 TO 11
 GROUND FLOOR - 61.6m² (6.6sqgs)
 UPPER FLOOR - 72.4m² (7.8sqgs)
 GARAGE - 23m² (2.5sqgs)
 DECK - 19.8m² (2.1sqgs)
 TOTAL AREA - 176.8m² (19.0sqgs)



TYPICAL FACADE

N - DENOTES NORTH FACING
F - DENOTES FRONTAGES

NOTE:
 GRD FLOOR LEVEL TO BE SET A MIN
 600mm ABOVE NSL.
 GARAGE FLOOR LEVELS TO BE SET
 A MIN 300mm ABOVE NSL.

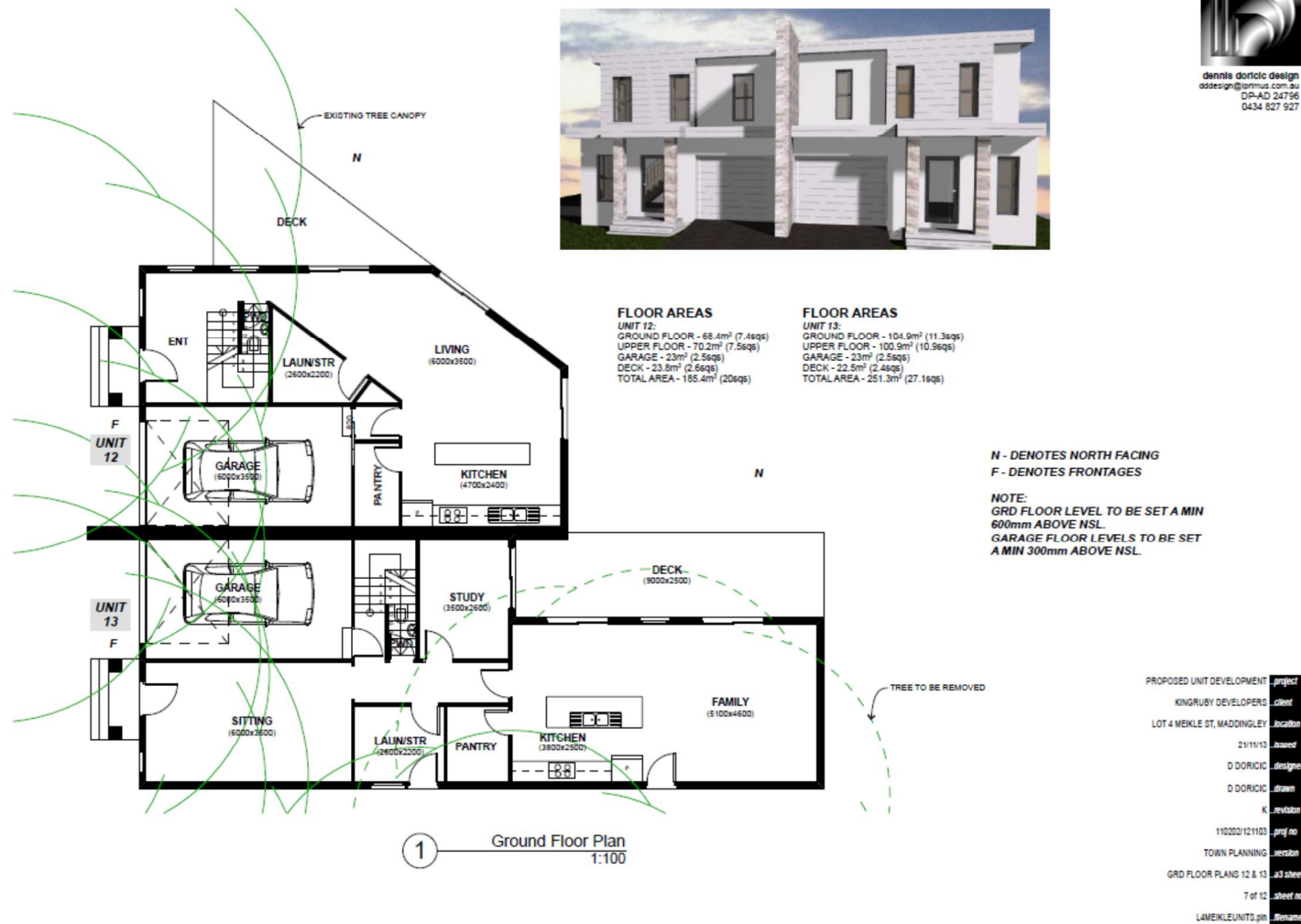
2 First Floor Plan
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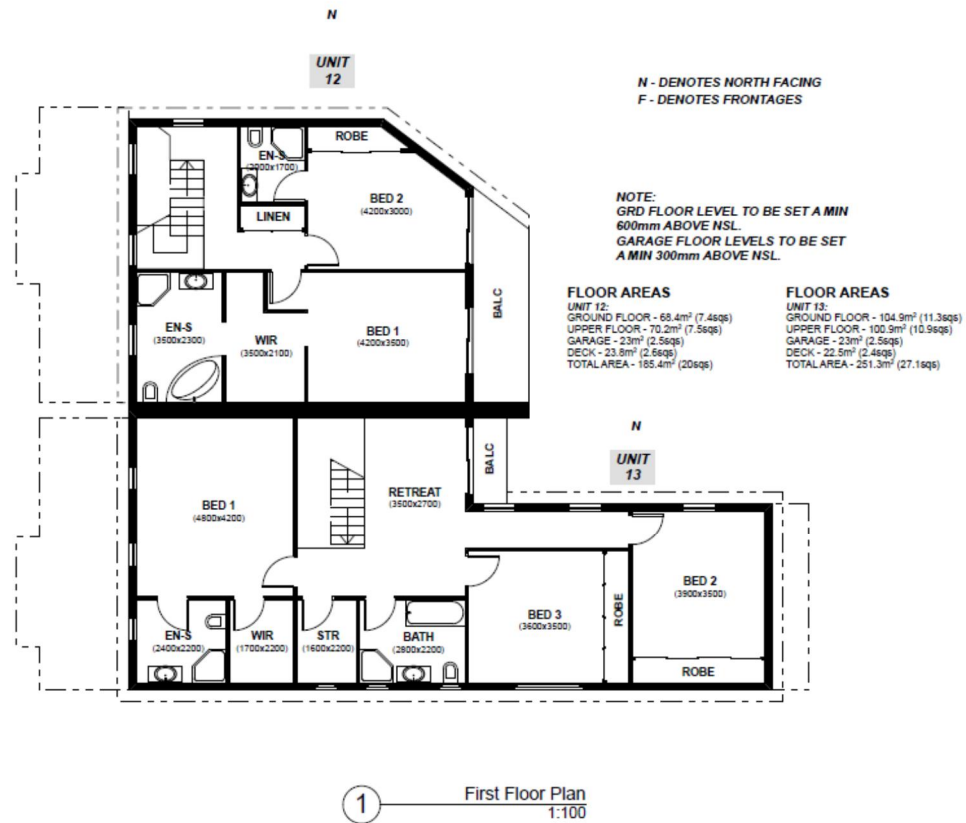
dennis doric design
 dddesign@bormus.com.au
 DP-AD 24796
 0434 827 927

PROPOSED UNIT DEVELOPMENT project
 KINGRUBY DEVELOPERS client
 LOT 4 MEIKLE ST, MADDINGLEY location
 21/11/13 issued

D DORIC designer
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 K revision
 110202/121103 pdf no

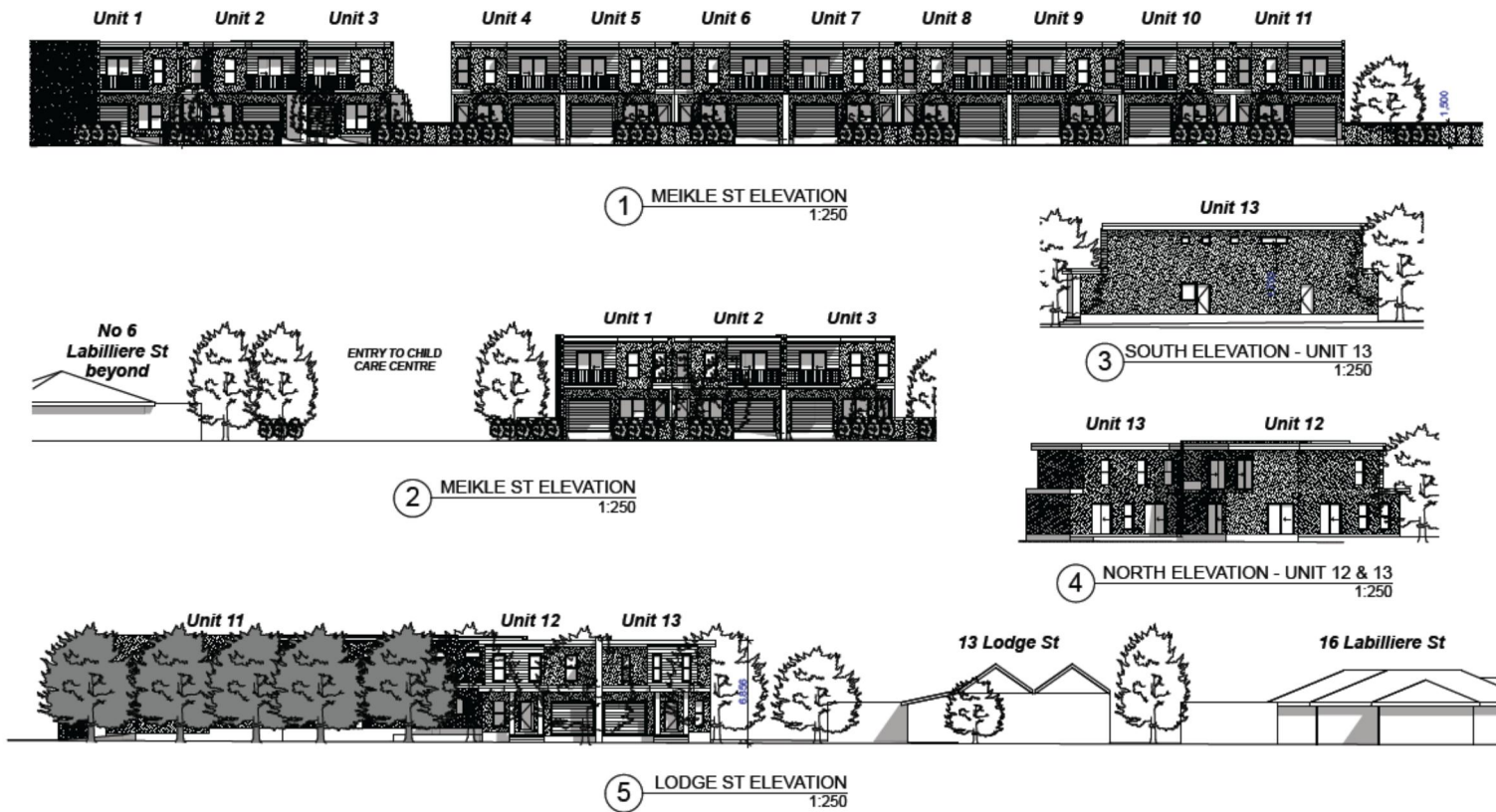
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 FLOOR PLANS UNITS 1 TO 11 a3 sheet
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TOWN PLANNING version
STREET ELEVATIONS a3 sheet
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TOWN PLANNING version
Sam SHADOW DIAGRAM 43 sheet
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TOWN PLANNING version
12 noon SHADOW DIAGRAM A3 sheet
11 of 12 sheet no
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PROPOSED UNIT DEVELOPMENT project
 KINGRUBY DEVELOPERS client
 LOT 4 MEIKLE ST, MADDINGLEY location
 21/11/13 issued

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 12 of 12 sheet no
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Site History

On 4 April 2012 Council received Planning Application PA2012-063 for development of 24 dwellings which incorporated the subject sites and Lot 4 Meikle Street.

As part of a further information request, the officer requested that the proponent conduct Cultural Heritage Management Assessment as the site was identified as one of potential Cultural Heritage Sensitivity. During the course of this assessment indigenous remains were discovered on site.

As a result, the proponent amended this application PA2012-063 for the development of 14 dwellings on the land fronting Meikle Street and applied under a new planning permit application PA2013-076 for a child care facility on the lots that front Labilliere Street. The application was again later amended to reduce the number of proposed dwellings to 13.

This application involves the lot known as Lot 4 on PS 146426P which fronts Meikle Street facing north and has a portion of Lodge Street and the western boundary. The subject site is unkempt and has been the subject of several requests under the Local Law requirements for an unsightly site and fire prevention.

As the proposal straddles three boundaries a separate permit application has been made for resubdivision of lots 1 through 4 with the proposed child care facility to be located entirely on Lot 2 of the proposed resubdivision. The application for subdivision will be assessed and finalised in due course following the outcome of both the applications for the 13 dwellings and the child care centre.

Site Description

The subject site is located within the Mixed Use area of Maddingley. It sits adjacent to the Werribee River and Peppertree Park Reserve facing north onto Meikle Street.

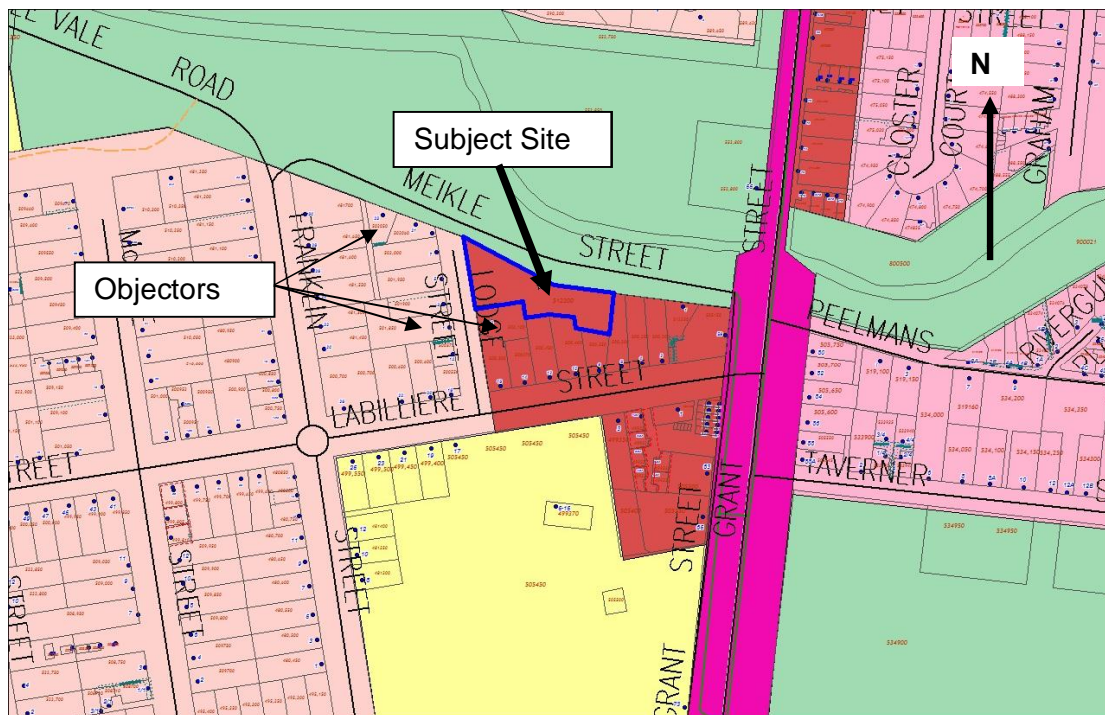
On the eastern and western boundary are residential dwellings. In close proximity are the Bacchus Marsh Leisure Centre, Bacchus Marsh Secondary College (side entry) and the Ecolinc Centre, which is the state-wide science centre which attracts schools and community groups from all over Victoria. Within the service road of Grant Street to the east is both commercial and retail enterprises such as Stoneys Hotel, a Drive through Liquor Shop, Milk bar, architects and various other uses together with residential accommodation.

Maddingley Park Reserve is less than 500 m to the south east together with the Bacchus Marsh Train Station.

The site is in close proximity (less than 1km) to the Bacchus Marsh central business area and health and community services.

It is difficult to define a particular neighbourhood character given the zoning, the mix of uses and the variation of dwelling styles, ages and types.

The area has a diversity of lot sizes ranging from 300sqm to over 1000sqm. There are other medium density developments within the mixed use area and surrounds.



Cultural Heritage Management Plan

As discussed above, the area is determined as being an area of Cultural Heritage Sensitivity and the overall works are considered high impact therefore the proponent has prepared a mandatory Cultural Heritage Management Plan. The plan has been provided to the Registered Aboriginal Party, being the Wathaurung Aboriginal Corporation whom have supported the proposal subject to conditions.

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 multi dwelling development is consistent with this policy.
Clause 11.02-1	Supply of urban land	The intent of this policy is supported by the proposal.
Clause 11.05-2	Melbourne's hinterland	Providing for residential development within the urban growth boundary of the Bacchus Marsh township is supported by this policy.

Clause 12.01	Biodiversity	The subject site contains trees that have been identified on the plans for removal. No planning permit is required for the removal of this vegetation.
Clause 16.01-2	Location of Residential Development	The relative proximity to commercial and retail enterprises, educational and recreational opportunities, public transport, health and community facilities supports the intent of this policy. The site is surrounded by a diversity of residential development together with other mixed uses within the Maddingley area, including multi dwelling development to the south and south west of the site.
Clause 19.03-2	Water Supply, Sewerage and Drainage	Connection to reticulated services supports this policy.
LPPF		
Clause 21.03	Settlement	Provision of infill development, within relatively close access to the Bacchus Marsh town centre and train station is consistent with this policy.
Clause 21.03-4	Landscape and Neighbourhood Character Objective	The proposal is not considered to be contrary to the existing streetscape. Landscaping that softens any building bulk must be provided as permit conditions, should a permit issue. The plans will be required to reflect landscaping that would be more aesthetically pleasing to the streetscape and respectfully to the river corridor opposite the site.
Clause 21.05	Development and infrastructure	The proposal enhances the use of existing and proposed infrastructure and supports the policy intent.
Clause 21.07	Bacchus Marsh	A multi dwelling development on the subject site is considered to be consistent with the overall urban fabric of the developing Maddingley area which already exhibits a diversity of lot sizes, dwelling designs and land uses.

Zone:

The site is located within the Mixed Use Zone and the purpose of the zone includes:

- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

Pursuant to Clause 32.01- of the Moorabool Planning Scheme a planning permit is required to construct two or more dwellings on a lot.

It is considered that the proposal supports the purpose of the Mixed use Zone by way of providing a range of dwellings and densities in a locality that is able to be connected to local infrastructure services already available in the surrounding area.

Overlay:

The site is affected by an Environmental Significance Overlay Schedule 2 and Schedule 8.

Clause 42.01 states that a planning permit is required to construct or carry out works unless specifically stated within the schedule.

Environmental Significance Overlay – Schedule 2, Water Protection (ESO2)

The entirety of the subject site is affected by the ESO2 and the purpose of the overlay is to:

- *Protect the habitat significance of vegetation;*
- *Provide for appropriate development of land within 100 meters of either side of a waterway;*
- *Prevent pollution and increased turbidity of water / natural waterways;*
- *Prevent increased surface run off or concentration of surface water runoff leading to erosion or siltation of waterways; and*
- *Conserve existing flora and fauna habitats close to waterways and to encourage generation and regeneration of habitats.*

Southern Rural Water is the relevant Section 55 Authority for the Werribee River and consent is given provided there would be no change to the proposed storm water outfall and that development would not interfere with Southern Rural Water's pipeline infrastructure.

Environmental Significance Overlay – Schedule 8, River Red Gums in the Bacchus Marsh Valley (ESO8)

There are several River Red Gum trees located directly adjacent the subject site on the northern side of Meikle Street and the tree protection zone of the trees extends onto the subject site along the entire front boundary of the subject site. In order to provide for long term preservation and regeneration of the River Red Gum population within the Bacchus Marsh Valley and to enhance biodiversity and landscape quality ongoing management practices should aim to achieve the following:

- *Retain all hollow bearing trees;*
- *Minimisation of disturbance to the Tree Protection Zone for all River Red Gums; and*
- *Support the regeneration of River Red Gums by protecting the growth of young trees.*

Whilst the proposal would not result in the removal, destruction, lopping or pruning of any of the River Red Gums, which are located directly adjacent to the site, should a permit issue conditions would be required with respect to buildings and works that are proposed within the Tree Protection Zone.

Particular Provisions:

The proposal has been assessed against Clause 55 of the Moorabool Planning Scheme.

Clause	Title	Detail	Compliance
Rescode			
55.056 55.01-1	Neighbourhood and site description	Site description and design response	Complies The proposal responds to the residential locality where higher density development is encouraged and affords a range of residential choice in such a locality. The surrounding area has examples of medium density, and single dwellings on a variety of lot sizes.
55.02-1	Neighbourhood Character Objectives	Standard B1	Complies. The area is a mix of retail, commercial, education and residential developments. The character can best be described as generously vegetated and any new development in this location should recognise and compliment this character by way of substantial and complementary landscaping.

55.02-2	Residential Policy objectives	Standard B2	Complies. A written statement has been provided which covers the requirements.
55.02-3	Dwelling Diversity	Standard B3	Complies Dwellings have ground floor amenities. Dwelling 12 provides for two bedrooms and Dwelling 13 may utilise a ground floor study as a bedroom.
55.02-4	Infrastructure	Standards B4	Complies. The proposal will not exceed the capacity of utilities.
55.02-5	Integration with street	Standard B5	Complies. The proposal provides adequate vehicle and pedestrian links, is orientated towards streets, and does not include high fencing. Given the proposal is directly adjacent to public open space and in order to integrate well with the Pepper Tree park Reserve and the surrounding streetscape, should a permit issue, generous landscaping conditions should be imposed.
55.03-1	Street setback	Standard B6	Complies. Dwellings are setback 6.5m fronting Meikle Street and 5m fronting Lodge Street.
55.03-2	Building height	Standard B7	Complies. Building height does not exceed 6.856m.
55.03-3	Site coverage	Standard B8	Complies. Site coverage is 47% which is less than the maximum site coverage standard of 60%.
55.03-4	Permeability	Standard B9	Complies. Permeability is 40% exceeding the minimum permeability standard of 20%.

55.03-5	Energy efficiency	Standard B10	<p>Partially Complies.</p> <p>Dwellings 1 . 11 have living areas located to the south side, however balconies are orientated to the north side of the dwellings and have attempted to achieve reasonable solar access to north facing windows.</p> <p>Dwelling 12 and 13 comply.</p>
55.03-6	Public Open space	Standard B11	N/A
55.03-7	Safety	Standard B12	Complies.
55.03-8	Landscaping	Standard B13	<p>Does not Comply.</p> <p>A satisfactory landscape plan has not been provided with a suitable percentage of native species. Should a permit issue in order to integrate with the streetscape and to suit the character of the area generous landscaping must be provided.</p>
55.03-9	Access	Standard B14	<p>Complies.</p> <p>The length and width of driveway is considered to be workable.</p>
55.03-10	Parking location	Standard B15	<p>Complies.</p> <p>Adequate car spaces have been provided in accordance with 55.03-11.</p> <p>Two bedroom dwellings are provided with a single covered car space and three bedroom dwellings are provided with two car spaces one of which is covered.</p> <p>No visitor car space is provided on site; however an upgrade of the Meikle Street nature strip and road would make provision for adequate on street parking for visitors.</p>

55.03-11	Parking provision	Standard B16	Complies in part. Lighting needs to be provided within the development which should be conditioned.
55.04-1	Side and rear setbacks	Standard B17	Complies.
55.04-2	Walls on boundaries	Standard B18	Complies. No walls on located on the boundaries of the allotment.
55.04-3	Daylight to existing windows	Standard B19	Complies.
55.04-4	North-facing windows	Standard B20	Complies.
55.04-5	Overshadowing open space	Standard B21	Complies.
55.04-6	Overlooking	Standard B22	Complies. Dwelling 13 second storey windows which are south facing are 1.7m from floor level. Dwelling 5 would have bedroom windows that provide obscure glazing to the 1.7m from floor level height.
55.04-7	Internal views	Standard B23	N/A
55.04-8	Noise impacts	Standards B24	Complies. No noise envisaged other than normal to occupation of dwelling.
55.05-1	Accessibility	Standard B25	Complies. Access to all dwellings available for people with limited mobility.
55.05-2	Dwelling entry	Standard B26	Complies.
55.05-3	Daylight to new windows	Standard B27	Complies.
55.05-4	Private open space	Standard B28	Complies. Each dwelling meets the required standards with a minimum of 25 sq m of secluded private open space provided.

55.05-5	Solar access to open space	Standard B29	Complies.
55.05-6	Storage	Standard B30	Complies. Each dwelling has sufficient area to accommodate 6 cubic metres of externally accessible secure storage space.
55.06-1	Design detail	Standard B31	Complies. The dwellings are a combination of rendered brick face work, weatherboard and stone. Neighbourhood character denotes a mix of dwellings styles and materials. New double storey dwellings of similar materials together with older style weatherboard and brick dwellings exist in the area. Whilst the development may be considered visually bulky the design has provided for façade articulation and detail.
55.06-2	Front fences	Standard B32	Complies. A portion of each dwelling will have a front fence. This is to provide for private open space and does not exceed 1.5m
55.06-3	Common property	Standard B33	N/A
55.06-4	Site services	Standard B34	Complies. The proposal will be able to be serviced by existing services in the locality.

Clause 65.02- Decision Guidelines

This report has considered the decision guidelines of Clause 65.

Other policies/procedures

Council adopted the Urban Growth Policy Statement at the Ordinary Meeting of Council held on 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.

The policy seeks *“To ensure that future housing development compliments the character of the town”*. This policy has been considered to the extent appropriate in the writing of this report.

Referrals

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

Authority	Response
CFA	No objection . subject to conditions.
Melbourne Water	No objection . subject to conditions.
Western Water	No objection . subject to conditions.
Southern Rural Water	No objection . subject to conditions.
AAV	No objection.
Infrastructure	No objection . subject to conditions

Public Notice

The application was advertised to adjoining owners and occupiers by sending individual notices on 17 April 2013. Due to a clerical error the application was readvertised on 1 May 2013 and a sign was placed on the site from 6 May 2013 to 20 May 2013. Three objections to the proposal were received.

Summary of Objections

The objections received are detailed below with officers' comments accompanying them. Two objectors are located to the west of the proposal in the Residential 1 Zone, and one objector shares a portion of the Southern boundary and is located within the Mixed Use Zone.

A consultation meeting was held on 27 February 2014 which was attended by the applicant, landowner and all objectors. The matters raised in the written objections were addressed and are discussed in the table within this section of the report.

From the meeting it was clear that objectors were concerned with traffic impact, parking issues, the desire for detailed and suitable landscaping and more particularly a design outcome that produces varied building styles of single and double storey dwellings (preferably single storey) together with applicable onsite parking.

In response to consultation with objectors the proponent has responded by advising:

The permit application under consideration is for 13 dwellings on a site that was previously used as a transport depot. The application was prepared based on complying with the provisions Council's planning scheme for development in the Mixed Use Zone. It was identified that this form of development would satisfy the planning scheme objective for higher density and based on market research that it would also meet a market demand.

The key points considered by the land owners in making the application were:

1. *The zone is a Mixed Use Zone for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality. While potential for non-residential uses was recognised, it was considered a residential type use would be preferred at this time.*
2. *The zone objectives specifically seek provision of housing at higher densities.*
3. *The need to respond to the very diverse character of the area containing a range of commercial and residential uses and building types.*
4. *The locality is exceptionally well supported by educational, recreational, commercial and transport facilities."*

"....We accept some Councillors and residents have raised concerns over the need for a greater diversity of accommodation. When this proposal is considered in the context of the locality, it increases the overall accommodation diversity beyond that which is available within the residential zones. Provision of a lower density of development similar to that in residential zones would arguably not be meeting the Zone objectives and would not increase the housing diversity to the same extent.

We commend Council for their measured approach to decision-making. We trust that Council will recognize that we have provided an application that respects the provisions of its Planning Scheme."

Response to written objections:

Objection	Officer's response
The objector states that there is no reference to the application, however goes on to state that the application supplies reference for PA2012-063.	Both notices, including the readvertised notice in include reference to PA2012-063.
The proposal identifies both Labilliere Street and Meikle Street.	The notice included both street references as the land shares these titles, however plans indicate that development would front Meikle and Lodge Streets.

<p>The principle concerns is with any development proposed in Lodge Street as all references to Lodge Street suggest a through Road running between Labilliere Street and Meikle Street whereas it is truncated before it meets Meikle Street.</p>	<p>Lodge Street is labelled as a street on the land titles website. Whilst the road has been truncated at the Meikle Street end the road itself does not form a proper court bowl. The road is recognised as a street and could, if necessary form a through road, however this is not required as part of this application. The proposal recognises the truncated road and adjoining this section the proposal has set aside an area of open space.</p>
<p>It is the objectors submission that the applicant should abandon its application and file a new application and separate the proposals for Meikle Street and Labilliere Street.</p>	<p>Although the original PA2012-063 proposal was for 24 dwellings, this application was not advertised and through a response to further information revised the application to 14 dwellings and subsequently 13 dwellings. A new application was made for the Child Care Facility PA2013-076.</p>
<p>All dwellings in Lodge Street are single storey dwellings.</p>	<p>Many VCAT outcomes accept that because an area is dominated by single dwellings does not mean that double storey dwellings cannot be developed provided there is compliance with Rescode.</p>
<p>Introducing two narrow attached two storey dwellings onto a court in which there single storey house on large lots would be detrimental to the amenity to the area.</p>	<p>The objector does not advise why double storey dwellings would be detrimental to the amenity of the area. The land is mixed use and the zone encourages intensification of dwellings. Two dwellings would front Lodge Street and adjoin a portion of land set aside as reserve on the corner of Meikle and Lodge Streets. The dwellings themselves would be required to have reasonable landscaping to integrate with the street.</p>
<p>There is no reference to the subdivision proposal.</p>	<p>A separate application for resubdivision of the land parcels has been submitted by the applicant and shall be considered on the basis of the outcome of this application PA2012-063 and PA2013-076 (child care facility).</p>

<p>Privacy and quality of life will be impacted due to the overlooking that will be possible from bedroom 3 of dwelling 14 and bedrooms 3 and 4 of units 5, 6, 7 and 8.</p>	<p>Dwelling 13's bedroom 3 has been provided with a window that sits 1.7m above the floor level to comply with overlooking standard B22.</p> <p>From the 9 metre measurement from the upstairs window line at the rear of Dwellings 4 to 7, Dwellings 4,5 and 6, 9 m line extends into an adjoining lot, however the intrusion is onto the outbuilding roof in the corner of the adjoining lot.</p> <p>If the outbuilding was not there it would only be Dwelling 5 that would not comply based on an eye level of 1.7 metres above floor level. With the existing position of the outbuilding all dwellings comply.</p> <p>Dwellings 4 and 6, even if 5.5 m eye height is assumed and a 1.8 m fence, cannot have a line of sight that intersects ground level within 9 metres horizontally, even with the outbuilding removed.</p> <p>In the current circumstances the proposal complies with clause 55 and only removal of the objectors outbuilding would result in non-compliance and then only for Dwelling 5.</p> <p>If the outbuilding was not present dwelling 5 would have to have highlight windows for bedrooms but the other Dwellings comply even without the outbuilding.</p> <p>A 450 deep window almost the width of the bedrooms with a sill at 1.7 metres would be required if there was no outbuilding.</p> <p>Should a permit issue, the preferred outcome would be to provide bedroom windows for Bedroom 6 at full length with obscure glazing in any part of the window below 1.7 metres above floor level.</p>
<p>Removal of trees is not in keeping with the Leafy nature of the streetscape.</p>	<p>The land parcel is not subject to any planning controls for the removal of the vegetation. The proponent must ensure that landscaping plans include canopy trees and generous landscaping in keeping with the surroundings.</p>
<p>No protection to the root system of the tree located in my property located adjacent to Unit 14.</p>	<p>In keeping with the Tree Protection Zone for the River Red Gums, should a permit issue, the proponent must have a report prepared by suitably qualified arborist which will define tree protection zones and require development that suitably protects the River Red Gums and the adjoining property tree. This is reinforced through a permit condition.</p>

<p>The Private Open space of Unit 14 would have looking access into my yard</p>	<p>Dwelling 13 has no private open space on the southern boundary. Private open space is on the northern elevation and overlooking is prevented by the dwelling itself.</p>
<p>Increased street traffic would be generated into Meikle Street from the increased dwellings and I am concerned that Council will extend Lodge Street into Meikle Street to improve access.</p>	<p>The additional two dwellings would gain access via Lodge Street. The traffic produced by two additional dwelling is considered nominal. The proposal does not require the extension of Lodge Street and Council have not considered such an outcome.</p>
<p>Clause 55.03-11 states that there should be two cars provided for each three bedroom dwellings, and this plan appears to show only one.</p>	<p>For each three bedroom dwelling the proponent has provided one undercover car park (garage) and an open single car space as is suitable under Clause 55.03-11.</p>
<p>Clause 55.03-8 landscaping objective encourages development that respects neighbourhood character of the neighbourhood. Firstly the two storey modern design proposed doesn't match the existing neighbourhood, there are only single storey dwellings surrounding the site.</p>	<p>The proponent, should a permit issue, would be required to contribute significant landscaping to the proposal. Previous comments have recognised that to sit comfortably with the reserve and surrounding area the proposal should provide a landscape which include several canopy trees and generous landscaping.</p> <p>As addressed previously double storey dwellings are not prohibited and an area is not defined in neighbourhood character by only having single storey dwellings. For example, a double storey dwelling may be constructed at any point in this location without a planning permit, provided it is the only dwelling on the lot and provided it adheres to Rescode.</p> <p>Neighbourhood character is best defined by integration with the street, built form elements, setbacks, landscaping and adherence to Rescode.</p> <p>There is an existing 6 dwelling double storey development, built within the last 5 years, immediately to the south in Labilliere Street and several other modern+development along Labilliere Street and McCrea Street.</p> <p>The commercial area on the corner of Grant and Labilliere Street provides double storey buildings which are combined retail with dwellings on the second storey.</p>

Assessment of Application

This application seeks approval to construct thirteen (13) dwellings on the subject site. There would be thirteen three bedroom dwellings and one two bedroom dwelling. Each dwelling would be provided with adequate secluded private open space and the area available for landscaping will afford a compact medium density development that provides for residential choice.

Council is required to consider the existing or emerging neighbourhood character of an area when determining an application. The immediate area of this application is combination of Residential 1 Zone and Mixed use Zone with residential dwellings surrounding the development site. It is evident that the emerging character of the mixed use precinct is to encourage medium to higher density development. There are also a number of multi dwelling developments within the Labilliere Street area. Whilst there is none in the immediate area of Meikle Street and Lodge Street, land parcels in Lodge Street have been subject to two lot subdivisions and have taken advantage of Local Policies to encourage infill development.

The surrounding area is such a mixture of residential, commercial, retail, education and community facilities that the subject site is ideal for medium density developments that would provide for diversity of choice to the homeowner who does not want a large dwelling on a large lot.

The layout and design comply generally with Clause 55 of the Moorabool Planning Scheme except in a small number of areas that can be made compliant with permit conditions.

The subject site is located in the Mixed Use Zone and is connected to reticulated sewerage and water supply. The purpose of the Mixed Use Zone is to provide for a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality, to provide for housing of higher densities and to encourage development that responds to the existing or preferred neighbourhood character.

This report concludes that there is not a substantially homogenous existing character that would preclude considering the application based on Neighbourhood Character.

The proposal is appropriate for the subject site and is considered to be based on satisfactory urban design principles. The layout is able to provide a sustainable and safe environment for its occupants and visitors.

While surrounding dwellings are generally single storey dwellings on lots ranging in size from approximately 500 . 1000 sq m, a more compact development in this location is in keeping with the emerging character of the Mixed Use Zone.

The proposal, should respect the leafy context of the area and in order to integrate with the Werribee River and Peppertree Park reserve the proposal must ensure extensive landscaping which has been addressed frequently in this report. It is generally agreed that the landscaping is integral to this proposal and would some satisfaction to adjoining and surrounding residents.

Clause 16.01-1 of the State Planning Policy Framework aims to promote a housing market that meets community needs and increases the supply of housing in existing urban areas in appropriate locations, including under-utilised urban land; and to ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.

State and Local policies also encourage the appropriate development of larger allotments or under utilised land to extend the range of housing types and lot sizes available to provide for resident choice and meet changing housing needs, while respecting existing character, built form and the natural environment.

Clause 21.03-3 of the Moorabool Planning Scheme specifically aims to facilitate the creation of integrated, liveable, walkable neighbourhoods in towns; to plan for a diversity of housing types and densities, particularly near activity centres and community focal points in Bacchus Marsh and Ballan; and to design housing to be adaptable for use by smaller households, the aged and people with disabilities.

It is considered that that this proposal meets these needs and will provide for smaller households and for a demographic not wanting large gardens to maintain and to reside in close proximity to all services.

Conclusion

The proposal is considered to satisfy the relevant requirements of the State Planning Policy Framework, the Local Planning Policy Framework and the Moorabool Planning Scheme with regard to Clause 32.04-6 of the Mixed Use Zone and Clause 55 and therefore it is for these reasons that this report recommends that the application be determined by the issuing of a Notice of Decision to Grant a Planning Permit.

Resolution:

Crs. Sullivan/Spain

That Council having considered all relevant matter as prescribed by s.60 of the Planning and Environment Act 1987, issue a Notice of Decision to Grant a Permit for PA2012-063 for the development of thirteen (13) dwellings at Lot 4 on PS 146426P, Meikle Street, Maddingley subject to the following conditions:

- 1. Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:***

- a. **Bedroom 2 and 3 windows of dwelling six must provide obscure glazing to 1.7m above floor level.**
 - b. **The tandem car parking space for Unit 13 must be extended by 0.4m in length to provide sufficient clearance to the garage door.**
 - c. **The tandem car parking space for Unit 12 must either be extended by 0.4m in length to provide sufficient clearance to the garage door or removed from the plans.**
2. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
3. **Prior to development commencing, a landscape plan prepared by a suitably qualified and experienced person must be submitted to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:**
 - a. **Details of surface finishes of pathways and driveways;**
 - b. **A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;**
 - c. **Details of in-ground irrigation system; and**
 - d. **Details of nature strip landscaping.**
4. **Prior to the occupation of the development or by such later date as approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
 - a. **All landscaping works shown on the endorsed landscape plans must be maintained and any dead, diseased or damaged plant replaced to the satisfaction of the Responsible Authority.**
5. **A construction and tree management plan must be prepared, to the satisfaction of the Responsible Authority, to ensure that all buildings and works are constructed under the supervision of a qualified arborist. The plan must include management and protective procedures for surrounding River Red Gums and the root system of the tree identified at the northern boundary of the property known as 13 Lodge Street, Maddingley as identified during construction and should include:**
 - a. **Onsite induction program for all contractors/workers;**
 - b. **Requirement for and responsibilities of onsite arborist during construction;**

- c. Establishment of Tree Protection Zones and protocols for gaining access; and**
 - d. Notification and remedial protocols for unexpected damage.**
- 6. All works must be in accordance with the Cultural Heritage Management Plan number 12279 pursuant to the Notice of Approval of the Wathaurung Aboriginal Corporation trading as Wadawurrung and dated 7 October 2013.**

Infrastructure Conditions:

- 7. Prior to the development commencing, Meikle Street adjacent to the subject land must be constructed to the standards detailed in the Infrastructure Design Manual to the satisfaction of the Responsible Authority as follows:**
 - a. 1.5 metre wide reinforced concrete footpath connecting to the existing concrete footpath network in Meikle Street;**
 - b. Urban standard vehicle crossing to each dwelling;**
 - c. Kerb and channel and pavement widening as required;**
 - d. Pavement widening adjacent to Dwellings 1 to 10 sufficient to provide for on-street parking;**
 - e. Industrial standard vehicle crossing to service the proposed child care facility on the adjacent property;**
 - f. Stormwater drainage;**
 - g. Nature strip landscaping;**
 - h. Street trees at the rate of one per two dwellings (less any existing trees); and**
 - i. Public lighting as required.**
- 8. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.**
- 9. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the Responsible Authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.**
- 10. Each dwelling abutting Lodge Street must be provided with a standard urban residential vehicle crossing to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.**

11. ***The development must be provided with a drainage system constructed to a design approved by the Responsible Authority and must ensure that:***
 - a. ***The development as a whole must be self-draining;***
 - b. ***Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to the development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.***
 - c. ***Flow paths of the 1% AEP storm must be determined and the development designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.***
 - d. ***All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.***
 - e. ***Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".***
 - f. ***Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.***
12. ***Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.***
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. ***If required, the layout of the development must be modified based on the approved stormwater design.***
15. ***Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control "(EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995).***
16. ***A landscape plan must be prepared and submitted to the Responsible Authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements.***

17. ***Prior to the commencement of the development, notification photographic evidence must be sent to Council's Asset Services Department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***
18. ***All road and drainage works must be maintained in good condition and repair for a minimum of 6 months after completion of the works, to the satisfaction of the Responsible Authority.***
19. ***Prior to the practical completion of the works detailed in this permit, a security deposit of 5% of the total value of engineering works approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 6 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.***

Melbourne water conditions:

20. ***No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.***
21. ***The dwellings must be constructed with finished floor levels a minimum of 600mm above the applicable grading floor level.***
22. ***The garages must be constructed with finished floor levels a minimum of 300mm above the applicable grading flood level.***
23. ***Prior to the issue of an Occupancy Certificate, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements***
24. ***Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses.***
25. ***Any new internal fencing must be of an open style of construction to allow for the passage of floodwaters/overland flow.***
26. ***All open space within the property must be set as existing natural surface level so as not to obstruct the passage of overland flows.***

- 27. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwellings, garages and driveway ramps.**

Southern Rural Water conditions:

- 28. Sediment control measures outlined in EPA's publication No 275, Sediment Pollution Control, shall be employed during construction works and maintained until disturbed areas have regenerated.**
- 29. The use of water from groundwater and any surface water resources for onsite construction use will require a licence in accordance with Section 51 or 67 of the Water Act 1989. Prior approval must be obtained from Southern Rural Water.**

Western Water conditions:

- 30. Payment of new customer contributions for each dwelling created by the development, such amount being determined by Western Water at the time of payment.**
- 31. The operator under this permit shall be obliged to enter into an Agreement with Western Water to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner shall make a written request to Western Water for the terms and conditions of the agreement.**

Country Fire Authority conditions:

- 32. Operable hydrants, above or below ground, must be provided to the satisfaction of the CFA. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120 metres and hydrants must be no more than 200 metres apart.**
- 33. Hydrants must be identified as specified in 'Identification of Street Hydrants for fire fighting purposes' available under publications of the Country Fire Authority website (www.cfa.vic.gov.au).**
- 34. This permit will expire if either 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.**

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires

or in accordance with the times frames as specified in Section 69 of the Planning and Environment Act 1987.

Permit Notes

Melbourne Water

The flood line for the property grades from 103.66 metres to Australian Height Datum at the North West corner down to 102.97 metres to Australian Height Datum at the South East corner.


If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water reference 195028.

CARRIED.

Report Authorisation

Authorised by:

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



9.2.2 Adoption of the Rural Housing Policy

Introduction

File No.: 13/02/003
Author: Sian Smith
General Manager: Satwinder Sandhu

Background

A number of changes to the Moorabool Planning Scheme and the underlying rural zones, over the past 7 years, have meant that less direction and clarity was provided for the development of residential dwellings in rural areas.

The extent and details of these changes to policies and zones within Planning Schemes are outlined under the heading ~~Policy~~ in Attachment 9.2.2(a) . Rural Housing Policy.

The introduction of the Farming Zone, the ability to apply for a dwelling without any synergies to agricultural practices and a Practice Note from the Department of Transport, Planning and Local Infrastructure (DTPLI) highlighting the importance of protecting agricultural land from inappropriate residential development meant that it was unclear what position has a greater weight when assessing an application.

As a result the need for a Rural Housing Policy was identified.

The development of this Policy is supported by the Rural Growth Policy Statement (GD007/01) as it seeks to enhance and preserve rural communities and the agricultural sector by providing guidance that ensure that the construction of dwellings within the Farming Zone does not compromise the viability of the land for agricultural, enhances the functionality of the site and provides the ability for people to live, work and recreate in a rural environment.

Consideration

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

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment.
Objective	Effective and integrated strategic planning in place to create sustainable communities.

Effective and efficient land use planning and building control.

Strategy

Development of Urban and Rural Growth Strategies in conjunction with other related plans.

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.

Provide a high quality and timely development application processing system.

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 Growth & Development – Satwinder Sandhu

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

Author – Sian Smith

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

Executive Summary:

The development of the Rural Housing Policy is a body of work to support the strategic vision for Moorabool 2041.

This document focuses on providing guidance and parameters within which residential dwellings can be accommodated on land within the Farming Zone.

This Policy has been subjected to a review process involving the referral of the document to a number of internal departments and the Rural Growth Strategy Committee, established under Section 86 of the *Local Government Act 1989*.

It is recommended that this Policy be adopted by Council.

Policy

Key Directions from the Moorabool 2041 Rural Growth Policy

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

From a rural growth policy perspective the proposed Council Policy recognises that the existing State Government Planning Policy Framework does not adequately recognise or support agriculture trends and rural settlements in Moorabool Shire.

The existing ~~one~~ size fits all+ rural land use policies have proven to be inadequate for peri urban Shires such as Moorabool. Differences in historical settlement patterns, land capability, average lot sizes, accessibility and location, all mean that a ~~one~~ size fits all+ approach to planning policy is inadequate to meet the challenges facing rural Victoria, particularly the challenges facing Melbourne's peri urban region.

Smaller farms sizes are a fact of life in Moorabool Shire and they are unlikely to increase in size. In most cases in Moorabool it is not always cost effective for farmers to acquire additional farm land to increase the scale of farm operations. Planning policies should recognise this component of the existing land use pattern.

Clause 22.03 . House and House Lot Excisions in Rural Areas

Clause 22.03 has been in the Moorabool Planning Scheme since its inception on 15 June 2000 and essentially remained unchanged (with the exception of changing from Rural to Farming Zone) until C34 on 26 February 2009 when the Municipal Strategic Statement was reviewed. C34 made significant changes to the policy including the numerical change to Clause 22.03 which is the current policy of the Moorabool Planning Scheme.

The introduction of VC103, in September 2013, includes changes of requirements for dwellings in the Farming Zone which require reconsideration of this clause. A review of Clause 22.03 is outside the scope of this body of work. However, it should be noted that this clause is no longer consistent with the views of Council and should be reviewed in line with the changes to the Farming Zone, policy GD007/01, Moorabool 2041 and the Rural Housing Policy.

Practice Note 37 . Rural Residential Development

DTPLI released a Practice Note in November 2013. The purpose of this practice note is to provide guidance when planning for, or assessing proposals for rural residential use and development. Practice Notes are developed for the state of Victoria as a whole and cannot accommodate the many different attributes that individual municipalities have.

The proposed Policy and associated attachment seeks to bring to life the objectives of this Practice Note by balancing the various issues, commonly dealt with, specific to Moorabool.

A copy of the Practice Note is appended as Attachment 9.2.2(b).

Planning Application Process

It is recognised that a local population is critical to the success of small rural communities and in particular operational farming enterprises. However, this should not provide a free passage for rural areas to become quasi residential areas, which is not supported for a range of policy and logistical reasons.

It is becoming increasingly evident that people are choosing larger lots to support a particular type of lifestyle. Hobby farming is a valid use of a larger allotment, however, much like a standard residential lot, there are obligations that a property owner needs to meet when it comes to looking after their property.

A land owner still has obligations around managing pest plant and animals and ensuring they have adopted approved strategies for managing these issues. This obligation can be reinforced through the planning permit process if the land is degraded.

Applications must be assessed against the relevant provisions of the Moorabool Planning Scheme and on its individual merits. Individual merits may include, but are not limited to, the current use of the site, surrounding land use, strategic planning for the area, historical land use, patterns of development etc. Despite these individual variability, there should be a consistent approach to assessing and deciding on these types of applications.

The Rural Housing Policy goes beyond just providing strategic objectives to achieve, it also provides clarity and parameters to support a clear and consistent planning permit and decision making process.

Attachment 1 of the Policy (contained within Attachment 9.2.2(a)) provides Assessment Principles to support consistent and clear decision making when considering dwelling applications within the Farming Zone. These Principles can also be used in pre-application discussions to provide clarity around applicant obligations and application requirements at the very start of the process.

Financial Implications

The adoption of this Policy is unlikely to have any financial implications for Council.

Risk and Occupational Health and Safety Issues

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

Conclusion

The Policy, coupled with the Assessment Principles will provide clarity for applicants, the general public and Council as the decision makers.

This Policy will ensure that planning permit applications for dwelling within the Farming Zone will be assessed on their individual merits but also assessed using a consistent performance based framework.

This Policy will ensure that Council can adequately balance residential dwellings and agricultural/land management practices where land use conflicts are avoided or at the very least minimized.

Resolution:

Crs. Sullivan/Dudzik

That in accordance with Moorabool Shire Council Policy Protocol, 'Consideration of items which Affect beyond the Current Year', the following Rural Housing Policy, as attached, now lay on the table for further consideration at the next Ordinary Meeting of Council.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Tuesday, 25 March 2014

***Cr. Edwards declared a Direct Conflict of Interest in relation to Item 9.2.3 Planning Scheme Amendment C58 - Camerons Road. The nature of the Conflict of Interest is due to members of Cr. Edwards family involved in the proposal.
Disclosure of an Indirect Conflict of Interest***

Cr. Spain declared a Declaration of Interest in relation to Item 9.2.3 Planning Scheme Amendment C58 - Camerons Road. The nature of the Conflict of Interest is due to members of Cr. Spain's extended family being effected by bushfires.

9.2.3 Planning Scheme Amendment C58 - Camerons Road

File No.: 13/06/054
Author: Shane Schmidt
General Manager: Satwinder Sandhu

Introduction

This Amendment applies to land within the Cameron's Road area that abuts the Lerderderg State Park. Changes sought are as follows:

- Rezone land from Farming Zone to Rural Living Zone.
- Incorporate a 6 hectare minimum subdivision area and a Schedule to the Design and Development Overlay (DDO6).

Background

Council was last briefed on 18 June and 31 July 2013 regarding the progress of the Amendment. A presentation was provided to Council by the applicants on 12 March 2014.

The proposed Amendment has a long history with Council. Amendment C34 (planning scheme review) addressed Cameron's Road in 2008 by the following:

"The Panel also accepts that the Cameron's Road area presents an opportunity for rural lifestyle housing but considers a specific area should not be designated on the framework plan as further work is required to establish the implications of constraints and the extent of the area that may be suitable for this form of development."

The C34 Planning Panel recommended that the Cameron's Road area should not be rezoned to Rural Living without addressing Ministerial Direction No. 6 and that the extent of the land area be assessed in particular the relationship with the sand quarries to the east and the State Park to the west.

The original rezoning request sought to facilitate the creation of an additional 22 allotments. This has been reduced to 20 allotments due to further information received.

Authorisation for the amendment was granted on the 28 July 2011 subject to four conditions requiring further information.

The Authorisation period of the amendment lapsed on 28 July 2013 after a one year extension was granted. A further extension of time was sought for six months, however, no response from Department of Planning Transport and Local Infrastructure (DPTLI) was received. This does not however affect Council providing a position on whether the amendment should proceed to exhibition.

Significant policy changes have occurred since Council's last consideration of this matter on 20 October 2010, including the introduction of Amendment VC83 made in response to the recommendations of the Victorian Bushfire Royal Commission (VBRC) on Black Saturday.

Further information has been received from the proponent on 18 September 2013 in the form of a supplementary report on Landscape Fire risk by TerraMatrix and a Flora and Fauna report to respond to both CFA's concerns and authorisation requirements.

Proposal

Conditions of Authorisation

The Ministerial Authorisation of Amendment C58 was granted subject to four conditions. The proponent has been advised that the four authorisation conditions need to be met to Council's satisfaction prior to proceeding to exhibition. The conditions are:

Condition 1: Responding to Bushfire risk and Native Vegetation qualities

The amendment documents must include detail on how the proposed rezoning will balance the bushfire management overlay requirements and bushfire characteristics of the land and the native vegetation qualities of the land and surrounding land.

Condition 2: Strategic justification for rural residential development

The practice note for *Rural residential development, May 2012* must be fully addressed including demonstration of how the proposal supports the strategic framework, meets housing needs and the housing objectives of the area and why the location is suitable for rural residential development.

Condition 3: Mining industry protection

The amendment documents must include a strategic assessment of planning provisions and local planning policy that recognise the significance of the nearby extractive industry and continued mineral extraction.

Condition 4: Relevant Authorities responses

The Department of Primary Industry (sic), the Country Fire Authority and the Department of Sustainability and Environment must be consulted in the preparation of the amendment documents and provided with notice of the amendment during exhibition.

Responding to conditions of Authorisation

The proponent has responded to the conditions of authorisation by supplying the following documents:

- Planning Report *‘Cameron’s Road Bacchus Marsh Rural Living Opportunities’* prepared by Isis Planning Updated Report 17 September 2013
- *Preliminary Flora and Fauna Assessment – Rezoning investigation for Camerons Road, Coimadai* . Oekologie Nov 2012
- *“Bushfire Development Report for the proposed rezoning of properties in Camerons Road, Bacchus Marsh”*, Terramatrix November 2012
- Supplementary Report on Landscape Risk for the proposed Report, TerraMatrix September 17 2013

The report will address each of the conditions and the officer’s response for each condition

Condition 1: Responding to Bushfire risk and Native Vegetation qualities

The CFA raised initial concerns as to whether the amendment in its current form should proceed to exhibition. As a result the proponent engaged TerraMatrix to do a supplement report on the landscape fire risk of the area

As a response to the fire report the proponent has removed an allotment from the area proposed to be rezoned reducing the amount of lots to be rezoned to 20.

Officer response

The reports identify both environmental significance and high fire risk for this area. The *Preliminary Flora and Fauna Assessment – Rezoning investigation for Camerons Road, Coimadai* . Oekologie Nov 2012 report identifies the study area comprises native vegetation of high . very high conservation significance. This includes the Grey Box-dominated Rocky Chenopod Woodland which may be nationally significant and protected under the *Federal Environment Protection and Biodiversity Conservation Act 1999*.

The report suggests a number of conditions to minimise any impacts on the environmental significant areas and individual management plans for each property. A site by site response will be costly for future landholders and require significant officer time through multiple permit application processes.

TerraMatrix’s fire report and supplementary landscape report concludes that there is the possibility of extreme fire risk to the area in a large bushfire event. Although many solutions and conditions are suggested within the reports to help mitigate fire risk it is doubtful that in an extreme fire event that this area could be protected by these measures.

The consideration of ~~a~~ balance requires consideration of state planning policy for bushfire. Clause 13.05-1 Bushfire has the overarching strategies to:

- Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.
- Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.

In relation to Strategic and settlement planning strategies it also states:

- Ensure that planning to create or expand a settlement in an area at risk from bushfire addresses the risk at both the local and broader context.
- Reduces the risk to future residents, property and community infrastructure from bushfire to an acceptable level.
- Ensures any biodiversity and environmental objectives specified in the planning scheme are compatible with planned bushfire protection measures.
- Ensures the risk to existing residents, property and community infrastructure from bushfire will not increase as a result of future land use and development.
- Ensures future residents can readily implement and manage bushfire protection measures within their own properties.

With acknowledged landscape level risk the precautionary principle would suggest that the risk to human life cannot be ameliorated by actions wholly within private land.

The Panel hearing submissions to Amendment C29 to the Southern Grampians Planning Scheme have supported the application of a 6ha minimum in an extreme fire risk area. In this instance the 6ha was actually decreasing development potential. The panel stated:

“The key issue of contention in this process is the proposal to rezone a relatively large area of Low Density Residential land on the western fringe of the Dunkeld to the Rural Living Zone, and to increase the minimum lot size from 0.4 to 6 hectares. It is this aspect of the Amendment that submitters were most concerned about, and which the Panel has dealt with extensively. Submitters were concerned that currently they have the potential to subdivide their land to smaller lots, but if the Amendment is approved, this opportunity would be lost. On this issue the Panel has concluded that it supports the application of a 6 hectare minimum lot size on land identified as being of ‘Extreme’ threat from bushfire.”

- **Condition 2: Strategic justification for rural residential development**

A Planning Report ~~‘Cameron’s Road Bacchus Marsh Rural Living Opportunities’~~ prepared by Isis Planning Updated Report 17 September 2013. Within this report it provided justification for the rezoning by concluding that Moorabool Shire has demand for further rural residential development. The majority of the rural residential land within the Shire is not suitable for the development of dwellings due to most areas being covered by the Environment Significant Overlay (ESO1) to protect open water catchments. The ESO1 has in some cases prohibited the development of new dwellings on vacant properties.

The proposal must address *Clause 11.05-2 Melbourne's hinterland Areas* with the objective to manage growth in Melbourne's hinterland, the area immediately beyond Metropolitan Melbourne and within 100 kilometres of the Melbourne's Central Activities District.

The proposal must also address *Clause 16.02-1 Rural residential development* with the objective to identify land suitable for rural living and rural residential development.

Officer Response

The planning report concludes that there is a need for Rural Living areas due to the restrictions of the Environment Significant Overlay (ESO1) within existing Rural Living areas within the Shire.

According to the *Moorabool Rural Strategy Plan April 2009* there is 5,603 hectares of Rural Living zoned land within Moorabool with an average of 45% of allotments vacant. Although most are within the ESO1 this does not preclude that dwellings are prohibited on these allotments.

The report also identifies that there are still many vacant allotments within the area of the proposed amendment, allowing additional dwellings to be built in the Cameron's Road area without any amendment or zoning change.

If there was a demand for rural residential living it would be assumed the amount of vacant rural residential lots within the Shire and the subject area would be less.

The proposal does not address *Clause 11.05-2* in that any consideration for rural residential must *prevent dispersed settlement and any proposal must site and design new development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards such as bushfire and flooding*. The proposal increases dispersed settlement being located outside a township, dispersed in nature and does not minimise risk to bushfire.

The proposal impacts the extractive industry nearby therefore it does not meet *Clause 16.02* of the Planning Scheme. *Clause 16.02* seeks to ensure planning for rural living *avoids or significantly reduces adverse economic, social and environmental impacts by maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources*.

The small amount of proposed allotments the proposal would allow also raises issues as to the justification of the amendment. With only the possibility of a maximum of an additional 20 dwellings, the proposal would not provide a substantial amount of housing options for residents of Moorabool Shire, regardless of other issues.

Condition 3: Mining industry protection

Clause 52.05 of the Moorabool Planning Scheme requires any development within 500m of an extractive industry needs a planning permit, suggesting that 500m is the most appropriate buffer. Cameron Road is within 500m of three sand and rock quarries which provide a large majority of sand for the whole Melbourne region and are therefore regionally significant.

The proponent has suggested a buffer of 300m be included in the proposed Design and Development Overlay from Mining Activities on nearby allotments and show indicative building envelopes outside this 300m buffer. The 300m buffer comes from EPA's guidelines *Recommended Buffer Distances for Industrial Residual Air Emissions 1990* which has now been superseded by the *Recommended Separation Distances for Industrial Residual Air Emissions* 7 March 2013. The proponent acknowledged in its oral presentation of 12 March 2014 the new requirement of a 500 metre buffer however has not modified the amendment request to reflect this.

Officer Response

Both Boral and Hanson, two mining companies who manage mine sites nearby, have initially objected to any rezoning of the Cameron Road area that may lead to an increase in development. These are formal objections to the proposal as a whole (attachment 1) and it is likely that they will object to the amendment if exhibited.

The proponent suggests all proposed dwelling areas will be outside a 300m buffer however the EPA guideline *Recommended Separation Distances for Industrial Residual Air Emissions* . Guideline 7 March 2013 suggests a buffer of 500m for quarries that use blasting or has respirable crystalline silica - which is likely, as all surrounding quarries are sand and rock quarries. Both mining companies object to any rezoning of Cameron Road due to further development in proximity to an important mining resource.

A 500m buffer too existing properties owned by extractive industries will impact at least two potential building envelopes as marked within the planning report (see figure 1). The proposal fails to effectively address clause 52.07 of the Moorabool Planning Scheme which seeks to: *ensure that sand and stone resources, which may be required by the community for the future use, are protected from inappropriate development*.



Figure 1: Proposed buffers and indicative envelope locations. The 300m mining buffer is seen in yellow. The State Park 500m buffer is in blue

Condition 4: Relevant Authorities responses

As the amendment has not yet proceeded to exhibition, formal responses from relevant authorities has not been sought. However the condition of the authorisation required that the proponent seek advice from relevant authorities.

The proponent did seek views from all relevant authorities on the proposed amendment. The majority of authorities did not object to the proposal. However Department of Sustainability and Environment (DSE), Department of Primary Industries (DPI) (now combined as DEPI) and the Country Fire Authority (CFA) all commented on the proposal.

Officer Response

The CFA has raised concerns over the proposal and generally commented that the proposal would need to balance human life over other planning considerations as the area is of high fire risk. Initially CFA did not object to the proposal, however, since VC83 the advice from CFA suggests that the proposal cannot mitigate against high fire risk areas with poor access. CFA have indicated they will object to zoning proposals which intensify development potential in such areas.

The Department of Primary Industry and Environment (DEPI, previously DSE) commented on the proposal with some issues including the proximity of the proposal to Lederderg State requested a 500m buffer from the State park for any development. There are at least 5 indicative building sites within the 500m buffer.

The Department of Primary Industry and Environment (DEPI, previously DPI) also commented on the importance of protecting the mining industry in the area and that the proposal may have a negative impact on these existing industries. These issues were discussed earlier in this report in response to Condition 3.

Overall the proposal already has some issues with relevant authorities as an amendment proposal. The proponent has sought advice from the CFA, DPI and DSE as proposed within this authorisation condition, however, has not addressed all the issues these authorities have raised.

Possible legal issues

The Cameron\$ road area as a high fire risk area with an extreme fire risk. The reports do not conclude that additional dwellings or life could be protected in a large fire event. If Council does decide to approve an amendment to facilitate further development in the subject area and this area is impacted by fire, there may be legal issues for Council and other authorities.

The proposed planning scheme amendment documents do not restrict development to 20 dwellings or to the identified building envelopes.

Extension of time for Authorisation

Council has requested a second extension of time for Authorisation to the Department of Planning Transport and Infrastructure (DPTLI) on the 18 July 2013 as the Authorisation expired on the 28 July 2013. Council has not yet received this extension of time from the Department and Authorisation has now lapsed. This does not impact on Council determining a decision to proceed with the Amendment proposal. If Council did seek to exhibit the Amendment it would require reauthorisation from the Minister for Planning prior to exhibition.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Promote, and enhance places of heritage, landscape and environmental significance.
Strategy	<p>Develop future planning policy to ensure it :</p> <ul style="list-style-type: none">" Preserves the unique character and sense of place" Maintains the rural setting of the Shire." Provides a sense of connection with the towns origins and familiarity with the country town feel. <p>Ensures environmentally sensitive areas such as Lerderderg State Park and remnant vegetation are protected and enhanced.</p>

The proposal is not consistent with the 2013-2017 Council Plan.

Financial Implications

The applicants have undertaken the strategic work to underpin the amendment that has cost nearly \$100,000. The applicants have sought that Council cover the costs of the Planning Panel and amendment process.

A Planning Scheme Amendment of this size and complexity is expected to cost in the order of \$15,000 to \$25,000 for panel costs . dependent on the length of the panel hearing itself, and including photocopying, costs advertising the amendment including letters and officer time. This estimate does not include any additional expert witness statements or preparation of evidence for the hearing which could add up to \$50,000 to the panel process.

The above amounts are currently not budgeted.

Also, as raised in this report there is also potential reputational and risk.

Abandoning the amendment will have no financial implications for Council

Risk & Occupational Health & Safety Issues

No risks are identified

Communications and Consultation Strategy

Consultation has occurred with relevant parties, authorities, the State Planning department and the proponent throughout the authorisation stage of the amendment.

If the Amendment was to proceed full consultation would take place in accordance with the Planning and Environment Act 1987. Public notification and exhibition is set out in the Act.

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 – Shane Schmidt

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

Conclusion

Since the introduction of VC83 there have been changes to the State Planning Policy and the unacceptable risk to life and property.

Clause 13.05-1 includes in the overarching strategies: -

- *Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.*
- *Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.*

The outcomes of the further information does not satisfy the conditions of Authorisation set out by the Minister for Planning. The proposal does not adequately provide information of how the proposed rezoning will balance the bushfire management overlay requirements and bushfire characteristics of the land and the native vegetation qualities of the land and surrounding land. It also fails to respond to authorises concerns and lacks strategic justification.

It is recommended to abandon the amendment to rezone the Cameron's road area because of the fire risk identified, the environmental considerations and impact from nearby mining resources.

The amendment should be abandoned for the following reasons:

- The proposal allows additional development within a high fire risk area that cannot be mitigated against with conditions in large fire events.
- The proposal is likely to impact an area with high environmental values.
- The proposal may impact on the existing significant mining and extraction industries that are in close proximity and therefore does meet clause 52.07 of the Moorabool Planning Scheme.
- The proposal is not supported by adjacent mining companies
- The proposal concerns three relevant authorities who are likely to bring these concerns to a planning panel if the amendment proceeds.
- The amendment documents have the potential for up to 60 new dwelling lots to be created.

Due to the findings it is also recommended to remove Cameron's Road as an investigation area for rural residential development in the Moorabool Planning Scheme and possibly include it within a Rural Conservation Zone in the future due to its high environmental values.

Cr. Edwards adjourned from the meeting at 5.08pm and did not participate in voting on the Item.

Consideration of Deputations – Planning Scheme Amendment C58 - Camerons Road

Mr. Bob Mundy addressed Council in relation to Planning Scheme Amendment C58 – Camerons Road.

The business of the meeting then returned to the agenda.

Recommendation:

That Council resolves to abandon Planning Scheme Amendment C58 as the Authorisation conditions have not been satisfied.

Resolution:

Crs. Dudzik/Comrie

That Council:

- 1. Resolve, in accordance with Section 8A (2) and 9(2) of the Planning and Environment Act 1987, to request reauthorisation to prepare Amendment C58 to the Moorabool Planning Scheme.***
- 2. Resolve, subject to authorisation, in accordance with Section 19 of the Planning and Environment Act 1987, to prepare and exhibit planning scheme amendment C58 to the Moorabool Planning Scheme to rezone Cameron's Road from Farming Zone to Rural Living Zone and apply a Design and Development Overlay over the area.***

AMENDMENT

Crs. Toohey/Sullivan

That Council:

- 1. Resolve, in accordance with Section 8A (2) and 9(2) of the Planning and Environment Act 1987, to request reauthorisation to prepare Amendment C58 to the Moorabool Planning Scheme.***
- 2. Resolve, subject to authorisation, in accordance with Section 19 of the Planning and Environment Act 1987, to prepare and exhibit planning scheme amendment C58 to the Moorabool Planning Scheme to rezone Cameron's Road from Farming Zone to Rural Living Zone and apply a Design and Development Overlay over the area.***
- 3. Resolve that the applicant is required to pay costs of any Panel convened in accordance with Section 24 of the Planning and Environment Act 1987.***

The Amendment became the Motion and was CARRIED.

Report Authorisation



Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Tuesday, 25 March 2014

Cr. Edwards returned to the meeting at 5.29pm.

9.2.4 Planning Scheme Amendment C71 and combined Planning Permit Proposal Rezoning Land and Planning Permit to Facilitate and Construct Bunnings Warehouse at 101 Gisborne Road, Bacchus Marsh

Introduction

File No.: C64/GA/02
Author: Shane Schmidt
General Manager: Satwinder Sandhu

Background

Peninsula Planning Consultants Pty Ltd on behalf of Bunnings Group Limited have lodged an application to redevelop 101 Gisborne Road Bacchus Marsh.

The site is currently vacant, residentially zoned land and has a total area of 4.3816 hectares. The block has a narrow frontage to Gisborne Road and abuts the Western Freeway. The land is currently in the Residential 1 Zone (R1Z) and has no planning overlays or covenants.

Proposal

The application is to amend the planning scheme and apply for a planning permit under section 96A of the Planning and Environment Act 1987 (combined process).

The proposal seeks to amend the Moorabool Planning Scheme to rezone 101 Gisborne Road, Bacchus Marsh from Residential 1 Zone (R1Z) to Commercial 2 Zone (C2Z).

The planning permit is for the construction of a Bunnings Warehouse and bulky goods stores in the following stages:

- Stage 1: Construction of a Bunnings Warehouse with 9,534.06 m² of floor area with a maximum height of 8.75 metres and car park providing 229 car spaces.
- Stage 1b: A pad for a bulky goods store of 2,277.77m²
- Stage 2: Four additional bulky goods stores with a combined floor area of 3,650.53m²

The planning permit also seeks to re-subdivide the three allotments into two and remove an easement that currently affects the land.

It is proposed to access the stores from Clifton Drive and that a roundabout be constructed on Gisborne Road to allow for traffic flow into Clifton Drive.

Site Description

The subject land is highly irregular in shape located on the western side of Gisborne Road, northern side of Clifton Drive and southern side of the Western Freeway entry ramp. The land is located about 900 metres north of the Bacchus Marsh Activity Centre.

The land has frontages of 148.19 metres to Gisborne Road, 121.27 metres to Clifton Drive, and 358.96 metres to the Western Freeway.

The land has an overall area of 4.3816 hectares.

The subject land comprises three (3) lots identified as:

“ **Part of No. 101 Gisborne Road, Bacchus Marsh** . Lot 401 on Plan of Subdivision No. 212230R is located in the eastern section of the overall development site. A 2 metre wide drainage and sewerage easement aligned north/south adjoins the western boundary of the site. The application plans for the site places car parking and the main warehouse over the easement. It is necessary as part of the Section 96A application to remove/relocate the easement.

“ **Part of No. 101 Gisborne Road, Bacchus Marsh** . Lot 403 on Plan of Subdivision No. 212230R. The land is located in the northeast corner of the development site. The land is not affected by any easements. Lot 403 is wedge shaped with an area of 646 square metres. The land is vacant and is required in the future for the Western Freeway reserve. It is not proposed to develop or incorporate this land as part of the overall development.

“ **Part of 101 Gisborne Road, Bacchus Marsh** - Lot 223 on Plan of Subdivision No. 317067A. Lot 223 has an area of 3.517 hectares and comprises the majority of the land through to the western boundary. Lot 223 includes the Southern Rural Water Irrigation Supply Reserve that follows the southern and western boundaries of the site. The Irrigation Supply Reserve is encumbered by a 20.12 metre wide Water Supply and Drainage easement in favour of the Rural Water Commission (Southern Rural Water successor in law). A 5 metre wide easement for the purposes of ~~way~~ in favour of the Shire of Bacchus Marsh (now Shire of Moorabool) adjoins the northern side of the Irrigation Supply Reserve.

The application plans for the site places car parking and part of Stages 1B and 2 over part of the easement. It is necessary as part of the Section 96A application to remove/relocate the easement. A 3 metre wide Drainage and Sewerage Easement adjoins the southern side of the Irrigation Supply Reserve at the Clifton Drive frontage of the site. Through innovative design it is proposed to construct access over the easements for truck access to the Bunnings Warehouse and Bulky Goods Retail tenancies at the west end of the site.

A reserve for municipal purposes is located at the western end of the site, whilst a 7 metre wide easement for the purposes of ~~way~~ in favour of the Shire of Bacchus Marsh provides access to the municipal reserve from the residential estate to the south through to Steele Court.

The land is vacant with limited vegetation cover. There is one (1) tree located on the land, located central to the northern boundary. The tree has been identified in the Arboricultural Assessment Report prepared by Tridimensional Survey Pty. Ltd. to be a *Eucalyptus spathulata* (Swamp Mallett) and to be of low significance and retention value.

The Gisborne Road reserve has a number of Sugar Gums that may have been planted as a windbreak when the property was used for rural purposes. One tree is expected to be removed with the proposed exit for heavy vehicles on Gisborne Road.

Proposed Area to be Rezoned



Discussion

Traffic Issues

The location of the proposal is in a key site for the Bacchus Marsh Township and is situated in an area that currently experiences high traffic during peak times. Gisborne Road is a major road managed by VicRoads and Clifton Drive is a local service road.

A traffic study by O'Brien Traffic suggests that a roundabout is required for the intersection of Clifton Drive and Gisborne Road to assist traffic flow to and from the site. This would be within 100 metres of an existing signalled intersection on Gisborne Road and the freeway exits.

O'Brien Traffic has suggested that the development in its completion including the Bulky Goods stores would generate additional traffic between 100-300 vehicles during the Friday peak times and Saturday peak times.

VicRoads has no objection to the proposed roundabout and expected traffic issues.

These modifications are unlikely to ameliorate existing traffic issues in this area.

Urban Growth Strategy and Housing Strategy

Moorabool Council is currently undertaking The Moorabool 2041 Strategy which will include a Housing Strategy to be completed by early next year. The study will inform Council on projected population for Bacchus Marsh, available residential land and existing capacity and possible actions to accommodate the population increase. The Urban Growth Policy Statement responds to the urban growth pressures in Bacchus Marsh and the scarcity of sites suited for residential uses. It also includes the following policy for Bacchus Marsh:

- Bacchus Marsh will have a supply of fully serviced industrial land to provide local employment opportunities and service local needs.

Under a yield of 15 dwellings per hectare this parcel has potential for over 60 dwellings and could provide a percentage of projected housing demand in Bacchus Marsh over the next 15 years. As the site is close to the commercial centre of Bacchus Marsh and is located near schools, it can be seen as a strategically important parcel to assist in delivering the housing needs of Bacchus Marsh into the future. Careful consideration is therefore required in rezoning this land to ensure that other vacant or future residential land will accommodate the future growth of Bacchus Marsh.

The final housing strategy should identify residential land supplies in Bacchus Marsh and whether the subject land could be rezoned without having an impact on the projected capacity for residential growth in Bacchus Marsh.

Other sites that are of a size that could accommodate the development have been identified such as the old Brickworks site in Darley however these sites are less attractive for the applicant as they do not have the same public visibility as the proposed site.

Visual Impact

The site is highly visible from the freeway. The proposal has high concrete walls hard against the property boundary with the freeway to maximise visibility and branding. Council's *Urban Growth Policy Statement* identifies Bacchus Marshes defining character elements. Relevant elements to this proposal are:

- Township character with highly productive agricultural areas and a range of commercial and business enterprises set within a rural landscape;
- Undulating land with scenic views;

The site is a major gateway entrance to the township from Melbourne via the Western Freeway although it was not identified in the *Bacchus Marsh Gateway Strategy 2003*. The major objective of the Gateway Strategy is to effectively brand and identify the township in an approach that reflects the environment and identity of the township. The proposal should consider this issue and possibly provide additional features to reflect the strategy.

To address the visual impact of the proposal, further landscaping and design conditions have been requested to the draft planning permit to provide for more canopy trees within the carpark and provide landscaping at the rear of the building to provide some buffer to the freeway.

Commercial 2 Zone

The request proposes to use the Commercial 2 Zone . the purpose of which is to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services. There is currently no Commercial 2 land in Bacchus Marsh. There is industrial zoned land in Maddingley and Parwan which would be suited for bulky goods retailing but could not be used for residential purposes.

The intent of the application is for a bulky good activity which includes a Bunnings store. The impact of a bulky goods retail centre should be considered in light of other Council retail policies. Current policies include the Growth Moorabool strategy. Growing Moorabool supports in centre development. Council has exhibited a planning scheme amendment to plan for medium density and the greenway in the centre of Bacchus Marsh in accordance with Growing Moorabool. In terms of Centres planning, rather than dispersing activity, social, economic and environmental benefits can be realised for the community from greater co- location.

Growing Moorabool

Council's economic development strategy *Growing Moorabool* makes the following observations in relation to the retail sector in Bacchus Marsh:

- Retail is a critical component of servicing the needs of the Moorabool resident population.
- Retail is the second largest employing industry sector in Moorabool (behind manufacturing).
- In terms of Centres planning, rather than dispersing activity, social, economic and environmental benefits can be realised for the community from greater co- location. In the case of Bacchus Marsh, this means ensuring that new commercial / development takes place in and around the Bacchus Marsh business area.
- Development of medium to high density housing in Bacchus Marsh around the business area to intensify residential development in the central area. This will further underpin the viability of the retail centre

Growing Moorabool directs new retail development to be within the activity centre but has no direction on bulky goods or large stores such as Bunnings.

Bacchus Marsh Activity Centre Structure Plan

The final *Bacchus Marsh Activity Centre Structure Plan 2011* does not necessarily discuss location of bulky goods or retail hierarchy, however there was a relevant background document prepared for the Structure Plan prepared 'Bacchus Marsh Town Centre Investment Attraction Strategy' by Tim Nott in October 2008.

Within this report it is suggested bulky goods stores, including hardware should be accommodated either within or on the periphery of the Town Centre and suggests locations on Main Street, Bennett Street, Grant Street, Graham Street and Station Street in Bacchus Marsh for these bulky goods. The report does suggest large sites are required for this use due to the size of the building and associated carparking. The appendix for the report elaborates on this and suggests that efforts should be made to attract stores like Bunnings to an edge of centre location. (pg .17 Appendix *Bacchus Marsh Town Centre Investment Attraction Strategy October 2008*). 101 Gisborne Road is in close proximity to the Bacchus Marsh Activity Centre so it could be seen as an edge of centre location and therefore this report would support the proposal.

Combined Planning Permit

A draft planning permit and subdivision plan has been provided with the applicant to advertise with the proposed amendment. A copy of the proposed permit must be placed on exhibition with the amendment. Prior to exhibition Council will require all referral authority conditions to be placed on the permit for exhibition. This will require an exemption from Direction 4 (1)(a) of Ministerial Direction 15 which requires exhibition of the amendment to occur within 40 business from authorisation.

Strategic Assessment of the amendment

Why is an amendment required?

A planning scheme amendment is required as the proposed land is currently zoned Residential 1 Zone (R1Z) which prohibits trade supplies and restricted retail premises. A Bunnings store is defined as a restricted retail premises within the Moorabool Planning Scheme. The proposal to rezone the land to Commercial 2 Zone (CZ2) would allow these uses.

Does the amendment implement the objectives of planning and any environmental, social and economic effects?

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 to:

- a) *provide for the fair, orderly, economic and sustainable use, and development of land;*
- b) *provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- c) *secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- d) *conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

The proposed amendment could be seen as implementing the objectives of planning in Victoria if the loss of residential land can be compensated for in the Housing Strategy.

The proposal includes an economic assessment by Essential economics which concludes *%The proposal will have a minimal impact on the trading performance of existing Bacchus Marsh retailers and the performance of the Town Centre.*"

The proposed amendment will have no perceived environmental impacts.

Does the amendment address relevant bushfire risk?

The subject area of the amendment is within a residential area, is not within a Bushfire Management Overlay (BMO) and has no bushfire risk.

Does the amendment comply with all other relevant Minister's Directions?

No other Minister Directions apply to the proposal

Does the amendment support or implement the SPPF?

The relevant policy under the SPPF is Clause 11.02-1 Supply of urban land. The objective of 11.02 is to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

It is still not clear if the proposed rezoning will allow for a sufficient supply of residential land within Bacchus Marsh however there is currently a lack of Commercial 2 Zone land within Bacchus Marsh and the Shire.

Does the amendment support or implement the LPPF?

The proposal is consistent with Clause 21.03 Settlement and Housing which emphasises the need to manage economic growth and to ensure that future development makes provision for business and economic development opportunities.

The proposal is inconsistent with Clause 21.04 Economic Development and Employment. Within Clause 21.04 . 7 with its strategy to:

- Focus commercial and retail development in the existing central Bacchus Marsh retail area in accordance with the Bacchus Marsh Urban Design Framework and the Growing Moorabool, Economic Development Strategy, 2006 (including the development of a Local Structure Plan for the area between the main street and the railway station).
- Limit other retail development in Bacchus Marsh to meeting local retail needs.

Other relevant policies include Clause 21.07 Bacchus Marsh with the objective of Clause 21.07-2 to:

- Provide for high quality medium density housing that is well located in relation to retail, commercial, public transport, recreation and community services.
- Efficiently utilise land, particularly in the inner area which is close to the central business district and the railway station.

Does the amendment make proper use of the VPP?

The proposed zoning of Commercial 2 Zone (CZ2) is the correct zone for the use of restricted retail and bulky goods.

How does the amendment address the views of any relevant agency?

The amendment includes the views of the Rural Water Commission water authority in regards to the removal and relocation of the water easement on the subject site. The amendment has also sought views from VicRoads on the proposed road treatments of Gisborne Road which is managed by VicRoads.

Does the amendment address the requirements of the Transport Integration Act 2010?

The amendment addresses the requirements of the Transport Integration Act 2010.

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The Amendment will have minimal impact on the resource and administrative costs of council as there would be no ongoing costs.

Policy Implications

The 2013- 2017 Council Plan provides as follows:

Key Result Area-	Enhanced Infrastructure and Natural and Built Environment
Objective-	Effective and integrated strategic planning in place to create sustainable communities.
Strategy-	Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.

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

Financial Implications

Council officer time and resources are involved in the preparation and exhibition of the amendment.

Given this proposal is a one of combined planning permit and amendment the resources are to assess the application only. There is no financial implications for the proposal however there would be a loss of potential council contributions that would be required if this was developed for residential use.

Council would require that the applicant meet all Panel costs if the amendment proceeds to a Planning Panel.

Communications and Consultation Strategy

The planning scheme amendment and the draft planning permit would be exhibited in accordance with the requirements of the Planning and Environment Act 1987.

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.

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 Authors, we have no interests to disclose in this report.

Conclusion

The site 101 Gisborne Road, Bacchus Marsh is a large vacant residential site within 900m of the Activity Centre of Bacchus Marsh. It therefore is an important strategic site for the township and its development is important in shaping the future growth of the area. Clause 11.02 of the State Planning Policy Framework also requires that Council must ensure there is a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

It could be considered that the request to rezone 101 Gisborne Road from Residential Zone to Commercial Zone is premature with the commencement of the Housing Strategy and the review of Growing Moorabool as part of the Moorabool 2041 process. However Bunnings have reviewed available land suitable for a large hardware store within Bacchus Marsh and wish to pursue the development on this site.

The small amount of strategic direction for retail development in Bacchus Marsh suggests that all retail development should occur within or adjacent to the existing activity centre. The strategies however encourage the development of large stores like Bunnings and concedes that large sites on the edge of activity centres may be appropriate for this type of development. In light of this the amendment should at least proceed to exhibition to allow the community to express their views on the development and the possible traffic issues that will result.

Consideration of Deputations – Planning Scheme Amendment C71 and combined Planning Permit Proposal Rezoning Land and Planning Permit to Facilitate and Construct Bunnings Warehouse.

Mr. Cliff Crouch addressed Council in relation to Planning Scheme Amendment C71 and combined Planning Permit Proposal Rezoning Land and Planning Permit to Facilitate and Construct Bunnings Warehouse.

Mr. Michael Belcher addressed Council in relation to Planning Scheme Amendment C71 and combined Planning Permit Proposal Rezoning Land and Planning Permit to Facilitate and Construct Bunnings Warehouse.

Mr. Russ Hendry addressed Council in relation to Planning Scheme Amendment C71 and combined Planning Permit Proposal Rezoning Land and Planning Permit to Facilitate and Construct Bunnings Warehouse.

Mr. Richard Umbers addressed Council in relation to Planning Scheme Amendment C71 and combined Planning Permit Proposal Rezoning Land and Planning Permit to Facilitate and Construct Bunnings Warehouse.

The business of the meeting then returned to the agenda.

Resolution:

Crs. Spain/Sullivan

That Council:

- 1. Resolve, in accordance with Section 8A (2) of the Planning and Environment Act 1987, to request authorisation to prepare Amendment C71 to the Moorabool Planning Scheme.***
- 2. Resolve, subject to authorisation, in accordance with Section 96A of the Planning and Environment Act 1987, to prepare planning scheme amendment C71 to the Moorabool Planning Scheme to zone land at 101 Gisborne Road, Bacchus Marsh to Commercial 2 zone and to issue a planning permit to allow for the use and development of the site for restricted retail.***
- 3. Authorise Council officers to write to all relevant internal and external referral bodies seeking conditions to be placed on the draft permit.***
- 4. Resolve to write to the Minister for Planning seeking an exemption from Direction 4(1) (a) of Ministerial Direction No 15 to allow for consultation with referral bodies in regard to conditions for the draft permit.***
- 5. Resolve, subject to authorisation and receipt of referral authority permit conditions, to exhibit Amendment C71 in accordance with Section 96C of the Planning and Environment Act 1987.***
- 6. Resolve that the applicant is required to pay costs incurred by Council under sections 96C (Notice of the amendment, application and permit) and 96D (Hearing by panel) of the Planning and Environment Act 1987.***

CARRIED.

Report Authorisation

Authorised by:



Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday, 26 March 2014

9.3 COMMUNITY SERVICES

9.3.1 Moorabool Recreation and Leisure Strategic Advisory Committee

Introduction

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

The Council previously considered this item at the Ordinary Meeting of Council on Wednesday 5 February 2014 where it was resolved to defer the item to the next Council Meeting in Bacchus Marsh to enable further discussions with the Committees of Management.

The purpose of the report is to recommend that Council abolish the Darley Park, Masons Lane, Maddingley Park and Bacchus Marsh Racecourse and Recreation Reserves Committees of Management and establish the Moorabool Recreation and Leisure Strategic Advisory Committee to provide strategic advice on the development of recreation reserves across the municipality.

Background

At the Ordinary Meeting of the Council held on the 3 July 2013, the Council resolved that subsequent to the adoption of the budget, officers report on the finalisation of the recreation reserve committee of management policy, strategy and service levels.

A review of the management of Recreation Reserves across the municipality has been undertaken which has involved considerable discussion with representatives of the committees of management and user groups.

East Moorabool is experiencing significant population growth placing considerable pressure on existing infrastructure and services. It is acknowledged that the recreation reserves in East Moorabool are experiencing increasing pressure as the number of football, cricket, soccer and netball teams continues to grow. The number of teams and participants means the volunteers needed to operate the clubs increases as does the demands on the volunteers.

The level and demand of usage means that the maintenance required at the East Moorabool reserves has grown considerably. Considerable volunteer time is now required to ensure the effective management and operation of the sporting club that comprise the user groups at the reserves.

It is proposed that the delegations provided to reserve committees of management in the Central and Western areas of the municipality be retained.

A forum was held on the 18 December 2013 at which representatives of all East Moorabool Recreation Reserves (Committees of Management and User Groups) attended. The purpose of the forum was to review the feedback and issues outlined by Reserve Committees of Management representatives (past and present) and user groups and discuss further the future management of Recreation Reserves and Halls.

The key messages from the forum were:

- The existing Committee of Management Model, delegation and funding for recreation reserves is no longer efficient and needs to evolve to meet the growing needs of the community.
- That the volunteer effort be focused on strategically developing the reserves in partnership with Council for the betterment of the community in the future as opposed to the undertaking of core maintenance activities.
- Volunteers wish to support Council in planning and where possible delivery of capital development projects at reserves.
- User groups wish to have a direct relationship with Council regarding the management of their usage and fees.

Concerns were raised at the forum regarding the future management of the passive components of Maddingley Park. It was felt that the passive elements of the park need to be specifically addressed and managed separately to a uniform management model for active recreation reserves given its significance and the passion of the existing group of volunteers involved in the planning, development and maintenance of the park.

The current model of reserve committees of management in East Moorabool has ceased to be an effective and efficient means of managing the use and maintenance of the reserves. The current arrangements have become a burden on the volunteer members of the reserve committees of management as they work to ensure the effective operation of their club or organisation. The feedback from the committees of management and user group representatives is that they want to be involved in the planning and development of the reserves but not in the management of use and maintenance. Based on this assessment it is proposed that the Council abolish the East Moorabool Recreation Reserve Committees of Management and establish a Moorabool Recreation and Leisure Strategic Advisory (Section 86) Committee that will provide opportunities for community input into the planning and provision of recreation and leisure services and facilities across the municipality.

Council will also continue to promote, encourage, facilitate and support volunteers through their involvement with the user groups, clubs and organisations associated with the East Moorabool Recreation Reserves.

The current and past members of the East Moorabool Recreation Reserves Committees of Management have made a significant contribution to the management, development and use of the reserves which is acknowledged and appreciated by the Council.

Proposal

The purpose of the proposed Moorabool Recreation and Leisure Strategic Advisory Committee would be to provide advice to Council relating to recreation and leisure participation, facility management and development issues.

Specifically, the Committee will provide advice to Council relating to:

- issues associated with participation and changing demographics in active and passive recreation and leisure;
- planning, management and maintenance of recreation reserves.

The committees role shall include (but not be limited to) providing strategic advice on planning and the capacity to develop recreation/leisure facilities or participation initiatives.

Members of the Committee shall provide where necessary technical advice based on an individual level of expertise in a particular area.

Membership of the Committee will consist of a Councillor as Chairperson and six community members drawn from across the Shire with knowledge and expertise in recreation and leisure matters and the Council's General Manager Community Services and/or delegate. Committee members will be appointed on the basis of skills they are able to bring to the Committee with appointments to be made for a term of one year with membership confirmed by the Council annually.

It is proposed that a Councillor be appointed to the Committee similar to the arrangements with a number of other Council appointed Advisory Committees.

Nominations for membership of the Moorabool Recreation and Leisure Strategic Advisory Committee shall be sought through public advertisement with appointments to the Committee made by a resolution of Council.

Minutes will be taken for each meeting of the Committee. These minutes shall be submitted to Council, where actions are required to be formally resolved.

In acknowledgement of the concerns raised about the management of the passive elements of Maddingley Park, it is proposed that Council continue to work in partnership with the Friends of Maddingley Park to support the planning, minor maintenance and development of the passive elements of the park consistent with the Maddingley Park Landscape Master Plan. Council staff will work with the Friends group to expand its membership, capacity and the resources available for the passive elements of the park. At present, the funds allocated for the maintenance of the passive elements of the reserve are minor relative to the funds allocated to the maintenance of the active elements of the park. It is proposed that the allocation of funds for both the passive and active elements of reserves be addressed in the revised reserve and hall funding policy that is currently being prepared.

The work of the immediate past Chairperson of the Maddingley Park Committee of Management, Ms Marg Scarf in managing the demands of maintaining the active and passive elements of the park is recognised and greatly appreciated.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Leadership through best practice community engagement
Strategy	Pursue strategic alliances, stakeholder forums and advisory committees that assist Council in policy development and service planning.

The proposal Moorabool Recreation and Leisure Strategic Advisory Committee is consistent with the 2013-2017 Council Plan.

Financial Implications

The resourcing of the Moorabool Recreation and Leisure Strategic Advisory Committee will be undertaken within existing resources that are currently allocated to the management and support of the East Moorabool Recreation Reserve Committees of Management. The maintenance of the reserves will also be undertaken with the use of existing resources. The proposed changes to the East Moorabool Recreation Reserve Committees will enable a more efficient operation for both Council and reserve user groups as it will remove a layer of management that has become ineffective and inefficient.

It is proposed that the future allocation of funds for both the passive and active elements of reserves be addressed in the revised reserve and hall funding policy that is currently being prepared.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Advisory Committee Governance Requirement	Inefficient operation of the Advisory Committee	Low	Implement Advisory Committee terms of reference
Maintenance works currently being undertaken by volunteers	Volunteers undertaking maintenance works on community facilities can result in injury	High	Dissolve the Reserve Committees of Management, Officers to coordinate maintenance

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Collaborate	Councillors	Assembly of Council	Ballan	13 Nov 2013	Councillors provided feedback and direct advice in formulating the proposal
Consult	East Moorabool Recreation Reserve Committees of Management Reserve User group members and	Various . attendances		Various times through out 2013	
Consult	East Moorabool Recreation Reserve Committee of Management Members Reserve user group members and representative	Workshop	Various	18 Dec 2014	Community representative s provided feedback including positive and negative aspects of proposal

Communications Strategy

Current members of the East Moorabool Recreation Reserve Committees of Management will be advised of the resolution of Council by direct mail.

Subject to the resolution of the Council, the members of the Darley Park, Masons Lane, Maddingley Park and the Bacchus Marsh Racecourse & Recreation Reserve Committees of Management will be thanked in writing for their contribution to the respective committees and Moorabool community.

Nominations for membership of the Moorabool Recreation and Leisure Strategic Advisory Committee will be sought through public advertisement.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Troy Scoble

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

Conclusion

A review of the management of Recreation Reserves across the municipality has been undertaken which has involved considerable discussion with representatives of the committees of management and user groups.

The current and past members of the East Moorabool Recreation Reserves Committees of Management have made a significant contribution to the management, development and use of the reserves.

The establishment of the proposed Moorabool Recreation and Leisure Strategic Advisory Committee will continue to provide opportunities for community input into the planning and provision of recreation and leisure services and facilities across the municipality.

Council will also continue to promote, encourage, facilitate and support volunteers through their involvement with the user groups, clubs and organisations associated with the East Moorabool Recreation Reserves

It is proposed that Council continue to work in partnership with the Friends of Maddingley Park to support the planning, minor maintenance and development of the passive elements of the park consistent with the Maddingley Park Landscape Master Plan.

Consideration of Deputations – Moorabool Recreation and Leisure Strategic Advisory Committee

Mr. Michael Belcher addressed Council in relation to Moorabool Recreation and Leisure Strategic Advisory Committee.

Mrs. Marg Scarffe addressed Council in relation to Moorabool Recreation and Leisure Strategic Advisory Committee.

The business of the meeting then returned to the agenda.

Recommendation:

That Council:

- 1. Abolish the Committees of Management for the Darley Park, Masons Lane, Maddingley Park and the Bacchus Marsh Racecourse & Recreation Reserves.**
- 2. Write to the members of the Darley Park, Masons Lane, Maddingley Park and the Bacchus Marsh Racecourse and Recreation Reserve Committees of Management to thank them for their contribution to the respective committees and Moorabool community.**
- 3. Continue to promote, encourage, facilitate and support volunteers through participation through the user groups, clubs and organisations associated with the East Moorabool Recreation Reserves.**
- 4. Continue to work in partnership with the Friends of Maddingley Park to support the planning, minor maintenance and development of the passive elements of the park consistent with the Maddingley Park Landscape Master Plan.**
- 5. Establish a Moorabool Recreation and Leisure Strategic Advisory (Section 86) Committee to provide strategic advice on the development of recreation reserves.**
- 6. Endorse the draft terms of reference for the Moorabool Recreation and Leisure Strategic Advisory Committee.**
- 7. Appoint a Councillor to the Moorabool Recreation and Leisure Strategic Advisory Committee.**
- 8. Seek nominations for membership of the Moorabool Recreation and Leisure Strategic Advisory Committee through public advertisement.**
- 9. Receive a further report with recommendations for membership of the Moorabool Recreation and Leisure Strategic Advisory Committee.**

Resolution:

Crs. Dudzik/Comrie

That Council:

- 1. Endorses that it recognises and values the contributions of all volunteers and Committees of Management throughout the Shire.***

2. ***Endorses that it recognises the excellence of reserve maintenance currently managed in the East Moorabool Ward by Council's Sport and Recreation team.***
3. ***Resolves to retain all the East Moorabool Committees of Management for Darley Park, Masons Lane, Maddingley Park and the Bacchus Marsh Racecourse and Recreation Reserve Committees of Management with interim and existing Chairs in place until reviewed at the next Statutory Meeting of Council unless resolved earlier by Council.***
4. ***Resolves that Council will provide user groups and Committees of Management with a list of preferred suppliers for urgent maintenance required out of hours.***
5. ***Convenes an Assembly of Council in May 2014 to enable Councillors and Officers to:***
 - ***Review the results of East Moorabool Councillor consultations undertaken with reserve user groups and the broader community since February 2014.***
 - ***Develop through discussion a draft Terms of Reference for a Section 86 Advisory Committee that will provide informed advice and recommendations to Council regarding the planning, provision, promotion, usage and maintenance of East Moorabool Recreation Reserves.***
6. ***Officers provide a report back to Council with proposed terms of reference and committee structure including a recommendation as to the status of the s86 Committees of Management at the completion of dot point 5 above.***

CARRIED.

Report Authorisation

Authorised by:

Name:

Title:

Date:



Danny Colgan

General Manager Community Services

Thursday, 13 March 2014

9.4 INFRASTRUCTURE SERVICES

9.4.1 Bacchus Marsh Freeway Links – Western Freeway Anthony's Cutting Realignment Project

Introduction

File No.: 2130 (1)
Author: Phil Jeffrey
General Manager: Phil Jeffrey

Background

The Western Freeway Links for Bacchus Marsh, that form part of the Anthony's Cutting Western Freeway Realignment project, has a complicated and extended history. Council has been advocating for a solution for a long period of time and last considered a report at an Ordinary Meeting of Council on 6 March 2013.

Since March 2013, Council has continued to push for an outcome that ensures the funds allocated to the overall project are retained for improvements for Bacchus Marsh whilst considering the original objectives for the project.

A letter has recently been received from The Hon. Terry Mulder MP, Minister for Public Transport and Roads, in relation to the finalisation of the realignment project and presenting a revised package of works to improve traffic and road safety in Bacchus Marsh. This was followed by a press release on 7 March 2014. A copy of the Minister's letter and associated information is attached.

Although this project is a State Government project, Council support of the Bacchus Marsh Traffic Improvement Package+of works is being requested. This report considers the package and presents a way forward for the overall project.

Proposal

The new Bacchus Marsh Traffic Improvement Package+of works basically includes:

- new east-facing entry and exit ramps on the Western Freeway at Halletts Way;
- a new shared user path bridge for pedestrians and cyclists alongside Halletts Way over the Western Freeway;
- a major upgrade of Woolpack Road, including widening, road safety improvements and an Intelligent Transport System (ITS) at the Bacchus Marsh Road/Woolpack Road intersection; and
- safety improvements on Hopetoun Park Road and exit ramp from the Western Freeway to Bacchus Marsh Road.

An officer understanding of what each component of the package involves is outlined below along with officer comment on each specific component.

Halletts Way Ramps

Scope of Works:

- Construction of new east facing freeway ramps connecting Halletts Way to the Western Freeway.

Officer Comment

This is the most pleasing aspect of the revised package and will form an important part of the long term management of traffic in Bacchus Marsh. The scope is unclear regarding the extent of turning lanes proposed where the ramps intersect Halletts Way and it is assumed that, at a minimum, a right turn lane will be required on Halletts Way north of the Freeway. This will introduce significant earthworks to widen the existing batters. It is also assumed that the existing Halletts Way pavement at this location will be strengthened as part of the project as its condition is currently poor. The increase in traffic expected at this location as a result of the works will accelerate the deterioration of this pavement. The ongoing management of the road between the proposed ramps will also need to be resolved. It is recommended Council and Vicroads project officers continue to finalise these issues through the detailed design stage.

Halletts Way Footbridge

Scope of Works:

- Construction of new shared user path via construction of a new pedestrian bridge adjacent to the existing road bridge.

Officer Comment

This is another pleasing aspect of the revised package with the inclusion of a pedestrian/cycle bridge on the west side of Halletts Way over the freeway. This has been a project that Council has advocated and pursued for many years and addresses a major safety concern given the existing bridge has no pedestrian facilities and people are forced to walk on the edge of the carriageway. It is officers understanding that this also includes the construction of a shared path link from Holts Lane south over the new proposed pedestrian bridge that connects into the existing footpath network adjacent to College Square. Unfortunately this means the shared path will only connect to a footpath instead of an ideal connection at Main Street. Officers will continue to work with Vicroads in an attempt to achieve this additional 450m and if unsuccessful will require a future capital project to be funded by Council.

Woolpack Road Upgrade to C Class Road

Scope of Works:

- Widening of the road to 7m and the provision of unsealed shoulders
- Rehabilitation of the existing pavement
- Modifications to address road safety and drainage issues
- Improvements to Woolpack Road / Geelong Bacchus Marsh Road . signage and linemarking only
- Widening and upgrade of three bridge structures including approach barriers and replacement of bridge barriers
- Protection of roadside hazards

- Safety improvements at the Woolpack Road / Bacchus Marsh Road intersection via an Intelligent Transport System (ITS) solution
- Declaration and gazettal of Woolpack Road to transfer responsibility to Vicroads.

Officer Comment

Woolpack Road pavement has deteriorated in recent years partly because of the uncertainty regarding the overall Anthony's Cutting project outcomes. There is little doubt that the use of the project funds to upgrade the road is enabling Vicroads to take on responsibility without having to source future upgrade funds. However, the major investment in this road will significantly improve the road for users and its safety. In addition, it takes almost 2km of road and 2 bridges off Council's books which negates the need for Council to fund future capital investment on this road which in turn has positive impact on the overall asset management demand. The downside is that the intersections at each end are not proposed to be upgraded, only treated however Vicroads will need to manage this into the future.

Hopetoun Park Road Improvements*Scope of Works:*

- Treat the cracked pavement with an overlay to ensure the ongoing operation of the freeway ramps
- Road safety improvements . undertake a road safety review, and subject to the outcome of this review, undertake improvements which may include a refresh of linemarking and signage.

Officer Comment

As part of the original project, Hopetoun Park Road was widened to cater for the articulated vehicles that were expected to use it until an ultimate solution was obtained for an eastern interchange. This meant that the pavement widening was only temporary in nature and wasn't designed for long term heavy vehicle use. It is unclear if the word 'overlay' means a pavement overlay or simply crack repair and reseal. It is anticipated that the latter is the case and it would therefore be expected that the pavement will require upgrade sooner because of the ongoing heavy vehicle and traffic use. This needs to be clarified so the long term impacts can be ascertained. The road safety improvements only proposes linemarking and signage improvements if warranted. There are two residual issues that don't seem to have been addressed as part of the package. The first is the existing intersection with the old Highway alignment and Hopetoun Park Road. The second is the ongoing management of Hopetoun Park Road now that it is proposed that this route will be the Melbourne bound eastern freeway link for Bacchus Marsh. It is recommended that the road safety audit extend to the intersection of the old Highway alignment and that Council request the declaration of Hopetoun Park Road because of its use as an ongoing link to the freeway. If declared, the treatment of the pavement isn't as critical to Council but if not, full pavement rehabilitation should be requested as part of the project to ensure there is no long term impact on Council.

Bacchus Marsh Road Freeway Exit Ramp Improvements

Scope of Works:

- Treat the cracked pavement with an overlay to ensure the ongoing operation of the temporary off-ramp
- Refresh linemarking and signage to respond to community concerns over the safe operation of the existing interchange east of Bacchus Marsh

Officer Comment

As with Hopetoun Park Road, it is unclear what the term 'overlay' means. This is not as critical as the Hopetoun Park Road component as it has no long term impact on Council because Vicroads manage this asset. However, an understanding should be ascertained to determine if 'temporary' may become 'permanent'. In terms of proposed safety improvements, refreshing the signage and linemarking may not be adequate because of the increase in west bound traffic movements on Bacchus Marsh Road. Given the existing arrangement is more akin to a merge lane rather than an intersection and the need to look over the right shoulder when approaching Bacchus Marsh Road, it would be recommended that the project be expanded to investigate whether this intersection can be realigned to meet Bacchus Marsh Road closer to 90 degrees (similar to the Gisborne Road interchange arrangement). If sight distance didn't reduce dramatically, the cost of this wouldn't be significant.

General Comments

Overall, there are many parts of the new package of works that are favourable and will have long lasting impacts for Bacchus Marsh, particularly future traffic movements. The missing component however is the construction of an eastern bypass of Bacchus Marsh that was part of the original works. This is understandable given the impacts on Avenue of Honour elms and river red gums on the lead up to the ANZAC Centenary. It's hard to see a project that impacts either of these getting up during this time.

Given that there is no eastern bypass solution proposed as part of this package, and that this will mean heavy vehicles will continue to use the Grant St / Gisborne Road route, it would have been advantageous to see a commitment to the installation of traffic signals at the Bacchus Marsh Road / Grant St / Gisborne Road intersection. This would help manage traffic and freight movements at the intersection and more importantly improve pedestrian safety at this location. A request to review the overall scope to include consideration of this should form part of the response to the Minister.

When Council last considered this issue on 6 March 2013, it requested that the State Government to undertake all planning and other statutory approvals required for the remainder of the project by exercising powers under Section 20 (4) of the Planning and Environment Act. It is recommended that this request again form part of Council's response to the Minister's letter.

Council is about to commence a Traffic and Transport Study for Bacchus Marsh. One of the objectives of this study is to help manage the long term traffic and propose future mitigation measures and projects to maintain an

acceptable level of service for the road network. The State Government has stated that any future proposals to further improve traffic in Bacchus Marsh will be considered in the context of the findings of this study. It is proposed that this study now be the strategic direction and advocacy for future road projects including future north south road links along with updates to the Municipal Strategic Statement and the Moorabool 2041 process.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of Our Community
Objective	Advocate for services and infrastructure that meets the Shire's existing and future needs
Strategy	Advocate on behalf of the community to improve services and infrastructure within the Shire

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

Financial Implications

There are no immediate financial implications in the context of Council's budget associated with the recommendation within this report.

Long term however, there are positives in terms of the ongoing management of Woolpack Road and the costs associated with future capital works and upgrades that Council would have funded. The ongoing maintenance cost will also be transfer to Vicroads. This is partly offset by Hopetoun Park road and Halletts Way pavements still potentially being retained by Council.

Risk & Occupational Health & Safety Issues

There is no specific risk or occupational health and safety issues for Council associated with the recommendation within this report. However, in general, there are proposed road safety improvements for the road network in Bacchus Marsh.

Communications and Consultation Strategy

The project to date has endured extensive consultation as part of the overall Western Freeway Anthony's Cutting Realignment project and this is outlined in attached report.

Ultimately though, this is a State Government project and it is expected that consultation and engagement of stakeholders regarding implementation of the proposed package of works be undertaken through the Vicroads project team. At this point, officers have been advised that Vicroads propose to commence a community engagement process on the package of works in May 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 – Phil Jeffrey

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

Conclusion

Achieving an outcome for this component of the Western Freeway Anthony's Cutting Realignment project has been difficult and at times, a polarising issue for the community. A new %Bacchus Marsh Traffic Improvement Package+of works has been put to Council seeking support. Essentially the proposed works package includes Halletts Way ramps and pedestrian bridge, Woolpack Road improvements including taking on its management responsibility and nominal improvements to the existing Bacchus Marsh Road interchange ramp and Hopetoun Park Road.

There is some ambiguity regarding the exact scope of some of the components of the package as outlined in the report. It is proposed that some of these items form part of the response to the Minister and that Officers continue to work with Vicroads to refine scope of works as Council is engaged in the project.

It is hard to see that any major revisions to the scope would be entertained by the State Government given the ANZAC Centenary. Therefore, on balance, it is being recommended that Council support in principle the %Bacchus Marsh Traffic Improvement Package+of works put to it on 4 March 2014.

Resolution:

Crs. Comrie/Dudzik

Further to the resolution dated 6 March 2013, that Council:

- 1. Supports the following "Bacchus Marsh Traffic Improvement" package of works put to it on 4 March 2014 to finalise the Western Freeway Anthony's Cutting Realignment Project being:***

- a. **Construction of east facing ramps and a dedicated pedestrian bridge at Halletts Way;**
 - b. **Upgrade of Woolpack Road and declaration as a C Class Arterial, including the upgrade of structures and intersections, and road safety improvements (via an Intelligent Transport System) at the Woolpack Road/Bacchus Marsh Road intersection;**
 - c. **Upgrade of Hopetoun Park Road to support its further use to provide freeway access to and from Melbourne; and**
 - d. **Upgrade of the temporary off-ramp at the Western Freeway (east of Bacchus Marsh) for further use including resurfacing, line marking and signage.**
2. **Writes to The Hon. Terry Mulder MP, Minister for Public Transport and Roads expressing support for the package of works but requesting the following:**
 - a. **A commitment to work with Council to clarify, finalise and sign off the scope of works for the project.**
 - b. **Consideration of the declaration and gazettal of Hopetoun Park Road between the old Western Highway and Western Freeway alignments due to its ongoing use as an eastern interchange for Bacchus Marsh.**
 - c. **Consideration of further safety improvements at the intersection of the eastern interchange exit ramp with Bacchus Marsh Road.**
 - d. **Consideration of installation of traffic signals at Bacchus Marsh Road / Gisborne Road intersection to help manage heavy vehicle traffic movements through Bacchus Marsh.**
 - e. **That the State Government undertakes all planning and other statutory approvals required for the remainder of the project by exercising powers under Section 20 (4) of the Planning and Environment Act.**
3. **Requests a further report that outlines the strategic work that will be required to plan for a north-south route on the eastern side of Bacchus Marsh.**

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Tuesday, 25 March 2014

9.5 CORPORATE SERVICES

Nil.

10. OTHER REPORTS

10.1 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

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

- Assembly of Councillors . Wednesday 26 February 2014 . Capital Improvement Program
- Assembly of Councillors . Wednesday 26 February 2014 . Councillor Training Program
- Assembly of Councillors . Wednesday 5 March 2014 . Confidential Matter
- Assembly of Councillors . Wednesday 12 March 2014 . Siberia Land
- Assembly of Councillors . Wednesday 12 March 2014 . Council Plan
- Assembly of Councillors . Wednesday 12 March 2014 . Camerons Road
- Assembly of Councillors . Wednesday 12 March 2014 . Bacchus Marsh Racecourse Reserve Master Plan
- Assembly of Councillors . Wednesday 19 March 2014 . Hike and Bike Strategy
- Assembly of Councillors . Wednesday 19 March 2014 . Environmental Policy
- Assembly of Councillors . Wednesday 19 March 2014 . Budget and CIP
- Assembly of Councillors . Wednesday 19 March 2014 . 2041 Joint Committee Update
- Assembly of Councillors . Wednesday 19 March 2014 . Role of Council in Tourism and Economic Development

Resolution:**Crs. Toohey/Edwards**

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

- ***Assembly of Councillors – Wednesday 26 February 2014 – Capital Improvement Program***
- ***Assembly of Councillors – Wednesday 26 February 2014 – Councillor Training Program***
- ***Assembly of Councillors – Wednesday 5 March 2014 – Confidential Matter***
- ***Assembly of Councillors – Wednesday 12 March 2014 – Siberia Land***
- ***Assembly of Councillors – Wednesday 12 March 2014 – Council Plan***
- ***Assembly of Councillors – Wednesday 12 March 2014 – Camerons Road***
- ***Assembly of Councillors – Wednesday 12 March 2014 – Bacchus Marsh Racecourse Reserve Master Plan***
- ***Assembly of Councillors – Wednesday 19 March 2014 – Hike and Bike Strategy***
- ***Assembly of Councillors – Wednesday 19 March 2014 – Environmental Policy***
- ***Assembly of Councillors – Wednesday 19 March 2014 – Budget and CIP***
- ***Assembly of Councillors – Wednesday 19 March 2014 – 2041 Joint Committee Update***
- ***Assembly of Councillors – Wednesday 19 March 2014 – Role of Council in Tourism and Economic Development***

CARRIED.

10.2 Section 86 - Advisory Committees of Council - Reports

Section 86 Advisory Committees are established to assist Council with executing specific functions or duties.

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

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

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

Committee	Meeting Date	Council Representative
Bacchus Marsh & District Trails Advisory Committee	4 February 2014	Cr. Spain
Lal Lal Falls Reserve Advisory Committee of Management	13 March 2014	Cr. Sullivan

Resolution:

Crs. Sullivan/Spain

That Council receives the reports of the following Section 86 Advisory Committees of Council:

- ***Bacchus Marsh & District Trails Advisory Committee of Management meeting of Tuesday 4 February 2014.***
- ***Lal Lal Falls Reserve Advisory Committee of Management meeting of Thursday 13 March 2014.***

CARRIED.

10.3 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
Greendale Recreation Reserves Committee of Management	20 March 2014	Cr. Toohey

Resolution:

Crs. Toohey/Comrie

That Council receives the report of the following Section 86 - Delegated Committee of Council:

- ***Greendale Recreation Reserves Committee of Management meeting of Thursday 20 March 2014.***

CARRIED.

11. NOTICES OF MOTION**11.1 Cr Dudzik: N.O.M. No. 237 – Bacchus Marsh Soccer Club Mobile Lighting Tower****Motion:**

That \$5,000 be made available from the East Moorabool Recreation Reserve Fund to the Bacchus Marsh Soccer Club to support the purchase of a Mobile Lighting Tower to be used for soccer training at Masons Lane Recreation Reserve. The Bacchus Marsh Soccer Club will contribute a further \$5,000 towards the total costs of the Mobile Lighting Tower.

The Bacchus Marsh Soccer Club have experienced a surge in participation over the last 12-18 months and training is currently spread across the Masons Lane Recreation Reserve, which has no sportsground lighting, and the Darley Civic Community Hub which has sportsground lighting.

Due to the availability of the Civic Hub for its current teams, this lighting option would enable the Club to begin to accommodate part of its growing junior training program at Masons Lane Recreation Reserve.

Preamble:

The Bacchus Marsh Soccer Club are seeking funds from Council to assist the Club in purchasing a Mobile Lighting Tower for soccer training netting. The total project cost is \$10,000 with the balance of the funding to be provided by the Bacchus Marsh Soccer Club.

Resolution:

Crs. Dudzik/Spain

Subject to the provisions under the Local Government Act (1989):

That \$5,000 be made available from the East Moorabool Recreation Reserve Fund to the Bacchus Marsh Soccer Club to support the purchase of a Mobile Lighting Tower to be used for soccer training at Masons Lane Recreation Reserve. The Bacchus Marsh Soccer Club will contribute a further \$5,000 towards the total costs of the Mobile Lighting Tower.

The Bacchus Marsh Soccer Club have experienced a surge in participation over the last 12-18 months and training is currently spread across the Masons Lane Recreation Reserve, which has no sportsground lighting, and the Darley Civic Community Hub which has sportsground lighting.

Due to the availability of the Civic Hub for its current teams, this lighting option would enable the Club to begin to accommodate part of its growing junior training program at Masons Lane Recreation Reserve.

CARRIED.

12. MAYOR'S REPORT

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

Cr. Tatchell - Mayor	
March 2014 – April 2014	
7 March, 2014	Western Highway Action Committee Meeting
11 March, 2014	Meeting with Committee for Ballarat (re briefing on City of Ballarat projects and MSC advocacy) Meeting with the Hon Peter Ryan and David O'Brien, Member for Western Victoria (re North South Bypasses, Parwan Employment Precinct, agriculture issues, Peri Urban Council issues, emergency management and Western Route – West Maddingley to Darley Special Meeting of Council
12 March, 2014	Assembly of Councillors – Siberia Land Assembly of Councillors – Cameron's Road Assembly of Councillors – Bacchus Marsh Racecourse Reserve Masterplan Assembly of Councillors – Council Plan
13 March, 2014	Meeting with Martin Foley, Shadow Minister for Water re Water Bill Exposure Draft
16 March, 2014	Meet the Makers and Tomato Slam Festival
19 March, 2014	Assembly of Councillors – Hike and Bike Strategy Assembly of Councillors – Budget and CIP Assembly of Councillors – 2041 Joint Committee Update Assembly of Councillors – Environmental Policy Assembly of Councillors – Role of Council in Tourism and Economic Development
21 March, 2014	Harmony Day Celebrations, Bacchus Marsh Opening of 39th Annual Ballan Art Show, Ballan
23 March, 2014	Ballan Autumn Festival
24 March, 2014	Informal talk with the Bacchus Marsh Branch of the Liberal Party

25 March, 2014	<i>Meeting with Bacchus Marsh Rotary President Glenys Kay; Secretary Russell Dodemaide and Treasurer Russell Gilbert</i>
26 March, 2014	<i>Meeting with Mr Luke Donnellan, Shadow Minister for Roads and Shadow Minister for Road Safety and TAC (re North South Bypasses, Parwan Employment Precinct, Peri Urban Council issues, Western Route – West Maddingley to Darley and Western Highway Upgrade)</i>
27 March, 2014	<i>Attendance at National Playgroup Week celebrations</i>
28 March, 2014	<i>Meeting with Robert Marsh, Valuer General and Stephen Jarvis, Deputy Valuer General, CEO and RAC</i>
1 April, 2014	<i>Meeting with Richard Bryce, Minister of Planning's Chief of Staff Richard Bryce re planning zones</i>
2 April, 2014	<i>Assembly of Councillors – Budget and CIP Assembly of Councillors – CONFIDENTIAL Bacchus Marsh Indoor Aquatic Centre Ordinary Meeting of Councillors</i>

Resolution:

Crs. Comrie/Sullivan

That the Mayor's report be received.

CARRIED.

13. COUNCILLORS' REPORTS

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

Cr. Spain	
March 2014	
26 March	2 Day Conference on Smart Urban Future

Cr. Comrie	
March 2014	
16 March	Bacchus Marsh Harvest Festival
23 March	Ballan Autumn Festival

Cr. Dudzik	
March 2014	
16 March	Bacchus Marsh Harvest Festival
23 March	Ballan Autumn Festival
21 March	Closing the Gap
24 March	Health and Wellbeing Committee

Resolution:

Crs. Sullivan/Comrie

That the Councillors' reports be received.

CARRIED.

14. URGENT BUSINESS

14.1 Proposed Recreation Advisory Committee

Crs. Sullivan/Comrie

That a report be prepared on the setting up of a skills based shire wide advisory committee, to advise Council on recreation and open space areas across the whole municipality.

CARRIED.

14.2 Notification of Fencing adjacent to Council Owned Land

Crs. Dudzik/Comrie

That promotional material including articles in Moorabool Matters be produced to inform residents on the issues associated with fencing adjacent to Council owned land and reserves.

CARRIED.

15. CLOSED SESSION OF THE MEETING TO THE PUBLIC**15.1 Confidential Report****ADJOURNMENT OF MEETING 6.48PM**

Crs. Spain/Comrie

That the meeting now stand adjourned for a period of 10 minutes.

CARRIED.

RESUMPTION OF MEETING 6.58PM

Crs. Sullivan/Spain

That the meeting now be resumed.

CARRIED.

CLOSURE OF THE MEETING TO THE PUBLIC – 6.58PM

Resolution:

Crs. Sullivan/Spain

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*

CARRIED.

Item 15.1 is a confidential item
and therefore not included
as part of these Minutes.

16. MEETING CLOSURE

The meeting closed at 7.01 pm.

Confirmed.....Mayor.