

ORDINARY MEETING OF COUNCIL

Minutes of the
Ordinary Meeting of Council to be held at
Council Chamber, 15 Stead Street, Ballan on
Wednesday 2 July 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 5.16 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>
<i>Officers:</i>	
<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</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 Abbott</i>	<i>Manager Customer and Business Services</i>
<i>Ms. Sian Smith</i>	<i>Manager Statutory Planning and Community Safety</i>
<i>Ms. Kate Diamond-Keith</i>	<i>Manager Community Development</i>
<i>Ms. Sarah Annells</i>	<i>Coordinator Community Health and Safety</i>
<i>Ms. Michelle Morrow</i>	<i>Council Business Coordinator</i>
<i>Ms. Deb Absolom</i>	<i>Minute Taker</i>

3. APOLOGIES**4. CONFIRMATION OF MINUTES****4.1 Ordinary Meeting of Council – Wednesday 4 June 2014**

Resolution:

Crs. Sullivan/Edwards

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 4 June 2014.

CARRIED.

4.2 Special Meeting of Council – Wednesday 18 June 2014

Resolution:

Crs. Spain/Comrie

That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 18 June 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 an Indirect Conflict of Interest

Cr. Sullivan declared an Indirect Conflict of Interest (section 78A) in relation to Item 9.4.1 Renaming and Renumbering – Southern Extension of Halletts Way. The nature of the Conflict of Interest is due to Cr. Sullivan having an association with the developers of a property south of Halletts Way, North of the Werribee River. The proposed road renaming will impact on the property.

5.2 Disclosure of an Interest

Cr. Sullivan declared a disclosure of an interest in relation to Item 15.1 Confidential Report.

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.

The following question was taken on notice by the Chair at the meeting:

Ms. Renee Robinson – What bylaw does Council have for dumping rubbish on the nature strip?

Further investigations are to be undertaken in regard to this question and a written response will be provided in the next Council Minutes upon completion of the investigations.

7. PETITIONS

Nil.

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
9.5.2	<i>Ingliston Drive, Ingliston – Proposed Declaration of Road to be a Public Highway.</i>	Elisha Kaffar	Applicant

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
9.2.2	Planning Application PA2014-033; <i>Two (2) Lot Subdivision on Lot 16 PS 426517L, 10 Gingella Court, Ballan</i>	Robert Eskdale on behalf of Matthew Meehan	Applicant

9. OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 Adoption of the 2013-2017 Council Plan (Revised 2014) inclusive of Strategic Resource Plan

Introduction

File No.: 02/02/002
Author: Shane Marr
General Manager: Shane Marr

The following report is presented to Council for consideration to adopt the 2013-2017 Council Plan (Revised 2014) Council Plan inclusive of the Strategic Resource Plan.

Background

Part 6, Section 125 (7) of the *Local Government Act* 1989 determines that at least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.

On Wednesday 7 May 2014, Council resolved to place the proposed 2013-2017 Council Plan (2014 revision), inclusive of the Strategic Resource Plan, on public exhibition, seeking submissions in accordance with Section 223 of the *Local Government Act* 1989. Notices to advertise the public exhibition period were placed with the regional newspaper, the (Ballarat) Courier, the local newspaper on Council's weekly page in the Moorabool News and via Council's *Have Your Say* online community engagement forum.

Three written submissions were received by the closure date for public submissions of Tuesday 10 June 2014 and were considered by Council at a Special Meeting of Council on Wednesday 18 June 2014.

No.	Submission From	Main Points	Response
1.	Marilyn Rister	<p>I have read the Draft 2013-2017 Council Plan and 2 things impress me greatly: The words "choose our attitude" have been used twice. I find this most encouraging, moving towards a more compassionate community, where aggression has no place. And, it is written that a walking/bike track is being considered. This is most important for the continuing health of residents. The rest of the publication is very well presented and easy to read. Well done. In the light of the recent federal budget, I would like to see residents being able to make monthly payments, all year round, in payment of our rates. That way, we would have a full 12 months to pay our debt, making it much easier for the ratepayer.</p>	<p><i>Council welcomes the positive feedback provided as part of this submission as Council encourages community involvement, feedback and interest in the activities of the Moorabool Shire Council.</i></p> <p><i>Ratepayers currently have the option of making rate payments via a direct debit arrangement. Under the direct debit arrangement, ratepayers can make weekly, fortnightly or monthly payments between the 1st September and the 15th February or alternatively can pay on the 4 legislated instalment dates or the pay in full option. Currently, the functionality to expand rate payment options, beyond the stated options above, to allow monthly instalment payments over 10 monthly payments in Council's Rate Management system, would require additional software which has not been purchased for the next financial year.</i></p>

2.	John Wallace	<p>This budget only tells me what I already know it's nothing spectacular - the only disappointing thing is you have a future plan for the aquatic centre and Halletts way extension these items have been on the cards for 10+ years and it ain't going to happen something should have been done by now this is very disappointing - I have lived in town for 10 years in Connor Street and nothing has been done - no kids playground nothing pretty (*) poor effort.</p>	<p><i>Halletts Way is a major civil engineering project that will come at significant capital expense. There are multiple components of the overall project that are progressing simultaneously. A design for the north end at Darley is currently in progress and developers are required to construct this section therefore Council cannot control the timing. Funding for freeway ramps has recently been announced by the State Government and is expected to be in place by 2017. The southern component is the most complex and the draft 2014/15 budget includes an allocation for the detailed design of this section.</i></p> <p><i>Funding of construction will be subject to future budget allocations and significant development contributions have been secured to assist funding this section.</i></p> <p><i>The proposed aquatic centre at Bacchus Marsh is also a major project with a significant capital cost. The project remains a priority project for Council but will require major Federal and State grant contributions before it can proceed. Council will continue to advocate for external funding to advance the project.</i></p> <p><i>In relation to playground facilities, Council has commenced a review of its Recreation and Leisure Strategy to inform future open space and playground provisions across the municipality. This document will help inform future budget considerations. The community will have an opportunity to comment on this document at various stages during its development.</i></p>
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3.	Steve <i>(no surname supplied)</i>	<p>The Council needs to stop talking about Halletts Way and actually do something about it. It's all good to talk about the projected increase in the population of Bacchus Marsh (mostly in the Maddingley estates), when the infrastructure cannot even get the existing population in and out of the town effectively. Whoever gave this place the 3rd most suitable rural town for family living obviously didn't visit the town at school drop off and pick up times. Bacchus Marsh would have won the most gridlocked rural town in the country.</p>	<p><i>Halletts Way is a major civil engineering project that will come at significant capital expense. There are multiple components of the overall project that are progressing simultaneously. A design for the north end at Darley is currently in progress and developers are required to construct this section therefore Council cannot control the timing. Funding for freeway ramps has recently been announced by the State Government and is expected to be in place by 2017. The southern component is the most complex and the draft 2014/15 budget includes an allocation for the detailed design of this section.</i></p> <p><i>Funding of construction will be subject to future budget allocations and significant development contributions have been secured to assist funding this section.</i></p>
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After consideration of each written submission at the Special Meeting of Council, no amendments were made to the 2013-2017 Council Plan (Revised 2014).

Proposal

That Council, having completed all statutory requirements, adopts the 2013-2017 Council Plan (Revised 2014) and Strategic Resource Plan and gives public notice as required under the *Local Government Act* 1989 that the 2013-2017 Council Plan (Revised 2014) is available for public review.

Financial Implications

In accordance with Section 126 of the Local Government Act 1989, Council has prepared the 2013-2018 Strategic Resource plan that details the resources required to achieve the objectives and strategies outlined in the 2013-2017 Council Plan (Revised 2014).

The Strategic Resource Plan includes the following information in respect of the next four year period that concludes 30 June 2018.

- the standard statements describing the required financial resources in the form and containing the information required by the regulations; and
- statements describing the required non-financial resources, including human resources.

Communications and Consultation Strategy

In accordance with the *Local Government Act* 1989 the 2013-2017 Council Plan (Revised 2014) will progress through the final adoption process.

Timetable for the Proposal and Adoption of 2013-2017 Council Plan (Revised 2014) inclusive of the Strategic Resource Plan	
Formally adopt 2013-2017 Council Plan (Revised 2014) inclusive of the Strategic Resource Plan	2 July 2014
Public Notice - Adoption of 2013-2017 Council Plan (Revised 2014) inclusive of the Strategic Resource Plan	8 July 2014
Submit 2013-2017 2013-2017 Council Plan (Revised 2014) inclusive of the Strategic Resource Plan to the Minister for Local Government by:	31 July 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.

Chief Executive Officer – Rob Croxford

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

Author – Shane Marr

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

Conclusion

In accordance with Part 6 Section 125 and Section 223 of the Local Government Act 1989, 2013-2017 Council Plan (Revised 2014) inclusive of the Strategic Resource Plan is now presented to Council for adoption.

Resolution:

Crs. Toohey/Edwards

- 1. That Council, having advertised the proposed 2013-2017 Council Plan (Revised 2014) inclusive of the Strategic Resource Plan, received and considered the three written submissions, resolves to:**
 - (a) adopt the 2013-2017 Council Plan (Revised 2014) inclusive of the Strategic Resource.**
 - (b) in accordance with Section 125 of the Act, notify and place on public notice its adoption of the 2013-2017 Council Plan (Revised 2014) inclusive of the Strategic Resource Plan.**
 - (c) in accordance with Section 125 of the Act, submit a copy of the 2013-2017 Council Plan (Revised 2014) inclusive of the Strategic Resource Plan to the Minister for Local Government.**
- 2. That, following the adoption of the 2013-2017 Council Plan (Revised 2014) inclusive of the Strategic Resource Plan, the Chief Executive Officer provides a response to each submitter.**

CARRIED.

Report Authorisation

Authorised by: 

Name: Shane Marr
Title: General Manager Corporate Services
Date: Monday 23 June 2014

9.1.2 Establishment of Section 86 Advisory Committees

Introduction

File No.: 02/01/011
Author: Shane Marr
General Manager: Shane Marr

Background

Officers have been reviewing the governance arrangements and the planning framework for Council. A copy of the governance model based on whole of Council approach is attached as **Attachment 9.1.2(a)**.

This report deals with the establishment of the relevant committee structure under the model and reports back on Council's current meeting framework.

Proposal

The proposal before Council is to establish the following advisory committees under Section 86 of the Local Government Act 1989:

- Social Development Committee
- Finance & Governance Committee
- Place Making Committee

It is also proposed to establish a Development Assessment Committee under Section 86 of the Local Government Act 1989 with delegated power to determine planning matters in line with the terms of reference.

Detailed terms of reference for each committee are attached.

Each committee will comprise of 3 Councillors, including the chair and Council will need to appoint the members to each committee.

The existing Urban Growth Strategy and Rural Growth Strategy committees will remain in place until the consultation phases of the existing projects are complete. These committees will then be amalgamated into the proposed Place Making Committee.

At the Statutory and Annual Appointments Meeting on 30 October 2013 Council also resolved that a review of the Moorabool Shire Council Meeting Framework be conducted in 6 months time.

Officers have reviewed the framework, particularly the change to monthly meetings commencing at 5pm on the first Wednesday each month.

The following points are noted:

- The meetings have been well attended;
- There has not been a significant change in the size of the agenda or the length of the Council meeting;
- There has been a significant reduction in the time taken to prepare and review the meeting agendas;

- Holding meetings at alternative venues has been successful and allowed members of the community to attend;
- There has not been an increase in the number of Special Meetings of Council, except those relating to the adoption of the annual budget;
- There has only been one complaint received relating to the time of the meeting not being suitable to them.

Based on the above it is recommended that Council confirm the current Moorabool Shire Council Meeting Framework

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

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

Financial Implications

There is not expected to be any additional financial implications with the proposal.

Risk & Occupational Health & Safety Issues

There are no known risk or occupational health and safety issues with this proposal.

Communications Strategy

Council will be required to advertise the Section 86 Committee meeting and they will be open to the public, unless the committee resolved to close the meeting to consider a confidential matter.

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 – Shane Marr

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

Author – Shane Marr

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

Conclusion

This report calls for the establishment of four new committees under Section 86 of the Local Government Act 1989 and Council will need to nominate the chairperson and Councillor representatives on each committee.

Recommendation:

That Council confirm the arrangement for the monthly ordinary meeting of Council to be held at 5pm on the first Wednesday of each month.

That a Social Development Committee be established under Section 86 of the Local Government Act 1989 in line with the Terms of Reference in Attachment 9.1.2(b).

That the members of the Social Development Committee will be as follows:

<i>Chairperson</i>	<i>Cr</i>
<i>Member</i>	
<i>Member</i>	

That a Finance and Governance Committee be established under section 86 of the Local Government Act 1989 in line with the Terms of Reference in Attachment 9.1.2(b).

That the members of the Finance and Governance Committee will be as follows:

<i>Chairperson</i>	<i>Cr</i>
<i>Member</i>	
<i>Member</i>	

That a Place Making Committee be established under section 86 of the Local Government Act 1989 in line with the Terms of Reference in Attachment 9.1.2(b).

That the members of the Place Making Committee will be as follows:

<i>Chairperson</i>	<i>Cr</i>
<i>Member</i>	
<i>Member</i>	

That a Development Assessment Committee be established under section 86 of the Local Government Act 1989 in line with the Terms of Reference in Attachment 9.1.2(b).

That the members of the Development Assessment Committee will be as follows:

<i>Chairperson</i>	<i>Cr</i>
<i>Member</i>	
<i>Member</i>	

Cr. Spain requested that the Chairperson put the motion to the vote in three separate recommendations.

With the consent of Council the motion was put to the vote in three separate recommendations.

Resolution:

Crs. Edwards/Spain

That Council confirm the arrangement for the monthly ordinary meeting of Council to be held at 5pm on the first Wednesday of each month.

CARRIED.

Resolution:

Crs. Edwards/Toohey

- 1. That a Social Development Committee be established under Section 86 of the Local Government Act 1989 in line with the Terms of Reference in Attachment 9.1.2(b). That the Chairperson be decided at the first meeting of the Social Development Committee.*
- 2. That the members of the Social Development Committee will be as follows:*

<i>Member</i>	<i>Cr. Allan Comrie</i>
<i>Member</i>	<i>Cr. Tonia Dudzik</i>
<i>Member</i>	<i>Cr. David Edwards</i>

3. *That a Finance and Governance Committee be established under section 86 of the Local Government Act 1989 in line with the Terms of Reference in Attachment 9.1.2(b). That the Chairperson be decided at the first meeting of the Finance and Governance Committee.*
4. *That the members of the Finance and Governance Committee will be as follows:*

<i>Member</i>	<i>Cr. Paul Tatchell</i>
<i>Member</i>	<i>Cr. Tonia Dudzik</i>
<i>Member</i>	<i>Cr. John Spain</i>

5. *That a Place Making Committee be established under section 86 of the Local Government Act 1989 in line with the Terms of Reference in Attachment 9.1.2(b). That the Chairperson be decided at the first meeting of the Place Making Committee.*
6. *That the members of the Place Making Committee will be as follows:*

<i>Member</i>	<i>Cr. Tom Sullivan</i>
<i>Member</i>	<i>Cr. Pat Toohey</i>
<i>Member</i>	<i>Cr. David Edwards</i>

CARRIED.

Resolution:

Crs. Edwards/

That the members of the Development Assessment Committee will be as follows with a quorum of 3 councillors with the Mayor being a proxy if one of the Councillors is unavailable:

<i>Member</i>	<i>Cr. Tom Sullivan</i>
<i>Member</i>	<i>Cr. John Spain</i>
<i>Member</i>	<i>Cr. Allan Comrie</i>

LAPSED for want of a seconder.

Resolution:

Crs. Edwards/Toohey

That a further report be prepared on the Terms of Reference for the Development Assessment Committee under section 86 of the Local Government Act 1989 with delegated power and be presented at the next Ordinary Meeting of Council.

CARRIED.

Report Authorisation

Authorised by:



Name: Shane Marr

Title: General Manager Corporate Services

Date: Friday, 27 June 2014

9.2 GROWTH AND DEVELOPMENT

9.2.1 Planning Application PA2013-303; Two Lot Subdivision and Variation of Restrictive Covenant PS426517L to vary the building envelope on Lot 7 PS 426517L, 15 Hogan Road, Ballan

Application Summary:	
Permit No:	PA2013-303
Lodgement Date:	10 December 2013
Planning Officer:	Tom Tonkin
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	8 February 2014
Address of the land:	15 Hogan Road, Ballan
Proposal:	Two Lot Subdivision and Variation of Restrictive Covenant PS426517L to vary the building envelope
Lot size:	4301sq m
Restrictive Covenant/173 Agreement:	Yes
Why is a permit required	<p>Clause 32.03-3 . Subdivision of land in the Low Density Residential Zone</p> <p>Clause 42.01-2 . Subdivision of land affected by an Environmental Significance Overlay</p> <p>Clause 52.02 . Variation of a Restriction</p>
Public Consultation:	
Number of notices to properties:	13
Notices on site:	Two
Notice in Moorabool Newspaper:	Yes
Number of Objections:	One (1)
Consultation meeting:	None held. It was deemed that the grounds of the objection would not be resolved through consultation.

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>Statutory Planning Coordinator – Robert Fillisch</i> In providing this advice to Council as the Coordinator, I have no interests to disclose in this report. <i>Author – Tom Tonkin</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
This application seeks approval for a two lot subdivision and variation of a restrictive covenant. The application was reviewed against the provisions of the Moorabool Planning Scheme, with particular attention paid to the requirements of Clause 32.03 for the subdivision of land in the Low Density Residential Zone, and Part 60(2) of the Planning and Environment Act 1987. The site is on a lot of 0.43ha occupied by a single dwelling. Surrounding land is either vacant or developed with single dwellings of varying densities. The proposed subdivision would create an additional lot intended for future residential development.	

The proposed subdivision would be generally consistent with the emerging pattern of subdivision in the immediate neighbourhood and would not have any detrimental environmental impacts.

The objection to the proposal relates to the effects of the subdivision on the natural environment and character of the area.

This report recommends that Council issue a Notice of Decision to Grant a Planning Permit for two lot subdivision and Variation of Restrictive Covenant PS426517L to vary the building envelope subject to conditions.

Summary Recommendation:

The proposal has been assessed against the relevant provisions of the Moorabool Planning Scheme, particularly those set out in the State and Local Planning Policy Framework and Clause 32.03 . Low Density Residential Zone, and Part 60(2) of the Planning and Environment Act 1987.

It is considered that the proposed subdivision is, overall, consistent with the State and Local Planning Policies of the Moorabool Planning Scheme and the Low Density Residential Zone.

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

Background

Planning permit PA2004-250 for the Development and Use of a Dwelling on a Lot of less than 6 hectares was issued by Council.

Proposal

The application seeks approval for a two lot subdivision and the variation of restrictive covenant PS426517L to vary the existing building envelope. The proposal would create the following lots:

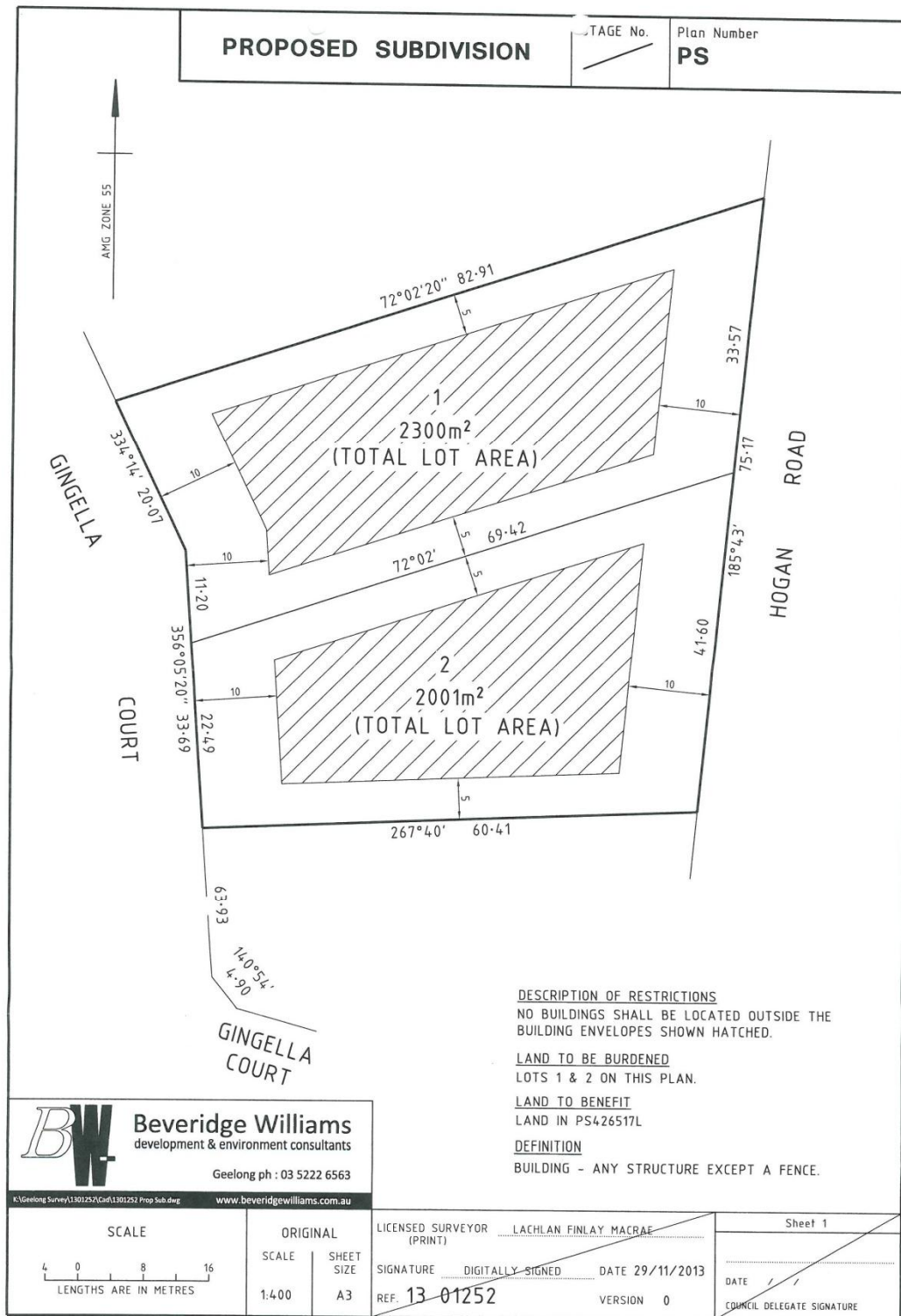
- Lot 1 with an area of 2300sq m containing an existing single storey dwelling and served by an existing vehicle crossover to Hogan Road. This lot would have a frontage to Hogan Road of 33.57m and a frontage to Gingella Court of 31.27m.
- Lot 2 with an area of 2001sq m which is currently vacant. This lot would have a frontage to Hogan Road of 41.6m and a frontage to Gingella Court of 22.49m.

The proposed variation of Restrictive Covenant PS PS426517L to vary the existing building envelope would create separate building envelopes for both lots. The proposed building envelopes would have the following setbacks:

- 10 metres from the Hogan Road and Gingella Court title boundaries.
- Five (5) metres from all other title boundaries.

All reticulated services are available to the site.

The proposal would not require the removal of any native vegetation.



Site Description

The site is irregular in shape with the following dimensions:

- An east boundary to Hogan Road of 75.17m
- A west boundary to Gingella Court of 53.76m
- A south boundary of 60.41m
- An north boundary of 82.91m
- A total site area of 4301sq m

The site and surrounding neighbourhood is relatively flat, apart from steeper land along the Werribee River valley approximately 130 metres west of the subject site.

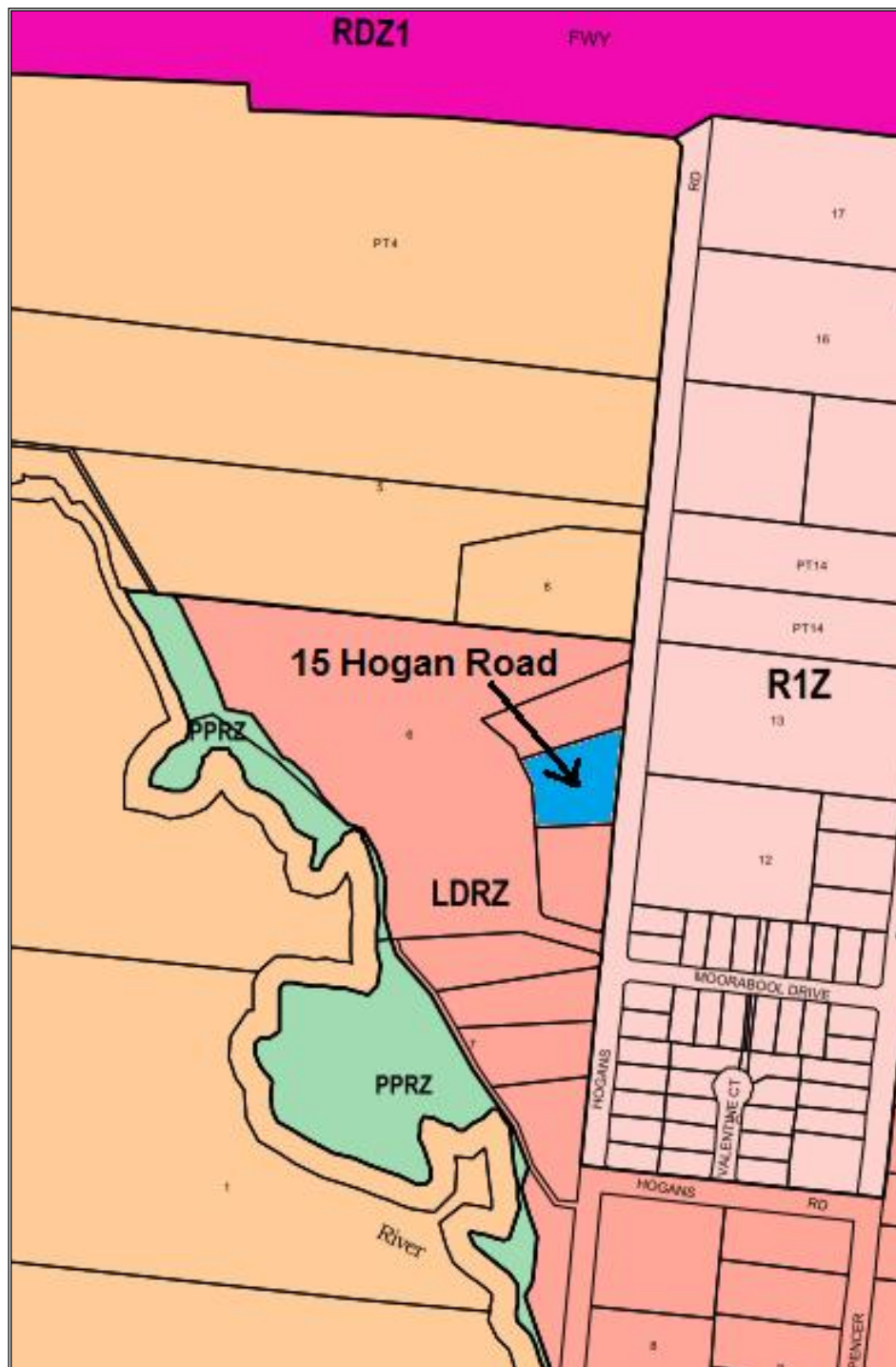
The site is developed with a single storey brick dwelling with a hipped Colorbond roof sited towards the northeast corner of the site. The dwelling is contained by an existing building envelope set back 10 metres from the street frontages and five (5) metres from the side boundaries. The existing dwelling has an address to Hogan Road. The balance of the land is mostly grassed, with a fenced area on the south side of the dwelling and plantings of small trees and shrubs dotted across the site. The site is not encumbered by any easements.

The surrounding neighbourhood is towards the northwestern periphery of the Ballan township in an area that is transitioning from rural residential-style development to more intensive urban residential development. The subject site and surrounding land to the north, west and south, and further beyond to the southeast following the Werribee River corridor, is in the Low Density Residential Zone apart from pockets of public land along the river in the Public Park and Recreation Zone. Two nearby lots in the Low Density Residential Zone have recently obtained planning permission for two lot subdivisions. Land to the east, across Hogan Road, is in the Residential 1 Zone, where incremental subdivision of larger residential allotments is evident and the density of residential development markedly increasing. Further to the west, beyond the Werribee River, and to the northwest but south of the Western Freeway, is land in the Rural Living Zone, being predominantly grazing land but in some instances improved with single dwellings.

To the north of the subject site is a recent two lot subdivision. This subdivision created Lot 1 fronting Hogan Road, with an area of 2100sq m containing a single dwelling, and Lot 2 fronting Gingella Court, with an area of 2118sq m and currently vacant. To the west, across Gingella Court, are a number of vacant lots of >4000sq m size. To the south is a single dwelling on a lot of 4030sq m on the corner of Hogan Road and Gingella Court. To the east, across Hogan Road, are a number of lots developed with single dwellings and ranging in size from 717sq m to 1.97ha.

Locality Map

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



Planning Scheme Provisions

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

SPPF		
Clause 11	Settlement	The proposed two lot subdivision is consistent with this policy, which advocates sustainable development that takes full advantage of existing settlement patterns. The proposal is broadly consistent with the emerging pattern of subdivision in the neighbourhood.
Clause 11.02-1	Supply of urban land	The proposal is generally consistent with this policy
Clause 11.05-2	Melbourne's hinterland areas	The proposal facilitates low density residential development within Ballan's urban growth boundary.
Clause 15.01-3	Neighbourhood and subdivision design	The proposal would contribute to diverse lot sizes in Ballan consistent with the neighbourhood and with no unreasonable environmental impacts.
Clause 15.01-5	Cultural identity and neighbourhood character	The proposal is an acceptable response to the neighbourhood and landscape character of this part of Ballan.
LPPF		
Clause 21.03-2	Urban Growth Management	The proposal supports the growth of Ballan, taking advantage of existing infrastructure without any detrimental impacts on the environment or character of the area.
Clause 21.03-3	Residential Development	The proposal would facilitate diverse lot sizes in the area while respecting the low density character west of Hogan Road.
Clause 21.03-4	Landscape and Neighbourhood Character Objective	The proposal supports the emerging character of the area without any unreasonable amenity impacts.
Clause 21.08	Ballan	The proposal supports consolidation and urban growth in the township in accordance with the low density character of the neighbourhood and emerging pattern of subdivision in the area.

Zone

Low Density Residential Zone

The subject site is in the Low Density Residential Zone and the provisions of Clause 32.03 apply.

A permit is required to subdivide land under Clause 32.03-3 of the Moorabool Planning Scheme. Each lot created must be at least 0.2ha where connected to reticulated sewerage.

Low Density Residential Zone . decision guidelines

Before deciding on an application to subdivide land, in addition to the decision guidelines in Clause 65, the responsible authority must consider the following relevant decision guidelines:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *The relevant standards of Clauses 56.07-1 to 56.07-4.*

Overlays

Environmental Significance Overlay . Schedule 1

Pursuant to Clause 42.01-2 of the Moorabool Planning Scheme a permit is required to:

- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Schedule 1 does not exempt subdivision from planning permission, therefore a permit is required.

Particular Provisions

Clause 52.01 - Public Open Space Contribution and Subdivision

A subdivision is exempt from a public open space requirement, in accordance with Section 18(8) of the Subdivision Act 1988, if:

- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

Having regard to the zoning of the subject site, it is not considered that either lot is capable of being further subdivided in future and thus the public open space requirement should not be applied in this instance.

Clause 52.02 . Easements, Restrictions and Reserves

A permit is required pursuant to Section 23 of the *Subdivision Act 1988* to vary a restrictive covenant.

Clause 56.07 . Residential Subdivision: Integrated Water Management

56.07 Standards C22, C23, C24 and C25	Integrated Water Management	The proposal has access to associated infrastructure.
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Clause 65 – Decision Guidelines

This report has considered the decision guidelines at Clause 65.02.

Referrals

The following referrals to external authorities for comment on the application were made pursuant to s.55 of the Planning and Environment Act 1987.

Authority	Response
Southern Rural Water	No objection, subject to conditions
Western Water	No objection

The following referrals to Council Departments for comment on the application were made pursuant to s.52 of the Planning and Environment Act 1987.

Authority	Response
Infrastructure	No objection, subject to conditions
Strategic and Sustainable Development	No objection

Public Notice

The application was advertised to adjoining owners and occupiers by sending individual notices on 11 February 2014 and signs placed on the site from 14 February 2014 to 7 March 2014. A notice was placed in the Moorabool News on 18 February 2014. One objection was received.

Summary of Objection

The objection received is detailed below with officer's accompanying comments:

Objection	Officer's response
The subdivision would deleteriously affect the natural environment and character of the area.	The subject site is affected by an Environmental Significance Overlay, Schedule 2, due its location in a Proclaimed Water Catchment, as is all of Ballan township and surrounds. The relevant water authorities for the catchment have consented to the proposal, subject to conditions. The discussion below gives further detail.

The proposed subdivision contravenes the intent of the zone being a buffer between the Werribee River and Residential 1 Zone.	The subject site is not affected by any environmental planning overlays and is not deemed to have particular environmental significance.
The proposal would jeopardise the ecological values of the Werribee River.	The Moorabool Planning Scheme recognises the ecological values of the Werribee River corridor by way of an Environmental Significance Overlay, Schedule 2, affecting land within 100 metres of the river. Any development or land subdivision affected by this Overlay is subject to planning permission and an assessment of its potential effect on the waterway's environmental values. The subject site is approximately 130 metres from the river and <i>not</i> affected by Schedule 2. Additionally, the relevant water authorities for the water catchment have consented to the proposal, subject to conditions.
Allowing further subdivision of land only recently subdivided does not provide residents with certainty.	Stage 1 of the subdivision was certified in 2000. In July 2013 the State Government amended Victorian planning schemes to allow subdivision of sewered land to create lots as small as 2000sq m, reduced from the previous minimum lot size of 4000sq m.

Discussion

The proposed two lot subdivision takes advantage of recent changes to the Victoria Planning Provisions to introduce reformed land use zones. Since July 2013, Council can consider applications to subdivide sewered land in the Low Density Residential Zone (LDRZ) which would create lots of a minimum 2000sq m. The previous allowable minimum threshold was 4000sq m.

The subject site is 4301sq m and the proposal would create lots of 2300sq m and 2001sq m, the former containing an existing dwelling. Lot sizes in the LDRZ in Hogan Road and Gingella Court are 4000sq m . 5683sq m, apart from the recent two lot subdivisions of former Lots 8 and 17 to create smaller lots <2400sq m.

Lots between Gingella Court and the Werribee River are currently undeveloped, whereas the lots with dual frontages to Hogan Road and Gingella Court are now mostly developed with single storey dwellings. The subdivision pattern encourages a lower density of development than east of Hogan Road, reflected by the different zones. The character west of Hogan Road is becoming established as dwellings are constructed and re-subdivision occurs.

Those lots backing onto the Werribee River are partially affected by an Environmental Significance Overlay, Schedule 2 (ESO2) which covers land within 100 metres of the waterway. The ESO2 recognises land proximate to waterways and seeks to protect their environmental values, particularly given their significance as proclaimed water catchments. Accordingly, the ESO2 triggers the need for a planning permit to develop or subdivide land,

and seeks to prevent development of affected land where practicable. It is considered that the future development and potential subdivision of lots affected by the ESO2 is considerably constrained and that any future application to subdivide these particular lots in the LDRZ would, in general, be unlikely to be supported.

In the Residential 1 Zone east of Hogan Road and in the vicinity of the subject site recent residential development is characterised by single dwelling development on lots of approximately 800sq m and with a distinctly compact built form.

It is considered that given the neighbourhood context, the proposed subdivision is generally acceptable for the following reasons.

There are a range of lot sizes in the area due to the rezoning and subdivision of land in recent years, which has in large part guided the built form character that has emerged and continues to evolve. However, a distinct pattern is emerging, where lot sizes reduce as one transitions east away from the Werribee River, as shown in the table below:

Location	Average lot size
Lots with a single frontage to Gingella Court	4300sq m
Lots with dual frontages to Gingella Court and Hogan Road (including recent approvals)	2878sq m
East of Hogan Road, lots in PS 528970V and PS621840	840sq m

In this context, the four lots with dual frontages to Gingella Court and Hogan Road, including the subject site, are evolving a particular character as subdivision occurs. Plan of subdivision PS 426517L in 2000 created these four lots of between 4030sq m-4719sq m. Two lots have recently been subject to two lot subdivisions as shown in the table below:

Lot No.	Approved lot sizes	Approved configuration
8	2100sq m & 2118sq m	Separate street frontages
17	2360sq m each	Separate street frontages

Subject to conditions, the built form of both proposed lots would reflect the low density character and emerging built form of lots between Hogan Road and Gingella Court. It is recommended that this be achieved by requiring the following:

- Any dwelling constructed on Lot 2 must front Gingella Court.
- Any fences on either Lot 1 or Lot 2 within 10 metres of Hogan Road or Gingella Court must be of a permeable design (e.g. post and wire) and with a maximum height of 1.5 metres.

The subject site does not contain any significant vegetation, including grasslands and is not of any particular environmental significance notwithstanding its location in a proclaimed water catchment. The Werribee River is approximately 130m to the west. The character of the area is evolving, as described above, and overall the proposal is responsive to the emerging character of the area without presenting any unreasonable amenity impacts.

Section 60(2) of the Planning and Environment Act 1987 states that:

The responsible authority must not grant a permit which allows the removal or variation of a restriction (within the meaning of the Subdivision Act 1988) unless it is satisfied that the owner of any land benefited by the restriction will be unlikely to suffer:

- (a) financial loss; or*
- (b) loss of amenity; or*
- (c) loss arising from change to the character of the neighbourhood; or*
- (d) any other material detriment-*
as a consequence of the removal or variation of the restriction.

The proposed variation of Restrictive Covenant PS PS426517L to vary the existing building envelope would create separate building envelopes for both lots, and is assessed against the relevant test below:

(a) financial loss

VCAT have consistently stated that the impact of financial loss cannot be easily determined and would require expert evidence. The objector has not provided any information which convinces Council that this is the case.

(b) loss of amenity

It is difficult for the objector to determine loss of amenity in this case given the emerging pattern of subdivision in this part of Hogan Road and Gingella Court. The proposal to vary the building envelope nevertheless maintains the same boundary setbacks as the existing building envelope. Therefore it is considered that the potential amenity impacts of the proposal would be negligible. Additionally, the objector's property is approximately 300m from the subject site, and it is not anticipated that any variation of the covenant would affect the objector's amenity.

(c) loss arising from change to the character of the neighbourhood

The neighbourhood character, as described above, comprises varying lot densities. Those lots with dual street frontages to Hogan Road and Gingella Court, including the subject site, are undergoing change due to recent subdivision approvals and it is considered that the current proposal is generally in keeping with those recent approvals and does not set a precedent for change. The recommendations for fencing on both lots and the siting of a future dwelling on Lot 2 would maintain the existing character of the area.

The planning approval which imposed building envelopes on the subject site and other lots in the original subdivision indicates that envelopes were imposed to achieve building setbacks from the Werribee River for ecological and amenity reasons. The subject site does not border the river and it is not considered that the proposed variation of the existing building envelope would contravene the original intent or result in a development outcome necessarily different to that afforded by the existing restriction. The proposed building envelopes maintain the same boundary setbacks as the existing envelope.

(d) *any other material detriment*

The objector has not indicated any other material detriment other than change to the ecological and landscape values of the area near the Werribee River. The variation of the restriction applicable to this particular site is not expected to detrimentally impact on the landscape or ecology of the area. The application was referred to the relevant water authorities Southern Rural Water and Western Water who did not object to the proposal, subject to conditions.

Financial Implications

The recommendation to approve a permit for a two lot subdivision and variation of a restrictive covenant will not represent any financial implications for Council.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Conclusion

Overall, the proposal is consistent with the relevant policies in the Moorabool Planning Scheme. The proposed lots and building envelopes would be in keeping with the emerging neighbourhood character and would facilitate future development consistent with the existing neighbourhood character and amenity of the area.

The proposed subdivision would support an acceptable level of residential growth on land in the Low Density Residential Zone. The proposal adequately addresses the environmental constraints of the site's location in an open water catchment and, subject to conditions, would not present any unreasonable risks.

It is therefore recommended that the proposal be supported by Council.

Resolution:

Crs. Sullivan/Spain

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant a Permit for Application PA2013-303 for Two Lot Subdivision and Variation of Restrictive Covenant PS426517L to vary the building envelope on Lot 7 PS 426517L, 15 Hogan Road, Ballan subject to the following conditions:

1. ***The plan to be endorsed and which will then form part of the permit is the plan identified as Plan of Proposed Subdivision, Surveyor's Ref. 1300495, prepared by Beveridge Williams and dated 28/06/13.***
2. ***The formal plan of subdivision lodged for certification must be in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.***
3. ***Prior to the commencement of works, Restrictive Covenant PS426517L must be varied to create building envelopes in accordance with the endorsed plan.***
4. ***Prior to certification of the Plan of Subdivision, an agreement under Section 173 of the Planning and Environment Act 1987 must be entered into for each lot which places an obligation on the landowner as follows:***
 - (a) ***Any dwelling constructed on Lot 2 must front Gingella Court.***
 - (b) ***Any fences on Lot 1 or Lot 2 within 10 metres of Hogan Road or Gingella Court must be of a permeable design and with a maximum height of 1.5 metres.***

Prior to certification of the Plan of Subdivision, an application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under Section 181 of the Act. The owner/operator under this permit must pay the reasonable costs of the preparation, (and) execution and registration of the section 173 agreement.

5. ***The Dealing number which demonstrates that the Variation of Restriction has been registered on title must be provided in writing to Council.***
6. ***The owner of the land must enter into an agreement with:***
 - (a) ***A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
 - (b) ***A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

7. ***Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:***
 - (a) ***A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
 - (b) ***A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***
8. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
9. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created including details of a Limited Owners Corporation proposed for common drainage and sewerage services.***
10. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***
11. ***Before the Statement of Compliance is issued under the Subdivision Act 1988, a payment of \$900 per lot must be made to Council as part of the social development infrastructure.***

Infrastructure Conditions:

12. ***Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with standard rural residential vehicle crossing with a culvert 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.***
13. ***Prior to the issue of a Statement of Compliance for the subdivision, 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) All drainage courses within the development must pass through easements or reserves shown on the plan of subdivision.***
- (c) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.***
- (d) Each lot must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.***
- (e) Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".***

- 14. 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.***
- 15. 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.***
- 16. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).***
- 17. 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.***
- 18. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage 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.***
- 19. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the Responsible Authority for approval, detailing but not limited to the following:***
 - (a) location of vehicle crossings***
 - (b) details of the underground drainage***
 - (c) location of drainage legal points of discharge***
 - (d) standard details for vehicle crossings and legal points of discharge***

- (e) *civil notes as required to ensure the proper construction of the works to Council standard.*

Southern Rural Water Conditions:

20. *Both lots must be connected to the town's reticulated sewerage and approved drainage system.*
21. *The plan of subdivision submitted for certification must be referred to Southern Rural Water in accordance with Section 8 Subdivision Act 1988.*

Expiry condition:

22. *This permit will expire if:*
- (a) *The plan of subdivision is not certified within 2 years of the date of this permit; or*
 - (b) *The registration of the subdivision is not completed within 5 years of the date of certification of the plans of subdivision.*
 - (c) *the variation of the restriction permitted is not registered with the Land Titles Office within one year of the date of issue.*


The Responsible Authority may extend the time if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday, 11 June 2014



9.2.2 Planning Application PA2014-033; Two (2) Lot Subdivision on Lot 16 PS 426517L, 10 Gingella Court, Ballan

Application Summary:	
Permit No:	PA2014-033
Lodgement Date:	11 February 2014
Planning Officer:	Roger Cooper
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	2 May 2014
Address of the land:	10 Gingella Court, Ballan
Proposal:	Two (2) Lot Subdivision
Lot size:	4,045sq m
Restrictive Covenant/173 Agreement:	Yes
Why is a permit required	<p>Clause 32.03-3 . Subdivision of land in the Low Density Residential Zone</p> <p>Clause 42.01-2 . Subdivision of land affected by an Environmental Significance Overlay</p>
Public Consultation:	
Number of notices to properties:	Four
Notices on site:	One
Notice in Moorabool Newspaper:	No
Number of Objections:	One
Consultation meeting:	None held. It was deemed that the grounds of the objection would not be resolved through consultation.

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>Statutory Planning Coordinator – Robert Fillisch</i> In providing this advice to Council as the Coordinator, I have no interests to disclose in this report. <i>Author – Roger Cooper</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
This application seeks approval for a two lot subdivision. The application was reviewed against the provisions of the Moorabool Planning Scheme with particular attention paid to the requirements of Clause 32.03 for the subdivision of land in the Low Density Residential Zone. The site is on a lot of 0.445ha occupied by a single dwelling. Surrounding land is predominantly developed for low density residential use with recent subdivisions still benchmarked at low density. The proposed subdivision would create an additional lot intended for future residential development.	

The objection to the proposal relates to neighbourhood character, the amenity impacts of future development and the suitability of increased density of development in the area.

The proposed subdivision would create two smaller lots than those generally located in the surrounding neighbourhood, however resemble emerging lot sizes being approved in the area and have no detrimental environmental impacts.

This report recommends that Council issue a Notice of Decision to Grant a Planning Permit for two lot subdivision on these grounds.

Summary Recommendation:

The proposal has been assessed against the relevant provisions of the Moorabool Planning Scheme, particularly those set out in the State and Local Planning Policy Framework and Clause 32.03 . Low Density Residential Zone of the Moorabool Planning Scheme.

It is considered that the proposed subdivision is, overall, consistent with the State and Local Planning Policies of the Moorabool Planning Scheme and the Low Density Residential Zone.

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

Proposal

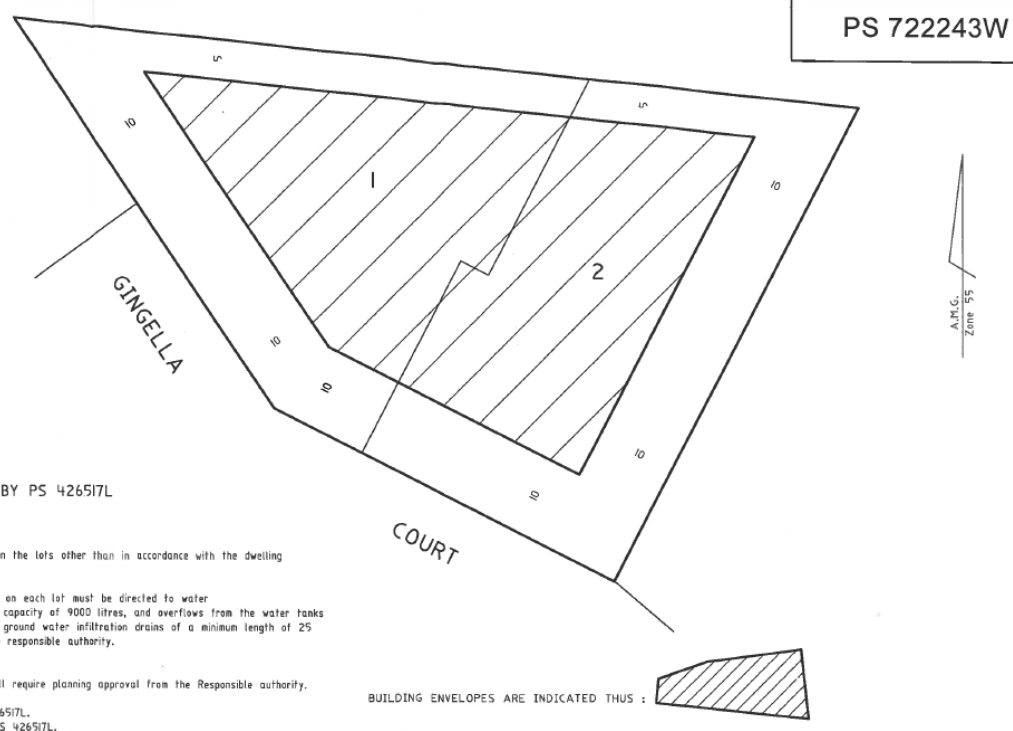
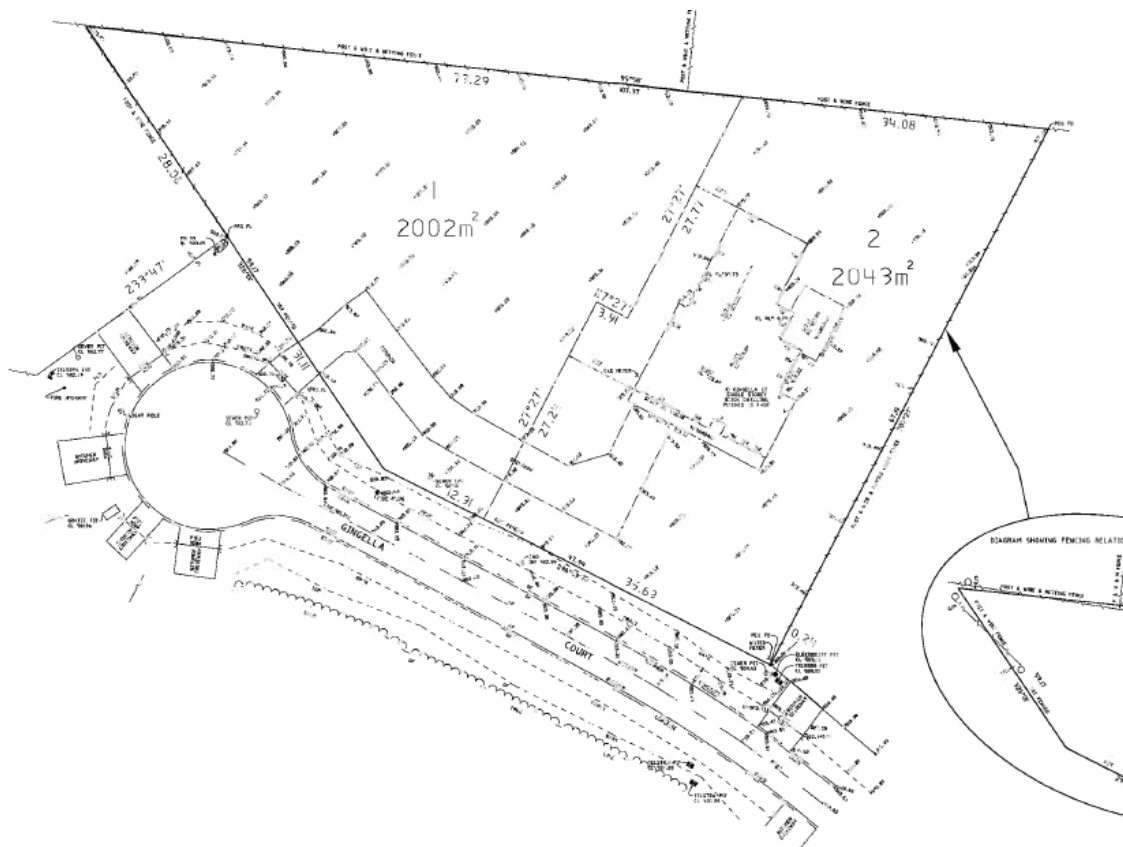
The application seeks approval for a two (2) lot subdivision resulting in the creation of:

- Lot 1 with an area of 2002 sqm being vacant. The lot has a broken line frontage of 31.11m followed by 12.31m to Gingella Court. Access is via an existing crossover towards the centre of the site frontage.
- Lot 2 with an area of 2043 sqm with an existing dwelling. This lot would have a frontage to Gingella Court of 35.63m. A second formal crossover would have to be created from Gingella Court for access.

All reticulated services are available to the site.

The proposal would not require the removal of any native vegetation.

Refer to the plans of proposed subdivision below.



Site Description

The site is irregular in shape with the following dimensions:

- A north boundary of 107.37m
- A west boundary of 59.17m
- A south boundary of 47.94m fronting Gingella Court
- An east boundary of 67.15m
- A total site area of 4045sq m

The site and surrounding neighbourhood is relatively flat, apart from steeper land along the Werribee River valley approximately 130 metres west of the subject site.

The site is developed with a single storey brick dwelling with a pitched galvanised iron roof setback approx. 15m from Gingella Court and 10m from the east boundary. The dwelling is contained by an existing building envelope set back 10 metres from the street frontage & side boundaries and five (5) metres from the rear boundary. The existing dwelling has an address to Gingella Court. The balance of the land is mostly grassed, defined by a post and wire fence. The site is not encumbered by any easements.

The surrounding neighbourhood is located in the northwestern periphery of the Ballan township in an area that is transitioning from rural residential-style development to more intensive urban residential development. The subject site and surrounding land to the north, west and south, and further beyond to the southeast following the Werribee River corridor, is in the Low Density Residential Zone apart from pockets of public land along the river in the Public Park and Recreation Zone. Two nearby lots in the Low Density Residential Zone have recently obtained planning permission for two lot subdivisions based on general accordance with the Moorabool Planning Scheme.

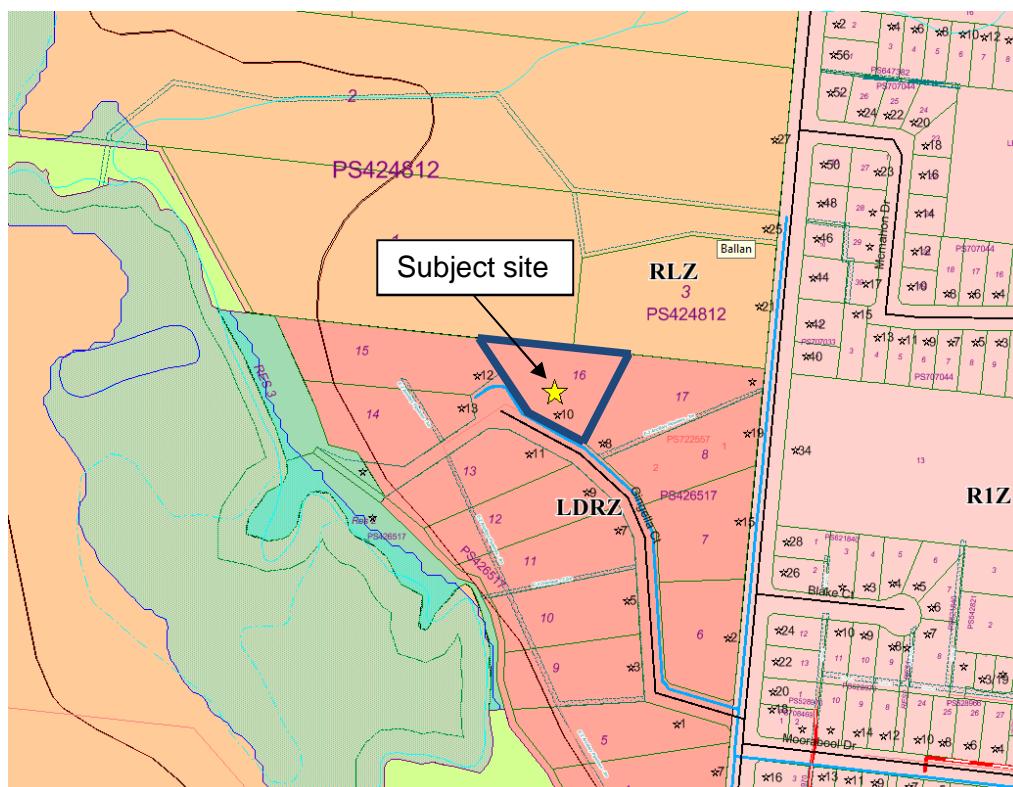
Land to the east, across Hogan Road, is in the Residential 1 Zone, where incremental subdivision of larger residential allotments is evident and the density of residential development markedly increasing. Further to the west, beyond the Werribee River, and to the northwest but south of the Western Freeway, is land in the Rural Living Zone, being predominantly grazing land but in some instances improved with single dwellings. Two much larger abutting lots to the north are zoned Rural Living and each contain a single dwelling.

To the east of the subject site is a recent two lot subdivision. This subdivision created Lot 1 fronting Gingella Court, with an area of 2360 sqm and Lot 2 fronting Hogan Road, with an area of 2360 sqm, both being vacant. The owner has an application (PA2013122) which is yet to be determined for two dwellings on the lot. To the south-east of the subject site is another recent two lot subdivision. This subdivision created Lot 1 fronting Hogan Road, with an area of 2100sq m containing a single dwelling, and Lot 2 fronting Gingella Court, with an area of 2118sq m and currently vacant.

To the south-west, across Gingella Court, are a number of vacant lots of >4000sq m size. To the west is a vacant lot in the LDRZ of approx. 0.55ha and to the north are two lots in the Rural Living Zone of 3ha and 1ha approx., both having been developed with a single dwelling.

Locality Map

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



Planning Scheme Provisions

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

SPPF		
Clause 11	Settlement	The proposed two lot subdivision is consistent with this policy, which advocates sustainable development that takes full advantage of existing settlement patterns. The proposal is broadly consistent with the emerging pattern of subdivision in the neighbourhood.

Clause 11.02-1	Supply of urban land	The proposal is generally consistent with this policy.
Clause 11.05-2	Melbourne's hinterland areas	The proposal supports facilitation of residential development within the urban growth boundary of Ballan township.
Clause 15.01-3	Neighbourhood and subdivision design	The proposal would contribute to diverse lot sizes in Ballan consistent with the neighbourhood and with no unreasonable environmental impacts.
Clause 15.01-5	Cultural identity and neighbourhood character	The proposal is an acceptable response to the neighbourhood and landscape character of this part of Ballan.
LPPF		
Clause 21.03-2	Urban Growth Management	The proposal supports the growth of Ballan, taking advantage of existing infrastructure without any detrimental impacts on the environment or character of the area.
Clause 21.03-3	Residential Development	The proposal would facilitate some diversity of lot size in the immediate area.
Clause 21.03-4	Landscape and Neighbourhood Character Objective	The proposal supports the emerging character of the area without any unreasonable amenity impacts.
Clause 21.08	Ballan	The proposal supports consolidation and urban growth in the township in accordance with the low density character of the neighbourhood and emerging pattern of subdivision in the area.

Zone

Low Density Residential Zone

The subject site is in the Low Density Residential Zone and the provisions of Clause 32.03 apply.

A permit is required to subdivide land under Clause 32.03-3 of the Moorabool Planning Scheme. Each lot created must be at least 0.2ha where connected to reticulated sewerage.

Low Density Residential Zone . decision guidelines

Before deciding on an application to subdivide land, in addition to the decision guidelines in Clause 65, the responsible authority must consider the following relevant decision guidelines:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *The relevant standards of Clauses 56.07-1 to 56.07-4.*

Overlays

Environmental Significance Overlay . Schedule 1

Pursuant to Clause 42.01-2 of the Moorabool Planning Scheme a permit is required to:

- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Schedule 1 does not specify any permit requirements for subdivision, therefore a permit is required.

Particular Provisions

Clause 52.01 - Public Open Space Contribution and Subdivision

A subdivision is exempt from a public open space requirement, in accordance with Section 18(8) of the Subdivision Act 1988, if:

- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

Having regard to the zoning of the subject site, it is not considered that either lot is capable of being further subdivided in future and thus the public open space requirement should not be applied in this instance.

Clause 52.02 . Easements, Restrictions and Reserves

A permit is required pursuant to Section 23 of the *Subdivision Act 1988* to vary a restrictive covenant, however in this case the applicant has left the restriction intact.

Clause 56.07 . Residential Subdivision: Integrated Water Management

Clause 65 – Decision Guidelines

This report has considered the decision guidelines at Clause 65.02.

Referrals

The following referrals to external authorities for comment on the application were made pursuant to s.55 of the Planning and Environment Act 1987.

Authority	Response
Southern Rural Water	No objection, subject to conditions
Western Water	No objection

The following referrals to Council Departments for comment on the application were made pursuant to s.52 of the Planning and Environment Act 1987.

Authority	Response
Infrastructure	No objection, subject to conditions
Strategic and Sustainable Development	No objection

Public Notice

The application was advertised to adjoining owners and occupiers by sending individual notices on 3 March 2014 and a sign was placed on the site from 3 March 2014 to 3 April 2014. One objection was received.

Summary of Objection

The objection received is detailed below with officer's accompanying comments:

Objection	Officer's response
The application does not vary the building envelope and it is not certain some change to this would be required.	The applicant was asked whether they will apply to vary the restriction, and indicated they would not. There is no requirement for the restriction to be varied.
The subdivision would deleteriously affect the natural environment and character of the area.	This claim is generally not justifiable as the proposal generally accords with the provisions of the Moorabool Planning Scheme and orderly planning of the area.
The proposed subdivision contravenes the intent of the zone being a buffer between the Werribee River and Residential 1 Zone.	The subject site is not affected by any environmental planning overlays and is not deemed to be of particular environmental significance.

The proposal would jeopardise the ecological values of the Werribee River.	The Moorabool Planning Scheme recognises the ecological values of the Werribee River corridor by way of an Environmental Significance Overlay, Schedule 2 which applies to land within 100 metres of the river. Any development of subdivision of land affected by this Overlay is subject to planning permission and an assessment of its potential effect on the waterway's environmental values. The subject site is approximately 130 metres from the river and not affected by this Overlay. Additionally, the relevant water authorities for the water catchment have no objection to the proposal, subject to conditions.
Allowing further subdivision of land only recently subdivided does not provide residents with certainty.	Stage 1 of the subdivision was certified in 2000. In July 2013 the State Government amended Victorian planning schemes to allow subdivision of <i>sewered land</i> to create lots as small as 2000 sqm, reduced from the previous minimum lot size of 4000 sqm.

Discussion

The proposed two lot subdivision is in response to recent changes to the Victoria Planning Provisions to introduce reformed land use zones. Since July 2013, Council can consider applications to subdivide land in the Low Density Residential Zone (LDRZ) which would create lots of a minimum 2000 sqm where *sewered*. The previous allowable minimum threshold was 4000 sqm.

The subject site is 4045 sqm and the proposal would create lots of 2002 sqm and 2043 sqm, the latter containing an existing dwelling. Lot sizes in the LDRZ in Hogan Road and Gingella Court are 4000sq m . 5683sq m, apart from the recent two lot subdivisions of former Lots 8 and 17 to create smaller lots <2400 sqm.

Lots between Gingella Court and the Werribee River are currently undeveloped, whereas the lots with dual frontages to Hogan Road and Gingella Court are now mostly developed with single storey dwellings. The subdivision pattern encourages a lower density of development than east of Hogan Road, reflected by the different zones. The character west of Hogan Road is becoming established as dwellings are constructed and re-subdivision occurs.

Those lots backing onto the Werribee River are partially affected by an Environmental Significance Overlay, Schedule 2 (ESO2) which covers land within 100 metres of the waterway. The ESO2 recognises land proximate to waterways and seeks to protect their environmental values, particularly given their significance as proclaimed water catchments. Accordingly, the ESO2 triggers the need for a planning permit to develop or subdivide land, and seeks to prevent development of affected land where practicable. It is considered that the future development and potential subdivision of lots affected by the ESO2 is considerably constrained and that any future application to subdivide these particular lots in the LDRZ would, in general, be unlikely to be supported.

In the Residential 1 Zone east of Hogan Road and in the vicinity of the subject site recent residential development is characterised by single dwelling development on lots of approximately 800sq m and with a distinctly compact built form.

It is considered that given the neighbourhood context, the proposed subdivision is generally acceptable for the following reasons.

There are a range of lot sizes in the area due to the rezoning and subdivision of land in recent years, which has in large part guided the built form character that has emerged and continues to evolve. A distinct pattern is emerging, where lot sizes reduce as one transitions east away from the Residential 1 Zone towards the Werribee River, as shown in the table below:

Location	Average lot size
Lots with a single frontage to Gingella Court	4300sq m
Lots with dual frontages to Gingella Court and Hogan Road (including recent approvals)	2878sq m
East of Hogan Road, lots in PS 528970V and PS621840	840sq m

Plan of subdivision PS 426517L in 2000 created four lots, with dual frontages to Gingella Court and Hogan Road, of between 4030sq m-4719sq m. Two lots have recently been subject to two lot subdivisions, and another similar configuration is pending, as shown in the table below:

Lot No.	Approved lot sizes	Approved configuration
8	2100sq m & 2118sq m	Separate street frontages
17	2360sq m each	Separate street frontages
7	2300sq m & 2001sq m (pending)	Separate street frontages

While the subject lot does not have dual frontages to both roads it does have a substantial frontage to Gingella Court (47.94m), which can facilitate two vehicular crossovers for private access and would contribute to the emerging neighbourhood character.

The subject site does not contain any significant vegetation, including grasslands and is not of any particular environmental significance notwithstanding its location in a proclaimed water catchment. The Werribee River is approximately 130m to the west. The character of the area is evolving, as described above, and overall the proposal is responsive to the emerging character of the area without presenting any unreasonable amenity impacts.

Financial Implications

The recommendation to approve a permit for a two lot subdivision and variation of a restrictive covenant will not represent any financial implications for Council.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Conclusion

Overall, the proposal is consistent with the relevant policies in the Moorabool Planning Scheme. The proposed lots would be in keeping with the emerging neighbourhood character and would facilitate future development consistent with the existing neighbourhood character and amenity of the area.

The proposed subdivision would support an acceptable level of residential growth on land in the Low Density Residential Zone. The proposal adequately addresses the environmental constraints of the site's location in an open water catchment and, subject to conditions, would not present any unreasonable risks.

It is therefore recommended that the proposal be supported by Council.

Consideration of Deputations – Planning Permit Application No. PA2014-033.

Mr Eskdale addressed Council in favour of the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:

Crs. Toohey/Dudzik

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2014-033 for a Two (2) Lot Subdivision on Lot 16 PS 426517L, 10 Gingella Court, Ballan subject to the following conditions:

- 1. The formal plan of subdivision lodged for certification must be in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.***

2. ***The owner of the land must enter into an agreement with:***
 - (a) ***A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
 - (b) ***A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***
3. ***Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:***
 - (a) ***A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
 - (b) ***A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***
4. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
5. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created including details of a Limited Owners Corporation proposed for common drainage and sewerage services.***
6. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***

7. ***Before the Statement of Compliance is issued under the Subdivision Act 1988, a payment of \$900 per lot must be made to Council as part of the social development infrastructure.***

Infrastructure Conditions:

8. ***Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with standard rural residential vehicle crossing on Gingella Court with a culvert 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.***
9. ***Prior to the issue of a Statement of Compliance for the subdivision, 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) ***All drainage courses within the development must pass through easements or reserves shown on the plan of subdivision.***
 - (c) ***Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.***
 - (d) ***Each lot must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.***
 - (e) ***Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".***
10. ***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.***
11. ***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. ***Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).***

13. ***Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.***
14. ***Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage 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.***
15. ***Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***
16. ***Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the Responsible Authority for approval, detailing but not limited to the following:***
 - (a) ***location of vehicle crossings***
 - (b) ***details of the underground drainage***
 - (c) ***location of drainage legal points of discharge***
 - (d) ***standard details for vehicle crossings and legal points of discharge***
 - (e) ***civil notes as required to ensure the proper construction of the works to Council standard.***

Southern Rural Water Conditions:

17. ***Both lots must be connected to the town's reticulated sewerage and approved drainage system.***
18. ***The plan of subdivision submitted for certification must be referred to Southern Rural Water in accordance with Section 8 Subdivision Act 1988.***

Expiry condition:

19. ***This permit will expire if:***
 - (a) ***The plan of subdivision is not certified within 2 years of the date of this permit; or***
 - (b) ***The registration of the subdivision is not completed within 5 years of the date of certification of the plans of subdivision.***
 - (c) ***the variation of the restriction permitted is not registered with the Land Titles Office within one year of the date of issue.***

The Responsible Authority may extend the time if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

CARRIED.

Report Authorisation

Authorised by:



Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday, 11 June 2014

9.2.3 Draft Domestic Wastewater Management Plan

Introduction

File No.: 12/07/003
Author: Sarah Annells
General Manager: Satwinder Sandhu

Background

The purpose of this report is to recommend that Council endorse the draft Moorabool Domestic Wastewater Management Plan (the Plan) for the purposes of a public exhibition period of four weeks.

It is a requirement of both the State Environmental Protection Policy . Water of Victoria and the Minister's Guidelines for planning permit applications in open, potable water supply catchment areas that Council prepare, adopt and implement a Domestic Wastewater Management Plan.

The Plan enables Council to take a greater strategic approach to managing domestic wastewater by:

- Assessing and considering the potential risks posed by existing septic systems and methods to reduce and manage these risks;
- Allowing for future development in unsewered areas using a broad scale risk assessment to ensure wastewater is contained onsite;
- Developing a flexible monitoring and improvement protocol to ensure the protection of public health and the environment.

Council's consultant, Whitehead and Associates, has reviewed and revised the previous Plan and prepared a new plan in response to the Minister's Guidelines. The plan before Council is seeking approval to commence a public exhibition process.

The Plan will primarily be used for:

- To determine the level of technical investigation to be undertaken as part of a development application in an unsewered area;
- As a guide to develop a monitoring strategy for existing domestic wastewater management systems in the Shire;
- As a guide to Council for strategic planning of future rural residential and other unsewered development;
- To identify priority existing townships that require more detailed investigations to determine needs.

Proposal

Management of domestic wastewater is a key issue for unsewered areas of the Shire, and the draft Plan considers all the potential risks and proposes measures to mitigate and manage these risks to protect public health and the environment.

Substantial work by Whitehead and Associates, and Council officers has gone into the preparation of the draft Plan.

The final revision, as presented to Council, includes:

- Incorporation of the soil data from the Land Capability Assessment (LCA) of the Shire of Buninyong;
- Confirmation that some data from the Shire of Bannockburn is relevant, as the boundaries of the study area extend over current municipal boundaries;
- Review and update of soils data across the Shire; and
- Update of soil suitability and consolidated maps in light of the new and revised data.

As a result of this final review only 16 properties have no identified soil suitability category, down from over 650 in previous drafts.

It should be noted that despite the clarity provided by the additional data the overall proportion of high, medium and low risk properties remains unchanged.

The Plan must be reviewed every five years, in accordance with the Ministers Guidelines. However, we are proposing that this Plan be reviewed in three years at the time of Audit to monitor compliance and check for accuracy. In the interim, further funding may be sought through Council's budget process in order to improve specific data sets when major issues are identified.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Enhance and protect the long term integrity and biodiversity of the natural environment
Strategy	Develop a Domestic Wastewater Management Plan in accordance with the Minister's Guidelines

The proposal to proceed with consultation of the draft Moorabool Domestic Wastewater Management Plan is consistent with the 2013-2017 Council Plan.

Financial Implications

There are costs associated with exhibiting this document, however these costs have been allowed for within the operational budget.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Domestic Wastewater Management Plan	Requirement SEPP . WOV and Minister's Guidelines	Low	Council to develop and implement Domestic Wastewater Management Plan

Communications and Consultation Strategy

Once endorsed by Council the both the operational and technical components of the draft Plan will be sent to all relevant Water Authorities, neighbouring Councils and the Environmental Protection Authority. One on one meetings will be held with these groups as required. The operational component will be advertised for comments on the Moorabool Shire website, Have Your Say Moorabool website, in the local paper and copies made available at all customer service centres.

At the completion of the consultation period all comments will be reviewed and a final version and report prepared for adoption by Council. Once adopted, the Plan will be implemented by Council's Environmental Health Unit, within the ongoing operational budget.

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 – Sarah Annells

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

Conclusion

The Draft Moorabool Domestic Wastewater Management Plan has been prepared in accordance with legislation and the Minister's guidelines.

The Domestic Wastewater Management Plan, once approved, will be implemented and reviewed by Council's Environmental Health Unit, in accordance with the Ministers Guidelines.

Recommendation:**That Council:**

1. Endorse in principle the draft Moorabool Domestic Wastewater Management Plan for the purposes of public exhibition for a period of four weeks.
2. Receive a further report at the conclusion of the exhibition period seeking adoption of the Moorabool Domestic Wastewater Management Plan.
3. Review the Domestic Wastewater Management Plan in three years' time to monitor compliance and check for accuracy.

Resolution:

Crs. Edwards/Toohey

That Council:

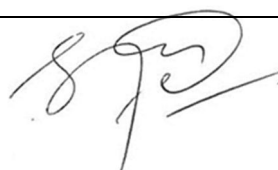
1. *Endorse in principle the draft Moorabool Domestic Wastewater Management Plan for the purposes of public exhibition for a period of four weeks.*
2. *Receive a further report at the conclusion of the exhibition period seeking adoption of the Moorabool Domestic Wastewater Management Plan.*
3. *Review the Domestic Wastewater Management Plan in three years' time to monitor compliance and check for accuracy.*
4. *Writes to the Chief Executive Officers and Chairperson of each of the five water authorities, the Environmental Protection Authority and directly to Minister Peter Walsh MP, Minister for Water, with a copy of this report, the draft Moorabool Domestic Wastewater Management Plan requesting that during the exhibition period the Minister and water authorities ratify the draft plan and show their support of the Plan.*

CARRIED.

Cr. Sullivan and Cr. Dudzik requested that it be noted in the minutes of their vote against the Motion.

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Thursday, 26 June 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 purpose of the report is to recommend that Council establish a Moorabool Recreation and Leisure Strategic Advisory Committee to provide strategic advice into the planning and provision of recreation and leisure services and facilities across the municipality.

Background

At the Ordinary Meeting of Council held on the 2 April 2014, the Council resolved:

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.

Proposal

The purpose of the proposed Moorabool Recreation and Leisure Strategic Advisory Committee is to provide strategic advice into the planning and provision of recreation and leisure services and facilities across the municipality. The proposed terms of reference of the Committee is contained in **Attachment 9.3.1**.

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

- issues associated with participation and changing demographics in active and passive recreation and leisure;
- policies and strategies being developed by Council;
- planning and management of recreation reserves.

The role of the committee shall include (but not be limited to) providing strategic advice on policy and strategies to develop recreation, leisure facilities and participation initiatives. It is expected that in the first year of its operation strategic advice will be sought from the Committee on at least the following key projects: the preparation of Council's Recreation and Leisure Strategy; preparation of a Social Infrastructure Plan; review of the Recreation Reserve Funding Policy; review of the Appointments and Delegations Policy; development of a Fees and Charges Policy; development of a Community Facility Leasing and Licensing Policy; and Reserve Master Plans.

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

Membership of the Committee will consist of two Councillors with one Councillor appointed as Chairperson and six members drawn from across the Shire with knowledge and expertise in recreation and leisure matters. Council's General Manager Community Services, General Manager Infrastructure, General Manager Growth and Development and Manager Recreation and Youth Development or delegates will attend committee meetings on an ex-officio basis. 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.

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 and presented to the following Ordinary Meeting of Council. Any recommendations from the Committee will be presented in an accompanying report from Officers.

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 proposed 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.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Advisory Committee Governance Requirements	Inefficient operation of the Advisory Committee	Low	Implement Advisory Committee terms of reference

Communications Strategy

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

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

Recommendation:

That Council:

- 1. Establishes a Moorabool Recreation and Leisure Strategic Advisory Committee.**
- 2. Endorses the terms of reference for the Moorabool Recreation and Leisure Strategic Advisory Committee.**
- 3. Appoints two Councillors to the Moorabool Recreation and Leisure Strategic Advisory Committee with one appointed as Chairperson**
- 4. Seeks nominations for membership of the Moorabool Recreation and Leisure Strategic Advisory Committee through public advertisement.**

5. **Receives a further report with recommendations for membership of the Moorabool Recreation and Leisure Strategic Advisory Committee.**

ALTERNATE MOTION:

Crs. Spain/

That Council:

1. ***Establishes a Moorabool Recreation and Leisure Strategic Advisory Committee.***
2. ***Endorses, and includes in the minutes of this OMC, the proposed terms of reference for the Moorabool Recreation and Leisure Strategic Advisory Committee amended as required to incorporate and be consistent with the following principles and requirements:***
 - i. ***The Committee is advisory and has no delegated powers or authority;***
 - ii. ***The purpose of the Committee is to provide advice and recommendations to Council related to the planning, provision, maintenance, development and operation of recreation and leisure reserves, services and facilities in Moorabool Shire; including advice and recommendations regarding: recreation strategies and policies; agreements proposed or made between Council and user groups; and any other matter referred by Council to the Committee;***
 - iii. ***Council will provide the Committee with information about Council's Capital Improvement Program as part of the annual Budget preparation process and request the Committee to submit a prioritised list of recreation and leisure capital projects for inclusion in that Program and consideration in the annual Budget;***
 - iv. ***The Committee will convene, for the purpose of consulting and engaging with the community, an annual assembly of sporting club representatives, user group representatives, committees of management representatives and interested members of the public;***
 - v. ***Membership of the Moorabool Recreation and Leisure Strategic Advisory Committee will comprise:***
 - a. ***Three Councillors appointed by resolution of Council with one of those Councillors appointed as Chairperson of the Committee; these appointments to be reviewed annually at the***

Statutory and Annual Appointments special meeting of Council.

- b. Six community representatives appointed for 1 year renewable terms by resolution of Council; these appointments to be reviewed annually at the Statutory and Annual Appointments special meeting of Council.***
- c. The General Manager Community Services, the General Manager Growth & Development, the General Manager Infrastructure and the Manager Recreation and Youth or their delegates; appointed on an ex-officio basis.***
- vi. In appointing community representatives to the Committee, Council will aim to ensure that community representation reflects the diversity of the Moorabool community in terms of: demographic profile; geographical areas; and recreational & leisure interests.***
- 3. Seeks, through public advertisement, nominations for the community representative positions on the Moorabool Recreation and Leisure Strategic Advisory Committee.***
- 4. Receives a further report containing recommendations for the appointment of community representatives to the Moorabool Recreation and Leisure Strategic Advisory Committee.***

Resolution:

Crs. Sullivan/Toohey

That consideration of the report be deferred pending a review of the alternate motion put to Council.

CARRIED.

Report Authorisation

Authorised by:

Name:

Title:

Date:



Danny Colgan

General Manager Community Services

Wednesday, 11 June 2014

9.3.2 Draft Memorials Policy

Introduction

File No.: 06/03/004
Author: Kate Diamond-Keith
General Manager: Danny Colgan

Background

The purpose of this report is to seek the ~~the~~ principle endorsement of the Draft Memorials Policy for the purposes of community engagement.

Officers have received a number of requests over the last 12 months from community members wanting to install memorials in public places across the Shire. Therefore, a policy and process is required to assess and manage these requests in the future.

The aims of the Draft Memorials Policy are to:

- Outline the types of memorials that will be considered
- Provide an application and approval process
- Determine the responsibility of costs and maintenance
- Outline timeframes for the process and management of the lifespan of memorials
- Clearly demonstrate the responsibility of the Council and the responsibilities of the applicant

Proposal

The Draft Memorials Policy as contained in **Attachment 9.3.2** comprises a statement of purpose and scope as well as the process for the implementation of the Policy. The process includes the responsibility for the cost of the memorials; the lifespan of memorials; maintenance; maintaining a register; and public safety.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Community Self Reliance
Strategy	Provide community development support and partnership projects.

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

Financial Implications

The draft policy has been developed within existing budgetary allocations as will the implementation of the policy if adopted.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Requests for memorials from community	Without a policy, memorials could be installed with no process or management plan in place.	Medium	Implement the Policy

Communications and Consultation Strategy

The following community engagement is proposed, whilst the Policy lays on the table in accordance with the Council's Community Engagement Policy and Framework

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community Members	Have Your Say	Various	June 2014	To be determined
Inform	Community Members	Letters/emails to Committees of Management	Various	June 2014	To be determined
Collaborate	Community Members	Display policy in libraries for comments	Various	June 2014	To be determined

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 – Kate Diamond-Keith

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

Conclusion

The development of a Draft Memorials Policy is in response to a number of requests by members of the community to install memorials in public spaces. The draft Policy outlines the process to manage these requests in a timely and sensitive manner.

Resolution:

Crs. Dudzik/Sullivan

That Council:

- 1. *Endorses “in principle” the Draft Memorials Policy for the purposes of public exhibition for a period of four (4) weeks; and***
- 2. *Receives a further report at the conclusion of the exhibition period seeking adoption of the Memorials Policy.***

CARRIED.

Report Authorisation

Authorised by:

Name:

Title:

Date:



Danny Colgan

General Manager Community Services

Thursday, 12 June 2014

9.3.3 Leisure Services Facility Review

Introduction

File No.: 02/14/003
Author: Troy Scoble
General Manager: Danny Colgan

Background

The purpose of the report is to recommend that the Council endorse the scope of and methodology of the review into Council's Leisure Services and Facilities.

At its meeting held on the 4 June 2014, the Council resolved to contract the services of Belgravia Leisure to manage Council's Leisure Services for a period of 12 months; and to undertake a review of the service and facilities involving community engagement with centre members, users and the broader community.

Proposal

The review will examine the future provision of Council's Leisure Services and Facilities which comprise the Bacchus Marsh Leisure Centre; Darley Civic and Community Hub Stadium; Bacchus Marsh Outdoor; and Ballan Outdoor Pool.

The review will provide a strategic framework to guide Council's decision making on the future provision of its Leisure Services and Facilities and to meet contemporary industry standards and community expectations. The review will recommend how Council will best provide and facilitate Leisure opportunities.

The scope of the review will involve the investigation of five key considerations:

- What should be Council's role in the provision of Leisure Services?
- What should the strategic intent of Leisure Service be?
- What should the service model look like?
- At what level should the service levels be set?
- How can the service be more effective and efficient?

The key drivers of the review are to:

- Better understand who we are serving now and who will we be servicing in the future based on a review of existing service data, community profile and population forecasts.
- Better understand current community need and demand for Leisure Services including the health benefits of the provision of leisure services and facilities.
- Review the existing service model to understand if it needs to change
- Identify opportunities for continuous improvement in services and facilities provision.

- Examine the growing costs to Council to provide the Leisure Services and Facilities.
- Identify the physical constraints and condition of the Bacchus Marsh Leisure Centre and outdoor pools that prevent maximum utilisation of the facilities and impacts on the cost to Council.

The analysis of the Leisure Services and Facilities will involve identification and consideration of service alternatives, benchmarking studies, future demand, service gaps, resource and budgetary implications, delivery method and performance measurement

The methodology for the review will involve a four stage process with key hold points to provide an opportunity to analyse feedback, present findings and report progress to the Council. These include:

Phase One: Project Mapping

- Preparation of a project plan
- Establishment of an Internal working group
- Stakeholder analysis and engagement methodology

Phase Two: Community Engagement

- Engagement of an project consultant
- Development of an engagement plan
- Undertaking community engagement activities

Phase Three: Service Analysis

- Service gaps
- Benchmarking studies
- Future demand
- Resource and budgetary implications
- Identification and consideration of service alternatives/options
- Delivery method
- Performance measurement
- Analysis of feedback through the community engagement

Phase Four: Draft and Final Report

- Preparation of a draft and final report based on engagement outcomes and service analysis

It is planned that the review will be undertaken over a three month period with a further report presented to the Council at the conclusion of the review period.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Participation in diverse sport, recreation and leisure activities.
Strategy	Promote community health and wellbeing through the provision of recreation facilities, open space, programs and services.

The proposal Leisure Services and Facilities Review is consistent with the 2013-2017 Council Plan.

Financial Implications

The review of Council's Leisure Services and Facilities will require the assistance of external consultancy services. Council's Staff time will be provided within existing budgets.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
People	Low level of community interest	Medium	Undertake consultation in line with Council Community Engagement Policy and Framework
Safety	Injury occurring at engagement opportunity	Medium	All engagement activities will be carried out in line with Risk Management Policy and Procedures

Communications and Consultation Strategy

A Community Engagement Plan will be prepared in accordance with the Council's Community Engagement Policy and Framework. The Engagement Plan will ensure a stakeholder analysis is undertaken and engagement activities are tailored to the needs of each stakeholder group.

Community Engagement will be staged with hold points to compile and analyse data.

It is expected the community engagement will involve:

- a survey of members of the Bacchus Marsh Leisure Centre; sporting and recreation clubs; and community groups
- focus groups with users and representatives of user groups; health industry groups and organisations; community groups; and
- workshops with general community members.

The review will involve considerable consultation with the Bacchus Marsh College as Council's Joint Use partner.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Troy Scoble

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

Conclusion

The review of Council's Leisure Services & Facilities will provide a strategic framework to guide Council's decision making on the future provision of its Leisure Services and Facilities and to meet contemporary industry standards and community expectations. The review will recommend how Council will best provide and facilitate Leisure opportunities.

Resolution:

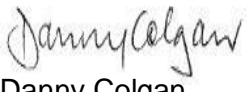
Crs. Sullivan/Comrie

That Council:

1. ***Endorses the scope of the review of Council's Leisure Services and Facilities.***
2. ***Receives a further report at the conclusion of the review.***

CARRIED.

Report Authorisation

Authorised by: 
Name: Danny Colgan
Title: General Manager Community Services
Date: Friday, 13 June 2014

9.3.4 Wallace Recreation Reserve, Elaine Recreation Reserve and Ballan Recreation Reserve Master Plans

Introduction

File No: 17/02/007 (1)
Author: Troy Scoble
General Manager: Danny Colgan

Background

The purpose of this report is to present to the Council the final draft Reserve Master Plans approved by the Reserve Committees of Management for the Wallace Recreation Reserve Elaine Recreation Reserve and Ballan Recreation Reserve. The draft Master Plans have been prepared to provide a strategic basis to source grant funding for the development of the reserves over the next 3-5 years.

Council's Recreation Development Unit in partnership with each Reserve Committee of Management prepared the draft Master Plans. The master plans outline a clear, comprehensive and logical plan for the future development of all community facilities (active and passive) provided at each of the reserves. Importantly, the Reserve Committees of Management confirmed their written endorsement of the plans at the conclusion of the process.

1. Ballan Recreation Reserve Master Plan (Attachment 9.3.4a)

The previous Master Plan for the Ballan Recreation Reserve was developed in 2002, however there has been limited implementation of this Master Plan since its development. Given land limitations at the Ballan Recreation Reserve, the new master plan has a focus on improving the existing facilities and infrastructure provision to cater for increased usage in the future. The key directions for the plan are to improve sports facilities and ground surfaces; vehicle and pedestrian management; improve core infrastructure; and upgrade supporting sportsground infrastructure.

2. Elaine Recreation Reserve Master Plan (Attachment 9.3.4b)

The Elaine Recreation Reserve Committee of Management has resurrected active sports at the reserve over the past few years and is now a hub for the community for recreation and leisure activities. The focus of the Elaine Recreation Reserve Master Plan is to create an enhanced community hub to encourage full utilisation of facilities at the reserve to limit recreation and leisure participants leaving going to other areas because of a lack of facilities.

3. Wallace Recreation Reserve Master Plan (Attachment 9.3.4c)

The Wallace Recreation Reserve is a community hub and home to a number of regional sporting events. The objectives of the master plan are to ensure appropriate provision of sport and recreation community facilities to meet the increasing usage currently being experienced at the reserve and plan for future growth in each of the sporting activities in the future.

The recommendations, including priorities and indicative costs, of the Draft Master Plans are provided under Section 5.2 in each of the Draft Master Plans. The proposed projects have been identified to drive the development of the reserves with a focus on a 3-5 year time frame.

Policy Implications

The 2013. 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Participation in diverse sport, recreation and leisure activities
Strategy	Promote community health and well-being through the provision of recreation facilities, open space, programs and activities

Financial Implications

A strategic approach toward project funding will be required for the successful implementation of actions outlined in the Draft Master Plans including:

- Prioritising projects in Council's Capital Improvement Program and Strategic Financial Plan
- Sourcing external funding through relevant State and Federal Government Grants including Sport and Recreation Victoria.
- Collaboration with user groups, including each of the Recreation Reserves Committee of Management, community groups and other stakeholders to source appropriate funding contributions.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Exposes Council to a number of service gaps if high priorities in master plan not implemented	High	Future strategic planning for high priority recommendations identified in context of other capital priorities
Financial	Funding required to progress actions set out in plan	Medium	Future budgets will need to accommodate matching funding for grants.

Communications and Consultation Strategy

The engagement process undertaken to inform the development of the plan included:

- Workshops with the Committee of Managements
- Community and user group survey submissions
- Detailed site visits by Council Officers
- Internal stakeholder meetings
- Councillor workshops with individual Ward Councillors

The outcomes of this report will be communicated to each of the Committees of Management and user groups advising of Council's support toward the development of the master plan.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager . Danny Colgan

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

Author . Troy Scoble

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

Conclusion

The Draft Ballan, Elaine and Wallace Recreation Reserve Master Plans provide a shared vision and framework for the future use and integrated development of the reserves.

The Draft Master Plans have been prepared to provide a strategic basis to source grant funding for the development of the reserves over the next 3 - 5 years.

The Recreation Reserve Master Plans have been endorsed by the respective Committees of Management and all current user groups.

Resolution:**Crs. Sullivan/Toohey*****That Council:***

- 1. Adopts the Ballan Recreation Reserve draft Master Plan 2014, the Elaine Recreation Reserve draft Master Plan 2014 and the Wallace Recreation Reserve draft Master Plan 2014.***
- 2. Considers the future development of the reserves in the context of its strategic financial plan and long term capital improvement program.***
- 3. Endorses officers assisting the reserve committees of management in seeking funding to assist in implementing the recommendations of the Master Plans.***

AMENDMENT***Crs. Edwards/Spain proposed the following Amendment:***

- 1. Adopts the Ballan Recreation Reserve draft Master Plan 2014, the Elaine Recreation Reserve draft Master Plan 2014 and the Wallace Recreation Reserve draft Master Plan 2014.***
- 2. Considers the future development of the reserves in the context of its strategic financial plan and long term capital improvement program.***

The Amendment was voted upon and defeated the Motion.

The Amendment then became the Motion and was CARRIED.

Report Authorisation**Authorised by:****Name:****Title:****Date:**

Danny Colgan

General Manager Community Services

Thursday, 12 June 2014

9.4 INFRASTRUCTURE SERVICES

Cr. Sullivan declared an Indirect Conflict of Interest (section 78A) in relation to Item 9.4.1 Renaming and Renumbering – Southern Extension of Halletts Way. The nature of the Conflict of Interest is due to Cr. Sullivan having an association with the developers of a property south of Halletts Way, North of the Werribee River. The proposed road renaming will impact on the property.

9.4.1 Renaming and Renumbering – Southern Extension of Halletts Way

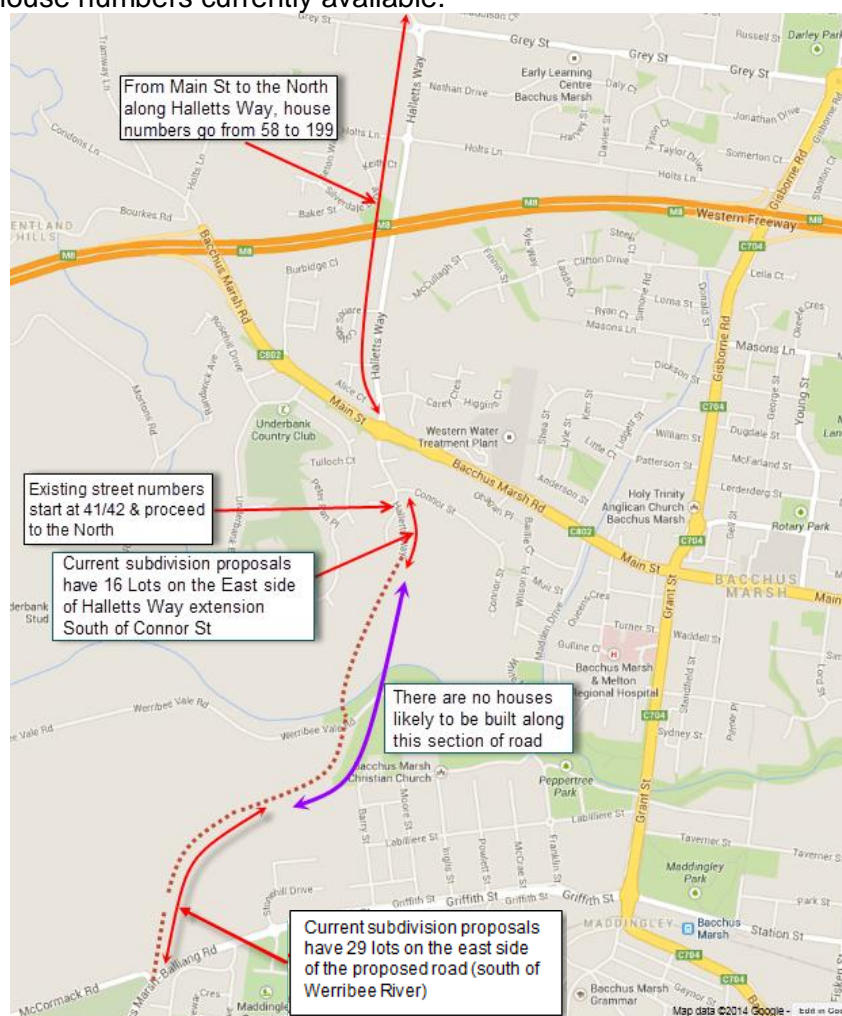
Introduction

File No.: 1111
 Author: Sam Romaszko
 General Manager: Phil Jeffrey

Background

There is currently a proposal to extend Halletts Way to the south to ultimately connect to Griffith Street. It is likely to be constructed in sections over time as the West Maddingley estate develops and in the near future it is likely that a section within the estate will require street numbers.

Referring to the map below, planned subdivisions along the proposed extension of Halletts Way through to Griffith Street will likely exceed the house numbers currently available.



Existing house numbers on the section of Halletts Way, south of Main Street currently start at 42 on the Eastern side. This means that there is provision for up to 20 additional house numbers on the eastern side.

Current subdivision proposals provide for 16 houses on the eastern side of Halletts Way extension at the northern (Main Street) end and for a further 29 houses at the Southern (Griffith Street) end. The available street numbers are not able to cater for this.

To deal with this, Council has 3 options which would meet State Government property numbering guidelines:

Option	Implications
Option 1: Continue the name Halletts Way southwards to the intersection with Werribee Vale Road and provide a new name for the extension from Werribee Vale Road to Griffith Street.	Approval of the name of the new road from Werribee Vale Road to Griffith Street in accordance with the State Government's Anzac commemorative naming project.
Option 2: Rename Halletts Way south of Main Street through to Griffith St and renumber all current properties south of Main St. Halletts Way would thus start at Main St with number 58, and go north.	Requires renumbering of 20 existing properties. Inevitably, this will cause some inconvenience to existing residents and is likely to be unpopular as there is an alternative.
Option 3: Renumber Halletts Way over full length, from Connor Street to Ramsay Circuit, and make provision for numbering all expected subdivision developments.	Requires renumbering some 130 properties (including the Council office). Inevitably, this will cause some inconvenience to existing residents and is likely to be unpopular as there is an alternative.

Proposal

Option 1 of naming the road Halletts Way from Main Street to Werribee Vale Road and providing a new name from Werribee Vale Road to Griffith Street is recommended by officers and avoids inconveniencing existing residents.

The continuation of the name Halletts Way south from Connor Street allows for logical extension of street numbering along Halletts Way with a reserve of 5 to 10 house numbers, depending on property placement at intersections. This will avoid confusion for emergency vehicles in finding a Halletts Way address.

The proposed change of name of the road extension at the Werribee Vale Road intersection occurs at a logical change point which will avoid confusion for emergency services. The other options will create unnecessary inconvenience for local residents for no real benefit.

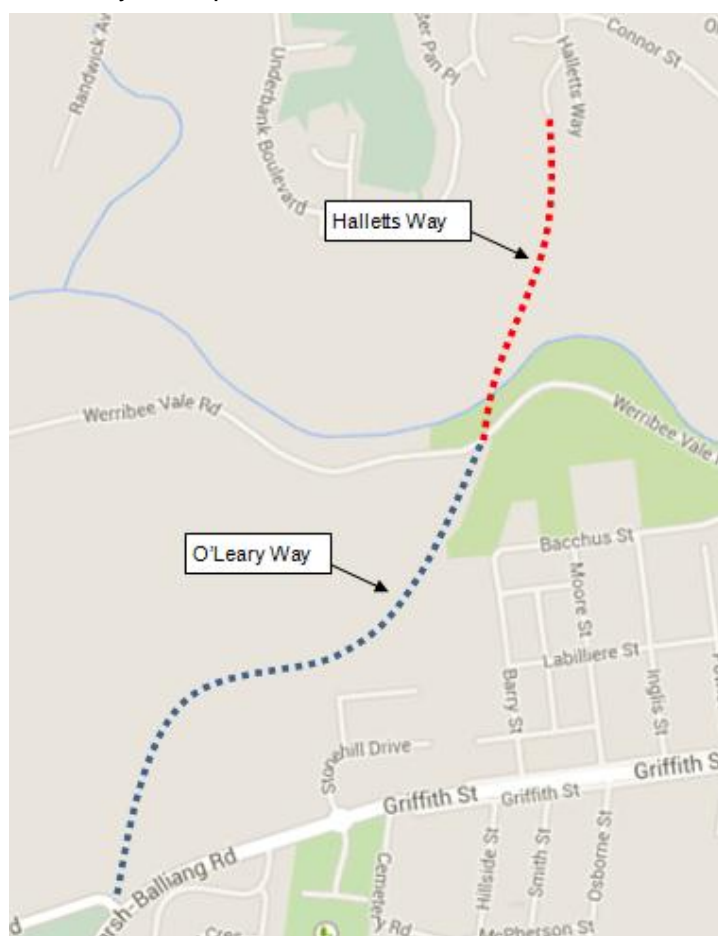
The following names, selected from the Honour Roll of the Bacchus Marsh RSL, list the names of service personnel killed in action during WWI. This list

excludes names of such personnel which are already used as road names in Bacchus Marsh, or are spelling variants of such names.

Noting that Private Thomas O'Leary died on 25 April 1915, the day we commemorate as ANZAC Day, it would seem fitting to utilise his name. Accordingly 'O'Leary Way' is recommended as the name of the proposed road continuation from Werribee Vale Road through to Griffith Street.

O'Leary	Killed in action (Gallipoli)	25/04/1915
Dukelow	Killed in action (Gallipoli)	12/05/1915
Booth	Killed (France)	1917
Bottle	Killed (France)	1916
Buckley	Killed (France)	1917
Cobham	Killed (France)	1916
Drever	Killed (France)	1917
Gibson	Killed (France)	1918
Godfrey	Killed (France)	1917
Kennelly	Killed (France)	1916
Knight	Killed (France)	1917
Martin	Killed (France)	1916
McLachlan	Killed (France)	1916
Morley	Killed (France)	1916
Murphy	Killed (France)	1916
Oliver	Killed (France)	1916
Short	Killed (France)	1918

If option 1 is adopted, the map below indicates how the road names will ultimately be in place.



Private Thomas O Leary (7th Battalion AIF)

Thomas was born at Lauriston, VIC (near Kyneton) in 1892 to Timothy O'Leary and Mary Ann Woods. Thomas had a brother, James, who is also remembered in the Bacchus Marsh Avenue of Honour. Thomas was a labourer and gave his address as Bacchus Marsh, VIC when he enlisted in the AIF, 7th Battalion on the 24th of August 1914 aged 21 years and seven months - only a few weeks after war was declared.

He embarked aboard the HMAT A20 Hororata in October and disembarked in Egypt in early December. During the landing at Gallipoli on the 25th of April 1915 Thomas suffered a gunshot wound to the chest and died later that day. He was buried at sea. He is listed on the Roll of Honour for Bacchus Marsh, held by the RSL at Bacchus Marsh. He is also remembered at the Lone Pine Memorial, Gallipoli, Turkey.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural Built Environment
Objective	Ensure current and future infrastructure meets the needs of the community.
Strategy	Provision of effective and safe transport networks.

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

Financial Implications

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

Risk & Occupational Health & Safety Issues

There are no risk or occupational health and safety issues associated with the recommendation within this report.

Communications Strategy

If option 1 is accepted, there is no requirement for formal community engagement. The road name change would be advertised as required and a media release issued.

Should options 2 or 3 be selected, formal community consultation is required in relation to proposed house renumbering.

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 – Sam Romaszko

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

Conclusion

The extension of proposed Halletts Way from the current start at Connor Street through to Werribee Vale Road is proposed to be called Halletts Way.

The continuation of the extension from Werribee Vale Road through to Griffith Street is proposed to be named in accordance with the State Government's Anzac commemorative naming project.

Cr. Sullivan adjourned from the meeting at 6.36pm and did not participate in voting on the Item.

Resolution:

Crs. Edwards/Comrie

- 1. That the extension of proposed Halletts Way from the current start at Connor Street, through to Werribee Vale Road, be called Halletts Way.***
- 2. That the continuation of the road extension from Werribee Vale Road through to Griffith Street be named O'Leary Way in accordance with the State Government's Anzac commemorative naming project.***

CARRIED.

Cr. Sullivan returned to the Meeting at 6.39pm

Report Authorisation

Authorised by:

Name: Phil Jeffrey

Title: General Manager Infrastructure

Date: Wednesday, 25 June 2014



9.5 CORPORATE SERVICES

9.5.1 Instrument of Delegation from Council to the Chief Executive Officer

Introduction

File No.: 02/06/002
Author: Michelle Morrow
General Manager: Shane Marr

Background

The Instruments of Delegation are part of the Governance framework at Moorabool Shire. Under the Governance framework, the Council sets the policy and the officers are then delegated the power to implement the policy. This allows for efficient Council operations and frees up time for further policy development by both Councillors and officers.

In accordance with section 98(1) of the *Local Government Act 1989* a Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than .

- (a) this power of delegation; and
- (b) the power to declare a rate or charge; and
- (c) the power to borrow money; and
- (d) the power to approve any expenditure not contained in a budget approved by Council; and
- (e) any power, duty or function of the Council under section 223; and
- (f) any prescribed power.

This Instrument of Delegation is the delegation that Council gives to its Chief Executive Officer by resolution of Council. The previous Instrument of Delegation given to the Chief Executive Officer was adopted by Council on 4 September 2013.

Proposal

Through the Delegations and Authorisations Service provided to Council by Maddocks Lawyers an update to the Instrument of Delegation from Council to the Chief Executive Officer has been received and incorporated into this Instrument.

Maddocks Lawyers have advised that this administrative update, as shown under point five of the delegation, applies to all Chief Executive Officers and has been included to confirm statutory interpretation of a provision under the Act where a provision requires Council resolution. This change is not the result of legislative amendment, but is added to clarify the position that where something is required to be done by council resolution, the CEO will not be able to exercise that power, duty or function under the delegation.

It is now proposed under section 98(1) of the *Local Government Act* 1989 for Council to grant by a new Instrument of Delegation to its Chief Executive Officer the following:-

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing:

4. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 4.1 awarding a contract exceeding the value of \$500,000;
 - 4.2 making a local law under Part 5 of the Act;
 - 4.3 approval of the Council Plan under s.125 of the Act;
 - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
 - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 4.9 appointment of councillor or community delegates or representatives to external organisations; or
 - 4.10 the return of the general valuation and any supplementary valuations;

5. if the issue, action, act or thing is an issue, action or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 7.1.1 policy; or
 - 7.1.2 strategy adopted by Council; or
8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.
10. full details of any contract awarded exceeding \$100,000 is to be reported to Council within 14 days of the contract being awarded through the current Councillor Information Bulletin.

It is now proposed to place before Council the Instrument of Delegation which forms an attachment to this report for the approval and adoption by Council.

Policy Implications

The 2013 . 2017 Council Plan provides as follows:

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

The proposal to grant by Instrument of Delegation from Council to its Chief Executive Officer is consistent with the 2013-2017 Council Plan.

Financial Implications

There are no financial implications.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Public Liability	Professional indemnity	High	Insurance cover for staff

Communications Strategy

The Instrument of Delegation has been the subject of Council management staff involvement and review.

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 – Shane Marr

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

Author – Michelle Morrow

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

Conclusion

This report brings to Council an Instrument of Delegation to the Council Chief Executive Officer granting delegated powers for and on behalf of Council under section 98(1) of the Local Government Act 1989 as set out in the Instrument of Delegation.

It is recommended that Council approve and adopt the Instrument of Delegation to the Chief Executive Officer.

Resolution:**Crs. Sullivan/Dudzik**

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation, Council resolves that:

- 1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.***
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.***
- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.***
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***
- 5. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.***

CARRIED.

Report Authorisation**Authorised by:**

Name: Shane Marr
Title: General Manager Corporate Services
Date: Wednesday 11 June 2014



9.5.2 Ingliston Drive, Ingliston – Proposed Declaration of Road to be a Public Highway

Consideration of this Item was deferred from the Ordinary Meeting of Council held on Wednesday 4 June 2014 in order for a map indicating the location to be provided to Council. The report is now presented to Council with an attached location map for its consideration.

Introduction

File No.: 1533
Authors: Michelle Morrow / Sam Romaszko
General Manager: Shane Marr

Background

Ingliston Drive was created on LP115490 in 1975 at which time the owner of the land was a company which has since been deregistered. Due to this company being deregistered the road was subsequently vested to ASIC (Australian Securities and Investments Commission). A copy of a Title search has revealed the registered proprietor of this road as being the deregistered company.

Prior to the *Subdivision Act* 1988, ownership of any roads which were created on a plan of subdivision remained in the name of the subdividing landholder as registered proprietor. Under the *Subdivision Act* 1988, the ownership of roads created on a plan of subdivision is automatically vested in Council at the time of registration of the plan by Land Victoria (the Titles Office).

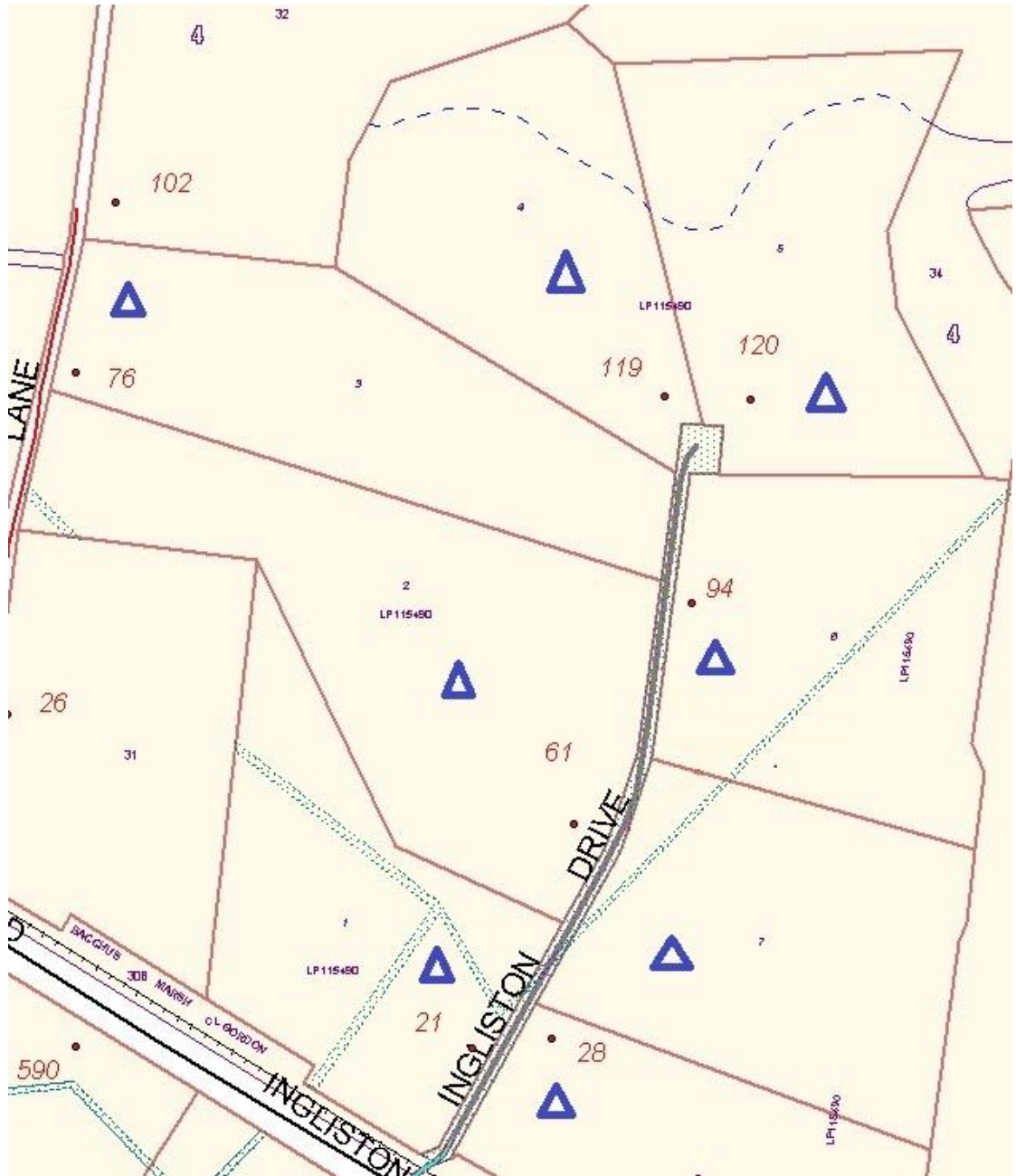
In 1993, Section 203 of the *Local Government Act* 1989 (the Act) was amended to cause all public highways on freehold land to vest in fee simple in the relevant municipal Council therefore making Council the owner. This provision now sits under Schedule 5 of the *Road Management Act* 2004 which states:

(4) Subject to sub-clause (6), a road vests in fee simple in the municipal council of the municipal district in which it is located upon becoming a road.

Section 3 of the *Local Government Act* 1989 defines road as including rights of way and cul-de sacs. Ingliston Drive is identified as having both of these elements.

Whilst the subdivision included eight lots, there are seven properties that front Ingliston Drive with four of these property owners having written to Council to request that Council assume full responsibility for Ingliston Drive. One property owner from this subdivision, whose property fronts Gilletts Lane to the west of Ingliston Drive, uses Ingliston Drive to access the rear of his property. (Refer map below).

One of the owners from Ingliston Drive has written to Council expressing safety concerns with the road and private road signage.



One of the owners from Ingliston Drive has written to Council expressing safety concerns with the road and private road signage.

Proposal

In order to give certainty to the status of Ingliston Drive and Council's authority in respect to the road and to eliminate the concerns of four of the property owners of Ingliston Drive, it is now proposed for Council to declare Ingliston Drive to be a public highway as provided for under section 204(1) of the Local Government Act 1989 which states:

Council may declare a road to be a public highway or to be open to the public;

- (1) A Council may, by notice published in the Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act.*
- (2) A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.*
- (3) A road does not become a public highway by virtue of a Council resolution made under sub-section (2).*

In declaring a road to be a public highway the road will become a ~~road~~ and a ~~municipal road~~ for the purposes of the *Road Management Act 2004* and Council will become its coordinating road authority.

It should be noted that whilst Council may resolve to declare Ingliston Drive a public highway this, as shown in point (3) above, does not make it a ~~public road~~. Section 107 of the Road Management Act 2004 provides that:

A road authority does not have a statutory duty or a common law duty to perform road management functions in respect of a public highway which is not a public road or to maintain, inspect or repair the roadside of any public highway (whether or not a public road).

Council is in possession of the construction plans for Ingliston Drive dating from the time of the subdivision. The plans show the intention to construct and seal the road to a rural profile format, i.e. constructed traffic lanes and shoulders with road side drainage.

The road was inspected on 28 February 2014. The road formation and drainage are still in good condition, a remnant portion of the bitumen seal is still in existence for a short length of the road, and a section has been resurfaced using pre-mixed asphalt by one property owner adjacent to his property. This is presumably for dust suppression. The balance of the road has a pavement in moderate condition with a gravel surface.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and natural and built environment
Objective	Management of assets and infrastructure
Strategy	Proactive maintenance of roads, bridges and footpaths at documented standards in the Road Management Plan.

The proposal to declare Ingliston Drive to be a public highway is consistent with the 2013-2017 Council Plan.

Financial Implications

Should Council determine, after the 28 day public submission period has concluded with no submissions received, to declare Ingliston Drive a public highway, this does not automatically make Ingliston Drive a public road for the purposes of the Road Management Act.

Whilst there is minimal financial impact with regard to Council declaring Ingliston Drive as a public highway at this time, the decision to include the 1 kilometre length of Ingliston Drive in the Register of Public Roads should be made in accordance with the principles of the Road Management Plan, i.e, based on traffic volume, usage and location. A cursory reading of the RMP suggests a Status of Access 2, with the consequent construction standard and intervention levels. Capital expenditure would amount to \$3,300 per annum based on resheeting every 20 years and maintenance expenditure \$2,000 per year.

There is no compulsion on Council, upon including the road in the register, to upgrade or carry out additional works beyond the requirements of the Road Management Plan.

Risk & Occupational Health & Safety Issues

Declaring Ingliston Drive to be a public highway, and then determining to include the road in the Register of Public Roads, will require Council to manage Ingliston Drive in accordance with the Road Management Plan.

This should in fact, reduce Council's exposure to risk, as the management regime will be undertaken in accordance with legally defensible policy and procedures.

Community Engagement Strategy

Under section 204(1) and (2) of the *Local Government Act* 1989, a person has the right to make a submission under section 223 of the Act in respect of Council declaring a road as a public highway and to be open to public traffic.

Section 223 of the Act allows Council to advertise its intentions in a newspaper circulating generally within the Municipality inviting public submissions for a period of no less than 28 days after the date of the publication of the public notice in the newspaper and on Council's website. Council must then consider any submissions received in accordance with the Act.

Council has notified all proximate properties to Ingliston Drive of their right to make a submission to Council's proposal should they wish to do so. This will ensure that all property owners who may be affected by this proposal to have a guaranteed right to participate in the Council's decision making process.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer has 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 – Shane Marr

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

Authors – Michelle Morrow and Sam Romaszko

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

Conclusion

In order to give certainty to the status of Ingliston Drive and Council's authority in respect to the road and to eliminate the concerns of four of the property owners of Ingliston Drive, it is proposed for Council to advertise its intention to declare Ingliston Drive to be a public highway as provided for under section 204(1) of the *Local Government Act 1989*.

Consideration of Presentation.

Ms. Elisha Kaffar addressed Council in relation to Ingliston Drive, Ingliston – Proposed Declaration of Road to be a Public Highway.

The business of the meeting then returned to the agenda.

Resolution:

Crs. Dudzik/Comrie

That Council:

- 1. advertises its intention to declare Ingliston Drive to be a public highway in accordance with section 204(1) of the Local Government Act 1989 in order to give certainty to the status of the road;***
- 2. under the requirements of section 204(1) and (2) of the Local Government Act 1989, advertises that any submissions made under Section 223 may be submitted no less than 28 days after the date of publication in a***

newspaper circulating generally within the Municipality and on Council's website; and

- 3. following the completion of the public submission process receives an officer's report to be presented to Council considering all public submissions received.***

CARRIED.

Report Authorisation

Authorised by:



Name: Shane Marr
Title: General Manager Corporate Services
Date: Thursday 12 June 2014

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 4 June 2014 . Bungaree Committee of Management Update
- Assembly of Councillors . Wednesday 18 June 2014 . Tourism Funding Options
- Assembly of Councillors . Wednesday 18 June 2014 . Diversity Awareness Training

Resolution:

Crs. Sullivan/Toohey

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

- ***Assembly of Councillors – Wednesday 4 June 2014 – Bungaree Committee of Management Update***
- ***Assembly of Councillors – Wednesday 18 June 2014 – Tourism Funding Options***
- ***Assembly of Councillors – Wednesday 18 June 2014 – Diversity Awareness Training***

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
Audit and Risk Committee	26 February	Cr. Spain Cr. Dudzik
Rural Advisory Committee	13 March	Cr. Tatchell
Rural Advisory Committee	19 May	Cr. Tatchell
Lal Lal Falls Reserve Advisory Committee of Management	12 June	Cr. Sullivan

Resolutions:

Crs. Edwards/Sullivan

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

- ***Audit and Risk Committee meeting of Wednesday, 26 February 2014.***
- ***Rural Advisory Committee of Thursday, 13 March 2014.***
- ***Rural Advisory Committee of Monday, 19 May 2014.***
- ***Lal Lal Falls Reserve Advisory Committee of Management meeting of Thursday, 12 June 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
Bacchus Marsh Hall Committee of Management	11 December 2013 22 January 2014 26 February 2014 25 March 2014 24 April 2014	Cr. Spain Community Members
Lal Lal Soldiers Memorial Hall Committee of Management	26 May 2014	Community Members

Resolution:

Crs. Spain/Dudzik

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

- ***Bacchus Marsh Hall Committee of Management meeting of Wednesday, 11 December 2013***
- ***Bacchus Marsh Hall Committee of Management meeting of Wednesday, 22 January 2014***
- ***Bacchus Marsh Hall Committee of Management meeting of Wednesday, 26 February 2014***
- ***Bacchus Marsh Hall Committee of Management meeting of Tuesday, 25 March 2014***
- ***Bacchus Marsh Hall Committee of Management meeting of Thursday, 24 April 2014***
- ***Lal Lal Soldiers' Memorial Hall Committee of Management meeting of Monday, 26 May 2014.***

CARRIED.

11. NOTICES OF MOTION

Nil.

12. MAYOR'S REPORT

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

Cr. Tatchell - Mayor	
June 2014	
6 June, 2014	Official Opening 44th Annual Bacchus Marsh Rotary Art Show
14 June, 2014	Official Opening of the new Coimadai Fire Station
15 June, 2014	Moorabool Light Orchestra Winter Concert %Symphony of Classics+
16 June, 2014	Metropolitan Planning Authority - Lunch and Tour of Moorabool Shire with Mr Peter Seamer and Mr Tim Peggie, MPA
18 June, 2014	Assembly of Councillors - Tourism Funding Options Assembly of Councillors - Diversity Training Special Meeting of Council
19 June, 2014	Heritage Advisory Committee Meeting
20 June, 2014	Central Highlands Mayors and CEOs Forum
23 June, 2014	MAV Rural South, Central Meeting Bacchus Marsh Transport Study . Community Engagement Sessions
25 June, 2014	2014 ACTIVE8 Launch, Bacchus Marsh College
26 June, 2014	Blackwood Action Group Public Meeting
27 June, 2014	Meeting with Ben Taylor, Liberal for Buninyong re advocacy issues
28 June, 2014	Bacchus Marsh ALP Lunch with Daniel Andrews, Leader, ALP Victoria
2 July, 2014	Assembly of Councillors . Presentation from the Bacchus Marsh Community Consortium re Concept Proposal for a Multipurpose Centre In Health, Sport and Recreation at Bacchus Marsh Ordinary Meeting of Council

Resolution:

Crs. Spain/Comrie

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	
June 2014	
25 June	"Activ8" Launch, Bacchus Marsh College
25 June	Bacchus Marsh Transport Study
26 June	Blackwood Action Group Public Meeting

Cr. Comrie	
June 2014	
14 June	Coimadai Fire Station Opening
25 June	Bacchus Marsh Transport Study

Cr. Edwards	
June 2014	
June	Maddingley Park Committee of Management Meeting.

Cr. Sullivan	
June 2014	
23 June	MAV South West Meeting
30 June	AGM Audit and Ordinary Meeting of the Central Highlands Regional Waste Management Group

Resolution:

Crs. Comrie/Toohey

That the Councillors' reports be received.

CARRIED.

14. URGENT BUSINESS

14.1 Financial Assistance Grants Advocacy campaign

Introduction

File No.: 02/06/004
Author: Steve Ivelja
General Manager: Shane Marr

Background

In the proposed 2014. 15 Federal Budget, the Government announced that the indexation applied to the Financial Assistance Grants (FAGs) program would be paused for three years.

This decision will cost councils an estimated \$925 million in Financial Assistance Grants by 2017-18, with the impact expected to continue beyond this date.

On 16 June 2014 delegates of the National General Assembly for Local Government resolved to call on the Commonwealth Government to restore indexation of Financial Assistance Grants in line with CPI and population growth immediately.

The Australian Local Government Association (ALGA) has been fighting to have the value of the Financial Assistance Grants restored to a level equivalent to 1% of tax revenue.

Council has received correspondence from the ALGA asking Councils Australia wide to join the ALGA's call to have the Government reverse its decision to freeze the indexation of the Local Government FAGs.

The impact of the Government's decision on local communities must be brought home in a factual and clear way to all Coalition Federal members of Parliament and Senators.

The ALGA are calling on all local Mayors to write to their Federal Government representative highlighting the implications for the decision for local services and asking Coalition representatives whether they continue to support the decision. It is hoped that many Federal Government members would recognize the severe impact on their communities and support a review of the Government's decision.

The Municipal Association of Victoria intends to establish a Financial Assistance Grants & Rate Capping Taskforce and have called for expressions of interest from all Councillors and CEOs.

The objectives of the MAV taskforce are to consider both advocacy and operational options and initiatives for consideration by the MAV Board. The work of the taskforce will be informed by ALGA's approach to advocacy on FAGs and will provide input into staged advocacy seeking restoration of the FAGs base and indexation as well as developing a comprehensive response to the State ALP rate capping policy

Proposal

That Council, as requested by the ALGA, write to the Prime Minister, Members of the Federal Government of Victoria and Local Federal Member Catherine King seeking their support for the reversal of the Federal Governments proposed decision to freeze local government Financial Assistance Grants (FAGs) for three years until 2017/18.

That Council submit an expression of interest for General Manager Corporate Services and Cr. Tom Sullivan to join the MAV's Financial Assistance Grants & Rate Capping Taskforce.

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	<p>Advocate on behalf of the community to improve services and infrastructure within the Shire.</p> <p>Represent Council at a regional level to improve services and infrastructure within the shire</p>

Financial Implications

As indicated in a briefing note to Council in late May, the Federal Government proposal to freeze indexation on Financial Assistance Grant (FAGs) will result in an estimated \$5.5m revenue shortfall for Moorabool Shire over the next 10 years.

Communications Strategy

The issues surrounding the proposed freezing of Financial Assistance Grants will be communicated as part of the adoption of the 2014/15 Annual Plan & Budget.

The issues will be incorporated into the Adopted budget document in addition to any associated media and press releases pertaining to the budget.

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 – Shane Marr

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

Author – Steve Ivelja

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

Conclusion

This report has been prepared to raise Council's awareness to the implications of the Federal Government's proposed freeze on Financial Assistance Grants.

Resolution:

Crs. Sullivan/Toohey

That the Council:

- 1. write to the Prime Minister, Members of the Federal Government of Victoria and Local Federal Member Catherine King seeking their support for the reversal of the Federal Government's proposed decision to freeze local government Financial Assistance Grants (FAG's) for three years until 2017/18.***
- 2. submits an expression of interest for General Manager Corporate Services and Cr. Tom Sullivan and Cr. Spain as Proxy to join the MAV's Financial Assistance Grants & Rate Capping Taskforce as representatives for Moorabool Shire Council.***

CARRIED.

Report Authorisation

Authorised by:



Name: Shane Marr

Title: General Manager Corporate Services

Date: Wednesday, 2 July 2014

15. CLOSED SESSION OF THE MEETING TO THE PUBLIC**15.1 Confidential Report****ADJOURNMENT OF MEETING 7.02PM**

Crs. Comrie/Sullivan

That the meeting now stand adjourned for a period of 8 minutes.

CARRIED.

RESUMPTION OF MEETING 7.10PM

Crs. Sullivan/Edwards

That the meeting now be resumed.

CARRIED.

CLOSURE OF THE MEETING TO THE PUBLIC – 7.10PM

Resolution:

Crs. Sullivan/Edwards

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 7.18pm.

Confirmed.....Mayor.