

## **ORDINARY MEETING OF COUNCIL**

**Minutes** of the  
Ordinary Meeting of Council held at  
the Blackwood Hall, Byers Road, Blackwood on  
Wednesday 3 September 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 5.00pm.*

**2. PRESENT**

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

**Officers:**

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Shane Marr</i>	<i>General Manager Corporate Services</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Ms. Kate Diamond-Keith</i>	<i>Manager Community Development</i>
<i>Ms. Sian Smith</i>	<i>Manager Statutory Planning and Community Safety</i>
<i>Mr. Rob Fillisch</i>	<i>Coordinator Statutory Planning</i>
<i>Ms. Vicki Mack</i>	<i>Statutory Planner</i>
<i>Ms. Deb Absolom</i>	<i>Minute Taker</i>

**3. APOLOGIES**

<i>Cr. Allan Comrie</i>	<i>East Moorabool Ward</i>
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**4. CONFIRMATION OF MINUTES****4.1 Ordinary Meeting of Council – Wednesday 6 August 2014****Resolution:**

**Crs. Sullivan/Edwards**

*That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 6 August 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.

**Nil.**

## 6. PUBLIC QUESTION TIME

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

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

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

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

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

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

### **QUESTION ON NOTICE**

**Mr. Des Peters raised the following question at the Ordinary Meeting of Council on Wednesday 6 August 2014, which was taken on notice by the Chair for further investigations to be undertaken:**

***Mr Des Peters – Myrniong - The Blackwood Action Group provided a list of queries.***

### **RESPONSE TO QUESTION**

***An Assembly of Council was held on 3 September, 2014 in Blackwood for Council to respond to the questions on notice from The Blackwood Action Group. This gave the Group the opportunity to seek clarification on the answers provided by Council.***

**QUESTION ON NOTICE**

**Ms. Danielle Cooper raised the following question at the Ordinary Meeting of Council on Wednesday 6 August 2014, which was taken on notice by the Chair for further investigations to be undertaken:**

***Danielle Cooper – Council support for art therapists in schools.***

**RESPONSE TO QUESTION**

***Council Officer has made contact with Ms Cooper and discussed the options that are available.***

**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 Officers office and registering their name and agenda item being spoken to.

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

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

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

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

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

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

Item No	Description	Name	Position
-	-	-	-

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

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

Item No	Description	Name	Applicant/ Objector
9.2.5	<i>Planning Application PA2013-236; Two (2) Lot Subdivision and Development of Two (2) Dwellings, Lot 3 on PS536561T, 43 Inglis Street, Ballan</i>	James Bentley (on behalf of Colleen Johnson)	Objector
9.2.5	<i>Planning Application PA2013-236; Two (2) Lot Subdivision and Development of Two (2) Dwellings, Lot 3 on PS536561T, 43 Inglis Street, Ballan</i>	George Kapetanakis (EDQ Group)	On behalf of Applicant
9.2.6	<i>Planning Permit 2014-004; Development of Six (6) Dwellings and a waiver of the visitor car space on Lot 1 PS 434102W, 100 Masons Lane, Bacchus Marsh</i>	Fiona McNaughton	Objector
9.2.6	<i>Planning Permit 2014-004; Development of Six (6) Dwellings and a waiver of the visitor car space on Lot 1 PS 434102W, 100 Masons Lane, Bacchus Marsh</i>	Christopher Niessen	Objector
9.2.6	<i>Planning Permit 2014-004; Development of Six (6) Dwellings and a waiver of the visitor car space on Lot 1 PS 434102W, 100 Masons Lane, Bacchus Marsh</i>	Veronica Mayne	Objector

9.2.7	<i>Planning Application PA2014-139; The Use of land for a Place of Assembly (Music Festival) including camping and Business Identification sign; CA87B, Parish of Kerit Bareet, Yendon Egerton Road, VIC, Mount Egerton, 3352</i>	Kathleen Littlejohn	Objector
9.2.7	<i>Planning Application PA2014-139; The Use of land for a Place of Assembly (Music Festival) including camping and Business Identification sign; CA87B, Parish of Kerit Bareet, Yendon Egerton Road, VIC, Mount Egerton, 3352</i>	Gaylene Martin	Objector
9.2.7	<i>Planning Application PA2014-139; The Use of land for a Place of Assembly (Music Festival) including camping and Business Identification sign; CA87B, Parish of Kerit Bareet, Yendon Egerton Road, VIC, Mount Egerton, 3352</i>	Peter Martin	Objector
9.2.7	<i>Planning Application PA2014-139; The Use of land for a Place of Assembly (Music Festival) including camping and Business Identification sign; CA87B, Parish of Kerit Bareet, Yendon Egerton Road, VIC, Mount Egerton, 3352</i>	Charmaine Redford	Objector
9.2.7	<i>Planning Application PA2014-139; The Use of land for a Place of Assembly (Music Festival) including camping and Business Identification sign; CA87B, Parish of Kerit Bareet, Yendon Egerton Road, VIC, Mount Egerton, 3352</i>	Daniel Camilleri	Applicant



**9. OFFICER'S REPORTS**

**9.1 CHIEF EXECUTIVE OFFICER**

*No reports for this meeting.*

## **9.2 GROWTH AND DEVELOPMENT**

### **9.2.1 Council's Support of Tourism 2014/15 to 2016/17**

#### **Introduction**

File No.: 02/14/005  
Author: Peter Forbes  
General Manager: Satwinder Sandhu

#### **Background**

This report outlines Council's support of Tourism in the Shire for the next three financial years.

It is the culmination of discussions to date with Council, Council staff and key industry stakeholders and aligns with the strategy presented at the Assembly of Councillors on 18 June 2014.

This report addresses the following four aspects:

- Economic Development and Marketing Department Activity;
- Regional Tourism Board Involvement;
- Abolition of the Tourism Moorabool Section 86 Committee; and
- Tourism Event Funding Process.

#### **Proposal**

##### **Economic Development and Marketing Department Activity**

##### Ongoing Support for Tourism

The Economic and Development and Marketing Unit's direct services to tourism will focus on visitor servicing and event facilitation via the tourism and events officer, with strategic support and direction from the Manager Economic Development and Marketing to assist in the promotion of the Shire as a tourism destination.

The core tasks of the Tourism and Event Officer include:

- Operation of the Bacchus Marsh Visitor Information Centre; (362 days per year)
- Coordinating and Training (approximately) 50 Visitor Information Centre Volunteers;
- Coordinating Council's Event Approvals Process;
- Production and Distribution of Moorabool365 Events Calendar and Villages Brochures; and
- Maintaining Council's Online Tourism Presence. (Website and Social Media)

In addition to the core tasks, the Economic Development and Marketing Department will assist the local tourism industry via the following:

- Manage permanent tourism event signage frames in townships (if required);
- Inform industry of business and industry development and promotional opportunities;
- Lobby and advocate on behalf of the local tourism industry;
- Participate in the 2016 review of Council's Community Grants Program to include specific tourism event grants and sponsorship categories;
- Liaise with potential investors in local tourism and event development; and
- Co-ordinate a familiarisation tour of tourism product for the 2014 Victorian Tourism Industry Council Summit.

The following activities will no longer be directly supported by the Economic Development and Marketing Department:

- Tourism Moorabool (Section 86 Committee) Secretariat support;
- Financial support to Daylesford and Macedon Ranges Regional Tourism Board (DMRRTB);
- Production and distribution of a full suite of tourism marketing collateral;
- Feast of March Umbrella Marketing Campaign; and
- Full implementation of Tourism Destination Management Plan.

### **Council's Involvement in Regional Tourism**

Council will not directly fund the administration of a Regional Tourism Board or seek board membership.

Council will maintain a relationship with Regional Tourism boards best suited to providing RTB services to Moorabool if considered advantageous to tourism in the Shire. These include:

- Daylesford and Macedon Ranges Regional Tourism Board (DDMRRTB);
- Ballarat Regional Tourism (BRT); and
- Destination Melbourne (DM).

The following Council relationship is planned with the Regional Tourism Board during 2014/15:

#### All Regional Tourism Boards

- Disseminate the Tourism Moorabool suite of collateral to them via the visitor information network.
- Display RTBs collateral in the Bacchus Marsh Visitor Information Centre.
- Assess marketing prospectus and select marketing opportunities if warranted.

Daylesford and Macedon Ranges Regional Tourism Board

- Send regular tourism information and images for printed and electronic marketing and promotional opportunities.
- Forward on business development opportunities from them to our local tourism networks.
- Participate and help coordinate in the VITC Conference familiarisation tour of Moorabool. (one off opportunity subject to a budget bid)
- Participate in DMRRTBs low or no cost Melbourne based expos.
- Liaise with the board to assist our local tourism products with State and federal government funding bids requiring the imprimatur of the RTB.
- Contribute to the development of regional strategic documents as required.

Destination Melbourne

- Buy in to the Melbourne and surrounds map.
- Participate in DMR low or no cost Melbourne based expos.

Ballarat Regional Tourism

- Liaise with event organisers on existing co-hosted events logistics.
- Liaise with event organisers on new event development
- Participate in BRT low or no cost Melbourne based expos where possible.

As Moorabool Shire is identified as a tourism region within DMRRTB by Tourism Victoria, DMRRTB must include Moorabool Shire destinations and products in its development and marketing activities and represent the Shire's tourism interests at state level when required.

Services that DMRRTB are expected to provide Council and local operators as the state designated RTB are listed below:

- Support in funding applications by local operators and event organisers;
- Cost effective business and industry development workshops and seminars;
- Access to tourism specific information, research and strategy; and
- Lobbying on tourism issues

**Cessation of the Tourism Moorabool Section 86 Committee**

The Section 86 Tourism Moorabool Committee, haven't met since the Council funded secretariat resource ceased in June 2013, effectively concluding its function as an operating Section 86 Committee of Council.

It is recommended that the Section 86 Tourism Moorabool Committee is added to the public document register in order to recognise its current status. Prior to listing, a Council motion is required to be passed in order to formally abolish Tourism Moorabool as a Section 86 Committee of Council. Part 5, Section 11(h) of the Local Government Regulations 2004 states that

*“Council is required under this regulation to list any “abolished” special committees in the Public Document Register”.*

To acknowledge the past contribution of Section 86 Tourism Moorabool Committee and its Members, It is proposed to record Council's appreciation for the Committee's service to Council and their conscientiousness and commitment to advancing tourism in Moorabool Shire as a separate motion in this report.

The S86 Tourism Moorabool Committee achieved a great deal while in operation and the advice and assistance provided to Council over that period was greatly appreciated.

The Members were personally thanked for their contribution by Council Staff and the retiring Committee Chair at their last meeting in June 2013.

### **Tourism Event Funding Process**

#### Council's Involvement in Tourism Event Support

Council will provide the following support to local tourism events between 2014/15 and 2016/17:

- Events Reference Group (Moorabool Shire Council Staff);
- Moorabool 365 (Website, Social Media and Moorabool365 Event Calendar);
- Promote events at the Visitor Information Centre ; and
- Expanded direct support funding of tourism events.

#### Events Reference Group

An improved risk management and event facilitation application and review system convened by the Economic Development and Marketing Department consists of Council staff involved in regulating aspects of events. The reference group meets frequently to assess event applications and act early in the event planning cycle on issues as required.

#### Moorabool365

Activity continues with the 2015 Moorabool365 event calendar scheduled for distribution in January and February 2015. The Moorabool365 Facebook page will regularly promote events via social media channels and drive visitation back to the tourism website. The tourism website has been updated with improved promotion of events.

#### Promote events at the Visitor Information Centre

The Visitor Information Centre in Bacchus Marsh will continue to promote tourism events held in the Shire prior to the event and assist visitors on the day of events. The VIC visitation statistics will be made available to event organisers on request to assist with market research and future event planning.

### Expanded Direct Support Funding for Events

With the discontinuance of the Feast of March Campaign and DMRRTB support, there is an opportunity for new and existing events to be financially supported without a net increase in cost to Council, via reallocation of these funding sources.

### Allocation of Events Funding

- Allocation 1 . Reallocate the Feast of March Umbrella Marketing Campaign funding to New Events

The Feast of March \$19,900 funding allocation in the 2014/15 budget would be reallocated to support the development of new events in the Shire, with a longer-term commitment of a minimum of three years. The Feast of March would cease. (Refer to Attachment 9.2.1a Event Funding Application Process and Criteria)

- Allocation 2 . Continue to allocate the previous DMRRTB funding to Existing Major Events.

The \$17,500 funding allocation in the 2014/15 budget would again be reallocated to support existing major events in the shire, with a longer-term commitment of a minimum of three years. This means no RTB will receive direct financial support from Council for administration. (Refer to Attachment 9.2.1a Event Funding Application Process and Criteria)

This transition is illustrated in table 1 below.

<b>2012/2013 Budget</b>		<b>2014/2015 Budget</b>	
DMRRTB Membership	\$17,500 ➡	Existing Major Event Grants	\$17,500
Feast of March Campaign	\$14,700 ➡	New Event Grants	\$19,900

**Table 1. Council Funding Priority Changes**

### Council Event Funding Model

Local event organisers regard their limited financial and human resources as a major barrier to their sustainability and improvement. The lack of resources to adequately plan, manage risk, undertake market research, track and measure outcomes and undertake succession planning manifests itself in a cycle of events that risks events under delivering, development of volunteer and participant fatigue and eventually disbandment.

Council can demonstrate support to existing local tourism events by providing a pool of funding to support event sustainability.

Council commenced this approach on 16 October, 2013 at the Ordinary Meeting of Council when it passed a Notice of Motion (#234) allocating a total of \$17,500 directly to three local tourism event organisations in 2013/14.

Resolution five of NOM #234 acknowledged the need for a more detailed process to guide decision-making on allocating funds to tourism events for future years.

Below is the recommended process to guide Council decision making when allocating council funding directly to existing major local tourism events.

### Grant Process

The proposed process is largely based on the existing Council grants process as it is considered more inclusive, rigorous and transparent than alternative processes.

The Tourism Events Grant Program Guidelines (Attachment 9.2.1b) encourages and rewards events that can demonstrate good planning, management and promotion of local events, event organisers skill development and a tourism focus. The tourism grant application form has been reviewed and updated accordingly (Attachment 9.2.1c)

Anticipated outcomes for event funding recipients include:

- More time to planning and organising event logistics.
- Less time required to reach fundraising goal.
- More funds to increase marketing.
- More funds to improve event experience.
- Improved financial planning and security
- More likely to afford specialist and professional support.

In acknowledging the effort required to apply for direct grant funding and the need for funding certainty and longer term planning, it is proposed that the term of the grant be extended over three financial years. That way all applicants have certainty one way or the other and can tailor their budgets and events accordingly.

The application period for the new event grants category is scheduled for longer and to commence later than the existing major events grant program. This is to acknowledge the greater time required formulating a new concept and developing the business case.

New events are more likely to need funding to start-up, provide more reasons to visit the shire more often, and have greater potential for improved industry and product development outcomes.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	A strong and diverse local economy
<b>Strategy</b>	Encourage tourism initiatives through local and regional groups

The proposal to support local tourism events is consistent with the 2013-2017 Council Plan.

### Financial Implications

There are no material impacts on the 2014/15 Council Budget Allocation.

### Risk & Occupational Health & Safety Issues

Event organisers may not be succeed in implementing their planned event for three or more years.

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial . Inadequate funds to finish project	Inadequate financial management, Over estimation of market demand.	Low	Implementation of contract. Application criteria. Allocate funding annually.

### Communications and Consultation Strategy

Level of Engagement	Stakeholder	Activities	Outcome
Inform	Community, Local Tourism Event Organisers	Advertising Media Release Direct Mail	New and existing tourism event organisers apply for grants.

### Communication Strategy

The grant opportunity will be promoted and advertised once the funding round application period starts and will continue until the application period closes. All applicants will be directly notified of the decision and successful applicants promoted via the media.

### 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 – Peter Forbes*

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



## **Conclusion**

The Economic Development and Marketing Department will continue to support local tourism primarily via visitor servicing and event facilitation services. Some destination promotion will continue, as well as industry and product development assistance and referrals.

In order to meet industry stakeholder requests for Council to directly fund tourism events with existing financial resources, adjustment to current service levels are required.

It is proposed to continue to fund key tourism events and expand the funding available to encourage new tourism event development by reallocating the Feast of March Umbrella Marketing Campaign funding for the 2014/15, 2015/16 and 2016/17 financial years.

The recommended delivery method is a Grant Application Process similar to the existing Community Grants Program.

The change in activity and funding reallocation means a discontinuance of formal participation with Regional Tourism Boards, the Feast of March Umbrella Marketing Campaign and the Tourism Moorabool Section 86 Committee.

## **Recommendation:**

### **That Council:**

- 1. Establishes a New Annual Grant Category to support the development of new events funded from the \$19,900 Feast of March Umbrella Marketing Campaign budget with a minimum three (3) year commitment.**
- 2. Continues to support the Annual Existing Major Events Grant category with the budget allocated funding of \$17,500 with a minimum commitment of three financial years.**
- 3. Adopts the Event Funding Application Process and Criteria as the process for allocating grant funding. (Attachment 9.2.1a)**
- 4. Formally bring to an end the Section 86 Tourism Moorabool Committee and list on the Public Document Register.**
- 5. Formally acknowledges and thanks the Section 86 Tourism Moorabool Committee for their service, conscientiousness and commitment to advancing tourism in Moorabool Shire.**

**Resolution:****Crs. Spain/Edwards*****That Council:***

- 1. Establishes a New Annual Grant Category to support the development of new events funded from the \$19,900 Feast of March Umbrella Marketing Campaign budget with a three (3) year commitment.***
- 2. Continues to support the Annual Existing Major Events Grant category with the budget allocated funding of \$17,500 with a minimum commitment of three financial years.***
- 3. Adopts the Event Funding Application Process and Criteria as the process for allocating grant funding. (Attachment 9.2.1a)***
- 4. Formally bring to an end the Section 86 Tourism Moorabool Committee and list on the Public Document Register.***
- 5. Formally acknowledges and thanks the Section 86 Tourism Moorabool Committee for their service, conscientiousness and commitment to advancing tourism in Moorabool Shire.***

**LOST.****Resolution:****Crs. Toohey/Spain*****That Council:***

- 1. Establishes a New Annual Grant Category to support the development of new events funded from the \$19,900 Feast of March Umbrella Marketing Campaign budget with a three (3) year commitment with applications open to the community twice per year.***
- 2. Continues to support the Annual Existing Major Events Grant category with the budget allocated funding of \$17,500 with a minimum commitment of three financial years with applications open to the community twice per year.***
- 3. Adopts the Event Funding Application Process and Criteria as the process for allocating grant funding. (Attachment 9.2.1a)***
- 4. Formally bring to an end the Section 86 Tourism Moorabool Committee and list on the Public Document Register.***

5. ***Formally acknowledges and thanks the Section 86 Tourism Moorabool Committee for their service, conscientiousness and commitment to advancing tourism in Moorabool Shire.***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu

**Title:** General Manager Growth & Development

**Date:** Tuesday, 26 August, 2014



### 9.2.2 Planning Application PA2014-024; Use of Land for Display of a Promotional Sign on Council Road Reserve, Corner Grant and Griffith Street, Maddingley

*This proposal is before Council due to the recommendation of a refusal, which is not a delegated decision.*

*This application is one of three being considered for signage, by the same applicant, for the purpose of promoting the same estate.*

Application Summary:	
Permit No:	PA2014-024
Lodgement Date:	3 February 2014
Planning Officer:	Natalie Robertson
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	1 July 2014
Address of the land:	Council Road Reserve, Corner Griffith and Grant Street, Maddingley
Proposal:	Use of Land for the Display of Promotional Signage
Lot size:	Not applicable
Why is a permit required	Clause 36.04 . Road Zone Clause 42.01 . Environmental Significance Overlay . Schedule 8, River Red Gums
Public Consultation:	
Number of notices to properties:	None
Notices on site:	None
Notice in Moorabool Newspaper:	No
Number of Objections:	None
Consultation meeting:	None held.

<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building controls.
<b>Strategy</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications  Ensure that development is sustainable, resilient to change and respects the existing character.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
<b>Officer's Declaration of Conflict of Interests</b>	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.  <i>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 – Natalie Robertson</i>  In providing this advice to Council as the Author, I have no interests to disclose in this report.	
<b>Executive Summary:</b>	
This application seeks approval for display of a promotional sign for the Devine, Stonehill Development within the Council Road Reserve on the south western corner of Grant and Griffith Streets, Maddingley. The application is one of several made by the applicant for various sites within Bacchus Marsh seeking the display of a promotional sign for the West Maddingley Stonehill (and in this case Essence) Development.  The applicant has provided details of the signage and sought the permission of Council to use its land for the purpose of the signage. On 20 May 2014 Council advised the applicant that it would not consent as the land manager to the display of signage at the site.	

Council informed the applicant, that as Council currently has no Street Signage Policy all applications for signage where Council is the land manager will not supported.

It was recommended to the applicant that the application be withdrawn, however the applicant has not withdrawn its application and the matter is now before Council for consideration.

This report recommends that Council issue a Refusal to Grant a Planning Permit for Use of the Land to Display a Promotional Sign on the basis that Council has no policy in order to address applications for signage within land it manages, particularly on road reserves. Previous requests by other parties, of this nature have not been supported on this basis, and therefore, it is warranted that a consistent approach be taken. Further, assessment against the relevant zone has determined the proposal to be prohibited.

**Summary Recommendation:**

The applicant has been advised that Council, as the land manager, is unable to support the application.

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

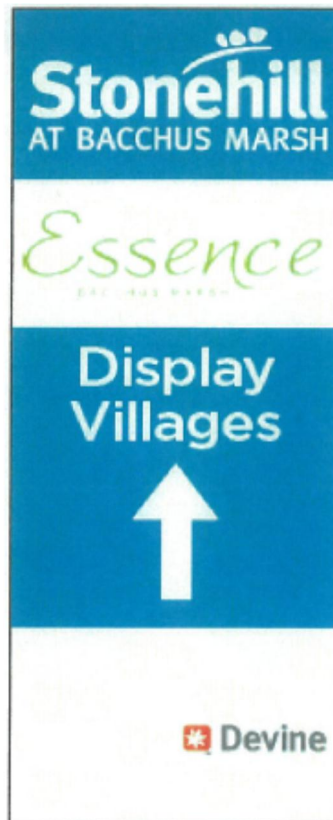
**Background**

The subject site has no planning history.

**Proposal**

The application was received by Council on 3 February 2014. The proposal seeks to display a promotional sign for the Stonehill and Essence land development in West Maddingley within the road reserve on the south western corner of Grant and Griffith Street, Maddingley.

The sign would have the dimensions 1.2m by 3.0m and is proposed to be on display for a period of five (5) years. Materials would be of non-illuminated printed banner skin as follows:



### Site Description

The subject site is located on the south western corner of the roundabout at the junction of Griffith Street, Station Street, Grant Street and Parwan Road. The land is zoned Road Zone Category 2 (RDZ2).

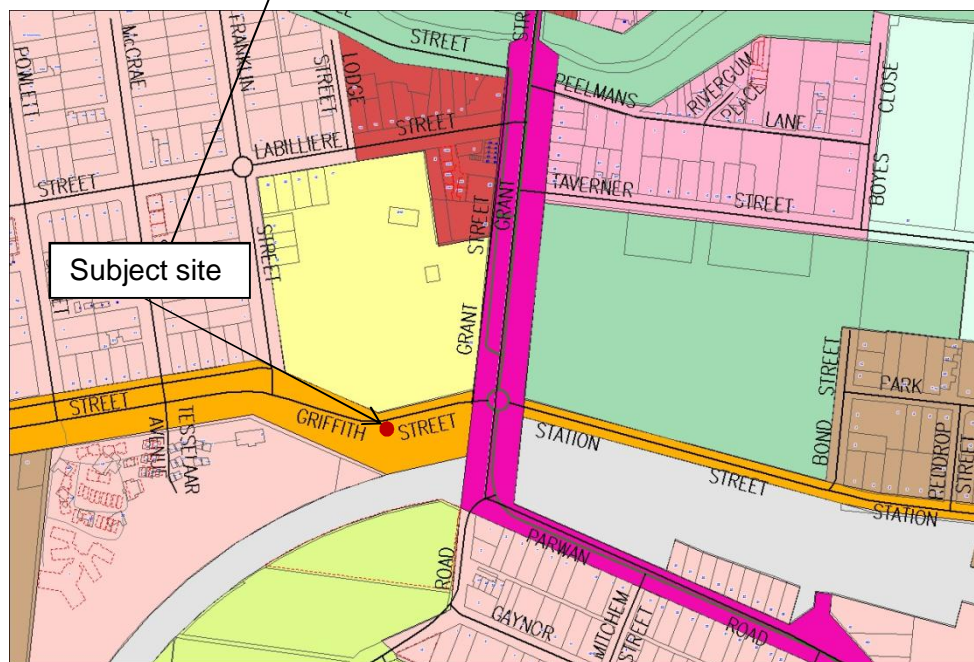
The sign is proposed to be set back less than 1m from the road and approximately 50m from the centre of the roundabout. The location is directly adjacent Bacchus Marsh College and is in close proximity to the train station and Maddingley Park.

The sign would be visible to southern bound traffic from Grant Street, traffic approaching the roundabout from Station Street and Parwan Road.

## Locality Map



Figure 1- Approximate location of the sign and surrounding area





## Planning Scheme Provisions

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

<b>SPPF</b>		
Clause 11	Settlement	The proposal is consistent with this policy, which advocates ongoing provision of land and supporting infrastructure to support urban sustainable development. Signage to promote significant development sites would be considered key infrastructure.
Clause 15.01	Built Environment and Heritage	Any development should respond to its context. It is generally acceptable that signage promoting a development/use/subdivision in close proximity is reasonable.
<b>LPPF</b>		
Clause 21.07	Bacchus Marsh	The Local Policy is silent on road signage, however in support of the proposal the policy does encourage coordinated master-planned development in identified areas in and around Bacchus Marsh. The general locality where the sign is proposed is suitable to promote the West Maddingley Development as approved under the West Maddingley Development Plan . Design and Development Overlay Schedule 3 (DPO3).

## Zone

### Road Zone Category 2

The subject site is within the road reserve of Griffith Street and is therefore, Road Zone Category 2.

In accordance with Clause 36.04-4 a permit is required to display a sign over land within 600 millimetres of the road formation and for other land in this zone, the category of advertising control which applies is the category which applies to the adjoining zone nearest to the land.

The zone provisions generally specify which category of advertising control applies. In the case of a Road Zone . Category 2, the category which applies to the adjoining zone nearest to the subject site applies. In this case, Public Use Zone -4, Transport.

In accordance with Clause 36.04-4, *when the Public Use Zone 4 is the nearest adjoining Zone, a permit is required to display a sign.*

However, for land within the PUZ4, the category of advertisement control which applies is the category which applies to the adjoining zone nearest to the land. In this respect we must assess the land under the General Residential Zone.

#### General Residential Zone

Pursuant to Clause 32.08-11 of the General Residential Zone, the land must be assessed pursuant to Category 3 of Clause 52.06 . Advertising Signage. Category 3- High Amenity areas would classify this proposal as a Promotion sign and with a planning permit must not exceed 2 sq m in area.

In the circumstances, it would be considered that the signage would therefore, be prohibited.

### **Overlays**

#### Environmental Significance Overlay

The site is affected by the Environmental Significance Overlay, Schedule 8 . River Red Gums.

The proposed signage would fall within the Tree Protection Zone of an existing River Red Gum tree. The Tree Protection Zone is defined as being an area with a radius equal to the furthest point of the tree canopy from the centre of the trunk plus 5 metres.

### **Particular Provisions**

#### Clause 52.05 Advertising Signs

The Advertising Signs Clause 52.05 seeks to implement the following:

- To regulate the display of signs and associated structures;
- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character;
- To ensure signs do not contribute to excessive visual clutter or visual disorder;
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

The zone provisions generally specify which category of advertising control applies. In the case of a Road Zone . Category 2, the category which applies to the adjoining zone nearest to the subject site applies. In this case, Public Use Zone -4, Transport. However, the PUZ directs consideration of an application for advertisement within this zone to assess the proposal against the nearest adjoining zone, the General Residential Zone (GRZ).

Pursuant to Clause 32.08-11 of the GRZ, the signage must be assessed pursuant to Category 3 of Clause 52.06 . Advertising Signage. Category 3-High Amenity areas would see the proposed classified as a Promotion sign and with a planning permit must not exceed 2 sq m in area.

In the circumstances, it would be considered that the signage would therefore, be prohibited.

### Referrals

The application was referred pursuant to s.52 of the Planning and Environment Act 1987 for comment as follows:

Authority	Response
Infrastructure	No objection, subject to conditions

### Public Notice

No public notice was undertaken as it was considered not warranted given Council, as the land manager, has refused to provide permission for the display of the sign.

### Discussion

Under usual circumstances an application for approval of signage would be assessed under the provisions of the Zone, the relevant Overlays, and the requirements of 52.05 . Signage.

In this instance, however, the applicant has sought to display a promotional sign in land which is managed by Council. Upon application to the Council for permission to display the sign correspondence dated 20 May 2014 was provided by Council to the applicant advising:

*'As Council has no adopted Street Signage Policy it has been determined that all applications for signage on land where Council is the land manager will not be supported at this time.'*

The applicant was given the opportunity to withdraw the application or have Council consider the recommendation for refusal at an Ordinary Meeting of Council.

The issue before Council is that with no clear policy, to determine criteria for approval or refusal, the General Manager, Growth and Development has directed that at this time Council will not provide consent to applications of this type.

### Financial Implications

The recommendation to refuse a permit for the use of the land to display a promotional sign is not likely to represent any financial implications to Council, except where the applicant may choose to have this matter determined by appeal to the Victorian Civil and Administrative Tribunal.

### Risk and Occupational Health and Safety Issues

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

### Communications Strategy

Notice was not undertaken for the application on the basis that the landowner, Council, has not provided consent to the application and the matter was to go before an Ordinary Meeting of Council for refusal.

### Conclusion

As there is no Signage policy whereby a criteria for acceptable signage within Council managed land is defined it is recommended that a Refusal to Grant a Permit is issued.

#### Resolution:

**Crs. Sullivan/Toohey**

***That having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Refusal to Grant a Permit for application PA2014-024 for Use of the Land for Display of a Promotional Sign on Council Road Reserve on the south west side of the Grant Street and Griffith Street roundabout, Maddingley, on the following grounds:***

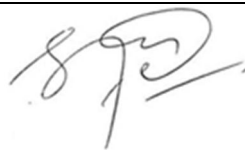
- 1. The proposed promotional sign is prohibited.***
- 2. The proposal be refused on the basis that Council has no formal Street Signage Policy within the Local Planning Policy Framework of the Moorabool Planning Scheme or as adopted Council policy and therefore, no clear or consistent criteria for assessment of applications which fall within land managed by Council.***
- 3. Council does not provide permission to erect the sign as the land owner and manager.***

**CARRIED.**

---

#### Report Authorisation

Authorised by:



**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Monday, 25 August 2014

### 9.2.3 Planning Application PA2014-026; Use of Land for Display of a Promotional Sign at 110 Main Street, Bacchus Marsh (Lot 1 on PS 416644K)

*This report meets the criteria established for the Development Assessment Committee (DAC) based on the number of objections received; however this application is one of three being considered for signage, by the same applicant, for the purpose of promoting the same estate.*

*To ensure there is a consistent approach to these applications they are all being put before an Ordinary Meeting of Council for a decision.*

<b>Application Summary:</b>	
Permit No:	PA2014-026
Lodgement Date:	3 February 2014
Planning Officer:	Natalie Robertson
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	1 July 2014
Address of the land:	110 Main Street, Bacchus Marsh (Lot 1 on PS 416644K)
Proposal:	Use of Land for the Display of a Promotion Sign Directional Sign
Lot size:	437sq m
Why is a permit required	Clause 52.05 . Advertising Signs
<b>Public Consultation:</b>	
Number of notices to properties:	Thirteen (13)
Notices on site:	Two (2)
Notice in Moorabool Newspaper:	No
Number of Objections:	One
Consultation meeting:	None held.

<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building controls.
<b>Strategy</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications  Ensure that development is sustainable, resilient to change and respects the existing character.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
<b>Officer's Declaration of Conflict of Interests</b>	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.  <i>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 – Natalie Robertson</i>  In providing this advice to Council as the Author, I have no interests to disclose in this report.	
<b>Executive Summary:</b>	
This application seeks approval for display of a promotional sign for the Devine, Stonehill Development to rear of the building at 110 Main Street, Bacchus Marsh. The rear of the building adjoins the Church Street commercial car park and is visible to south bound traffic on Gisborne Road. The application is one of several made by the applicant for various sites within Bacchus Marsh seeking the display of signage for the West Maddingley Stonehill Development.  The zoning is Commercial 1 Zone. The applicant has provided details of the signage. Through public notice of the application, an objection was received from the landowner who advised that they were opposed to the proposal and would not consent to the signage should a permit issue.	

The applicant was informed, that as consent was not provided by the landowner, whilst the application may have merit, the officer, having considered previous approvals for Stonehill signage within the area, together with the landowner objection, intended to refuse the application.

The applicant was aware that the application could be withdrawn at any time, however has sought to proceed to a recommendation for refusal to grant a permit.

This report recommends that Council issue a Refusal to Grant a Planning Permit for Use of the Land to Display a Promotion Sign on the basis that the landowner has objected to the proposal and consideration of other signage already approved within the immediate vicinity that promotes the Stonehill development.

**Summary Recommendation:**

The applicant has been advised, that as the landowner objected to the proposal, having considered other signage for the Stonehill Development already approved in close proximity, Council is unable to support the application.

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

**Background**

The subject site has the following planning permits:

- PA2007-162 granted on 8 January 2008 for the now existing signage.
- PA2013-291 which grants an on premises liquor licence.

## Proposal

The application was received by Council on 3 February 2014. The proposal seeks to display a promotional sign for the Stonehill land development in West Maddingley on top of the roof with a northern orientation from the existing commercial building located 110 Main Street, Bacchus Marsh.

The sign would have a total area of 15sq m with approximate dimensions of 6m by 2.5m, would not be illuminated and is proposed to be on display for a temporary period of up to five (5) years.



Promotion sign content



Current View

Proposed position

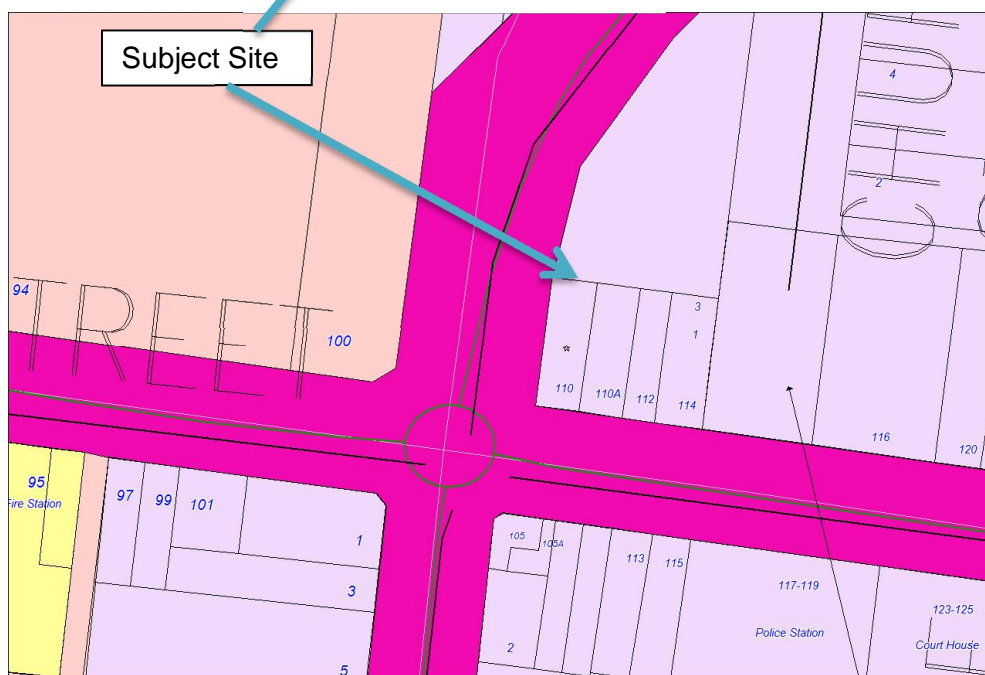
## Site Description

The subject site is located in the main commercial precinct of Bacchus Marsh at 110 Main Street. The commercial building is occupied as a café / restaurant and tile shop and is immediately on the north east corner of the Gisborne Road and Main Street roundabout.

The sign would be located on the rooftop at the rear of the building with a northern orientation, thereby visible to southern bound traffic from Gisborne Road.



## Locality Map



## Planning Scheme Provisions

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

<b>SPPF</b>		
Clause 11	Settlement	The proposal is consistent with this policy, which advocates ongoing provision of land and supporting infrastructure to support urban sustainable development. Signage to promote significant development sites would be considered key infrastructure.
Clause 15.01	Built Environment and Heritage	Any development should respond to its context. It is generally acceptable that signage promoting a development in close proximity is reasonable.
<b>LPPF</b>		
Clause 21.07	Bacchus Marsh	The Local Policy is silent on street signage, however in support of the proposal the policy does encourage coordinated master-planned development in identified areas in and around Bacchus Marsh. The proposal would be suitable located to promote the West Maddingley Development as approved under the West Maddingley Development Plan . Design and Development Overlay Schedule 3 (DPO3).

## Zone

### Commercial 1 Zone

The subject site is within the Commercial 1 Zone. In accordance with Clause 34.01-9 of the zone the signage Category is 1 and the requirements for advertising signage must be met under Clause 52.05 . Advertising Signs,

## Particular Provisions

### Clause 52.05 Advertising Signs

The Advertising Signs Clause 52.05 seeks to implement the following:

- To regulate the display of signs and associated structures;
- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character;
- To ensure signs do not contribute to excessive visual clutter or visual disorder;
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

The proposed signage is defined as Promotional Signage . *a sign of less than 18sqm that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.*

In accordance with Clause 52.05, Category 1, a permit is required for a promotional sign where the total advertisement area of all signs to each premises exceeds 8sq m. This excludes a sign with an advertisement area not exceeding 1.5sq m that is below a veranda or, if no veranda, that is less than 3.7m above pavement level.

The proposed signage is above pavement level of 3.7m and exceeds the minimum 8sq m requirement and therefore, a planning permit is required.

## Referrals

The application was referred pursuant to s.52 of the Planning and Environment Act 1987 for comment as follows:

Authority	Response
Infrastructure	No objection, subject to conditions

## Public Notice

Advertisement of the proposal was undertaken by way of notice in the mail to surrounding and adjoining landowners, together with the owner and occupier of the subject site (who was not the applicant) and by displaying a sign on site for the period 16 June 2014 until 30 June 2014.

One objection was received. The objection was received from the landowner of the subject site who stated:

*“We object on the grounds that the proposed signage will reduce the value of our property and reduce the effectiveness of the existing signage for our tenants.”*

## Discussion

Assessment of the proposal under usual circumstances would consider the following:

- That signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character;
- The signs do not contribute to excessive visual clutter or visual disorder;
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

In this regard, consideration has been given to signage approval on the adjacent land at 105 Main Street, Bacchus Marsh. With the display of the already approved signage together with this signage it is considered that the sign would provide visual clutter to the corner.

Photographs show the street potential street view that would support the suggestion of visual clutter.



Furthermore, the landowner themselves have objected to the proposal and whilst property value is not a planning consideration, limitation of the tenants right to signage is worthy of consideration.

It also thought that if the owner of the land objects to the proposal and the basis of this objection is not overruled by strong planning legislation or planning merit, it would be reasonable for the landowner to expect that Council would make a recommendation to refuse the application.

It is also reasonable that a business is able to promote their business to stimulate economic development on their own site, within the parameters of planning controls.

### **Financial Implications**

The recommendation to issue a refusal to grant a planning permit for the use of the land to display a promotional sign is not likely to represent any financial implications to Council, except where the applicant may choose to have this matter determined by appeal to the Victorian Civil and Administrative Tribunal.

### **Risk and Occupational Health and Safety Issues**

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

### **Communications Strategy**

Notice was undertaken for the application, in accordance with the Planning and Environment Act 1987, and one objection was received. The applicant and objectors were informed that this matter would be heard by Council and was advised of their right to address Council. The applicant and objectors will be advised of Council's determination.

### **Conclusion**

In this instance, the applicant has sought to display a promotional sign on land which is not in its ownership and it does not have the approval of the landowner, with this and including the assessment for visual bulk, a refusal to grant a planning permit is warranted.

### **Resolution:**

#### **Crs. Sullivan/Toohey**

***That having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Refusal to Grant a Planning Permit for application PA2014-026 for Use of the Land for Display of a Promotional Sign at 110 Main Street, Bacchus Marsh also known as Lot 1 on PS 416644K on the following grounds:***

- 1. The proposal would contribute to a saturation of similar signage with a small area and provide visual clutter and disorder as a result.***

2. *The proposal does not have the support of the subject site landowner and, in this instance, it is therefore appropriate to issue a refusal to grant a planning permit for permission that is not supported by that landowner.*

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**



**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Monday 28 July 2014

#### 9.2.4 Planning Application PA2014-028; Use of Land for Display of a Major Promotion sign at 5 Grant Street, Bacchus Marsh (Lot 2 on PS 002498)

*This report meets the criteria established for the Development Assessment Committee (DAC) based on the number of objections received; however this application is one of three being considered for signage, by the same applicant, for the purpose of promoting the same estate.*

*To ensure there is a consistent approach to these applications they are all being put before an Ordinary Meeting of Council for a decision.*

Application Summary:	
Permit No:	PA2014-028
Lodgement Date:	3 February 2014
Planning Officer:	Natalie Robertson
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	1 July 2014
Address of the land:	5 Grant Street (Lot 2 on PS 002498)
Proposal:	Use of Land for the Display of a Major promotion sign
Lot size:	949.5sq m
Why is a permit required	Clause 52.05 . Advertising Signs Clause 43.01 . Heritage HO75 (former Theatre)
Public Consultation:	
Number of notices to properties:	No public notice undertaken
Notices on site:	
Notice in Moorabool Newspaper:	
Number of Objections:	
Consultation meeting:	



<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building controls.
<b>Strategy</b>	<p>Implement high quality, responsive, and efficient processing systems for planning and building applications</p> <p>Ensure that development is sustainable, resilient to change and respects the existing character.</p>
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
<p>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.</p>	
<b>Officer's Declaration of Conflict of Interests</b>	
<p>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.</p> <p><i>Statutory Planning Coordinator – Robert Fillisch</i></p> <p>In providing this advice to Council as the Coordinator, I have no interests to disclose in this report.</p> <p><i>Author – Natalie Robertson</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	



**Executive Summary:**

This application seeks approval for display of a major promotion sign for the Devine, Stonehill Development on the northern roof side of the building. The building is the former Theatre building located at 5 Grant Street, Bacchus Marsh which is currently used as a theatre, music and performing arts school.

The building is recognised within Moorabool's Heritage Overlay as the former *Theatre*. The application is one of several made by the applicant for various sites within Bacchus Marsh seeking the display of signage for the West Maddingley Stonehill Development.

The zoning is Commercial 1 Zone. The applicant has provided details of the signage. No public notice was conducted as an assessment of the proposal at the subject site together with other signage already approved for the Stonehill development in immediate proximity to the subject site meant that the officer had determined that the proposal would receive a recommendation for refusal.

The applicant was informed that the officer was likely to make a recommendation for refusal having considered previous approvals for Stonehill signage within the area. The applicant has chosen to have the matter considered by Council rather than choose the option to withdraw the application.

This report recommends that Council issue a Refusal to Grant a Planning Permit for Use of the Land to Display a Major Promotion sign on the basis that the proposal is contrary to signage objectives and would contribute to a saturation of Stonehill signage in the immediate area.

**Summary Recommendation:**

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

**Background**

The subject site has the following planning permits:

- PA2005-299 permit granted for a place of assembly (music school) and waiver of 129 car parking spaces.

**Proposal**

The application was received by Council on 3 February 2014. The proposal seeks to display a major promotion sign for the Stonehill land development in West Maddingley on top of the roof with a northern orientation from the existing theatre building located 5 Grant Street, Bacchus Marsh.

The sign would have a total area of 29.4sq m with approximate dimensions of 8.4m by 3.55m, would not be illuminated and is proposed to be on display for a temporary period of up to five (5) years.



Major promotion sign



Current View



Proposed position

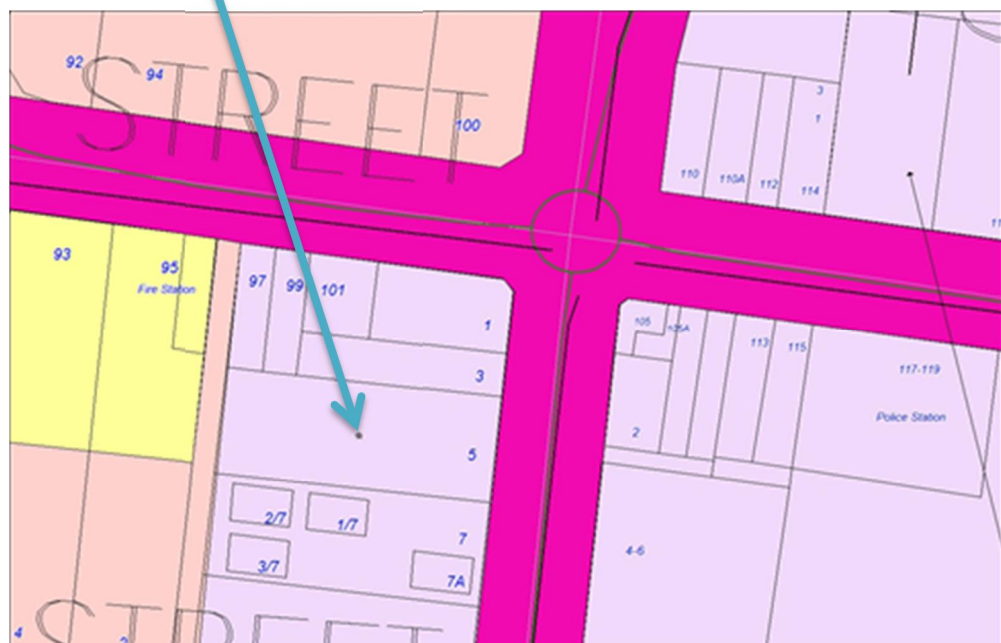
## Site Description

The subject site is located in the main commercial precinct of Bacchus Marsh at 5 Grant Street. The commercial building is occupied as a music school incorporating a theatre and various performing arts lessons. Surrounding built form comprises a mix of single and double storey construction commercial buildings.

The sign would be located on the roof with a northern orientation, thereby visible to southern bound traffic from Gisborne Road and also from the Gisborne Road and Main Street roundabout.



Subject Site



## Planning Scheme Provisions

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

SPPF		
Clause 11	Settlement	The proposal is consistent with this policy, which advocates ongoing provision of land and supporting infrastructure to support urban sustainable development. Signage to promote significant development sites would be considered key infrastructure.
Clause 15.01	Built Environment and Heritage	Any development should respond to its context. It is generally acceptable that signage promoting a development in close proximity is reasonable.
LPPF		
Clause 21.07	Bacchus Marsh	The Local Policy is silent on street signage, however in support of the proposal the policy does encourage coordinated master-planned development in identified areas in and around Bacchus Marsh. The proposal would be suitable located to promote the West Maddingley Development as approved under the West Maddingley Development Plan . Design and Development Overlay Schedule 3 (DPO3).

## Zone

### Commercial 1 Zone

The subject site is within the Commercial 1 Zone. In accordance with Clause 34.01-9 of the zone the signage Category is 1 and the requirements for advertising signage must be met under Clause 52.05 . Advertising Signs,

## **Overlays**

### Heritage Overlay

The subject site is affected by Heritage Overlay HO75 . former Theatre. Pursuant to Clause 43.01-1 a planning permit is required to construct or display a sign within the Heritage overlay.

The building was constructed in 1927 and opened on 11 June 1927 as the Trivoli Theatre and was considered the centre for social activity within the Bacchus Marsh township combining facilities for moving pictures and a dance floor. The building has since been known as the Landsberg Hall, Landsberg Theatre and as part of a refurbishment in 1938 was reopened as the 450 seat Astor Theatre.

It is considered the building has historical significance as a representative embodiment of social values and the way of life of the late 1920s and continues to be traditional community meeting place in Bacchus Marsh.

The purpose of the Heritage Overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

It is considered that the proposed sign does not conserve or enhance the building, nor does it positively contribute to the heritage significance of the site.

## **Particular Provisions**

### Clause 52.05 Advertising Signs

The Advertising Signs Clause 52.05 seeks to implement the following:

- To regulate the display of signs and associated structures;
- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character;
- To ensure signs do not contribute to excessive visual clutter or visual disorder;
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

The proposed signage is defined as Major promotion signage . *A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.*

In accordance with Clause 52.05, Category 1, any sign not listed as a Section 1 Use . no permit required, unless it is prohibited, becomes a Section 2 Use, permit required. In this instance, a major promotion sign is a Section 2 Use and requires a planning permit.

### Referrals

The application was referred pursuant to s.52 of the Planning and Environment Act 1987 for comment as follows:

Authority	Response
Infrastructure	No objection, subject to conditions

### Public Notice

Advertisement of the proposal was not undertaken as the proponent was advised that the officer was likely to recommend refusal on the basis of existing signage approval within the immediate area as discussed within this report.

### Discussion

Assessment of the proposal under usual circumstances would consider the following:

- That signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character;
- The signs do not contribute to excessive visual clutter or visual disorder;
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.
- That the major promotion sign is encouraged in a commercial or industrial location in a manner which complements or enhances the character of the area.
- A major promotion sign should be discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant view lines.

In this regard, consideration has been given to signage approval on the adjacent land at 105 Main Street, Bacchus Marsh. With the display of the already approved signage which is reasonably large together with this signage it is considered that the sign fails to compliment or enhance the character of the area, would contribute significant visual clutter to the area and would undermine the heritage significance of the building on which it is proposed.



Photographs show the street potential street view that would support the suggestion of visual clutter.



Signage approved under PA2014-023



Proposed signage under this application PA2014-028 directly adjacent the above site.

### Financial Implications

The recommendation to issue a refusal to grant a planning permit for the use of the land to display a major promotion sign is not likely to represent any financial implications to Council, except where the applicant may choose to have this matter determined by appeal to the Victorian Civil and Administrative Tribunal.

### Risk and Occupational Health and Safety Issues

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

## Communications Strategy

Notice was not undertaken for the application, in accordance with the Planning and Environment Act 1987, and one objection was received. The applicant was informed that this matter would be heard by Council and was advised of their right to address Council. The applicant will be advised of Council's determination.

## Conclusion

In this instance, the applicant has sought to display a major promotion sign on land where this signage would contribute to visual bulk and clutter within the area, a refusal to grant a planning permit is warranted

## Consideration of Deputations – Planning Permit Application No. PA 2014-028

Ms Sarah Watts addressed Council on behalf of the applicants.

The business of the meeting then returned to the agenda.

## Recommendation:

That having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Refusal to Grant a Planning Permit for application PA2014-028 for Use of the Land for Display of a Major promotion sign at 5 Grant Street, Bacchus Marsh also known as Lot 2 on PS 002498 on the following grounds:

1. The proposal would contribute to a saturation of similar signage within a small area and provide visual clutter and disorder as a result.
2. The proposal is at odds with the purpose of the Heritage Overlay contained within the Moorabool Planning Scheme.

## Resolution:

Crs. Sullivan/Dudzik

*That the item be deferred at the request of the applicant to a further Ordinary Meeting of Council.*

**CARRIED.**

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## Report Authorisation

### Authorised by:



**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Monday, 28 July 2014



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

*This report meets the criteria established for the Development Assessment Committee (DAC), however this application has been previously presented to an Ordinary Meeting of Council (OMC) prior to the establishment of the DAC and as such it should be finalized using the same process.*

*This is considered an appropriate response for applications that have been previously deferred at an OMC.*

*This matter was deferred at the request of the applicant from the 7 May 2014 Ordinary Meeting of Council in order for the applicant to attempt to address the issues relating to the proposal that were raised in the officer's report.*

*The proponent and officer meet to discuss potential changes to the proposal and revised plans were provided to the Council on 26 May 2014. Whilst changes were made the applicant was informed that the decision to recommend refusal would stand as the changes failed to provide an adequate outcome.*

*The applicant applied for an Application to Amend the Planning Application in progress on 2 July 2014 submitting the revised plans.*

*The proposal is before Council to consider a recommendation to Refuse to Grant a Planning Permit for the reasons as outlined in the report.*

<b>Application Summary:</b>	
Application No:	PA2013-236
Lodgement Date:	8 October 2013
Amendment Date:	2 July 2014
Planning Officer:	Natalie Robertson
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	4 October 2014
Address of the land:	Lot 3 on PS 536561T 43 Inglis Street, Ballan
Proposal:	Two Lot Subdivision and Development of Two (2) Dwellings
Lot size:	430 sq m
Restrictive covenant	Covenant PS536561T

Why is a permit required?	Pursuant to the Moorabool Planning Scheme, Clause 32.08-2 a permit is required to subdivide land and under Clause 32.08-4 a planning permit is required to construct two or more dwellings on a lot.
<b>Public Consultation:</b>	
Number of notices to properties:	Nine (9)
Notices on site:	One
Notice in Newspaper:	Nil
Number of objections:	Two (2) same objections as original
Submission of support:	Nil
Consultation meeting:	The inadequacies of the proposal determined that a recommendation for refusal would be put to Council and therefore no consultation meeting was held.
<b>Policy Implications:</b>	
<b>Key Result Area -</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective -</b>	Effective and efficient land use planning and building controls.
<b>Strategy -</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications  Ensure that development is sustainable, resilient to change and respects the existing character.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

### Officer's Declaration of Conflict of Interests

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

*Manager Statutory Planning and Community Safety– Sian Smith*

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

*Author – Senior Statutory Planner, Natalie Robertson*

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

### Executive Summary:

The application is for the construction of two (2) double storey dwellings and a two (2) lot subdivision on Lot 3, 43 Inglis Street, Ballan. The matter was deferred, at the request of the applicant, from the 7 May 2014 Ordinary Meeting of Council in order to revise the application. Despite changes to the proposal the application is before Council due to the recommendation to refuse the proposal and receipt of two objections.

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

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

The report has also been altered based on assessment of the revised plans which were submitted under an Application to Amend a Planning Permit Application in Progress on 2 July 2014.

The proposal is before Council for consideration of a recommendation to Refuse to Grant a Planning Permit as it is considered that the proposal, whilst amended, remains inconsistent with the pattern of development and character in the area, in particular with respect to visual bulk and further the proposed development fails to comply with some requirements of Clause 55.

**Summary Recommendation:**

The proposal has been assessed against the relevant components of the Planning and Environment Act 1987, particularly with regard to Section 61 (4), the Moorabool Planning Scheme, particularly those set out in the State and Local Planning Policy Framework, Clause 32.08-4 . General Residential Zone . and Clause 55 of the Moorabool Planning Scheme (Rescode). It is considered that the proposal is generally inconsistent with requirements of the scheme which is outlined in detail in this report.

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

**Site and Surrounds**

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

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

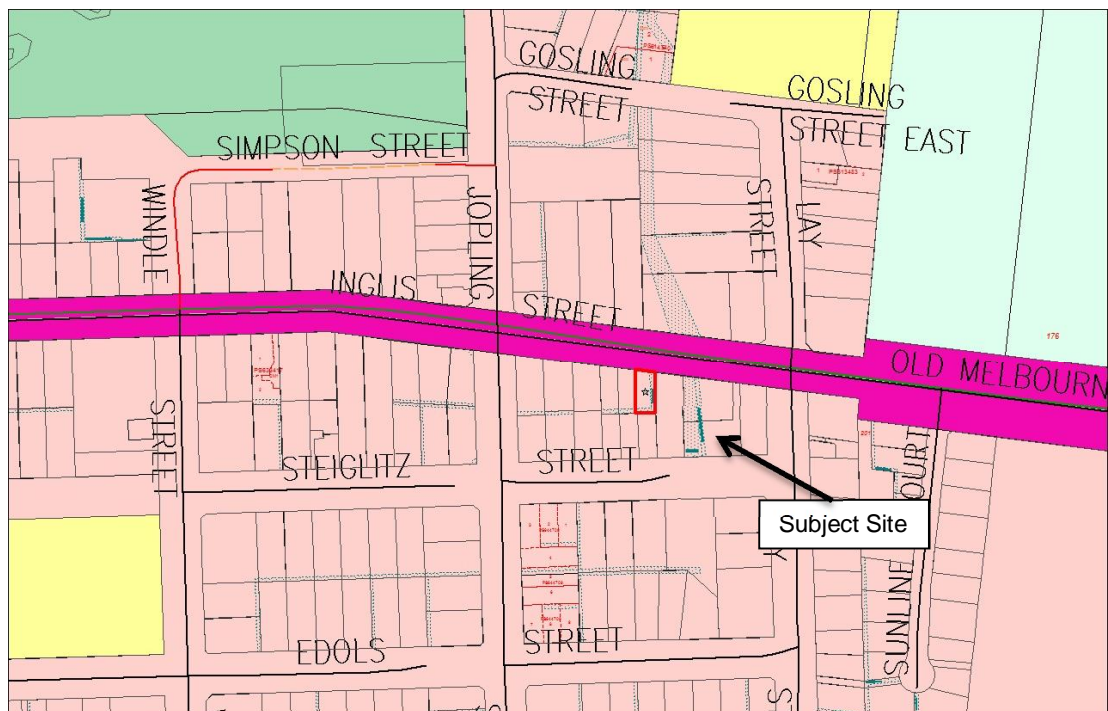
There are dwellings on each side of the subject site. These dwellings, as with most in the neighbourhood are single storey. Dwellings styles vary greatly and there are multi dwelling developments within the area.

The area is was zoned Residential 1, however on 1 July 2014 Amendment VC116 introduced a State wide change to all zones previously known as Residential 1 Zone, Residential 2 Zone or Residential 3 Zone to become collectively known as General Residential Zone. The changes to the zone do not result in changes to the assessment of the application as the requirement for a permit for subdivision and multi dwelling development remain the same as those previously stated in the Residential Zone 1.

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

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

There is no significant vegetation on the subject site, however a mature tree of at least 6m in height sits within the road reserve which the applicant has attempted to preserve by retaining the single access that transitions into a double drive on the subject site.



### Proposal

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

The dwellings would be double storey which share a central common wall on the ground floor, and have a recessed first floor. The dwellings would be located within the building envelope and each dwelling would comprise:

#### Ground Floor:

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

#### First Floor:

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

The dwellings would be rectangular and have a north-south orientation with some site levelling proposed. Dwelling 1 has a setback of 7.184m and dwelling 2 a setback of 7.860m. Each dwelling has a ground floor area of 82.8sqm and first floor area of 55.97sqm for Dwelling 1 and 54.69sqm for dwelling 2 with a total floor area for each dwelling being 138.77sqm and 137.13sqm respectively.

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

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

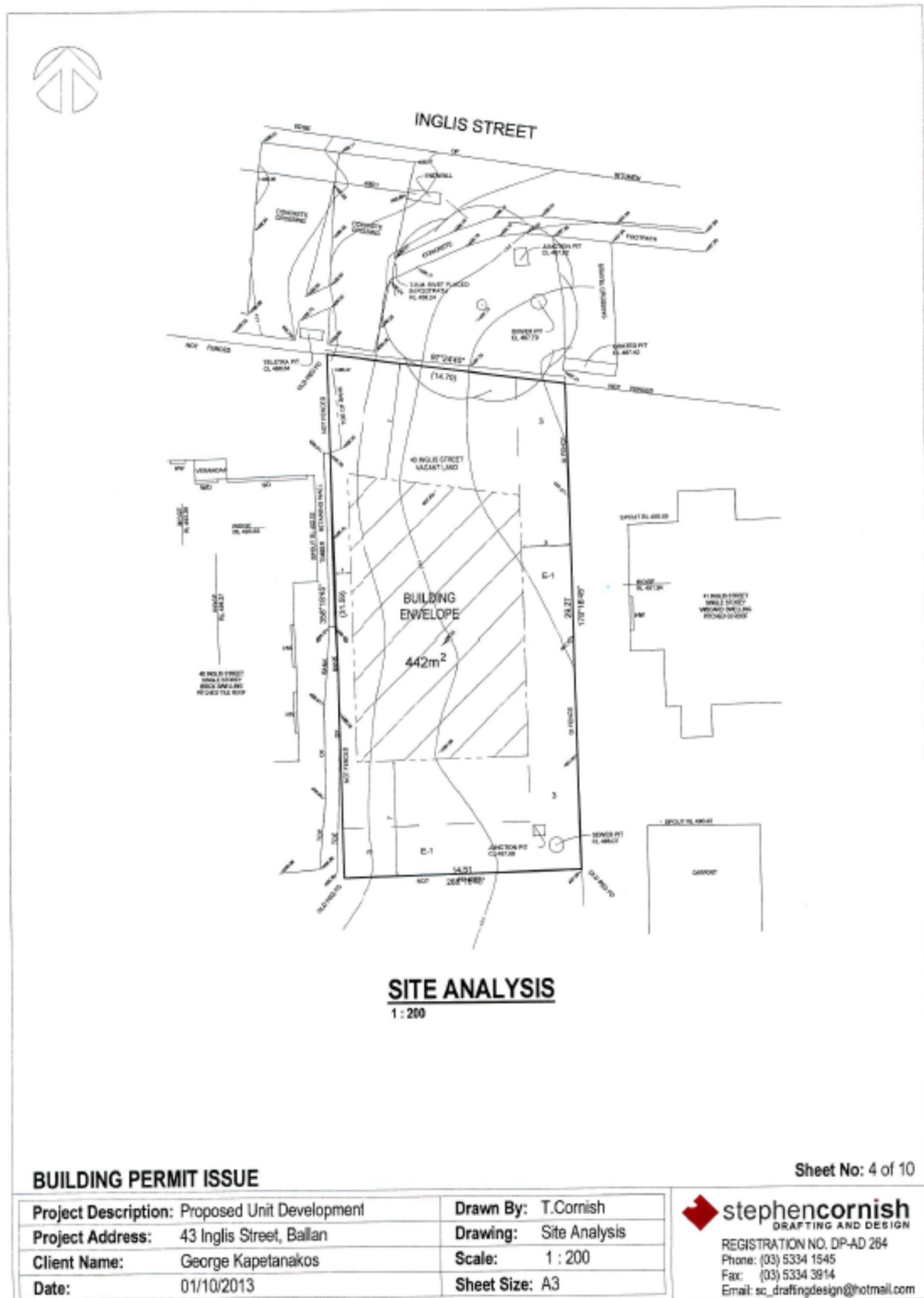
Access is via an existing single concrete crossing onto a curved concrete driveway.

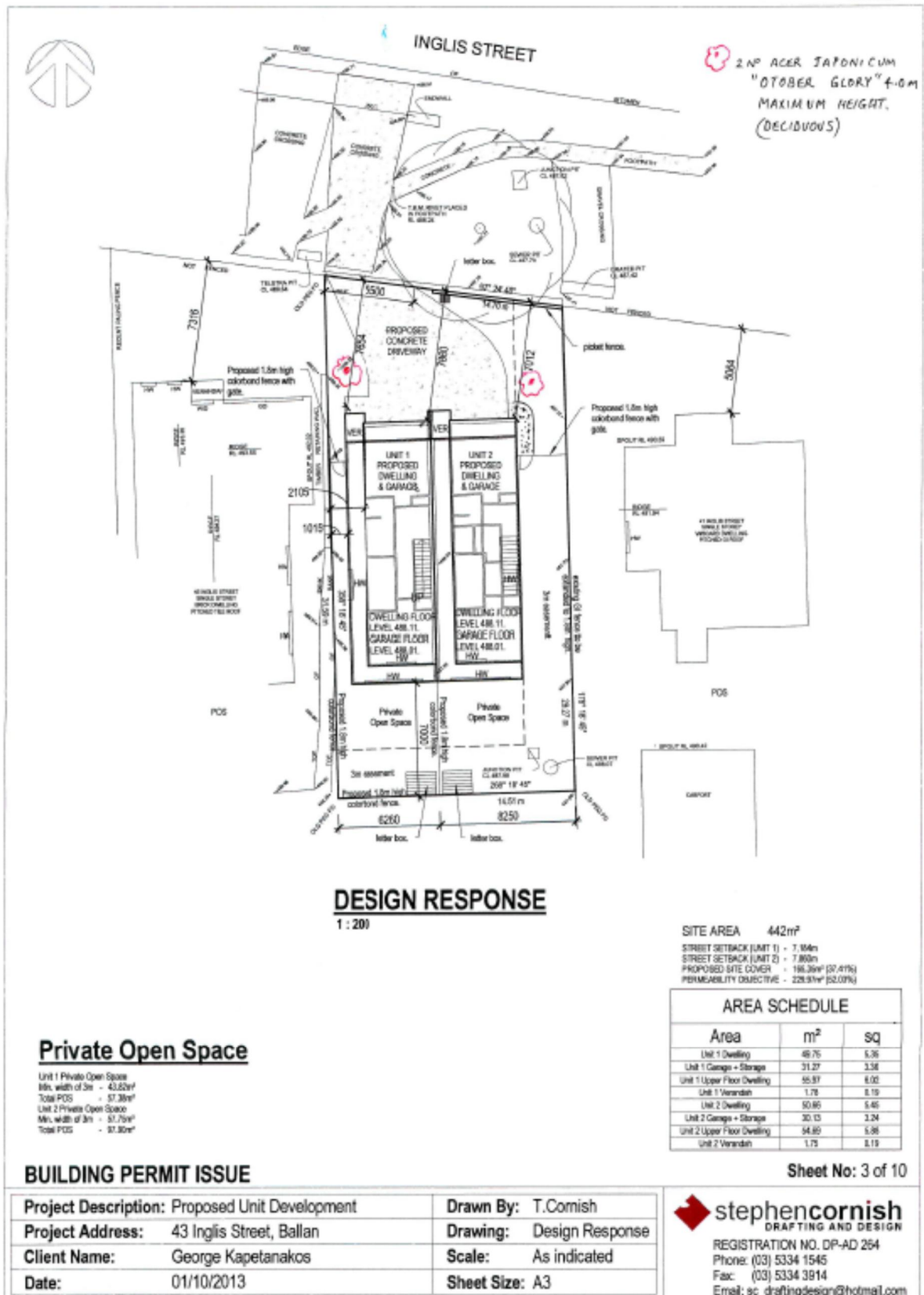
No front fence to Inglis Street is proposed, however October Glory (*Acer Japonicum*) trees which grow to a height of 4m are proposed at the front of each dwelling to act as screening.

The revised plans have attempted to improve building bulk by providing space between the first floors. The plans also provide for an attached front porch, have made minor modifications to the garage door and have also included trees that have the potential to screen the development through landscaping.

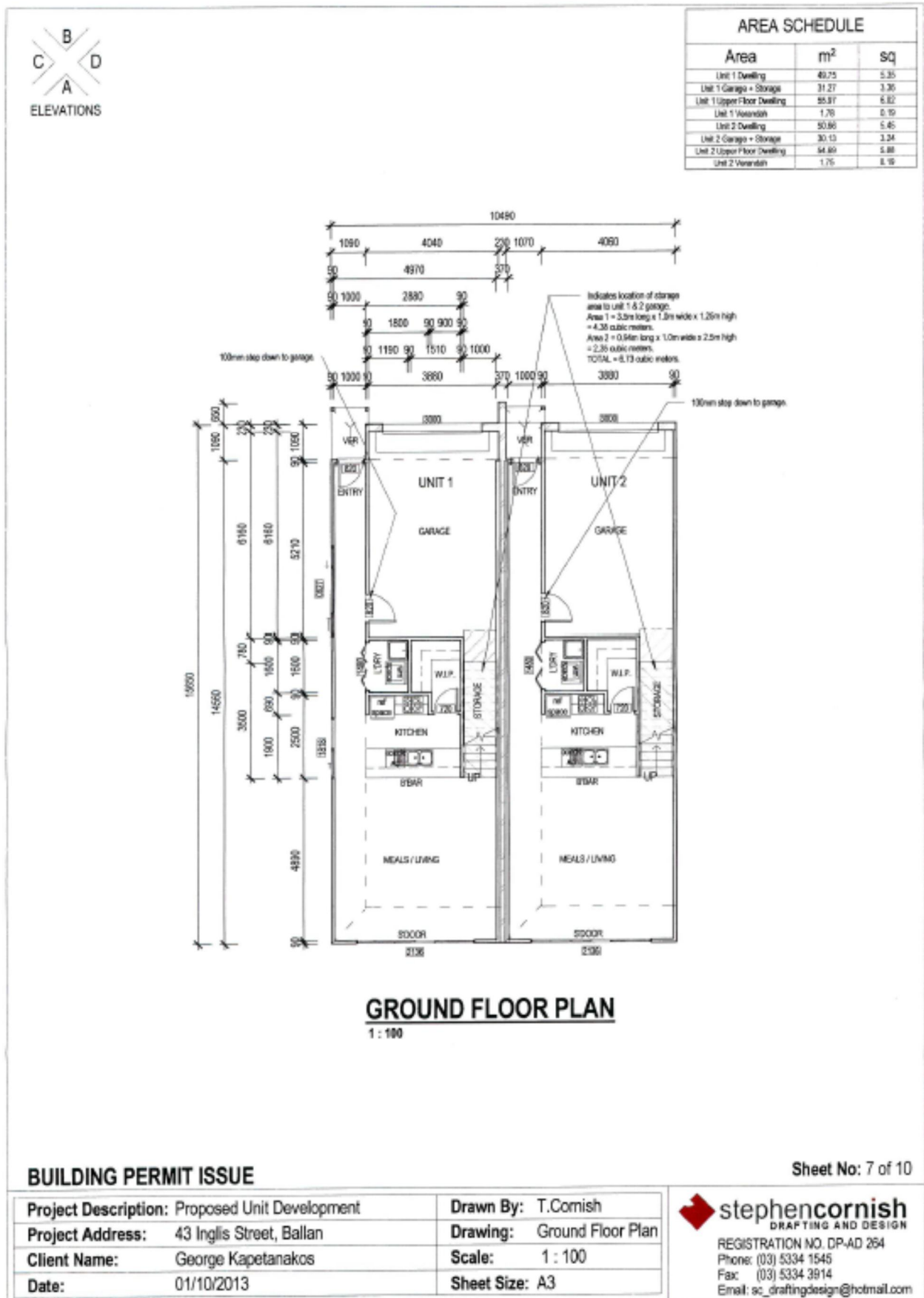
The trees proposed within the front setback, October Glory, have an approximate height of 12m and a spread of 9m and therefore are not an appropriate species. The scientific name *Acer Japonicum* referenced is a different tree and has several varieties, so clarity on the specific variety is required.

It should also be noted that they are not evergreen species and in colder months they will drop their leaves and provide minimal screening attributes.





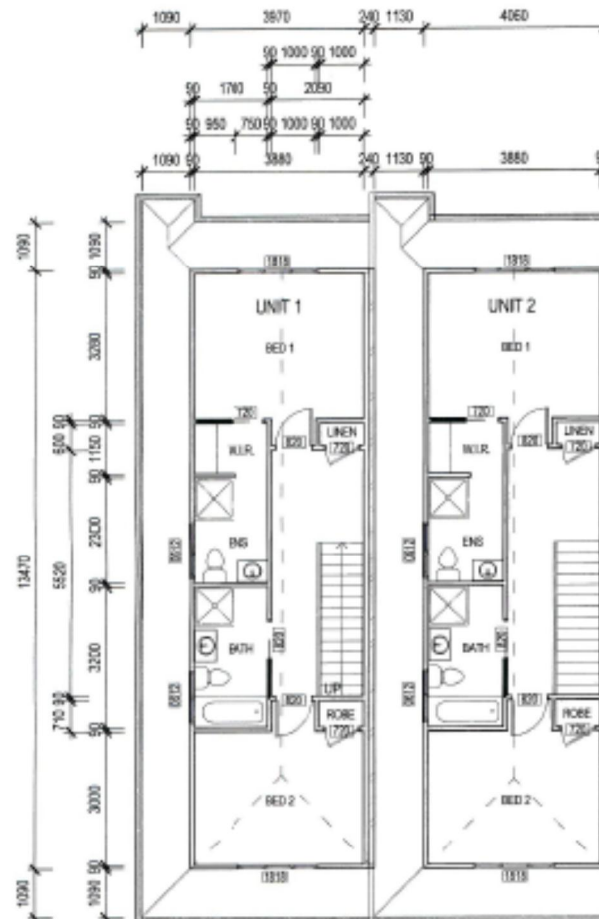






## AREA SCHEDULE

Area	m <sup>2</sup>	sq
Unit 1 Dwelling	48.15	5.38
Unit 1 Garage + Storage	21.27	3.36
Unit 1 Upper Floor Dwelling	55.97	6.02
Unit 1 Verandah	1.78	0.19
Unit 2 Dwelling	50.68	5.45
Unit 2 Garage + Storage	30.13	3.24
Unit 2 Upper Floor Dwelling	54.89	5.85
Unit 2 Verandah	1.75	0.19



## LEVEL 1 FLOOR PLAN

1: 100

## BUILDING PERMIT ISSUE

Sheet No: 8 of 10

Project Description: Proposed Unit Development

Drawn By: T.Cornish

Project Address: 43 Inglis Street, Ballan

Drawing: Level 1 Floor Plan

Client Name: George Kapetanakis

Scale: 1 : 100

Date: 01/10/2013

Sheet Size: A3

stephencornish  
DRAFTING AND DESIGN

REGISTRATION NO. DP-AD 264

Phone: (03) 5334 1545

Fax: (03) 5334 3914

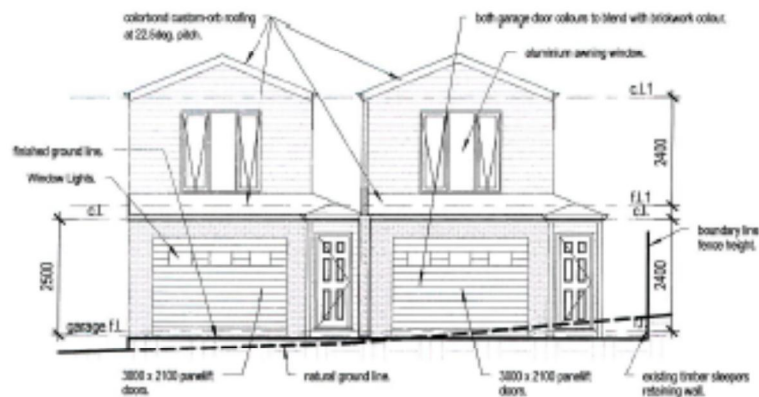
Email: sc\_draftingdesign@hotmail.com

044803040



**ELEVATION A (SOUTH)**

1 : 100



**ELEVATION B (NORTH)**

1 : 100

### BUILDING PERMIT ISSUE

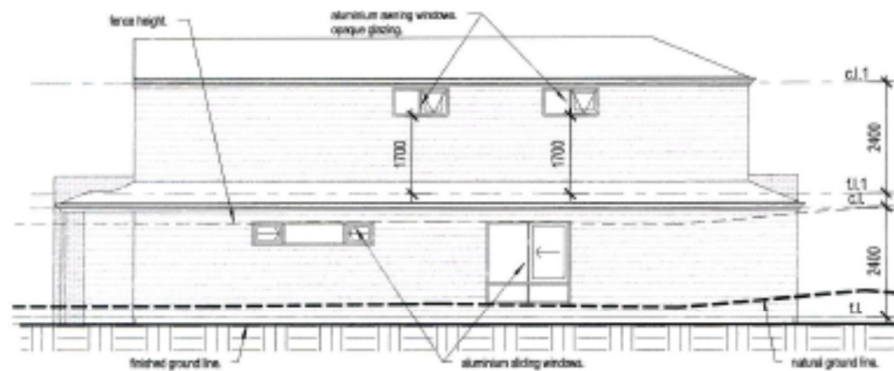
Sheet No: 9 of 10

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

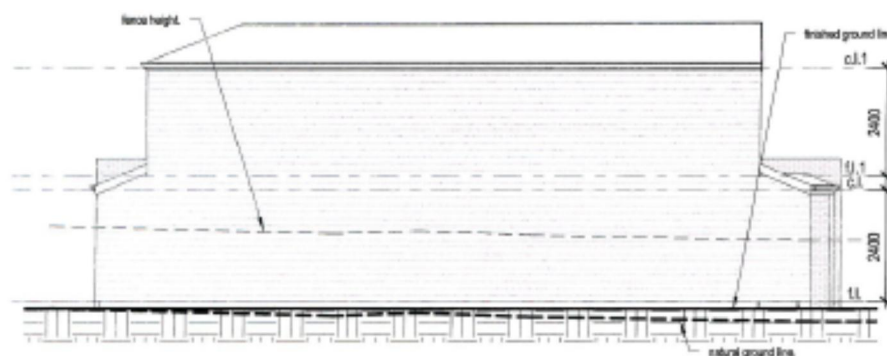


**stephencornish**  
DRAFTING AND DESIGN

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

**ELEVATION C (WEST)**

1 : 100

**ELEVATION D (EAST)**

1 : 100

**BUILDING PERMIT ISSUE**

Sheet No: 10 of 10

Project Description: Proposed Unit Development

Drawn By: T.Cornish

Project Address: 43 Inglis Street, Ballan

Drawing: Elevations

Client Name: George Kapetanakos

Scale: 1 : 100

Date: 01/10/2013

Sheet Size: A3

**stephencornish**  
DRAFTING AND DESIGN

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## Restrictive Covenant

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

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

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

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

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

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

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

Elevations do not provide an indication of the floor level. Should a permit issue in this matter a condition would be necessary to require plans to be revised to reflect the necessary height.

## Planning Scheme Provisions

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

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

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

**Zone:****General Residential Zone**

On 1 July 2014 Amendment VC116 was introduced into Victorian Planning Schemes. The amendment changes all zones formerly Residential 1, Residential 2 and Residential 3 to General Residential Zone.

The site was located within the Residential 1 Zone which has become the General Residential Zone. Pursuant to Clause 32.08-2 and Clause 32.08-4 of the Moorabool Planning Scheme a planning permit is required to subdivide the land and a planning permit is required to construct two or more dwellings on a lot.

The purpose of the zone is:

- *To encourage residential development that respects the neighbourhood character of the area; and*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

**Road Zone**

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

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

**Overlay:****Environmental Significance Overlay**

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

The objective of the overlay is:

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

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

**Particular Provisions:**

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

Clause	Title	Standard	Compliance
Rescode			
55.02-1	Neighbourhood Character Objectives	B1	<p><b>Does not comply</b></p> <p>The proposal does not consider an appropriate design response to the neighbourhood as it fails to respect existing character, fails to respond to the site features and fails to attempt to integrate with the existing neighbourhood character.</p> <p>The style of development provides a front entry visually dominated by two garages. There is no passive surveillance of the street from the front door and the entry is obscured by the garage.</p>
55.02-2	Residential Policy	B2	<p><b>Complies in part</b></p> <p>In that the application addresses housing policies in the SPPF, LPPF and MSS and local policies.</p>
55.02-3	Dwelling diversity	B3	<b>N/A</b>
55.02-4	Infrastructure	B4	<p><b>Complies</b></p> <p>The development is likely to have connection to all services.</p>
55.02-5	Integration with Street	B5	<p><b>Does not comply</b></p> <p>Physically it may comply but visually it does not. The objective is to integrate the development with the street and the visual dominance of the building does not meet the objectives of this Clause.</p>
55.03-1	Street setback	B6	<b>Complies</b>
55.03-2	Building height	B7	<b>Complies</b>
55.03-3	Site coverage	B8	<b>Complies</b>



55.03-4	Permeability	B9	<b>Complies.</b>
55.03-5	Energy efficiency	B10	<b>Complies</b>
55.03-6	Open space	B11	<b>N/A</b>
55.03-7	Safety	B12	<b>Does not comply</b> The style of development provides a front entry dominated by a garage. There is no passive surveillance of the street from the front door.
55.03-8	Landscaping	B13	<b>Does not comply</b> Plans are only indicative. Should a permit issue more detailed landscaping plans would be required via a condition on the permit so that any proposed landscaping, including trees, may be assessed for appropriateness.
55.03-9	Access	B14	<b>Complies</b>
55.03-10	Parking location	B15	<b>Complies</b>
55.04-1	Side and rear Setbacks	B17	<b>Complies</b>
55.04-2	Walls on Boundaries	B18	<b>N/A</b>
55.04-3	Daylight to existing windows	B19	<b>Complies</b>
55.04-4	North facing windows	B20	<b>Complies</b>
55.04-5	Overshadowing open space	B21	<b>Complies</b>
55.04-6	Overlooking	B22	<b>Does not comply</b> The elevations don't appear to indicate that there is any treatment on the openable windows that look over the POS.
55.04-7	Internal Views	B23	<b>Does not comply</b> The elevations don't appear to indicate that there is any treatment on the openable windows that look over the POS.

55.04-8	Noise impacts	B24	<b>Complies</b>
55.05-1	Accessibility	B25	<p><b>Does not comply</b></p> <p>Whilst access to the ground floor of dwellings is accessible to people with limited mobility, the design of all dwellings, as proposed, does not cater to those with limited mobility. No bedrooms or amenity facilities are provided on the ground floor.</p> <p>The proponent has advised the straight stair with wide landing areas at both ends of the stair case have been designed so that an electronic low cost stair riser seat can be fitted to the balustrade if a person living in the property has difficulty using the stairs.</p> <p>In this regard, it does not comply as proposed, however it is accepted that the dwelling could be retrofitted for a person with limited mobility.</p>
55.05-2	Dwelling entry	B26	<p><b>Complies</b></p> <p>A porch area has been extended to identify the dwelling entry to the street, however the proposed tree in the front setbacks may limit these views and would have to be revised.</p>
55.05-3	Daylight to new windows	B27	<b>Complies</b>
55.05-4	Private open space	B28	<b>Complies</b>
55.05-5	Solar access to open space	B29	<b>Complies</b>
55.05-6	Storage	B30	<b>Complies</b>

55.06-1	Design detail	B31	<p><b>Does not comply</b></p> <p>The Design of the buildings fails to respect existing neighbourhood character. Particularly where the decision guidelines require consideration of the effect of visual bulk of the building and whether this is acceptable in the neighbourhood setting.</p> <p>Further the design provides no surveillance of the street and provides a design that has no sense of identity or address or a liveable environment.</p>
55.06-2	Front fences	B32	<p><b>N/A</b></p> <p>No fence proposed</p>
55.06-3	Common property	B33	<b>Complies</b>
55.06-4	Site services	B34	<b>Complies</b>
56.03-5	Neighbourhood character	C6	<p><b>Does not comply</b></p> <p>Fails to respect existing character and does not respond or integrated with the surrounding environment.</p>
56.04-2	Lot area and building envelope objective	C8	<p><b>Does not comply</b></p> <p>Does not offer appropriate siting particularly for solar access and does not support active street frontages or street based community interaction.</p>
56.04-3	Built environment	C5	<p><b>Does not comply</b></p> <p>Does not provide a functional or attractive living environment. Does not contribute to a sense of place and identity.</p>
56.04-5	Common area	C11	<b>Complies</b>
56.06-8	Lot access	C21	<b>Complies</b>
56.07	Integrated water management	C22, C23, C24, C25, C26	<b>Complies</b>

56.09-2	Utilities	C27, C28	<b>Complies</b>
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### Clause 65.02- Decision Guidelines

This report has considered the decision guidelines of Clause 65.

### Referrals:

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

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

### Public Notice:

The original application was advertised to adjoining owners and occupiers by sending individual notices on 1 November 2013 and a sign placed on the site from 1 November 2013 to 15 November 2013. The revised application was advertised to adjoining owners and occupiers and by way of sign on site between 21 July 2014 and 4 August 2014.

Two objections were received.

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

### Summary of Objections:

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

Objection	Officer's response
The area of Inglis Street is the gateway to Ballan so aesthetics is an important factor.	It is important to consider developments that would be reasonable within the gateway to the township. Under normal circumstance a two dwelling development would be reasonable, however the design of this proposal presents a building form that would be unacceptable in most areas of Ballan township.

The development in the narrow building envelope is unsuitable.	Due to the constraints of the building envelope the presentation of two dwellings within it is limited and subsequently the proposal fails to present dwellings of a suitable standard.
Shadowing to the West from proposed 2 story building will have a large impact on existing building at No 45b Inglis Street with the living area receiving no sunshine whatsoever due to the narrowness of the subdivision of blocks at 45 a, b and 43.	Revised plans have removed any overshadowing.
There will be privacy issues with overlooking into the rear yards from the second story.	The proposal complies under Clause 55 assessment and would not.
Although the application states that there are few front fences in Inglis Street, this is untrue and many homes in Inglis Street, particularly in this area have front fences. This proposal obviously cannot have front fences as the whole frontage is made up of garages.	Concur. Inglis Street has many front fences, particular 1.2m picket style fences.

### Assessment of Application

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

The key issues arising from this proposal are:

1. The development fails to provide a layout which integrates well with the street and provide any surveillance of the street.
2. The development would present to adjoining and surrounding neighbours, together with the entry to Ballan a street frontage of garage and does not provide a potential resident with any sense of identity and individual address within the street.
3. The proposal does not provide any amenity facilities on the ground floor and therefore could not cater to any person with limited mobility or make provision the aged, or aging in place for a potential resident.
4. The development would not be respectful of the prevailing neighbourhood character.

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

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

Whilst the proponent has attempted to overcome the original issues of the proposal the new plans do not satisfactorily resolve the issues of neighbourhood character and visual bulk.

### **Conclusion**

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

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

### ***Consideration of Deputations – Planning Permit Application No. PA2013-236.***

***Mr. James Bentley addressed Council as an objector to the granting of a planning permit for this application.***

***Mr. George Kapetanacos addressed Council on behalf of the applicant, in favour of the granting of a planning permit for the application.***

***The business of the meeting then returned to the agenda.***

### **Resolution:**

#### **Crs. Sullivan/Spain**

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

- 1. The development does not satisfy a number of the Rescode standards nor achieves the objectives contained within Clause 55 of the Moorabool Planning Scheme.***
- 2. The development fails to provide a layout which integrates well with the street and provide surveillance of the street.***

3. *The development would present to adjoining and surrounding neighbours, together with the entry to Ballan, a street frontage of garage only and does not provide a potential resident with any sense of identity and individual address within the street.*
4. *The development is not respectful to the prevailing neighbourhood character.*

**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Monday, 28 July 2014



**9.2.6 Planning Permit 2014-004; Development of Six (6) Dwellings and a waiver of the visitor car space on Lot 1 PS 434102W, 100 Masons Lane, Bacchus Marsh**

***This application is going before the Ordinary Meeting of Council as more than 5 unresolved objections from separate properties have been received.***

<b>Application Summary:</b>	
Permit No:	PA2014-004
Lodgement Date:	3 January 2014
Planning Officer:	Tom Tonkin
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	20 May 2014
Address of the land:	100 Masons Lane, Bacchus Marsh
Proposal:	Development of Six (6) Dwellings and a Waiver of the visitor car space
Lot size:	1843sq m
Restrictive Covenant/173 Agreement:	Yes
Why is a permit required	Clause 32.08-4 . Construction of two or more dwellings on a lot in the General Residential Zone
<b>Public Consultation:</b>	
Number of notices to properties:	Seven (7)
Notices on site:	One (1)
Notice in Moorabool Newspaper:	No
Number of Objections:	Six (6)
Consultation meeting:	Held 10 June, 2014. The applicant agreed to provision of an indented on-street car space in response to objectors' concerns, however this is not supported as discussed herein. Other issues were not resolved through consultation.



<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building controls.
<b>Strategy</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications  Ensure that development is sustainable, resilient to change and respects the existing character.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
<b>Officer's Declaration of Conflict of Interests</b>	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.  <i>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.	
<b>Executive Summary:</b>	
This application seeks approval for development of six (6) dwellings and a waiver of the visitor car space.  The application was reviewed against the provisions of the Moorabool Planning Scheme, with particular attention paid to the requirements of Clause 55 (Two or more dwellings on a lot) and Clause 52.06 (Car parking).	

The site is a lot of 1843sq m in an established residential area of Bacchus Marsh. Surrounding development comprises mostly single dwellings on lots typically 750-1000sq m in size.

The proposal supports the consolidation of residential development in an established area without any unreasonable impacts on neighbourhood character. The proposal complies with all relevant objectives and most relevant standards of Clause 55. The design and provision of resident car parking meets the standards of Clause 52.06 and the waiver of the visitor car space is considered acceptable.

Objections to the proposal relate to increased dwelling density, neighbourhood character, overdevelopment, increased traffic, car parking and the extent and location of vehicle crossovers.

This report recommends that Council issue a Notice of Decision to Grant a Planning Permit for Development of Six (6) Dwellings and a Waiver of the Visitor Car Space, subject to conditions.

#### **Summary Recommendation:**

The proposal has been assessed against the relevant provisions of the Moorabool Planning Scheme, including those set out in the State and Local Planning Policy Framework, Clause 32.08 . General Residential Zone and Clauses 52.06 and 55.

It is considered that the proposed development is, overall, consistent with State and Local Planning Policies, the General Residential Zone and relevant Particular Provisions of the Moorabool Planning Scheme.

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 PA002/00 for Four (4) Lot Subdivision was issued by Council on 7 June 2000. The plans were subsequently amended to be for a three (3) lot subdivision which created Lot 1 being the subject site.

Planning permit PA2005-325 for Development of Six Dwellings was approved by Council on 12 July 2006. This permit was not acted upon and has lapsed and expired.

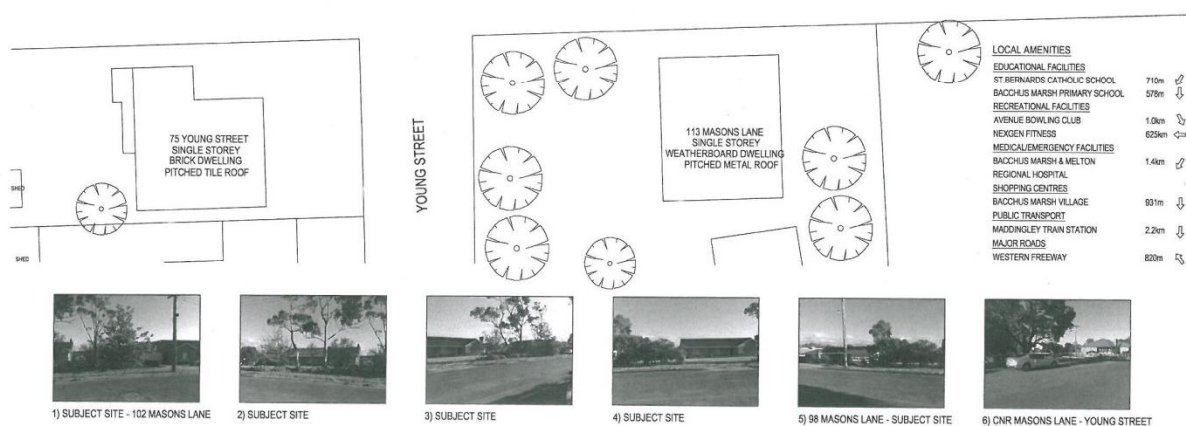
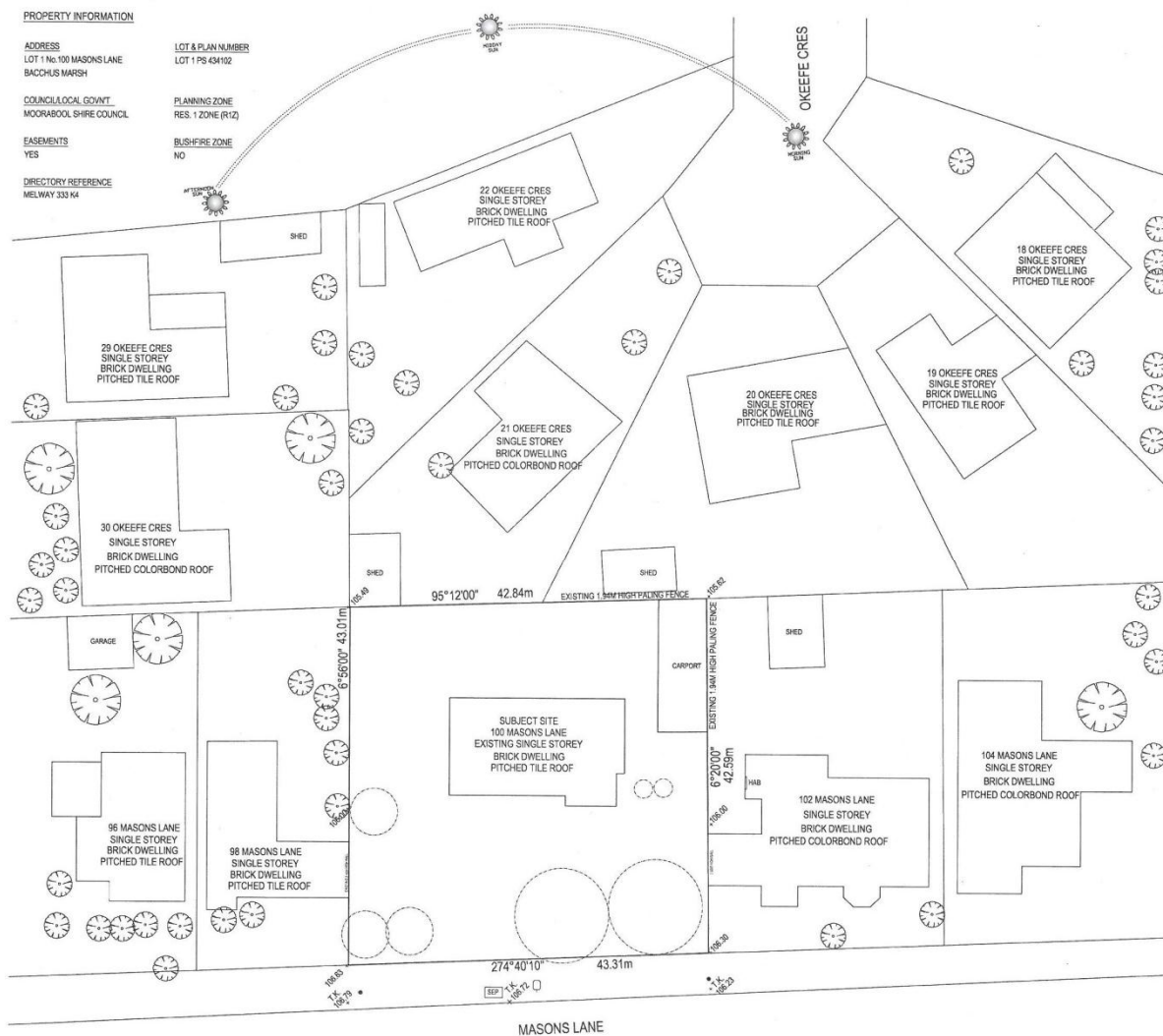
PA2008-062 for Six (6) Lot Subdivision was refused by Council on 11 June 2010 essentially due to a lack of information from the permit applicant to allow a proper assessment of the proposal.

## Proposal

The application seeks approval to develop the subject site for six dwellings and to waive the requirement for an on-site visitor car space. The proposal would comprise the following:

- Demolition of the existing dwelling and carport.
- Construction of three (3) double storey dwellings fronting Masons Lane, each comprising:
  - Ground floor with single garage, living room, one (1) bedroom with en suite and walk-in robe, powder room, laundry and open plan kitchen, meals and family area leading to secluded private open space at the rear of each dwelling.
  - Upper storey with two (2) bedrooms, bathroom and retreat.
  - Tandem car space in the front setback.
  - Construction materials and finishes incorporating face brick, weatherboard and render.
  - Pitched Colorbond roofs with gabled front porch.
- Construction of three (3) single storey dwellings at the rear of the site, each comprising:
  - Three (3) bedrooms, main with en suite and walk-in robe, laundry, bathroom, separate toilet, and open plan kitchen, living and meals area leading to secluded private open space at the rear of each dwelling.
  - An attached double garage.
  - Construction materials and finishes incorporating face brick and render.
  - Pitched Colorbond roofs.
- Removal of the existing vehicle crossover.
- Vehicle access obtained via four (4) new crossovers from Masons Lane:
  - A 3.0m wide crossover to Unit 1.
  - A 3.0m wide crossover to Units 4 and 5.
  - A 5.5m wide crossover to Units 2 and 3.
  - A 3.0m wide crossover to Unit 6.
- Removal of existing trees.

All reticulated services are available to the site.



# TOWN PLANNING SUBMISSION

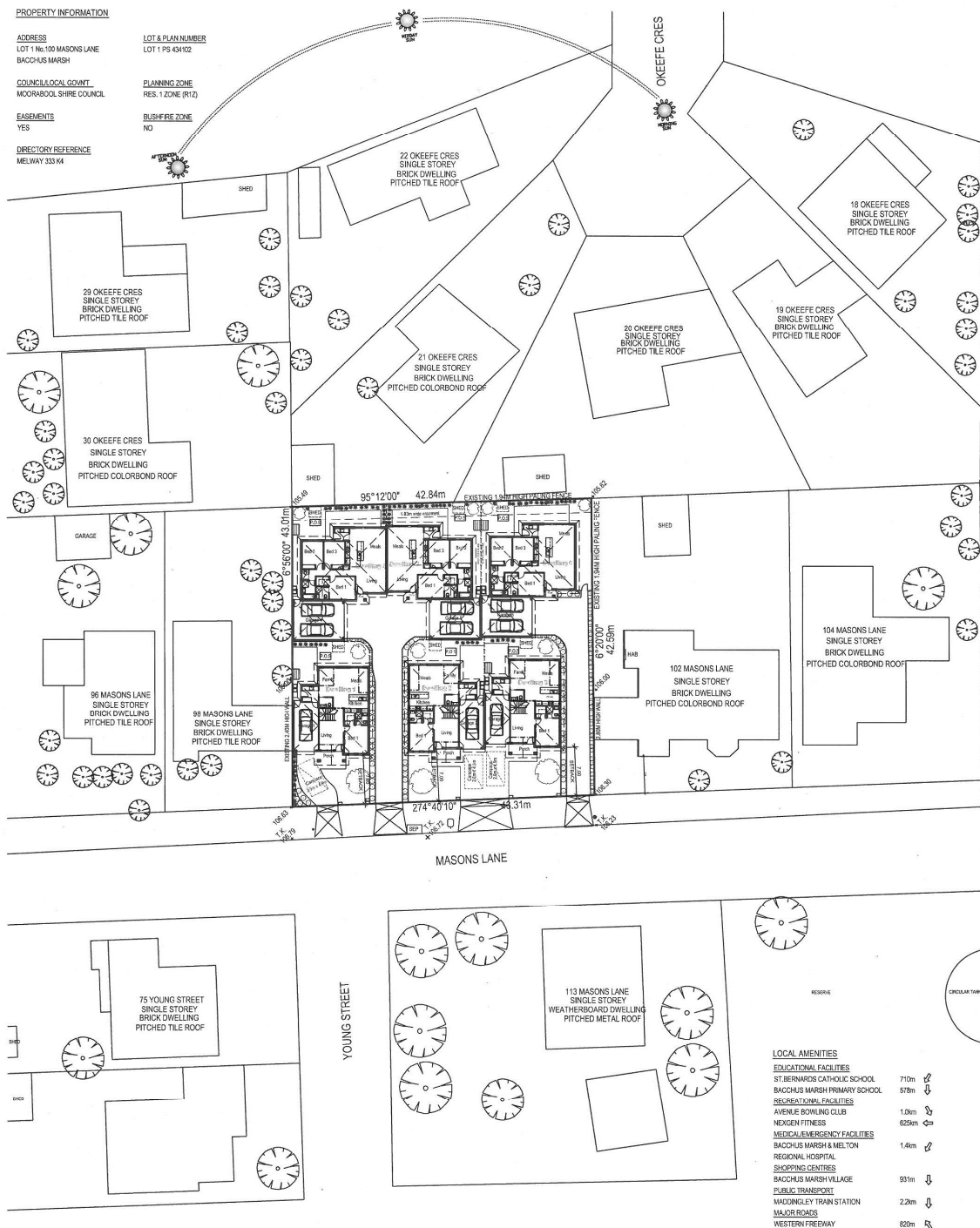
## SITE ANALYSIS

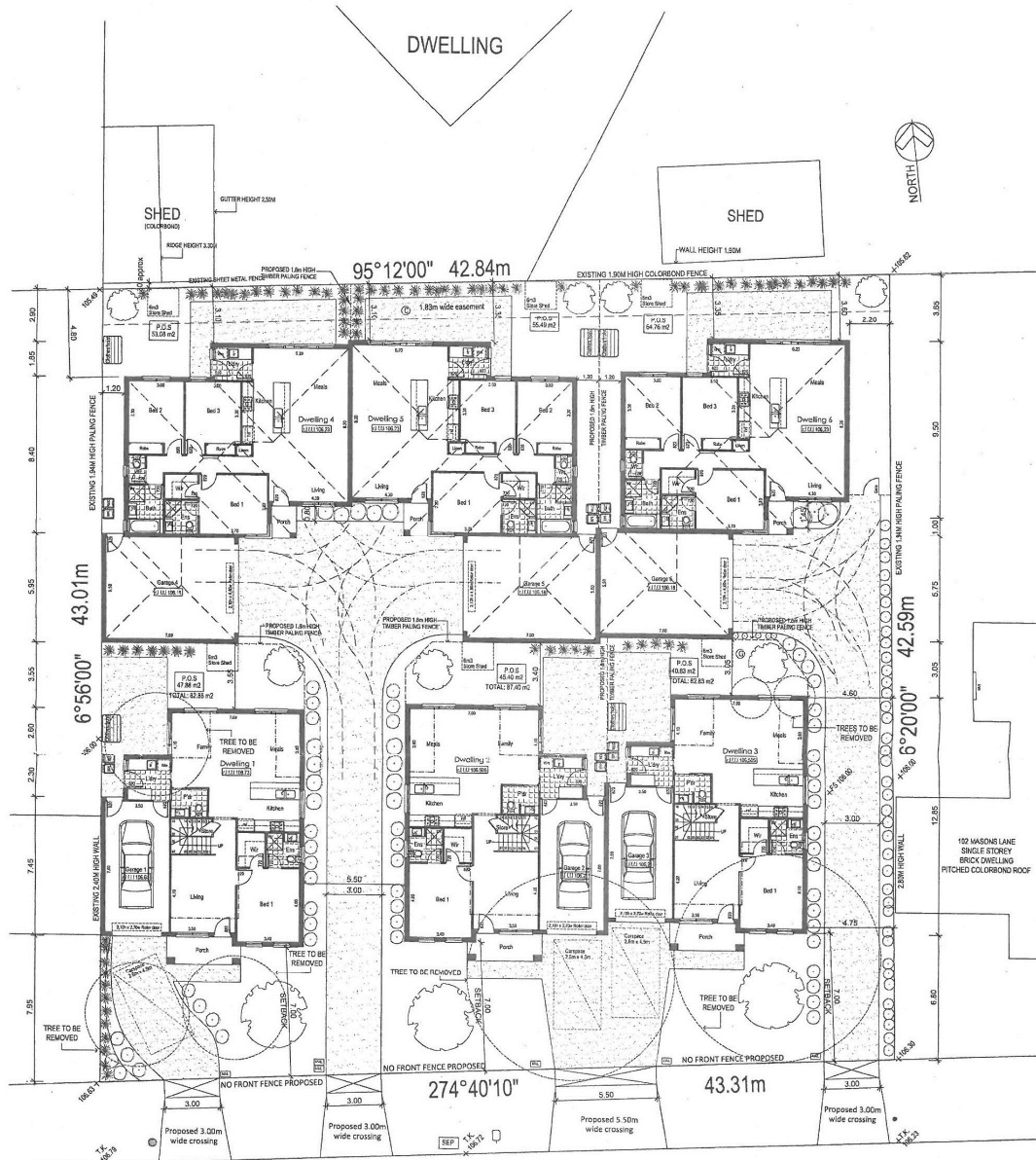
**TOWNHOUSE DEVELOPMENT  
LOT 1843 No.100 MASONS LANE  
BACCHUS MARSH**

[illegible]

**JONTIAN GROUP**  
building design + town planning  
level 2, 213 - 219 Buckley street Essendon Victoria 3040

Date: DECEMBER 2013  
 Scale: 1:250 @ A1  
 Drawing No.: 01 Drawn: S.B.  
 Sheet: 01 of 08  
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## AREAS:

## Dwelling 1

Ground Floor: 98.31m<sup>2</sup>  
 First Floor: 98.10m<sup>2</sup>  
 Porch: 5.87m<sup>2</sup>  
 Garage: 27.24m<sup>2</sup>

## Dwelling 2

Ground Floor: 98.31m<sup>2</sup>  
 First Floor: 98.10m<sup>2</sup>  
 Porch: 5.87m<sup>2</sup>  
 Garage: 27.24m<sup>2</sup>

## Dwelling 3

Ground Floor: 98.31m<sup>2</sup>  
 First Floor: 98.10m<sup>2</sup>  
 Porch: 5.87m<sup>2</sup>  
 Garage: 27.24m<sup>2</sup>

## Dwelling 4

Ground Floor: 98.31m<sup>2</sup>  
 First Floor: 98.10m<sup>2</sup>  
 Porch: 5.87m<sup>2</sup>  
 Garage: 27.24m<sup>2</sup>

## Dwelling 5

Ground Floor: 98.31m<sup>2</sup>  
 First Floor: 98.10m<sup>2</sup>  
 Porch: 5.87m<sup>2</sup>  
 Garage: 27.24m<sup>2</sup>

## Dwelling 6

Ground Floor: 98.31m<sup>2</sup>  
 First Floor: 98.10m<sup>2</sup>  
 Porch: 5.87m<sup>2</sup>  
 Garage: 27.24m<sup>2</sup>

LAND AREA: 1543m<sup>2</sup> approx  
 SITE COVERAGE: 873.31m<sup>2</sup> 47.30%  
 SITE IMPERMEABLE: 525.96m<sup>2</sup> 28.53%

## TOWN PLANNING SUBMISSION

**TOWNHOUSE DEVELOPMENT  
 LOT 1843 No. 100 MASONS LANE  
 BACCHUS MARSH**

SITE  
GROUND FLOORS

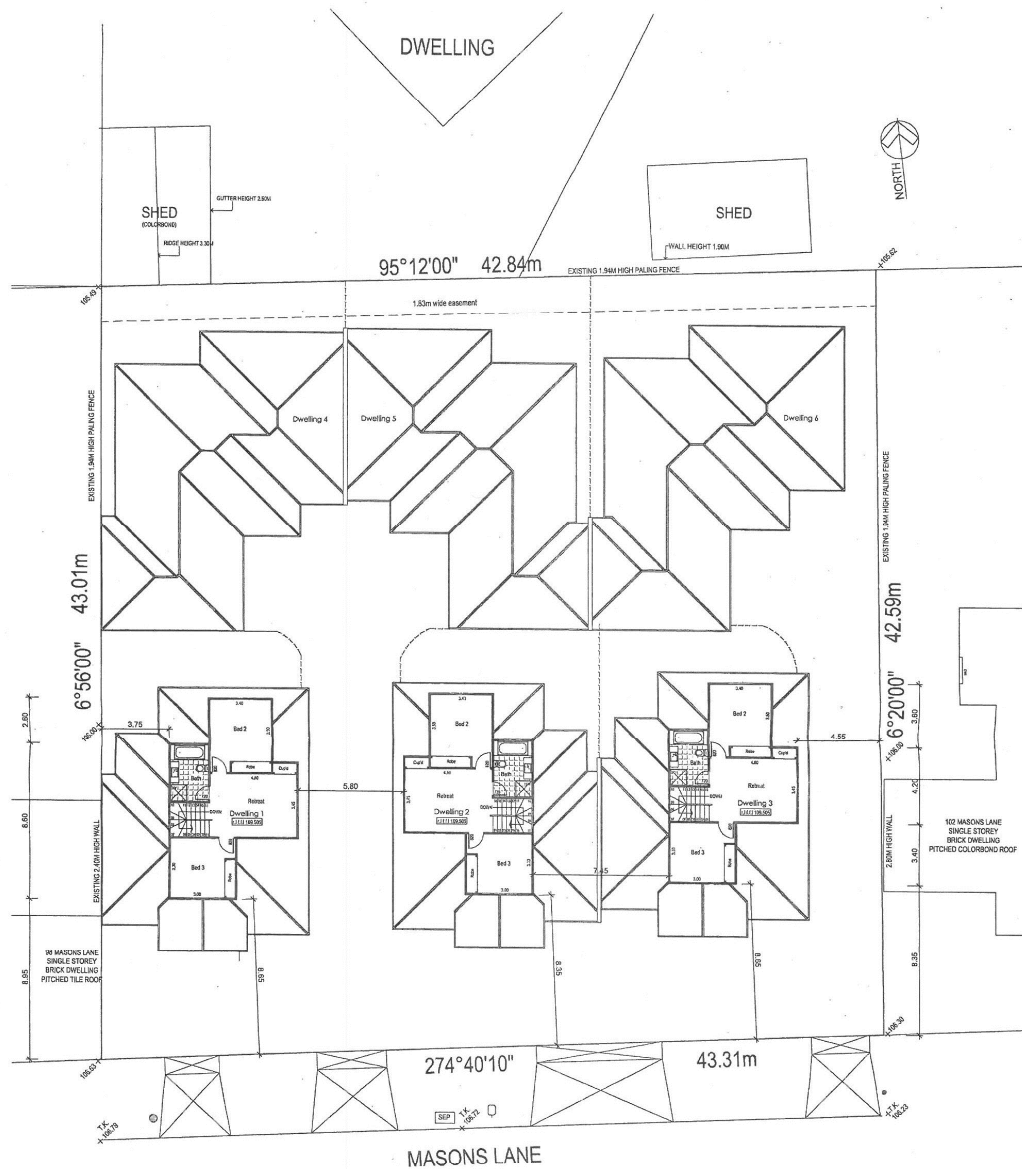
## REVISIONS

By	Date	Drawn	Comments
RA	07/03/2014	02	AMENDED IN ACCORDANCE WITH COUNCIL REQUEST FOR FURTHER INFORMATION LETTER DATED 24/03/2014

## LEGEND

- STREET SIGN
- VARIABLE ROOM WINDOW
- FIRST FLOOR HABITABLE ROOM WINDOW
- PRIVATE OPEN SPACE
- LIGHT POLE
- EXISTING TREE
- PROPOSED TREE
- EXISTING TREE TO BE REMOVED
- CONCRETE
- GRAVEL AREA
- RAIL BOX
- POWER POLE / ELECTRICITY POLE

**JONTIAN GROUP**  
 Building design • Town planning  
 Unit 10/11-12/13-14/15-16/17-18/19-20/21-22/23-24/25-26/27-28/29-30/31-32/33-34/35-36/37-38/39-40/41-42/43-44/45-46/47-48/49-50/51-52/53-54/55-56/57-58/59-60/61-62/63-64/65-66/67-68/69-70/71-72/73-74/75-76/77-78/79-80/81-82/83-84/85-86/87-88/89-90/91-92/93-94/95-96/97-98/99-100/101-102/103-104/105-106/107-108/109-110/111-112/113-114/115-116/117-118/119-120/121-122/123-124/125-126/127-128/129-130/131-132/133-134/135-136/137-138/139-140/141-142/143-144/145-146/147-148/149-150/151-152/153-154/155-156/157-158/159-160/161-162/163-164/165-166/167-168/169-170/171-172/173-174/175-176/177-178/179-180/181-182/183-184/185-186/187-188/189-190/191-192/193-194/195-196/197-198/199-200/201-202/203-204/205-206/207-208/209-210/211-212/213-214/215-216/217-218/219-220/221-222/223-224/225-226/227-228/229-230/231-232/233-234/235-236/237-238/239-240/241-242/243-244/245-246/247-248/249-250/251-252/253-254/255-256/257-258/259-260/261-262/263-264/265-266/267-268/269-270/271-272/273-274/275-276/277-278/279-280/281-282/283-284/285-286/287-288/289-290/291-292/293-294/295-296/297-298/299-300/301-302/303-304/305-306/307-308/309-310/311-312/313-314/315-316/317-318/319-320/321-322/323-324/325-326/327-328/329-330/331-332/333-334/335-336/337-338/339-340/341-342/343-344/345-346/347-348/349-350/351-352/353-354/355-356/357-358/359-360/361-362/363-364/365-366/367-368/369-370/371-372/373-374/375-376/377-378/379-380/381-382/383-384/385-386/387-388/389-390/391-392/393-394/395-396/397-398/399-400/401-402/403-404/405-406/407-408/409-410/411-412/413-414/415-416/417-418/419-420/421-422/423-424/425-426/427-428/429-430/431-432/433-434/435-436/437-438/439-440/441-442/443-444/445-446/447-448/449-450/451-452/453-454/455-456/457-458/459-460/461-462/463-464/465-466/467-468/469-470/471-472/473-474/475-476/477-478/479-480/481-482/483-484/485-486/487-488/489-490/491-492/493-494/495-496/497-498/499-500/501-502/503-504/505-506/507-508/509-510/511-512/513-514/515-516/517-518/519-520/521-522/523-524/525-526/527-528/529-530/531-532/533-534/535-536/537-538/539-540/541-542/543-544/545-546/547-548/549-550/551-552/553-554/555-556/557-558/559-560/561-562/563-564/565-566/567-568/569-570/571-572/573-574/575-576/577-578/579-580/581-582/583-584/585-586/587-588/589-590/591-592/593-594/595-596/597-598/599-600/601-602/603-604/605-606/607-608/609-610/611-612/613-614/615-616/617-618/619-620/621-622/623-624/625-626/627-628/629-630/631-632/633-634/635-636/637-638/639-640/641-642/643-644/645-646/647-648/649-650/651-652/653-654/655-656/657-658/659-660/661-662/663-664/665-666/667-668/669-670/671-672/673-674/675-676/677-678/679-680/681-682/683-684/685-686/687-688/689-690/691-692/693-694/695-696/697-698/699-700/701-702/703-704/705-706/707-708/709-710/711-712/713-714/715-716/717-718/719-720/721-722/723-724/725-726/727-728/729-730/731-732/733-734/735-736/737-738/739-740/741-742/743-744/745-746/747-748/749-750/751-752/753-754/755-756/757-758/759-760/761-762/763-764/765-766/767-768/769-770/771-772/773-774/775-776/777-778/779-780/781-782/783-784/785-786/787-788/789-790/791-792/793-794/795-796/797-798/799-800/801-802/803-804/805-806/807-808/809-810/811-812/813-814/815-816/817-818/819-820/821-822/823-824/825-826/827-828/829-830/831-832/833-834/835-836/837-838/839-840/841-842/843-844/845-846/847-848/849-850/851-852/853-854/855-856/857-858/859-860/861-862/863-864/865-866/867-868/869-870/871-872/873-874/875-876/877-878/879-880/881-882/883-884/885-886/887-888/889-890/891-892/893-894/895-896/897-898/899-900/901-902/903-904/905-906/907-908/909-910/911-912/913-914/915-916/917-918/919-920/921-922/923-924/925-926/927-928/929-930/931-932/933-934/935-936/937-938/939-940/941-942/943-944/945-946/947-948/949-950/951-952/953-954/955-956/957-958/959-960/961-962/963-964/965-966/967-968/969-970/971-972/973-974/975-976/977-978/979-980/981-982/983-984/985-986/987-988/989-990/991-992/993-994/995-996/997-998/999-1000/1001-1002/1003-1004/1005-1006/1007-1008/1009-1010/1011-1012/1013-1014/1015-1016/1017-1018/1019-1020/1021-1022/1023-1024/1025-1026/1027-1028/1029-1030/1031-1032/1033-1034/1035-1036/1037-1038/1039-1040/1041-1042/1043-1044/1045-1046/1047-1048/1049-1050/1051-1052/1053-1054/1055-1056/1057-1058/1059-1060/1061-1062/1063-1064/1065-1066/1067-1068/1069-1070/1071-1072/1073-1074/1075-1076/1077-1078/1079-1080/1081-1082/1083-1084/1085-1086/1087-1088/1089-1090/1091-1092/1093-1094/1095-1096/1097-1098/1099-1100/1101-1102/1103-1104/1105-1106/1107-1108/1109-1110/1111-1112/1113-1114/1115-1116/1117-1118/1119-1120/1121-1122/1123-1124/1125-1126/1127-1128/1129-1130/1131-1132/1133-1134/1135-1136/1137-1138/1139-1140/1141-1142/1143-1144/1145-1146/1147-1148/1149-1150/1151-1152/1153-1154/1155-1156/1157-1158/1159-1160/1161-1162/1163-1164/1165-1166/1167-1168/1169-1170/1171-1172/1173-1174/1175-1176/1177-1178/1179-1180/1181-1182/1183-1184/1185-1186/1187-1188/1189-1190/1191-1192/1193-1194/1195-1196/1197-1198/1199-1200/1201-1202/1203-1204/1205-1206/1207-1208/1209-1210/1211-1212/1213-1214/1215-1216/1217-1218/1219-1220/1221-1222/1223-1224/1225-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## TOWN PLANNING SUBMISSION

TOWNHOUSE DEVELOPMENT  
LOT 1843 No. 100 MASON'S LANE  
BACCHUS MARSH

FIRST FLOOR  
PLANS

## REVISIONS

By	Date	Drawn by	Comments
J.A.	07/03/2014	02	AMENDED BY ACCORDANCE WITH COUNCIL REQUEST FOR FURTHER INFORMATION LETTER DATED 27/04/2014

0 2 4 8  
SCALE METRES

**JONTIAN GROUP**  
Building design + town planning  
Unit 2/100-102 Bacchus Marsh Road, Bacchus Marsh, VIC 3049  
T 0800 001 100 F 0800 001 100 W www.jontian.com.au

Date: MARCH 2014  
Scale: 1:100 @ A1  
Drawing No: 02 Drawn: J.S.  
Sheet: 02 of 34  
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## TOWN PLANNING SUBMISSION

**TOWNHOUSE DEVELOPMENT  
LOT 1843 No.100 MASONS LANE  
BACCHUS MARSH**

## ELEVATIONS

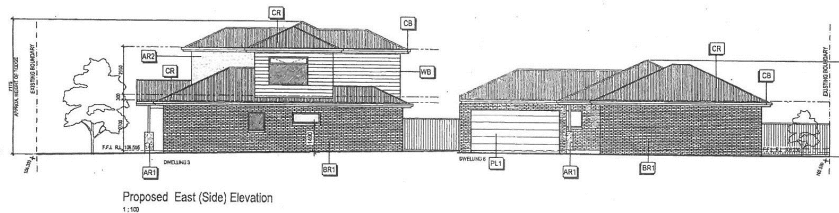
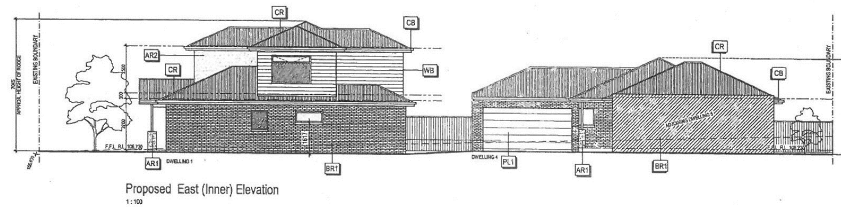
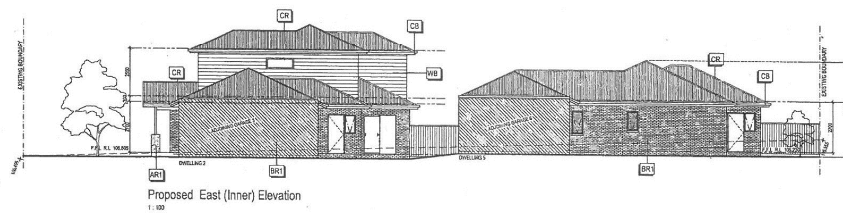
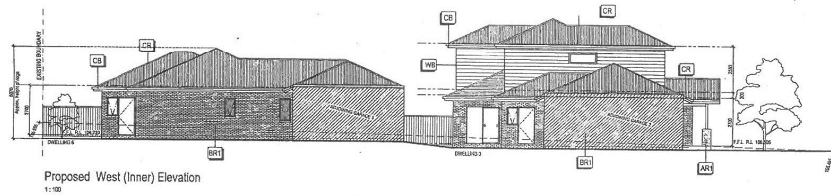
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**JONTIAN GROUP**  
building design • town planning  
No. 2, 213 - 218 Suiyong Street, Kowloon, Kowloon 4062  
Tel: 2702 7200, 2702 7201, 2702 7202, 2702 7203

Date: MARCH 2014  
Scale: 1 : 100 @ A1  
Drawing No.: 02  
Sheet: 03 of 04  
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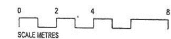






## INDICATIVE FINISHES

- BR1 Selected Face Brickwork
- AR1 Acrylic Render Finish - Colour 1  
Rendered Brick
- AR2 Acrylic Render Finish - Colour 1  
Rendered 75mm Foam
- WB Hardies Weatherboard Cladding
- CB Colorbond Gutter & Fascia
- CR Colorbond steel @ 20° Pitch
- PL1 2100H Panel Lift Garage Door
- Obscured Cladding



## TOWN PLANNING SUBMISSION

### TOWNHOUSE DEVELOPMENT LOT 1843 No.100 MASONS LANE BACCHUS MARSH

## ELEVATIONS

## REVISIONS

No.	Date	Dwg No.	Comments
1	2013/01/14	01	AMENDED IN ACCORDANCE WITH COUNCIL REQUEST FOR FURTHER INFORMATION LETTER DATED 31/01/2014

**JONTIAN GROUP**  
Building design - town planning  
Level 2/11-13 Manning Street, Bacchus Marsh, VIC 3049  
Phone: 03 9400 1000 Fax: 03 9400 1001

Date: MARCH 2014  
Scale: 1:100 @ A3  
Drawing No: 02  
Sheet: 04 of 04  
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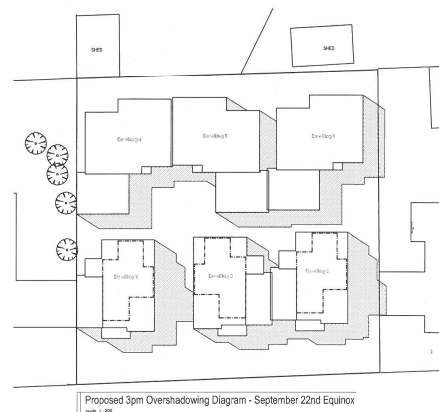
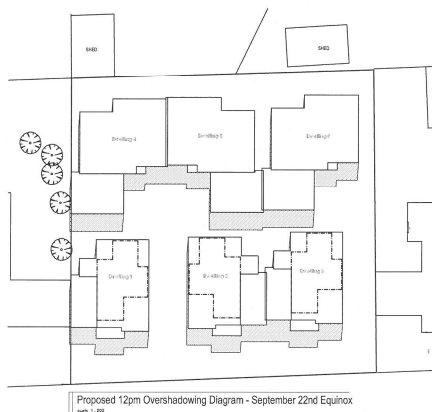


### TOWN PLANNING SUBMISSION

#### STREETSCAPE & SHADOW DIAGRAMS

**TOWNHOUSE DEVELOPMENT**  
LOT 1843 No.100 MASON'S LANE  
BACCHUS MARSH

REVISIONS				
No.	Date	By	Rev.	Comments
01	01	01	01	
02				
03				
04				
05				
06				
07				
08				
09				
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### TOWN PLANNING SUBMISSION

#### SHADOW DIAGRAMS

**TOWNHOUSE DEVELOPMENT**  
LOT 1843 No.100 MASON'S LANE  
BACCHUS MARSH

REVISIONS				
No.	Date	By	Rev.	Comments
01	01	01	01	
02				
03				
04				
05				
06				
07				
08				
09				
10				



## Site Description

The site is roughly square in shape with the following dimensions:

- A south boundary to Masons Lane of 43.31m
- A west boundary of 43.01m
- A north boundary of 42.84m
- An east boundary of 42.59m
- A total site area of 1843sq m

The site falls from south to north by up to 1.2 metres. Surrounding land is gently undulating, although the land drops noticeably further to the east and in the direction of the Lerderderg River.

The site is developed with a single storey brick dwelling with a hipped and gabled tile roof sited towards the centre of the site. A carport is located in the northeast corner of the site. The site contains a number of established native trees, towards the south and west boundaries. Vehicle access is gained via a single crossover slightly offset from the intersection of Masons Lane and Young Street opposite the subject site.

The surrounding neighbourhood is part of an established residential area of Bacchus Marsh. The area comprises predominantly single dwelling development of lots typically between 750 . 1000sq m in size. Occasional examples of infill development are evident in the surrounding neighbourhood. The site and surrounding land is in the General Residential Zone and not affected by any overlays. Agricultural and recreational land further to the east is in the Farming Zone and Public Park and Recreation Zone respectively.

To the north of the subject site are the backyards of dwellings fronting O'Keefe Crescent. To the east and west are dwellings fronting Masons Lane. To the south, across Masons Lane, is the intersection of Masons Lane and Young Street. On the corners of Masons Lane and Young Street are single dwellings.

## 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).

<b>SPPF</b>		
Clause 11	Settlement	The proposal is consistent with this policy, which advocates sustainable development that takes full advantage of existing settlement patterns.
Clause 11.05-2	Melbourne's hinterland areas	The proposal facilitates residential development within Bacchus Marsh's urban growth boundary.
Clause 11.06	Central Highlands regional growth	The proposal supports Bacchus Marsh's role as a designated growth area in the region.
Clause 15.01-5	Cultural identity and neighbourhood character	The proposal is a generally acceptable response to the neighbourhood and landscape character of this part of Bacchus Marsh.
Clause 15.02	Sustainable development	The proposal supports consolidated urban development and increased opportunities for walking and cycling.
Clause 16.01	Residential development	The proposal facilitates increased housing yield in an established area, takes advantage of existing infrastructure, and increases housing choice in the area.
<b>LPPF</b>		
Clause 21.03-3	Residential Development	The proposal would facilitate diversity of housing choice in an area with convenient access to services.
Clause 21.03-4	Landscape and Neighbourhood Character Objective	The proposal is an acceptable response to neighbourhood character.
Clause 21.07	Bacchus Marsh	The proposal consolidates residential growth in an area with good access to services.

## Zone

### General Residential Zone

The subject site is in the General Residential Zone and the provisions of Clause 32.08 apply.

A permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55 of the Moorabool Planning Scheme.

It was Council's submission to the Residential Zones Standing Advisory Committee for the zone reform that this site is zoned Neighbourhood Residential Zone . Schedule 1 (NRZ1), providing for minimum lot sizes of 200sqm. The Advisory Committee has provided its report to the Minister for a decision, which is currently pending.

The proposal would result in a density of 1 dwelling per 307sqm, which would be supported under the NRZ1, should it be implemented.

### **Overlays**

The subject site is not affected by any overlays.

### **Particular Provisions**

#### Clause 52.06 . Car Parking

Clause 52.06 Car Parking requires that car parking be provided on the land before a new use commences. The number of spaces provided is to be in accordance with the table at Clause 52.06-5. The proposal includes the required number of resident car spaces, being two spaces for each three bedroom dwelling, at least one of which is undercover. The proposal does not include the required one (1) visitor car space, however a permit may be granted to waive this requirement.

#### Clause 55 . Two or More Dwellings on a Lot and Residential Buildings

Clause 55 provides objectives and standards for residential development of two or more dwellings on a lot. This clause requires the submission of detailed information. Residential development must meet all of the objectives of this clause and should meet all of the standards of this clause.

The overall assessment for each section is outlined below:

Clause	Title	Detail	Compliance
55.02-1	Neighbourhood Character	Standard B1	<p><b>Complies.</b></p> <p>The subject site is in an established residential area mostly developed with single dwellings. The character of the area is typified by single storey dwellings with spacious front and rear setbacks. Garages and carports are positioned either behind or in line with the host dwelling's front façade. Front fences, where present, are usually low and or permeable and allow views of dwellings and front gardens, contributing to the spacious character of the area.</p> <p>Overall, the design response is considered to be responsive to the character of the area.</p>
55.02-2	Residential Policy	Standard B2	<p><b>Complies.</b></p> <p>A written statement has been provided which covers these requirements.</p>
55.02-3	Dwelling Diversity	Standard B3	<b>Not applicable.</b>
55.02-4	Infrastructure	Standard B4	<p><b>Complies.</b></p> <p>The proposal would not exceed the capacity of utilities.</p>
55.02-5	Integration with street	Standard B5	<p><b>Complies.</b></p> <p>The development provides adequate vehicle and pedestrian links to the street network. Unit 1-3's entries would be oriented to the street, and Unit 4-6's entries to the internal accessways. No high front fencing is proposed. The development does not abut existing public open space.</p>
55.03-1	Street setback	Standard B6	<p><b>Complies.</b></p> <p>Unit 1-3's proposed 7.0m ground floor &amp; 8.35-8.65m upper storey front setbacks meet the standard.</p>
55.03-2	Building height	Standard B7	<p><b>Complies.</b></p> <p>The proposed 7.2m maximum building height complies with the standard that specifies a maximum 9.0m height.</p>
55.03-3	Site coverage	Standard B8	<p><b>Complies.</b></p> <p>Buildings would occupy 47.38% of the site, less than the maximum site coverage of 60%.</p>
55.03-4	Permeability	Standard B9	<p><b>Complies.</b></p> <p>28.53% of the site would have permeable surfaces which meets the minimum requirement for 20%.</p>

55.03-5	Energy efficiency	Standard B10	<p><b>Complies.</b></p> <p>The layout of the dwellings provides acceptable solar access to indoor and outdoor living spaces.</p> <p>Solar access to north-facing windows is maximised.</p> <p>There would be no unreasonable reduction in the energy efficiency of existing dwellings.</p>
55.03-6	Public Open space	Standard B11	<b>Not applicable.</b>
55.03-7	Safety	Standard B12	<p><b>Complies.</b></p> <p>Unit 1-3<del>s</del> entries are readily visible from the street and Unit 4-6<del>s</del> entries are visible when approaching along the internal accessways.</p> <p>The private open space areas are protected from inappropriate use as public thoroughfares.</p>
55.03-8	Landscaping	Standard B13	<p><b>Complies subject to condition.</b></p> <p>There is sufficient space for low level landscaping of the site and small to medium canopy tree plantings.</p> <p>Any condition of approval should require a landscape plan to be submitted which provides for the planting of a minimum of three (3) medium sized canopy trees.</p>
55.03-9	Access	Standard B14	<p><b>Complies with objective.</b></p> <p>The proposed four crossovers would occupy 33.47% of the street frontage which slightly exceeds the standard of 33%. Given the dimensions of the site, particularly the frontage with of &gt;40m and the layout of the proposal, the design response is considered acceptable.</p>
55.03-10	Parking location	Standard B15	<p><b>Complies.</b></p> <p>The garages are in close proximity to the respective dwellings. All habitable room windows facing the accessways of other dwellings are set back 1.0m minimum and have sill heights of 1.4m above ground level.</p>



55.04-1	Side and rear setbacks	Standard B17	<p><b>Complies.</b></p> <p>New ground floor walls of up to 3.6m height with minimum setbacks of 1.2-4.75m from side and rear boundaries comply with the minimum required setback of 1.0m.</p> <p>New upper storey walls of up to 5.8m height above ground level with minimum setbacks of 3.75-4.55m from the side boundaries and &gt;22.0m from the rear boundary comply with the minimum required setback of 1.66m.</p>
55.04-2	Walls on boundaries	Standard B18	<p><b>Complies.</b></p> <p>The proposed west boundary walls have a combined length of 13.4m, less than the standard maximum length of 18.25m. The proposed boundary walls would not exceed 3.2m which complies with the standard.</p>
55.04-3	Daylight to existing windows	Standard B19	<p><b>Complies.</b></p> <p>Proposed walls would be set back at least 50% of their height from existing habitable room windows and provide a minimum area of 3.0sq m with a minimum dimension of 1.0m clear to the sky.</p>
55.04-4	North-facing windows	Standard B20	<p><b>Complies.</b></p> <p>There are no existing north-facing habitable room windows within 3.0m of the common boundary.</p>
55.04-5	Overshadowing open space	Standard B21	<p><b>Complies.</b></p> <p>There would be no significant overshadowing of adjacent secluded private open spaces. At least 40.0sq m with a minimum dimension of 3.0m would receive 5 hours sunlight between 9am and 3pm on 22 September in accordance with the standard.</p>
55.04-6	Overlooking	Standard B22	<p><b>Complies.</b></p> <p>Existing 1.9m high side and rear boundary fences meet the standard to limit overlooking from ground level.</p> <p>Upper storey habitable room windows are screened or have sill heights of 1.7m to limit overlooking, or otherwise are a minimum 9.0m from existing habitable room windows or secluded private open space in accordance with the standard.</p>
55.04-7	Internal views	Standard B23	<p><b>Complies.</b></p> <p>Proposed 1.8m high internal fences and the position of upper storey habitable room windows would adequately limit overlooking within the development.</p>

55.04-8	Noise impacts	Standard B24	<b>Complies.</b> The development adequately protects adjoining properties from any unreasonable noise and protects future residents from potential noise sources on adjoining properties.
55.05-1	Accessibility	Standard B25	<b>Complies.</b> All dwellings may be made accessible for people with limited mobility by construction of a ramp, if required.
55.05-2	Dwelling entry	Standard B26	<b>Complies.</b> All dwellingsq front entries provide shelter and a clear sense of address.
55.05-3	Daylight to new windows	Standard B27	<b>Complies.</b> All proposed habitable room windows face an outdoor space of at least 3.0sq m with a minimum dimension of 1.0m clear to the sky.
55.05-4	Private open space	Standard B28	<b>Complies.</b> Each dwelling would be provided with private open space (POS) to meet the standard. Units 1-3 would each have >80sq m of POS, at least 37sq m of which would be secluded and with a minimum dimension of 3.0m. Units 4-6 would each have >50sq m of secluded POS, at least 50sqm of which would have a minimum dimension of 3.1m. The proposal meets the standard.
	Solar access to open space	Standard B29	<b>Complies.</b> Apart from Unit 4, >25sq m with a minimum dimension of 3.0m of each dwellingq secluded POS would receive sufficient solar access to meet this standard. 23.0sq m of Unit 4q secluded POS with a 3.1m dimension would meet the standard.
55.05-6	Storage	Standard B30	<b>Complies subject to condition.</b> All dwellings are provided with 6 cubic metres of secure externally accessible storage space. However it is recommended that a condition of any approval require all sheds to be positioned in the rear corners of each unitq secluded POS to improve the useability of these areas.
55.06-1	Design detail	Standard B31	<b>Complies</b> The façade articulation and detailing, roof form and construction materials would generally accord with the surrounding neighbourhood character.
55.06-2	Front fences	Standard B32	<b>Complies.</b> No front fence is proposed.

55.06-3	Common property	Standard B33	<b>Complies.</b> Common property is clearly defined, functional and capable of efficient management.
55.06-4	Site services	Standard B34	<b>Complies.</b> Mailboxes would be easily accessible for Australia Post. Bin storage is provided in each dwelling & secluded POS, accessible via the garages.

### Clause 65 – Decision Guidelines

This report has considered the decision guidelines at Clause 65.01.

### Referrals

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

### Public Notice

The application was advertised to adjoining owners and occupiers by sending individual notices on 25 March 2014 and a sign placed on the site from 5 April to 22 April 2014. Seven objections were received, one of which was later withdrawn.

## Summary of Objections

The objections received are detailed below with officers' accompanying comments:

Objection	Officer's response
Replacing one dwelling with six dwellings in this neighbourhood is inconsistent with the current dwelling density in the area and is an overdevelopment of the site.	The proposal is consistent with State and local policies which support urban consolidation in established areas with good access to infrastructure and services. The proposal satisfies the Moorabool Planning Scheme provisions used to assess medium density residential development proposals. The suitability of the proposal is discussed in more detail below.
The proposal would increase traffic at the already busy intersection of Masons Lane and Young Street.	The proposal would increase traffic at this intersection. However, data collected on traffic movements in the area indicates that the road network can accommodate the additional traffic load. This is discussed in more detail below.
The proposal would generate 60 vehicle movements per day and increase the existing hazard associated with Masons Lane not having any traffic controls, signage or speed restrictions.	It is agreed that the development would likely generate 60 vehicle movements per day and result in increased traffic on Masons Lane. However, the presence or not of speed reduction measures on Masons Lane is not relevant in the assessment of the proposal.
The proposed dwellings are not in keeping with the neighbourhood character and will become an eyesore.	The proposed dwellings are consistent with surrounding development in terms of roof pitch and form, garage design, window size and proportions and building materials. Two storey development is uncommon in the area, however the design is considered to be responsive to the surroundings, as discussed in more detail below.
The proposal will generate more traffic on Masons Lane which is already a busy road.	Masons Lane is a Level 2 road pursuant to Clause 56.06-8 of the Moorabool Planning Scheme and capable of accommodating a traffic volume of 2000-3000 vehicles per day. Recent traffic counts indicate that the surrounding street network is capable of accommodating the additional traffic generated by the proposal, as discussed in more detail below.

The proposed dwellings do not suit the community aspect and orientation of this part of Bacchus Marsh.	The proposal facilitates a diversity of housing choice in an established area of Bacchus Marsh and is supported by State and local policies regarding urban consolidation and housing affordability.
Six dwellings is an overdevelopment of the site in relation to the lot size and neighbourhood.	The proposal is consistent with State and local policies which support urban consolidation in established areas with good access to infrastructure and services. The proposal satisfies the Moorabool Planning Scheme provisions used to assess medium density residential development proposals, as discussed in more detail below.
There is no visitor car space which will add to further traffic congestion.	The permit applicant seeks a waiver of one visitor car space. A waiver of one car space is considered generally acceptable as discussed further below.
The four proposed crossovers, one of which is double width, will significantly reduce the availability of on street car parking. This is exacerbated by the site's location opposite a T-intersection and lack of a kerb and channel on the opposite side of Masons Lane east of Young Street.	There is existing provision for five on street car spaces at the front of the subject site. The proposal would result in the loss of three of these on street car spaces. Whilst this is a notable decrease, the site has an unusually wide frontage and the four proposed crossovers would enable efficient development of the site. Additionally, according to the <i>Road Safety Road Rules 2009</i> parking of vehicles is <i>not</i> illegal on the road shoulder on the south side of Masons Lane east of Young Street. It is considered that reasonable provision of on street car parking exists to meet the reasonable demands of existing and future residents.
The proposal would put pressure on on-street car space availability in front of neighbouring and nearby properties.	Each dwelling within the development would be provided with the required two car spaces. The applicant seeks a waiver of the required one visitor car space. It is agreed that at times it could be expected that on-street car parking in front of neighbouring and nearby properties would be occupied by vehicles associated with the proposed development. This is not considered to be unreasonable in an established urban area.

Two proposed crossovers opposite Young Street poses a safety issue for vehicles and pedestrians.	Council's Infrastructure Unit advises that the location of crossovers opposite the T-intersection is acceptable although not preferred. One of the crossovers is not directly opposite the T-intersection and leads to a driveway capable of allowing drivers to enter and exit in a forward direction, which improves the safety of road users. It is not considered that the proposed design would pose a high risk to road users given visibility when exiting the site and traffic levels generally.
The proposal does not respect existing neighbourhood character or contribute to a preferred character, and does not respond to the features of the site and surrounding areas.	The proposed dwellings are consistent with surrounding development in terms of roof pitch and form, garage design, window size and proportions and building materials. Two storey development is uncommon in the area, however the design is considered to be responsive to the surroundings, as discussed in more detail below.

## Discussion

The proposed development of six (6) dwellings on the subject site would replace an existing single dwelling and carport. Surrounding development is characterised by single storey dwellings on lots generally of 750-1000sq m. Although there are occasional examples of medium density development in the area, aside from the Department of Human Services development on Young Street these are usually dual occupancies and relatively inconspicuous in the wider neighbourhood. The overall character of this part of Bacchus Marsh is of a spacious suburban environment on the township fringe but with good access to many of the township's conveniences.

Overall, the proposal is deemed to comply with State and local planning policy. The *Central Highlands Regional Growth Plan* (Victorian Government 2014) identifies Bacchus Marsh as regionally significant in terms of its role as a key service centre and host for associated population growth. Furthermore, the proposal would facilitate consolidated growth within the existing township, take advantage of existing infrastructure and services and reduce pressure on outward growth. In an area dominated by single detached dwellings on large lots the proposal would also provide additional housing choice and affordability.

Whilst the proposal is considered generally responsive to the character of the area it is acknowledged that the proposed density of development is significant in the neighbourhood context and particularly compared to existing site conditions. The subject site and surrounding land is in the General Residential Zone (GRZ). The purpose of the GRZ includes the following:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

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

Whilst the density of the proposed development is substantially higher than surrounding development the assessment of the proposal finds that the dwellings would achieve acceptable amenity for future occupants without unreasonable detriment to the amenity of surrounding residents. This is outlined in the above assessment of the proposal against Clause 55 of the Moorabool Planning Scheme. Notwithstanding this, objections in relation to dwelling density, neighbourhood character, traffic management and car parking warrant further discussion here.

The anticipated future subdivision of the proposed development would yield lot sizes substantially smaller than adjoining and nearby lots. The subject site would accommodate semi-detached dwellings, three of which would directly front Masons Lane with a further three to the rear. Three single width crossovers and one double width crossover would provide vehicle access, in place of the existing single width crossover. The proposed dwellings would be of a compact design with smaller backyards than those found nearby. Unit 4-6's side and rear boundary setbacks would be 1.2 . 5.0 metres, adjoining the backyard realm of surrounding dwellings which is uncommon in the surrounding neighbourhood.

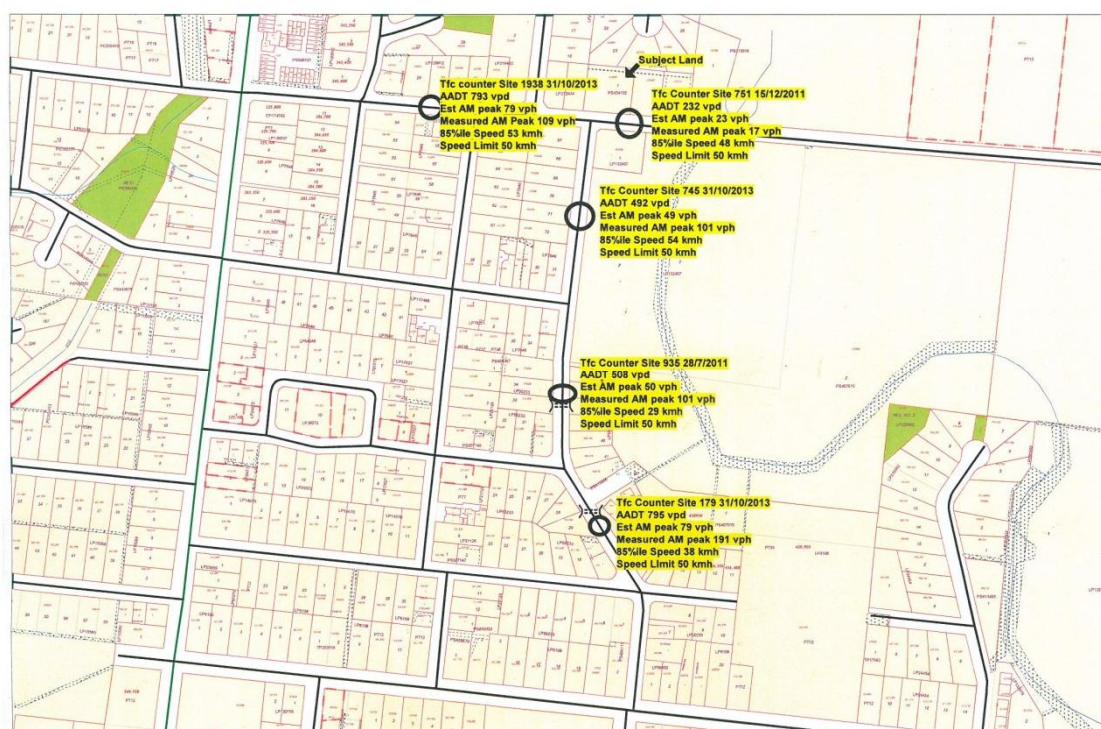
It is considered that increased density per se is not a reason to refuse a development. Instead it is consideration of what the potential impacts of increased density are likely to be and how a development proposal addresses such matters. The effects of increased density brought by this proposal would include more residents, increased building height and coverage, less open space and areas for landscaping, and increased traffic. But assessment of the proposal against the provisions of Clause 55 above demonstrates compliance with all relevant objectives and most relevant standards. The provision of resident car parking and the design and layout of accessways and car parking areas also complies. The applicant seeks a waiver of the required visitor car parking which is deemed acceptable and discussed in more detail below.

The appearance of the proposed dwellings is considered to be generally responsive to existing residential development in the area. The design incorporates low pitched hipped Colorbond roofs with gabled porches. The dwellings would be clad with face brick, weatherboard and acrylic render.

Window and door proportions would be in proportion to the scale of the host development and nearby dwellings, and the garages would blend with the development. The front setbacks of Units 1-3 would be consistent with those of adjoining dwellings on Masons Lane and provide acceptable space for landscaping. Although the double storey element of Units 1-3 is uncommon in the area, the upper storeys would be set back above the ground floors with no sheer two storey walls proposed. It is considered that whilst readily visible in the streetscape, the upper storeys adopt a scale and form in keeping with surrounding development and would not present any unreasonable bulk when viewed from the street or adjoining properties.

Despite the increased number of crossovers, it is considered that they would integrate well with the development when viewed from the street. Unit 1 would be served by a single width crossover and Units 2 and 3 would share a double width crossover, and each unit would have a single width garage fronting the street. Units 4-6 to the rear of the site would be served by two single width crossovers. There is sufficient space between each crossover to provide meaningful landscaping and break up the hard surface paving.

Masons Lane and Young Street are classified as Level 2 roads as defined in Clause 56.06-8 of the Moorabool Planning Scheme, and capable of accommodating a traffic volume of 2000-3000 vehicles per day. Traffic counts were done in Masons Lane both east (in 2011) and west (in 2013) of the Young Street intersection and in Young Street in 2011 and 2013. The map below shows the results:



The AADT refers to annual average daily traffic which on Masons Lane west of Young Street was measured as 793 vehicles per day (vpd) and east of Masons Lane significantly less as 232 vpd. The traffic counts at three sections of Young Street indicate on average lighter traffic flows than on Masons Lane. However on Young Street alone there are heavier traffic



flows south of the Bacchus Marsh Primary School pick up/drop off area entry/exit point. Notwithstanding this, data for the Masons Lane and Young Street route between Gisborne Road and Main Street shows peak morning traffic flows associated with school traffic, as noted by some objectors. Traffic congestion has been observed in the afternoon at school pick up times with vehicles queuing north along Young Street.

Based on the data collected, Masons Lane and Young Street are capable of accommodating the anticipated additional traffic generated by the proposed development.

The permit applicant seeks a waiver of the one on-site visitor car space required by the Moorabool Planning Scheme for every five dwellings in the proposed development. The lack of one visitor car space is not expected to have a substantial impact on the availability of car parking in the vicinity of the subject site, despite the loss of three on-street car spaces as a result of the proposal. The proposal does make provision for the required number of on-site resident car spaces and given the availability of on street car parking observed in the vicinity it is considered acceptable to waive the one required visitor car space. During mediation between the applicant and objectors the possibility of providing one indented car space in front of the subject site was addressed. Whilst this would not mitigate the loss of on-street parking it was considered that it might help reduce traffic congestion created by cars parked on the carriageway. However, if this was implemented it would be the only indented car space on this side of Masons Lane. Any other vehicles parked on this side of the road would be parked on the carriageway, and it is considered that the provision of one isolated indented car space would have a limited positive impact on reducing congestion. It is considered that any investigation of the provision of indented car parking on Masons Lane should be done in a more integrated manner to achieve the desired outcome and not on an ad hoc basis in response to development proposals.

### **Financial Implications**

The recommendation to approve a permit for Development of Six (6) Dwellings and a Waiver of the Visitor Car Space 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. A consultation meeting mediated by a Council planner was held to which the applicant and all objectors were invited. The objectors and the applicant were invited to attend this meeting and address Council if desired.

## **Conclusion**

The proposal is, overall, consistent with the relevant policies in the Moorabool Planning Scheme. The development satisfies the purpose of the General Residential Zone, meets the objectives of Clause 55 and most of the relevant standards. The design and provision of vehicle access and car parking is acceptable and the waiver of one visitor car space is deemed acceptable.

The proposal would facilitate the orderly development of residential land in a location generally well suited to accommodate additional housing growth. The proposal would provide acceptable amenity for future occupants without any unreasonable detriment to adjoining and nearby residents. The design is suitably responsive to the neighbourhood character of the area. Recent data on traffic movements in the vicinity of the subject site show that traffic generated by the proposed development can be readily accommodated by the surrounding road network. There is sufficient on street car parking available to meet the expected demands of visitors.

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

### **Consideration of Deputations – Planning Permit Application No. PA2014-004**

**Ms. Fiona McNaughton addressed Council as an objector to the granting of a planning permit for the application.**

**Mr. Christopher Niessen addressed Council as an objector to the granting of a planning permit for the application.**

**Ms. Veronica Mayne addressed Council as an objector to the granting of a planning permit for the application.**

**Joseph addressed Council on behalf of the applicants in favour of the granting of a planning permit for the application.**

**The business of the meeting then returned to the agenda.**

### **Resolution:**

**Crs. Dudzik/Spain**

***That the item be deferred to the next Ordinary Meeting of Council on 1 October 2014.***

**LOST.**

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

***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 PA2014-004 for Development of Six (6) Dwellings and a Waiver of the Visitor Car Space on Lot 1 PS 434102W, 100 Masons Lane, Bacchus Marsh subject to the following conditions:***

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three (3) A3 size copies and one (1) A1 size copy must be provided. The plans must be generally in accordance with the plans identified as Sheets 1 of 4, 2 of 4, 3 of 4 and 4 of 4, dated 07/03/2014 and prepared by Jontian Group but modified to show:***
  - (a) Vehicle crossovers set back a minimum 1.0 metre from existing infrastructure on the adjoining public footpath.***
  - (b) A notation on the plans to show compliance with the details in Clause 52.06-8 for splays.***
  - (c) Each dwelling's shed relocated to a corner of the respective secluded private open space.***
  - (d) A schedule of colours and materials including colour swatches.***
  - (e) A landscape plan in accordance with Condition No. 7.***
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 3. All pipes, fixtures, fittings and vents servicing any building on the site, other than stormwater down pipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.***
- 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.***
- 5. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.***
- 6. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.***

7. ***Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:***
- (a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.***
  - (b) Buildings and trees on neighbouring properties within three metres of the boundary.***
  - (c) Details of surface finishes of pathways and driveways.***
  - (d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.***
  - (e) Landscaping and planting within all open areas of the site.***
  - (f) At least three (3) medium sized canopy trees.***
  - (g) Landscaping compliant with Clause 52.06-8 of the Moorabool Planning Scheme in relation to corner splays.***

***All species selected must be to the satisfaction of the Responsible Authority.***

8. ***Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.***
9. ***The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.***

***Infrastructure Conditions:***

10. ***The vehicle crossings must be constructed to urban residential standard 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 crossings.***
11. ***The common property driveway must be constructed in reinforced concrete to a depth of 125 mm. The layout of the driveway must be designed to ensure that all vehicles are able to enter and exit the property in a forward direction in accordance with Clause 52.06-8 of the Moorabool Planning Scheme.***

12. ***The development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:***
  - (a) ***The development as a whole must be self draining.***
  - (b) ***Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.***
  - (c) ***All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.***
  - (d) ***Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".***
13. ***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.***
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. ***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.***
16. ***If required, the layout of the development must be modified based on the approved stormwater design.***
17. ***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).***
18. ***A landscape plan must be prepared and submitted to the Responsible Authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements.***
19. ***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 change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***

- 20. 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.**

**Expiry condition:**

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

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

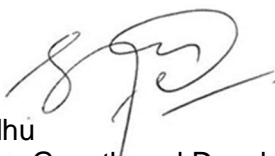
**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Monday, 25 August, 2014



**9.2.7 Planning Application PA2014-139; The Use of the land for a Place of Assembly (Music Festival) including camping and Business Identification sign; CA87B, Parish of Kerit Bareet, Yendon Egerton Road, VIC, Mount Egerton, 3352**

*This report meets the criteria established for the Development Assessment Committee (DAC), however this proposal has been previously presented to an Ordinary Meeting of Council (OMC).*

*The previous application for the same proposal received significant attention from the community and therefore due to the history of the application it is considered appropriate that this application be decided at an OMC.*

<b>Application Summary:</b>	
Application No:	PA2014-139
Lodgement Date:	3 June 2014
Applicant:	Inca Roads Inc. c/- Daniel Camilleri
Planning Officer:	Victoria Mack
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	28 August 2014
Address of the land:	CA87B, Parish of Kerit Bareet, Yendon Egerton Road, VIC Mount Egerton, 3352
Proposal:	The Use of the land for a Place of Assembly (Music Festival) including camping and Business Identification sign
Lot size:	8.33ha
<b>Moorabool Planning Scheme (Relevant details):</b>	
State Planning Policy Framework (SPPF):	Clause 14.02-1, Catchment planning and management
Local Planning Policy Framework (LPPF):	Clause 21.03-5 Rural Lifestyle Opportunities
Zone:	Farming Zone (FZ)
Overlays:	Environmental Significance Overlay . Schedule 1 (ESO1, Proclaimed Water Catchment Areas)  Design and Development Overlay . Schedule 2 (DDO2 Visual amenity and building design)
Particular provisions:	Clause 52.05, Advertising signs
General provisions:	Clause 65 Clause 66
Why is a permit required?	Provisions of the Farming Zone and Environmental Significance Overlay . Schedule 1

<b>Public Consultation:</b>	
Number of notices to properties:	21
Notices on site:	1
Notice in Newspaper:	No
Number of objections:	5
Consultation meeting:	Not held; the objectors are the same people who objected to application PA2013-103 in 2013.
<b>Policy Implications:</b>	
<b>Key Result Area -</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective -</b>	Effective and efficient land use planning and building controls.
<b>Strategy -</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications.  Ensure that development is sustainable, resilient to change and respects the existing character.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
<b>Officer's Declaration of Conflict of Interests</b>	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.  <i>Manager Statutory Planning and Community Safety – Sian Smith</i> In providing this advice to Council as the General Manager, I have no interests to disclose in this report.  <i>Author – Victoria Mack</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	



**Executive Summary:**

A similar application PA2013-103 was lodged by Inca Roads in May 2013. There were five (5) objectors to the application and the application was determined by Council at its meeting on 2 October 2013 where a Notice of Decision to Grant a Permit was issued.

The objectors appealed Council's decision at VCAT under section 82 of the Planning and Environment Act 1987 and the matter was heard by Deputy President Mark Dwyer on 15 November 2013. VCAT affirmed Council's decision and a Permit was issued. The music festival was conducted over three days between 12 midday on Friday 29 November and 4pm on Sunday 1 December. The permit was issued for one event only it expired on 15 December 2013.

This application seeks approval to conduct a three day music festival annually as a private event to cater for a maximum of 650 people, including a maximum of 500 members (patrons) 100 artists (not all on the site at the same time) and 50 organisers including volunteer staff. The application is before Council owing to the receipt of five (5) objections from neighbouring landowners and occupiers. The objectors are the same who objected to the application in 2013.

The key concerns raised by objectors include: excessive noise and disruption to the neighbours lives and the rural amenity of the area; the impost that the extended operating hours proposed on neighbours; the failure of the applicant to adhere to conditions imposed on the 2013 permit; and overall the potential risks that may occur. The objectors do not want the festival to be approved.

However, it is considered that the applicant has demonstrated that the festival can be managed appropriately and securely, that noise emissions can be controlled to meet EPA guidelines and that the number of patrons (members), artists and volunteers proposed is modest when considering comparable open air events.

The music is not of the rave style and the numbers attending would be controlled by the planning permit. No alcohol is sold at the event and appropriate emergency management plans have been provided.

It is considered that appropriate measures have been taken to conduct a music festival in a responsible manner which would provide economic benefits to local businesses within the municipality.

**Summary Recommendation:**

The proposal has been assessed against the relevant components of the Moorabool Planning Scheme, particularly those set out in the State and Local Planning Policy Framework, Clause 35.07-1 and Clause 35.07-6 Decision guidelines of the Farming Zone and it is considered that the proposed use is generally consistent with requirements of the scheme.

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

## Site History

Permit 2013-103 was upheld by VCAT order on 15 November 2013 for the Use of the land for a Place of Assembly (Music Festival) and business identification signage. The permit was issued for one festival only and it expired on 15 December 2013.

The festival proceeded and Council officers and Councillors attended the event at various times. According to noise readings taken the 2013 music festival did not exceed noise levels required under EPA noise guidelines. The Ballan Police have advised that they attended to several complaints from neighbours but that they did not have any issues arising from the event.

The applicants have stated that there were no fights or altercations; no gate crashers; and no incidents reported at any of the three festivals that have been run on the property.

Prior to 2013 a music festival was conducted on the land in both 2011 and 2012 without a permit. The matter was investigated after three complaints from neighbours were received in 2012, however, no enforcement was undertaken. This was on the basis that the applicant had contacted Council (the applicant has provided email evidence of this) prior to both events and while the matter was not referred to planning, advice was provided that a permit was not required to hold the event.

## Proposal

Inca Roads proposes to conduct a Music Festival on the land from Friday 21 November 2014 to Sunday 23 November 2014. This is a week earlier than the 2013 event. The application can be summarised as follows:

1. **Alcohol:** No alcohol would be sold on the site but patrons would be able to bring their own alcohol to the event. A Liquor Licence is not required as alcohol is not being sold at the event confirmed by correspondence from the Victorian Commission for Gambling and Liquor Regulation.
2. **Accommodation:** Patrons and organisers would bring their own tents for overnight accommodation. Three camping areas have been noted on the site plan.
3. **Age demographic:** The event caters for all ages with the majority of attendees being between 25 and 35 years of age.
4. **The applicant:** Inca Roads is an incorporated not-for-profit community music festival and claims to celebrate the best in young talent by encouraging new performers to perform at the event in a family friendly environment; and provide a professional platform for young and emerging artists. The land is owned by a relative of the applicant's representative.
5. **Attendees / patrons (members):** All festival patrons would be required to be members of Inca Roads. No tickets would be sold at

the gate on the event weekend. A membership database is kept. The three day music festival would involve a maximum of 650 people made up of: members (500), organisers and volunteer staff (50); and performing artists (100 in total, not all on the site at the same time). In 2013 the total number of people attending was 500 including members, artists and staff.

6. **Car parking:** An in-paddock parking area for 159 cars (including two (2) disabled spaces) is noted on the site plan as well as an additional 40 car spaces for artists, closer to the performing area. It is not anticipated by the applicant that there would be a peak time for arrivals or departures. The car parking area would be marked off with wooden posts and chain link fence.
7. **Entrance and exit:** Entrance and exit from the site would be from the Yendon Egerton Road, in the north-east corner of the site. An emergency exit is also suggested through Lot 87D to the east of the property in the south-east corner.
8. **Fire risk and water supply:** A 25,000L mobile fire tanker would be available with appropriate CFA connections. The grass would be mown to approximately 5cm in height and cleared of debris prior to the event.
9. **First Aid:** There would be ~~at~~ least one Chief First Aid and OH&S officer on shift ~~and~~ ~~at~~ least two General First Aid officers on shift
10. **Food:** Limited cooking facilities would be allowed on the site, or any fires. Food during the event would be provided either by a general BBQ for members, brought to the event by participants themselves, or purchased from food vans to be available during the event. Perishable food would be stored in a refrigerator on the site. Insurance and registration for any vendors on site would be required.
11. **Hours of festival:** Live music is proposed to be played between the following hours with scheduled performance breaks as below:
  - Friday 21 November: 4pm . 1.30am (Saturday)
  - Saturday 22 November: 10am . 2.30am (Sunday)
  - Sunday 23 December: 10am . 2pm.

There would be 30-45 minute performances, followed by 30-45 minute breaks.
12. **Local suppliers:** would be used to provide security, coffee, food and local farm products.
13. **Music type:** A mix of classic genres would be played such as soul, jazz & rhythm and blues; as well as modern day pop, rock and acoustic music.

14. **Power and lighting:** A 15Kva generator would power the site with smaller generators for night lighting. The camp areas will be lit between the hours of 8pm and 4am. Low level lighting would be used for the stage and surrounds - no laser lighting would be used.
15. **Portable toilets:** Twenty four (24) portaloos and one (1) disabled toilet would be provided on the site by Palmer Hire for the duration of the event. This equates to one cubicle per 26 patrons, Washbasins and soap would be provided and volunteers would check the cubicles each 6 hours. The location of the portaloos is marked on the site plan.
16. **Insurance Risk:** Public and Products Liability Insurance would be in place with Hohan Group as underwriters.
17. **Site management:** The site would be set up in the days prior and clean up would occur the week following. The site would be totally cleared of all materials within 7 days of the last day of the festival, with the exception of the stage.
18. **Sound measuring equipment:** a Center 320 series Sound Level Meter and a Center 326 Sound Level Calibrator will be used to measure sound emissions during the festival.
19. **Stage and performing area:** The stage area would contain a site induction point, a drinking water point, a food vending and service area, a first aid tent and a disabled viewing area, all to be located south east of the main stage. The stage would be rented for the event and have a floor area of 20sqm (4m x 5m) with scaffolding and a tarpaulin. Some plywood would also be used on the roof and walls to be constructed by a licenced carpenter. Details of the stage area are marked on the site plan.
20. **Staff:** All staff would be volunteers and would be inducted at least one hour prior to their shift about the site's safety and operational procedures.
21. **Security:** The application indicates that security would be provided by Regional Security Services, with two (2) security guards per first 100 patrons and one (1) for each 100 patrons thereafter. If the maximum of 500 patrons attend it would require 6 security guards. The ratio is based on Liquor Licensing Victoria guidelines.
22. **Signage:** One (1) sign would be erected on the gate to the property which would be 1m long x 0.5 wide. No other signage would be erected on the property other than temporary internal directional signs.
23. **Traffic:** The organisers estimate that the maximum number of cars that would be on the site over the three days would be 200-250, with some traffic movements on each day as performers and others arrive or depart the venue. It is estimated that approximately 150 members cars would be on the site at any one time and 50-100 artists or temporary attendees cars. It is estimated that over 24 hours of any one day 120 cars would be the maximum number entering or existing the site.

24. **Traffic signs, including advance warning signs:** would be erected on the Yendon Egerton Road in accordance with the approved traffic management plan and in compliance with Australian Standards for road signage.
25. **Traffic Management:** There would be no queuing on the Yendon Egerton Road and cars would enter the site where there would be a waiting area able to accommodate at least 30 cars. Traffic management volunteers would control and direct all cars from this assembly area. A speed limit of 5KPH will be enforced within the site.
26. **Waste management:** Rubbish bags would be provided to members on arrival and waste bins would be available around the site. Bins would be emptied into a waste disposal area which is noted on the site plan, to be located behind an existing shed on the land and screened by trees. Collected waste would be disposed of in a Council waste handling facility after the event.
27. **Water:** Would be free to participants.
28. **Website:** The Inca Roads website can be accessed at: [www.incaroads.com.au](http://www.incaroads.com.au)

### Acoustic Report

An acoustic report was provided prepared by Sound and Acoustic Engineer, Dom Watson, from ATC Productions.

The summary of the acoustic report findings (August 2013) stated as follows:

*Measurements were taken at key points along the boundary of the property, within the festival site and at neighbouring properties. With a 112dB(A) weighted peak output one metre from the source location this was found to be well within the limits of EPA regulations at all properties in the local area. All properties were well within the 65dB (A) EPA limit. See also recommendations.*

*All objectors are those most minimally impacted with recordings of less than 45dB (A). Interestingly readings of 4WD's trucks and V6 cars driving down the road easily reached 75-85dB (A).*

*Based on these results, it is my strong belief that the operating of this festival will not have any adverse effects on the neighbouring properties or objectors and will cause minimal disruption to the surrounding area.*

It was also noted by the acoustic consultant that the audio system to be used in 2013 is superior to that used in previous events and that ~~the~~ the greater amount of ~~headroom~~ the less sonic distortion and shorter distance the sound travels

Recommendations to dampen sound leakage (summarised):

1. Insulate three (3) walls of the stage with large square straw bales (approx. 150kg each).
2. Add artificial barriers to reduce noise escaping from the site.

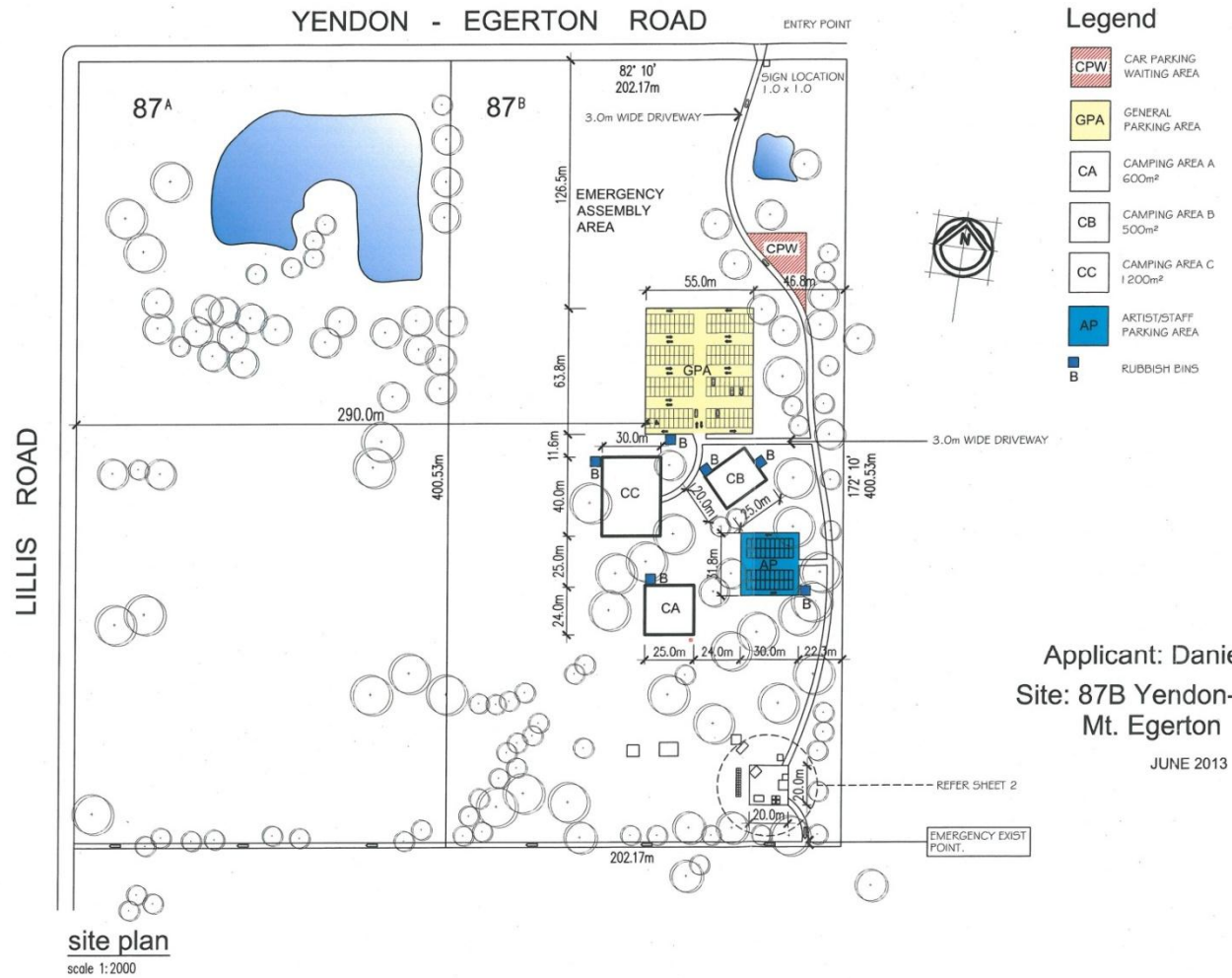
3. Consult with festival sound engineer to arrange speaker directions to cancel out any reverberating frequencies during the event, such as using cardioid array to minimise effect of bass frequencies.
4. Provide a public complaint hotline operator in event of noise exceedance.
5. Procedure in place to monitor and act upon sound exceedance.

In the 2014 festival application the applicants have stated that:

- The festival will comply with EPA regulations.
- The equipment that will be used to measure sound emissions will be:
  - Center 320 series Sound Level Meter; and
  - Center 326 Sound Level calibrator
- Sound was recorded at all dwellings in the area in 2013 and measurements were substantially less than 65 db(A) required by the EPA.
- Records taken 1m from the source were 107.9db(A).
- Hourly sound recordings will be taken ensure the mix is not travelling long distances; and the Sound Engineer will monitor and control frequencies as required.

SITE PLAN . CA 87B  
VERSION 1 June 2013

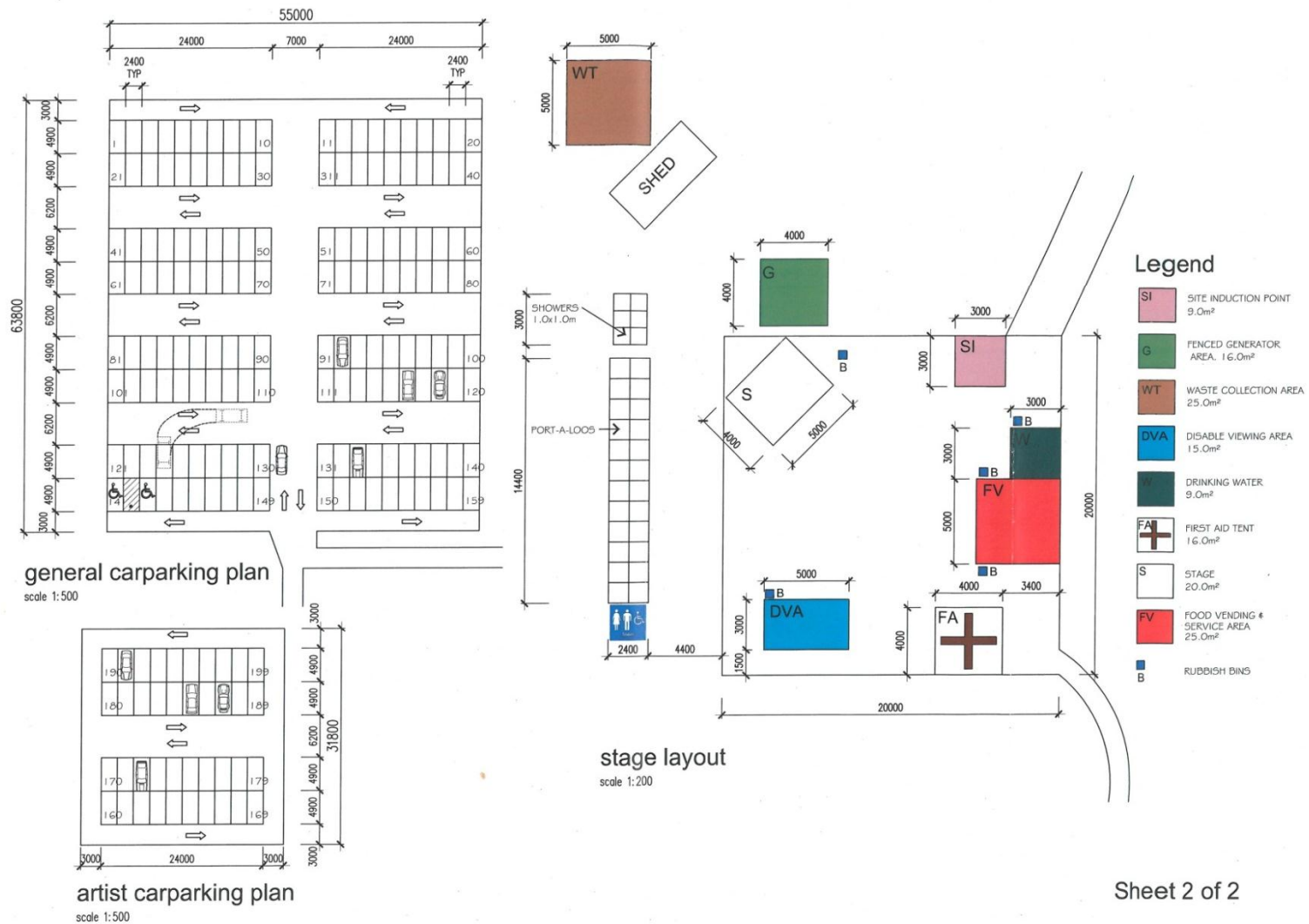
## "Inca Roads Music Festival"



Applicant: Daniel Camilleri  
Site: 87B Yendon-Egerton Road  
Mt. Egerton  
JUNE 2013

Sheet 1 of 2

# DETAILED STAGE AND CAR PARKING PLAN . CA 87B Version 1 June 2013



Sheet 2 of 2



## Site Description

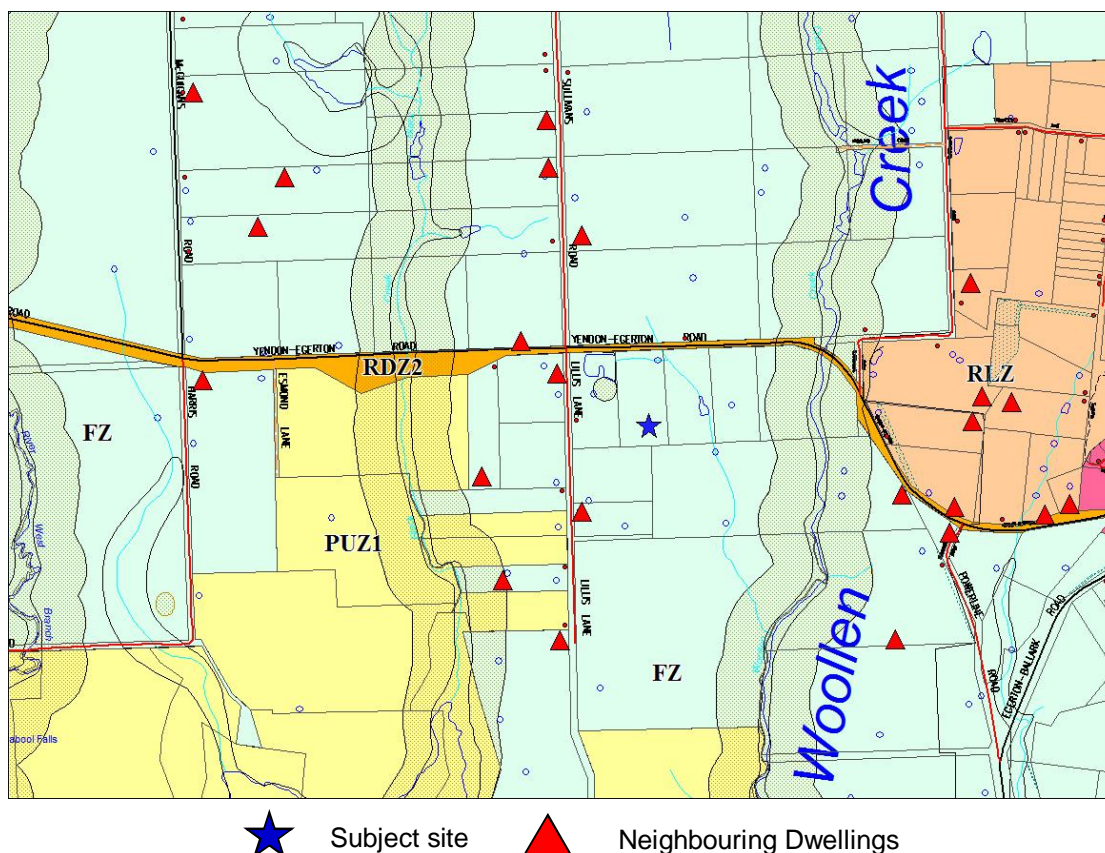
The site is vacant farming land with an area of 8.33ha. The entrance to the land is via a crossover and a farm gate from the Yendon Egerton Road located in the north east corner of the site. The property is accessed from this gateway via a gravel farm track. There is a small dam in this corner of the allotment setback approximately 28m south of the road.

Two waterways are also located in the north east corner of the site - one running east west parallel with the road which also runs through the dam and which then connects with the other which clips the north east corner of the site and flows to the south east across neighbouring land.

The pastured grazing land is undulating rising to the rear south side boundary of the allotment. There is native vegetation along the east side boundary and then scattered native vegetation across the southern half of the site.

Neighbouring land is used for predominantly grazing and fodder conservation. To the east, south and west of the site the land is generally cleared with vegetation more generally limited to windbreaks and a few scattered trees. To the north of the site the land is also used for grazing but has medium density scattered native vegetation.

Neighbouring allotments are generally of similar size or larger some with dwellings. It is estimated that there are approximately 13 dwellings within a 1km radius of the site.



## **Planning Scheme Provisions**

### **State Planning Policy Framework**

Clause 14.02-1, Catchment planning and management

- The objective of this policy is to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

### **Local Planning Policy Framework**

Clause 21.03-5 Rural Lifestyle Opportunities

- The objective of this policy is to support development in small towns and rural lifestyle opportunities as an additional residential choice.

## **Zone**

### **Farming Zone**

Pursuant to Clause 35.07-1, Section 2 of the Moorabool Planning Scheme a planning permit is required to use land for a Place of Public Assembly (Music Festival).

## **Overlays**

### **Environmental Significance Overlay – Schedule 1**

Pursuant to Clause 42.01-2 of the Moorabool Planning Scheme a planning permit is required to construct or carry out works.

### **Design and Development Overlay – Schedule 2**

A permit is not required to construct or to carry out works where all external walls and roof areas are clad with non-reflective materials.

## **Particular Provisions**

### **Advertising Signage**

Pursuant to Clause 52.05-9, a permit is required to display a business identification sign.

The objectives for advertising signs are:

- *To regulate the display of signs and associated structures.*
- *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

In Category 4 . sensitive areas . the total advertisement area to each premises for a Business Identification must not exceed 3 sqm.

Only one (1) sign is proposed which would be located on the front gateway to the property and which would have an area of 0.5 sqm. The sign proposed would only be erected for the duration of the festival.

### General Provisions

Clause 65 sets out a list of criteria that the responsible authority must consider as appropriate, including the following:

- The matters set out in Section 60 of the Act. (This is the consideration of objections).
- The State Planning Policy Framework (SPPF) and the Local Planning Policy (LPPF), including the Municipal Strategic Statement (MSS) and local policies.
- The purpose of the zone, overlay or other provisions.
- Any matter required to be considered in the zone, overlay or other provisions.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- The extent and character of native vegetation and the likelihood of destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

### Referrals

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

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals:	Central Highlands Water . subject to conditions
Section 52 referrals	Country Fire Authority . consent subject to conditions Ballan Police . no objection, comments provided.

Internal Council Referrals	Advice/Response/Conditions
Infrastructure	Consent subject to conditions
Environmental Health	Consent subject to conditions
Building	Building has advised that an application under the building regulations for a Place of Public Entertainment (POPE) is not required.

## Public Notice

The application was advertised to adjoining owners and occupiers within a one (1) kilometre radius of the site by sending individual notices on 30 June 2014 and a sign placed on the site from 1 July 2014 to 15 July 2014.

Five (5) objections were received.

A consultation meeting was not conducted as the objectors to the 2013 permit application are the same as for this application. It was not considered that anything further could be added that is not already well known by both parties.

## Summary of Objections

A summary of the objections are as follows:

Objection	Officer's response
<p><b>Noise</b></p> <p>The overriding concern expressed by objectors was the noise emanating from the festival and that the extended operating hours proposed are excessive, especially for families with young children, causing anxiety and stress.</p> <p>More generally the concern is that the event would disturb the peaceful rural amenity of the area.</p> <p>There was concern that the noise levels would increase after sound recordings were checked. It is claimed that decibel readings of up to 100 db(A) were recorded by neighbouring residents.</p> <p>Objectors stated that sound testing should be taken by independent firms.</p>	<p>The applicant has provided an acoustic report which demonstrates that the noise leakage from the stage area can be contained within acceptable levels, with both an improved sound system, as was used in 2013, and also with specific sound engineering controls to minimise noise travelling long distances.</p> <p>All objectors live more than 750m north, north-west and west of the proposed site. The stage has been oriented to face south west directly away from objectors homes.</p> <p>The sound readings taken at the 2013 festival did not exceed 65 db(A) at neighbouring boundaries at any time that the readings were taken.</p> <p>Sound was recorded at 107.9 db(A) 1m from the source area and 47.2 db(A) at the front gate of the property.</p>

<p><b>Hours of operation</b></p> <p>The extended hours proposed are unacceptable, unfair and show a lack of regard for surrounding residents.</p>	<p>The extended hours of operation (music) for the festival are still less than open air events of a similar kind, most of which go significantly later than the hours proposed by Inca Roads, however, the 2.30am finish time on Saturday night appears to be excessive in the context of this site and it is considered that the music should cease at 1.00am on both Friday and Saturday nights.</p>
<p><b>Security - Alcohol and drugs</b></p> <p>Objectors were concerned about over consumption of alcohol and the possibility of prohibited drugs. They wanted to know how the organisers will ensure that the patrons did not carry drugs onto the premises and questioned the capability of Regional Security Services.</p>	<p>The applicant has contracted Regional Security Services Australia, Ballarat, to be on site for the duration of the event. This firm was also present in 2012 and 2013. There have been no reports of any members attending this event have been out of control however, a strong security presence should address any issues that arise. Additionally there would be qualified staff with appropriate first aid training and prior to the event there would be induction procedures for staff and members.</p>
<p><b>Permit number 2013-103 conditions were not adhered to.</b></p> <p>12) It is claimed that the gate was not securely staffed at all time.</p> <p>14) it is claimed that light was emitting from the property.</p> <p>15) It is claimed that music continued for 10 minutes after 12pm.</p> <p>18) The site was not cleared of all festival equipment within the prescribed time or seven days.</p>	<p>The gate was not staffed after the music had ceased each night.</p> <p>The applicant has stated that no light was emitted from the event and officers who attended at various times did not observe any light emissions.</p> <p>The music did extend to 12.10am on the Saturday night, 10 minutes later than permitted.</p> <p>It is considered that the applicant generally met the condition except the stage was not removed.</p>

<b>The site is unsuitable for a music festival.</b>	Provided the <i>Procedures Manual</i> and <i>Emergency Management Plan</i> submitted with the application are adhered to, it is considered that the applicant can conduct a festival for the benefit of patrons and young musicians without material detriment to the surrounding community.
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### Assessment of Application

The event is operated by Inca Roads Inc. which is a not-for-profit arts organisation that claims to have been created to provide a genuine platform where musicians and artists, particularly young people, can perform and collaborate, in a family friendly environment.

The application is for an annual three day music festival. The applicants have conducted this festival twice on the subject land, in 2011 and 2012, without a permit and again in 2013 with a one-off planning permit.

### Noise

It is considered that the organisers have tried to accommodate the concerns of objectors and they have developed a noise management response for the 2014 event which would satisfactorily control noise emissions to be safely less than EPA guidelines at all the nearest neighbouring dwellings.

Despite objector claims to the contrary no sound recordings taken close to their homes during the festival in 2013 exceeded EPA recommendations of 65 db(A).

However, it is considered that measurements should be required to be taken at pre-determined intervals and at predetermined locations and a log kept of all sound readings recorded over the three days. These recordings should be made available to Council Officers and Police when and if requested.

### Participants

The maximum number of people that would attend the event would be 650, made up of 500 members (patrons), 100 artists (on a rotational basis), and up to 50 organisers / support volunteers.

The number of patrons is very small by festival standards and also by outdoor event standards. The Inca Roads Music Festival is a boutique musical event, not a massive rave party. Attendees are required to be members of the Inca Roads organisation, and attendance is by pre-paid membership arrangements, with no tickets being sold at the gate during the event. This requirement should also be made a condition of a permit.

### Hours of operation

The hours of operation (playing of music) requested are as follows:

- Friday 21 November: 4pm . 1.30am (Saturday)
- Saturday 22 November: 10am . 2.30am (Sunday)
- Sunday 23 December: 10am . 2pm.

There would be 30-45 minute performances, followed by 30-45 minute breaks.

However, it is considered that a 2.30am finishing time on Saturday night is excessive in the context of the site, and that the finishing times should be reduced to 1.00am on both Friday and Saturday night. These hours of operation should be made a condition of the permit.

### **Endorsed plans**

The applicant has provided details of how the event would be conducted and managed to ensure safety and security, and minimise risk. Documentation has been provided including an *Emergency Management Plan* and a *Procedural Manual* which should be endorsed as part of any permit issued.

### **Objections**

The application was advertised and five (5) objections were received. The concern of the objectors was based on their previous negative experience of the festival's noise and a fear that the participants would get out of control due to alcohol or drugs. There was also much concern expressed about event logistics and that what is stated by the applicant is not necessarily delivered.

While all objectors were concerned about the impact of this event on their peaceful rural amenity, an Acoustic Report was provided with the application which indicated that the music noise could be managed to meet the EPA guidelines and that the modelled noise at neighbouring properties, including the objectors' properties would be well under the EPA requirements. Sound reading taken in 2013 confirmed this view.

### **Referral authorities**

The application was referred to Council's Infrastructure Department and Environmental Health who did not object to the application subject to conditions. The application was also referred to Central Highlands Water who did not object to the application subject to one condition.

The applicant has submitted an application for a Temporary Occupancy Permit from Council's Building Department . Form 5 (Place of Public Entertainment - POPE) with Council's Building Department. The building department have advised that based on the information provided by the applicant that in accordance with the Building Amendment (Place of Public Entertainment) Regulations 2013, a POPE is not required. The POPE application accords with the information provided for this Planning Permit application.

The application was also referred to the Ballan Police who stated in an email that

*“In relation to the planned Inca Roads Music event in Mount Egerton in November, in the previous events we have received numerous noise complaints from neighbours which have required police investigation. None of these complaints have justified any further police involvement and the noise levels have always been reasonable ... I believe the sound from this event will be monitored. It is likely there will be further noise complaints at the next event. It would be beneficial to the Police if we could have a contact number for the person responsible for monitoring the noise and also the ability to view the sound monitoring equipment if a complaint is generated. A print out of the noise levels would also be beneficial if required. We have no objections to the event”.*

### **Summary**

In considering the objections that have been received from five individuals to this event on the one hand and having worked with the applicant to ensure that the event is appropriately managed and monitored there are also the patrons to consider. The event is well attended and it appears that the festival is popular. Councillors who attended in 2013 said that the event was fun and was attended by all age groups and was well conducted. Council officers who attended the event saw a lot of people enjoying themselves despite the cold weather.

It is not considered that a three day festival once a year, with music on two nights is an excessive impost on the community provided noise emissions are within the requirements. It is considered that the festival adds economic and cultural value to the Shire and should be supported.

### ***Consideration of Deputations – Planning Permit Application No. PA2014-139.***

***Ms. Kathleen Littlejohn addressed Council as an objector to the granting of a planning permit for the application.***

***Mr. Peter Martin addressed Council on behalf of Ms Gaylene Martin and Ms. Charmaine Redford as objectors to the granting of a planning permit for the application.***

***Mr. Daniel Camilleri addressed Council as the applicant in favour of the granting of a planning permit for the application.***

***The business of the meeting then returned to the agenda.***



**Recommendation:**

**That Council having considered all relevant matters as prescribed by s.60 (1) of the Planning and Environment Act 1987 issue a Notice of Decision to Grant a Permit PA2014-139 for The Use of the land for a Place of Assembly (Music Festival) including camping and a Business Identification sign at CA87B, Parish of Kerit Bareet, also known as 87B Yendon Egerton Road, Mount Egerton, subject to the following conditions:**

- 1. Before the use commences, amended plans must be submitted to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
  - (a) A traffic management plan in accordance with Council's Infrastructure Department's Condition.**
  - (b) Details of business identification signage not exceeding 3sqm and traffic (advance warning) signs to be displayed on the road.**
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 3. The permit allows one three day a festival (Friday, Saturday and Sunday) to be conducted on the land in November each year. By the end of February in each year following a festival being run, the operators must provide to Council a comprehensive report detailing every aspect of the festivals operations. The permit holder must advise Council in writing the date of the festival six (6) months prior to the event.**

**The permit holder must notify all landholders within a one (1) kilometre radius of this date to the satisfaction of the Responsible Authority six months prior to the event.**
- 4. The following plans are to be endorsed as part of the permit:**
  - (a) Whole of site plan.**
  - (b) Detailed site plan.**
  - (c) Inca Roads Procedural Manual (Version 8 June 2014), which includes the Acoustic report by Dom Watson, ATC Productions, (August 2013).**
  - (d) Inca Roads Emergency Management Plan**
  - (e) Sign design with dimensions for all signs to be erected for the event.**
  - (f) Traffic Management Plan, to be provided as per condition 1a.**

**The music festival must be run in accordance with all of the endorsed plans.**

- 5. The festival must comply with all recommendations contained in the endorsed acoustic report prepared by Acoustic Engineer, Dom Watson, from ATC Productions (August 2013).**
- 6. Noise emissions from the site must comply with the State Environment Protection Authority (EPA) noise guidelines. Noise levels at the property boundaries must not exceed 65 db(A) at any time.**
- 7. A sound monitoring system must be operated for the duration of the event taken from two predetermined locations each hour that music is playing and documented in a dedicated log book. The results must be made available to Council officers and Ballan Police if requested.**
- 8. This permit can only be operated by Inca Roads Inc. and is not transferable to any other body without the consent of the Responsible Authority.**
- 9. If the proposed event falls on a day or days of total fire ban, the event must not proceed on the day of the total fire ban.**
- 10. This permit is conditional on emergency access being available as indicated on the endorsed site plan, in the south east corner of the land to the satisfaction of the responsible authority.**
- 11. At least three weeks prior to the event the site must be slashed to remove the grass burden to reduce risk of fire.**
- 12. A mobile water tank with minimum capacity of 1000 litres must be available on site for fire-fighting purposes with suitable pumps and hosing for rapid response.**
- 13. No more than 650 people are permitted to attend the Music Festival which includes members, artists and paid or voluntary staff.**
- 14. All attendees must be members of Inca Roads and must have pre-paid tickets which must not be available for purchase on the night. The tickets must notify members that they may be subject to random searches for illegal substances.**
- 15. Security staff must regularly patrol the boundary fencing of the site and all entry and exit points. Security must be present at the front entrance at all times.**
- 16. Appropriately trained security personnel must be in attendance for the duration of the event at a minimum ratio of one (1) security guard per 35 patrons.**
- 17. There must be no lights in the sky or projecting onto other properties.**

18. Live music can only be played at the following times:
  - Friday: 4pm – 1.00am (Saturday)
  - Saturday: 10am – 1.00am (Sunday)
  - Sunday: 10am – 2pm.
19. Each 30-45 minute musical performance is to be followed by 30-45 minute break.
20. The location, dimensions and features of the approved business identification sign (including the design, colours, materials and sign type) shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
21. The sign must be only displayed immediately prior to and during the event and must be removed within 3 days of the conclusion of the event to the satisfaction of the Responsible Authority.
22. Within seven (7) days of the completion of the event the site must be cleaned of all waste and all structures are to be removed, with the exception of the stage.
23. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan must be made available for such use and must not be used for any other purpose.

#### **Infrastructure conditions**

24. Not less than twenty eight days prior to the event, the proponent must submit to the Responsible Authority a Traffic Management Plan, detailing the location and type of all advance warning signs and all signs at the entrance to the event.

#### **Environmental Health conditions**

25. All temporary and mobile food vendors must be registered under the Food Act 1986 with the appropriate authority on Streatrader, online database for mobile and temporary food premises, and submit a Statement of Trade to Moorabool Shire Council at least 5 working days prior to the first day of the festival.
26. All drinking water provided at the festival must be potable water which meets the requirements of the Australian Drinking Guidelines 2011 and be contained on site in a secure, clean and sanitary container/tank.
27. All waste water generated on site from the toilets, showers and wastewater from food vending activities must be suitably contained on-site and removed off-site by an approved waste water management contractor/company.

**Central Highlands Water condition**

- 28. Wastewater generated onsite during the event must be collected and disposed of through the use of portable sanitary facilities.**

**Country Fire Authority conditions**

- 29. A draft copy of the emergency management plan is to be submitted to:**

**Operations Manager  
District 15  
GRAMPIANS REGION**

**Not less than three (3) months prior to any proposed event (annually) to provide opportunity for comment to the Responsible Authority.**

- 30. A finalised copy of the emergency management plan is to be submitted to:**

**Operations Manager  
District 15  
GRAMPIANS REGION**

**Not less than six (6) weeks prior to any proposed event (annually) to provide opportunity for comment to the Responsible Authority.**

- 31. No fires are to be permitted without the written consent of CFA. This may need to be reviewed on a daily basis at the discretion of CFA.**
- 32. Food vendors, display stalls, market stalls and other providers are not to have their stalls/tents/vans or other temporary or permanent structures within a distance of not less than six (6) metres of each other or may have a lesser distance where the event organiser has demonstrated to the satisfaction of the Responsible Authority that fire spread between stalls will not occur.**
- 33. Each food vendor, stall holder or other provider is required to get an individual permit (no blanket or group permit for these operators are to be issued).**
- 34. Access and egress routes are to be clearly marked to a width of not less than six (6) metres and are to meet the following conditions:**
- a. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.**
  - b. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres.**

- c. **Dips must have no more than 1 in 8 (12%) (7.1 degrees) entry and exit angle.**
- 35. Car parking areas, vehicular routes, camping areas and emergency assembly areas are to maintain the vegetation to the following conditions to the satisfaction of the Responsible Authority:**
- (a) **Grass must be no more than 100mm in height**
  - (b) **Leaf litter must be less than 10mm deep**
  - (c) **There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most sparse, with very little dead material.**
  - (d) **The camping areas are to be set out in a formalised grid pattern that will allow for emergency vehicle access (not less than 4 metres) between rows of camp sites.**
- 36. Public roads which bound the site are to be fuel reduced to the following condition to the satisfaction of the Responsible Authority:**
- (a) **Grass must be no more than 100mm in height.**
- 37. The internal perimeter of the event site for a distance of not less than ten (10) metres is to have any surface fuel reduced to the following conditions to the satisfaction of the Responsible Authority:**
- (a) **Grass must be no more than 100mm in height.**
- 38. All fires or pyrotechnical effects must comply with the CFA Act/Regulations or any other required regulations in regards to use and conditions**
- 39. If the Municipal Building Surveyor is required to issue a POPE (Places Of Public Entertainment ) permit & conditionally require safety officers, the event organiser is to appoint safety officers who have successfully completed the 'Safety Officer – In a Place of Public Entertainment', training that is available from Melbourne Metropolitan Fire Brigade.**
- 40. Any use of CFA resources and/or personnel is to have the written approval from;**

**Operations Manager  
DISTRICT 15  
GRAMPIANS REGION**

**Expiry condition**

- 41. This permit will expire if:**
- (a) **The use is not commenced within two (2) years of the date of this permit.**

Council may extend the period referred to 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.

**Resolution:**

**Crs. Sullivan/Toohey**

*That Council having considered all relevant matters as prescribed by s.61(1) and s.61(4) of the Planning and Environment Act 1987 recommend to refuse Planning Application PA2014-139 for The Use of the land for a Place of Assembly (Music Festival) including camping and a Business Identification sign at CA87B, Parish of Kerit Bareet, also known as 87B Yendon Egerton Road, Mount Egerton on the following grounds:*

- 1. The application is likely to impact on the general and community amenity of the area through noise emissions without adequate buffers to ensure noise does not escape to neighbours.*
- 2. The application does not accord with the purpose of the Farming Zone.*
- 3. The application does not contribute to the orderly planning of the area.*

**CARRIED.**

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**Report Authorisation**

**Authorised by:**



**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Monday 25 August 2014

**9.2.8 Planning Permit 2014-092; Use of the Land for Earth and Energy Resources Industry, "Sir Jack Brabham Park", Lot 2 on PS 328177F, 429 Parwan South Road, Parwan.**

*This planning application was due to go before the Development Assessment Committee for a decision on 10 September 2014, as less than 10 objections from separate properties had been received.*

*However, this planning application will now be pulled from the S86 Development Assessment Committee Agenda as two Councillors have requested that this specific Agenda item be determined by all Councillors at the 3 September 2014, Ordinary Meeting of Council. This request is in line with the Development Assessment Committee, Terms of Reference.*

<b>Application Summary:</b>	
Permit No:	PA2014-092
Lodgement Date:	15 April 2014
Planning Officer:	Robert Fillisch
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	10 July 2014
Address of the land:	Sir Jack Brabham Park+ Lot 2 on PS 328177F 429 Parwan South Road, Parwan
Proposal:	Use of the Land for Earth and Energy Resources Industry
Lot size:	3.82 hectares
Why is a permit required	Clause 37.02-1 . Comprehensive Development Zone . Use of the Land for Earth and Energy Resources Industry
<b>Public Consultation:</b>	
Number of notices to properties:	3
Notices on site:	1
Notice in Moorabool Newspaper:	No
Number of Submissions:	One objection
Consultation meeting:	None held.

<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building controls.
<b>Strategy</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications  Ensure that development is sustainable, resilient to change and respects the existing character.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
<b>Officer's Declaration of Conflict of Interests</b>	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.  <i>Manager – Sian Smith</i>  In providing this advice to Council as the Manager, I have no interests to disclose in this report.  <i>Author – Robert Fillisch</i>  In providing this advice to Council as the Author, I have no interests to disclose in this report.	
<b>Executive Summary:</b>	
The applicant seeks approval for the use of the land for earth and energy resources. This will allow the applicant to process excess material produced by the construction of a car park approved under the existing permit PA2000-009.  The car park is currently being constructed on the site which requires the removal of a large amount of material. The bulk of the material is high quality scoria of which some is being used on the site for the upgrade of internal tracks being used as part of the motor sports facility. However there is a large amount of material which is in excess of the site's needs.  Scoria is a high value product that can be sold and the applicant has an arrangement with the company doing the carpark works that they are able to sell the excess product to reduce the overall cost of construction works.	



Extraction of the material that produces the scoria requires the site to be ripped by a bulldozer and then the product needs to be further refined with the use of a crusher. The crusher can be set to various grades for sale off site. As the car park construction is authorised under the existing permit it is the processing only that needs to be considered as part of this report.

Council initially believed that the use was best characterised as stone extraction a subset of the use earth and energy resources industry. A VCAT hearing into the matter provided guidance to Council that the characterisation of earth and energy resources industry was appropriate in this case.

Given the location of the site it is considered that there would be little amenity impacts caused by the processing of the material on site and as such it is recommended that a permit be granted.

#### **Summary Recommendation:**

That, having considered all relevant matters as required by s.60 of the Planning and Environment Act 1987, Council a Notice of Decision to Grant a Permit for Use of the Land for Earth and Energy Resources Industry, %Sir Jack Brabham Park+, Lot 2 on PS 328177F, 429 Parwan South Road, Parwan.

### **Background**

Planning permit 2009-009 for the subject site was issued by VCAT on 29 May 2001 for the following:

*‘Development and Use of a High Speed Training and Competition Oval, Lighting, Car Parking, Garages, Workshops and associated facilities.’*

The endorsed plans for the permit were amended via secondary consent by Council on 18 December 2012. This amendment provided approval for the construction of a car park in the north western part of the site. The car parking area is approximately 230 X 530 metres with an approximate area of 14 000 square metres. The car park is proposed to be relatively flat with a slight fall from east to west. To achieve this outcome a site cut of up to 9 metres in depth is required.

The construction of the car park commenced in June 2013. This included ripping the ground with a bulldozer and placing the material into a crusher so as to refine the material into a useable state. The material that won from the site includes scoria which has also been refined into different grades of material and being sold off site.

Council initially received a complaint from a neighbour regarding the extent of the works. The initial investigation revealed that the works were being carried out in accordance with the secondary consent approval provided by Council on 18 December 2012.

Council received further complaints in September and October 2013 from a legal firm representing Aerolite Quarries. Aerolite Quarries were concerned that the operation was not in accord with the legislation contained in the *Mineral Resources (Sustainable Development) Act 1990*. It appeared that a planning approval was required for 'Stone Extraction' under the Moorabool Planning Scheme.

Council wrote to DJP Scoria Pty Ltd the construction operator and Mount Road Nominees Pty Ltd the owner of the land requesting a planning permit be lodged with Council.

Aerolite Quarries lodged an application for Enforcement Order with VCAT on 16 December 2013. The application requested the following orders be made:

1. *Stop earth and energy resources industry on the land immediately.*
2. *Not recommence earth and energy resources industry until Respondent 1 and/or Respondent 2 have fully complied with the relevant planning scheme, and have obtained the necessary permits and approvals.*

On 28 March 2014 Aerolite Quarries requested VCAT amend the enforcement application to change the name of the applicant from Aerolite Quarries to Moorabool Shire Council. At the same time they withdrew as a party to the proceeding.

This application for earth and energy resources industry was lodge with Council on 15 April 2014.

A further two VCAT hearings occurred with representatives from DJP Scoria Pty Ltd, Mount Nominees Pty Ltd and Moorabool Shire Council. The nature of the first proceeding was to determine the correct characterisation of the use. The second was to confirm the characterisation of the use and to make a determination of the enforcement order application.

On 7 August 2014 the final order was issued stating:

1. *The application for the enforcement order pursuant to s 114 of the Planning and Environment Act 1987 is allowed.*
2. *The enforcement order is in the form attached to this document.*
3. *There is no order as to costs.*

The enforcement order states:

**NATURE OF  
CONTRAVENTION**

Use of the land for Earth and energy resources industry by extracting, processing and removing for commercial sale scoria without a planning permit required for such use under the Moorabool Planning Scheme.

1. *Upon service upon it of a copy of this enforcement order the respondent DJP Scoria Pty Ltd must cease to use the land for Earth and energy resources industry by the extraction, processing,*

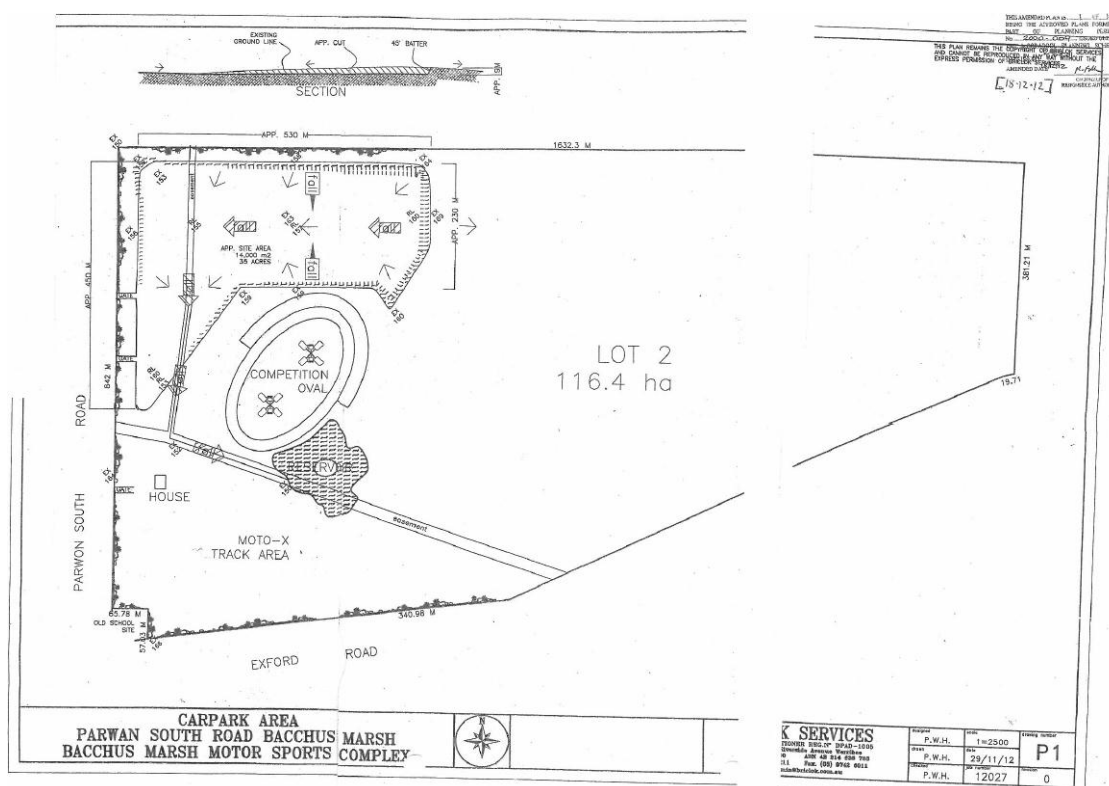
commercial sale and removal of scoria from the land for commercial sale unless and until a valid planning permit is obtained allowing such use and the respondent Mount Road Nominees Pty Ltd must not suffer or permit such use of its land unless and until such a planning permit is obtained (although scoria may be extracted and processed for the limited purposes of the construction of a car park in accordance with the approved (amended) endorsed plans under planning permit 2000-009 which permit was issued on 29 May 2001 and which amended plans were approved and endorsed on 18 December 2012 or for the maintenance of authorised motor sports tracks or circuits on the land.)

2. The applicant must serve a copy of this order on the owner and occupier of the land, and any other person against whom the order is made, pursuant to s 140 of the Victorian Civil and Administrative Tribunal Act 1998.

## Proposal

In order to efficiently construct the car park approved under the current planning permit the applicant is required to process a large amount of material. A portion of the material will be used on site for the upgrade of existing motorcross tracks and some will be used to form the base of the carpark.

The carpark area is approximately 14 000 square metres and is detailed in the endorsed plan below.



Site plan.

This proposal will allow the site to be ripped by a bulldozer to allow recovery of the material for processing on site. It is proposed to put the material through a crushing plant which will reduce the material to a manageable size for reuse on the site. There is a considerable amount of material which will be surplus to the on-site construction of the car park and motorcross tracks. It is proposed that this material will be processed into a variety of grades of scoria for sale off site at a later date.

### Site Description

The subject site is located approximately 8 kilometres south east of the Bacchus Marsh town centre. The land is encompassed by the three roads Parwan South, Nerowie and Nortons in the area of Parwan.

The whole of the site comprises approximately 116 hectares and is the home of the Sir Jack Brabham motor sports facility. The current operation utilises approximately 50% of the site which is western section of the allotment.

The land is zoned as Comprehensive Development Zone to be use in accordance with the endorsed Sir Jack Brabham Park Stage 1 Concept Plan February 1998, Kinhill Pty Ltd. The car park construction is in accordance with this plan.

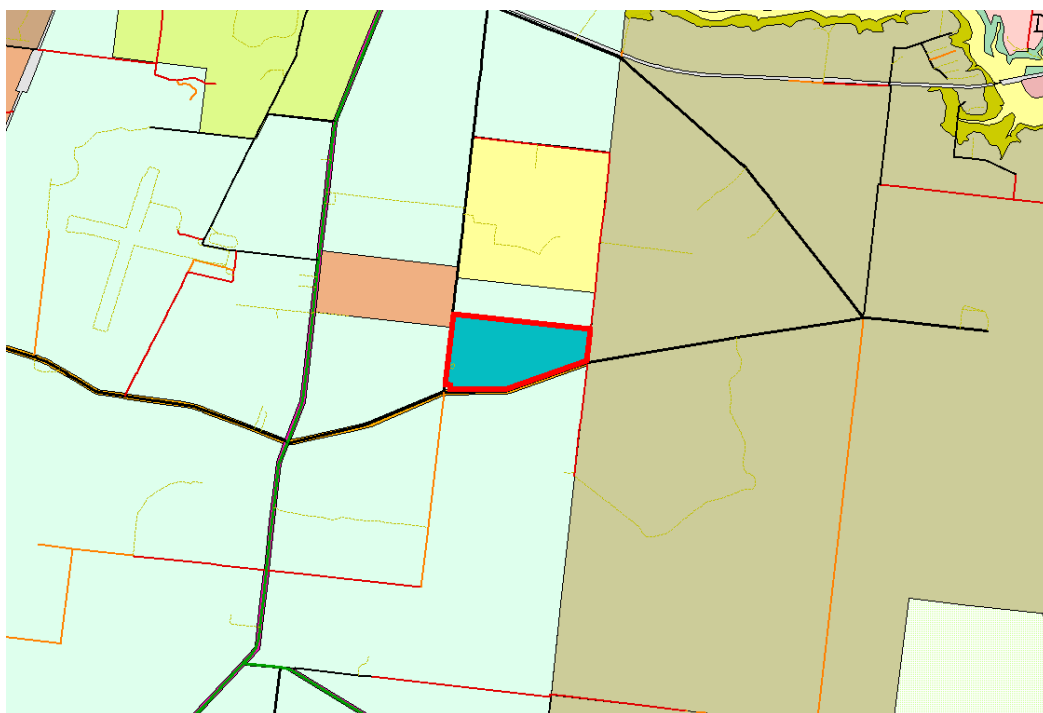
The majority of land surrounding the site is located within the farming zone with a similar sized land parcel to the west of the site zoned as industrial. Directly north of the site is the Bacchus Marsh treatment plant.

The nearest dwelling is approximately 1 kilometre east of the site. The majority of dwellings are located on the Geelong-Bacchus Marsh Road some 2 kilometres west of the site.



## Locality Map

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



## Planning Scheme Provisions

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

<b>SPPF</b>		
Clause 11.06-2	A diversified economy	The proposals provides for the economic growth of the existing motor sports facility through expansion of the area to be used.
Clause 14.03	Resource exploration and extraction	This policy encourages the extraction of natural resources.
Clause 15.03-2	Aboriginal cultural heritage	The area of aboriginal cultural heritage has been excluded from the car park area.
Clause 17.01-1	Business	This policy encourages development which meets the needs of the community for entertainment.

Clause 17.03-1	Facilitating tourism	The use of the site encourages patrons from a wider catchment and does not just include the Bacchus Marsh area.
Clause 18.02-5	Car parking	This policy encourages sufficient car park to be provided for a range of activities.
Clause 19.02-3	Cultural activities	This policy supports a range of activities to encourage cultural environment.
<b>LPPF</b>		
Clause 21.01-2	Municipal Content Key issues Economic Development	This policy allows for economic development which protects agricultural production. The continued use of this site provides for recreational use on land that is not productive agricultural land.
Clause 21.04-3	Objective-Commerce	This policy seeks to enhance Bacchus Marsh as a regional centre for employment, tourism and cultural services.

## Zone

The development lies within the Comprehensive Development Zone and the provisions of Clause 37.02 apply. These provisions refer to Schedule 1.

Schedule 1 to the Comprehensive Development Zone has the following purpose:

- *Show the means of vehicular access to the site.*
- *To provide for an integrated complex used for motor sport, driver education and training, automotive and related manufacturing, research and development, accommodation, recreation and entertainment.*
- *To provide for orderly development and use of land as indicated in the Sir Jack Brabham Park Stage 1 Concept Plan February 1998, Kinhill Pty Ltd.*

Use of land for earth and energy resources industry is not a listed use in any section and therefore falls into a section 2 use, which requires a permit.

The decision guidelines which must be taken into account as appropriate are:

- *The effect that the use will have on nearby existing or proposed residential areas or other uses which are sensitive to potential off-site effects, having regard to any comments or directions from referral authorities.*
- *The effect that nearby uses may have on the proposed use.*

- *The drainage of the land.*
- *The effect on nearby roads of traffic to be generated by the proposed use.*
- *Whether the proposed use is compatible with a motor racing track use, and enhances the track as an entertainment and recreation destination.*
- *Adequacy of proposed car parking and traffic management measures.*

### **Comment**

The proposed use will provide for the development of the car park which is in accordance with the existing use of the site for the motor sports facility as indicated in the Sir Jack Brabham Park Stage 1 Concept Plan February 1998, Kinhill Pty Ltd.

The proposal has the potential of causing off site amenity impacts if it is not managed effectively. It is considered that issues such as dust can be controlled by permit condition, in the form of a dust management plan.

Any impacts will be short term during the construction phase of the development.

The eventual outcome will be a fully constructed car park with adequate drainage. The relatively flat car park will be sufficiently drained and reduce current erosion that is an issue in other car parking areas on site.

The proposed use is compatible with the existing use and will only be required until the car park construction is completed.

### **Particular Provisions**

As discussed previously under history Council had considered if a permit was required under Clause 52.09 *Stone Extraction and Extractive Industry Interest Areas*. This was an important consideration as under this provision a work plan would have been required under the *Mineral Resources (Sustainable Development) Act 1990*.

The VCAT proceedings are clear that this application is best characterised as earth and energy resources industry.

Clause 52.08 *Earth and energy resources industry* requires a permit unless specific exemptions apply. It is clear in this case that no such exemptions apply and therefore a permit is required.

The following is the purpose of this clause:

- *To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.*

- *To ensure that mineral extraction, geothermal energy extraction, greenhouse gas sequestration and petroleum extraction are not prohibited land uses.*
- *To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.*

### General Provisions

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

### Referrals

The following referral was made pursuant to s.52 of the Planning and Environment Act 1987 and was provided with an opportunity to make comment on the proposed use.

Authority	Response
DSDBI	Required a copy of the DSDBI statutorily endorsed work plan

The Department of State Development Business and Innovation are responsible for the administration of the *Mineral Resources (Sustainable Development) Act 1990*. It was their view that the application should be characterised as ~~Stone~~ Extraction+ therefore requiring an endorsed work plan. Council now relies on the VCAT determination which characterises the use as ~~earth~~ and energy resources industryq To which DSDBI is not a mandatory referral.

### Public Notice

The application was notified to adjoining and surrounding landowners and by sign on site for the period 29 May 2014 to 13 June 2014. One objection was received.



## Summary of Objection

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

Objection	Officer's response
The objection comes from Aerolite Quarries Pty Ltd. They state that the best characterisation of the land use would fall under <del>Stone</del> Extraction rather than <del>Earth</del> and Energy Resources Industry+. That being the case the applicant should provide a work plan which is required under the <i>Mineral Resources (Sustainable Development) Act 1990</i> . On that basis they say the current application should be rejected.	Aerolite Quarries Pty Ltd withdrew as a party to the recent VCAT proceeding Council would take over the proceeding. They have been made aware and provided a copy of the results of the two hearings. The determination of the VCAT hearings make it clear that <del>earth</del> and energy resources industryq is the correct characterisation and therefore this application needs to be assessed against the Moorabool Planning Scheme on its own merits.

## Financial Implications

There are no known financial implications with the approval of this proposed use. It is unlikely the matter would be taken to VCAT on the issue of characterisation and this has previously been determined by VCAT.

## Risk and Occupational Health and Safety Issues

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

## Communications Strategy

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

## Conclusion

The proposal is generally consistent with the relevant policies contained within the Moorabool Planning Scheme. The subject land is located within a rural area of Bacchus Marsh with limited potential to cause nuisance to neighbours.

The main objector is commercial in nature and while they have concerns with the characterisation of the use this has now been determined by VCAT.

The use of the land is in conjunction with existing approval of the site for the use of the land as a motor sports facility. The processing of the material is considered necessary in order to allow the effective construction of the approved car park.

It is considered that the careful management of the site will reduce any potential amenity impacts on the surrounding area.

The proposal provides for an appropriate temporary use of rural land and has been assessed against the relevant sections of the Moorabool Planning Scheme, and found to be supported by the policies therein. The application should be issued with a Notice of Decision to Grant a Permit.

**Resolution:**

**Crs. Spain/Sullivan**

***That, having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Notice of Decision Use of the Land for Earth and Energy Resources Industry, "Sir Jack Brabham Park", Lot 2 on PS 328177F, 429 Parwan South Road, Parwan, subject to the following conditions:***

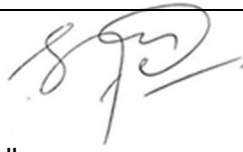
- 1. The use as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority.***
- 2. The use may operate only during daylight hours.***
- 3. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:***
  - (a) Transport of materials, goods or commodities to or from the land;***
  - (b) Appearance of any building, works or materials;***
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and***
  - (d) Presence of vermin.***
- 4. This permit will expire if one of the following circumstances applies:***
  - The development/use is not started within two years of the date of this permit;***
  - The development/use is not completed within four years of the date of this permit; or***
  - The carpark as approved under Planning Permit 2000-009 is completed.***

***Council may extend the periods referred to 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.**

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**Report Authorisation**



**Authorised by:**

**Name:** Satwinder Sandhu

**Title:** General Manager Growth and Development

**Date:** Friday, 29 August, 2014

## 9.3 COMMUNITY SERVICES

### 9.3.1 Provision of Additional Cricket Grounds in East Moorabool

#### Introduction

File No.: 471850  
Author: Troy Scoble  
General Manager: Danny Colgan

The purpose of the report is to provide information to Council regarding the feasibility of establishing additional sports grounds for the 2014/15 cricket season in East Moorabool.

#### Background

At the Ordinary Meeting of the Council held on the 6 August 2014, the Council resolved:

*That Council:*

1. *Collaborates with the Darley Cricket Club and the Bacchus Marsh Cricket Club to identify additional sports grounds in East Moorabool that might be made suitable and available as extra venues for junior and reserve grades of cricket for the 2014/15 season, subject to agreements being reached with sports ground owners or managing authorities;*
2. *Receives, at the next Ordinary Meeting of Council, a report on the collaboration that addresses:*
  - a. *Whether it is feasible and if so, at what cost, to provide extra venues for cricket matches for the 2014/15 season;*
  - b. *The financial or in-kind contributions that clubs are willing to make towards the provisioning of extra cricket venues;*
  - c. *The details of project, maintenance and usage agreements that could be made with sports ground owners or managing authorities.*
3. *Notifies its intention in principle, if project feasibility is established and appropriate agreements can be made with ground owners or managing authorities, to support the provisioning of extra venues by allocating no more than \$14,000 in total from the East Moorabool Recreation Facilities Reserve fund, limited to a maximum of \$7,000 of Council funds per sports ground on the basis of \$2 of Council funds for every \$1 of cash or in-kind club contribution.*

### Existing Supply of Sports Grounds in East Moorabool

There are currently 6 sports grounds suitable for junior and senior levels of cricket participation in East Moorabool. These include:

- Darley Park (Turf Wicket, Seniors minimal Junior usage)
- Maddingley Park (synthetic wicket, Seniors and Junior usage)
- Darley Civic Hub (Synthetic wicket, Seniors and Junior usage)
- Masons Lane Oval 1 (Synthetic wicket, Seniors and Junior usage)
- Masons Lane Oval 2 (Synthetic wicket, Seniors and Junior usage)
- Siberia Sportsground (Synthetic Wicket, low level Seniors, Junior usage)

The Bacchus Marsh Racecourse Recreation Reserve sports ground and the Bacchus Marsh College sports ground have previously provided for cricket participation however those facilities have been inactive for some time given development at the College site and lack of support infrastructure development and maintenance undertaken at the racecourse.

### Demand for Sports Grounds in East Moorabool for the 2014/15 Cricket Season

There are two Senior and Junior cricket clubs in Bacchus Marsh. The Darley Cricket Club play in the Ballarat Cricket Association which is a turf based competition for the Senior first and second eleven, and the Bacchus Marsh Cricket Club play in the Gisborne District Cricket Association which is a synthetic pitch based competition for all age groups.

Officers have met with both cricket clubs regarding existing and forecast participation growth for the upcoming cricket season. The Darley Cricket Club will be expanding from 5 Senior and 5 Junior cricket teams in 2013/14 to 5 Senior and 7 Junior cricket teams for the 2014/15 cricket season. Previously the Darley Cricket Club had been allocated 2 sports grounds, but now requires 4 to accommodate usage.

The Bacchus Marsh Cricket Club will remain the same as last season with 7 Senior cricket teams and 7 Junior cricket teams for the 2014/15 cricket season. Previously the Bacchus Marsh Cricket Club was allocated 4 sports grounds in East Moorabool and will continue to require 4 sports grounds.

The information provided by both cricket clubs highlights that the provision of two additional sports grounds will be required to completely meet the demand for use in Bacchus Marsh in the 2014/15 cricket season. However with the right scheduling one extra sports ground could provide the relief required for this season only. Scheduling can be difficult though given both clubs play in separate associations meaning a systematic approach to allocating grounds is required in East Moorabool.

It should also be noted that officers are aware of the cricket associations concern with allocating senior games to the Siberia sports ground given its playing dimensions. Therefore going forward this venue needs to be phased out as a senior cricket venue as other venues potentially become available or extended to meet future playing dimension requirements for senior cricket.

### **Additional Sports Ground Feasibility**

Implementation of a systematic approach to the management and allocation of the existing facilities is vital to maximise their usage. However based on existing participation numbers, trends and forecasts it is evident that two additional sports grounds will be required for cricket participation in the immediate future to avoid local participants travelling outside the Shire to participate in cricket or the local clubs having to cap participation numbers.

Discussions with the local cricket clubs recommended that reactivating the Bacchus Marsh Racecourse and Recreation Reserve and Bacchus Marsh College sports grounds previously provided for cricket participation are the most feasible opportunities for investigation in the short term. This given the costs involved in reactivating these sites as opposed to building new facilities.

#### Costs of Activating Sports Grounds

Both the Bacchus Marsh Racecourse and Recreation Reserve and Bacchus Marsh College have advantages and challenges in being able to sustain a suitable sports ground acceptable for use. Both locations have been initially scoped with key requirements to provide a very much base level facility consisting of formalising the space into an oval at the required dimensions, inserting new cricket pitch and synthetic surface and some minor remedial ground works.

The cost estimate to reactivate both sportsgrounds is outlined below:

<b>Bacchus Marsh Racecourse Recreation Reserve Oval – Minimum Required Works</b>	<b>Price \$</b>
Remove existing cricket pitch and install new	\$13,000
Spray out existing weeds Remedial turf works including add sandy loam, top soil, minor reshaping and oversew with turf species.	\$19,000
Manage Turf establishment period (minimum 3 months) but ongoing (mowing fertilizing)	\$ 10,000
<b>Total</b>	<b>\$42,000 min</b>

A secure water source has not been identified for the Racecourse Reserve sports ground. Therefore an additional storage tank plus potentially irrigation system will be required for the sustainability of the ongoing use of this oval.

Also, the Reserve Committee of Management manages use of this space and they currently allocate the Pony Club usage of this area. Therefore, horse damage each time it is used would have to be rectified prior to cricket use to ensure a flat surface acceptable for use. To facilitate this usage a user agreement would be required.

<b>Bacchus Marsh College – Minimum Required Works</b>	<b>Price</b>
Remove existing cricket pitch and install new (Would cost MSC (\$13,000) (Local Cricket club has indicated in writing a contribution to deliver the pitch in kind for \$3,500). Additional associated works to be carried out by MSC.	\$5,000
Remedial turf works to include <u>Minor</u> reshaping and levelling of the surface, top soil and over sew with turf species for a space of 30m circumference around wicket table	\$9,000
<b>Total</b>	<b>\$14,000 min</b>

A secure water source has not been included in the scope. There is a channel connection to the College that used to be in existence that could potentially be used to sustain the ground better during the summer months. However the feasibility and cost of this has not been established as yet.

Weekly mowing of the grounds would be required at both sites. The College currently use Council's mowing contractor and as a result a contribution and more frequent mowing would be required. As this is a DEECD facility, an agreement between the local cricket club and The College would be established as well as a maintenance agreement between The College and the Council. It is estimated that \$3,000 (weather dependent) of maintenance will be required to support this project during the upcoming cricket season.

Discussions with the Bacchus Marsh College regarding developing their sports ground have been ongoing. The College are supportive of partnering with the Council to provide additional community use to their sports ground.

### **Funding Model Opportunities**

Officers were requested to meet with the Darley and Bacchus Marsh Cricket Clubs to determine if a funding model including in kind contributions could support the establishment of additional sports grounds in East Moorabool.

The Darley Cricket Club have in writing confirmed their commitment to provide in kind contributions in the form of installing a new cricket pitch and synthetic cover at either / or Bacchus Marsh College and Bacchus Marsh Racecourse Recreation Reserve.

The Bacchus Marsh Cricket Club have indicated a preparedness to consider financially contributing toward any future sports ground development at the Bacchus Marsh Recreation Racecourse only. At the time of this report being prepared, the club had indicated that any contribution would need to be discussed at a committee meeting so no commitment to the project has formally been made.

### **Proposal**

Considering the information provided regarding supply, demand and existing opportunities identified, it is proposed to further develop the Bacchus Marsh College sports ground in partnership with the Bacchus Marsh College and Darley Cricket Club for the 2014/15 cricket season.

It is also proposed to refer the future development of the Bacchus Marsh Racecourse and Recreation Reserve sports ground to the 2015/16 budget process as it requires further scoping to be completed given its existing condition and lack of existing budget to support.

Further development of sports grounds in East Moorabool will still require officers and Reserve Committee of Managements to establish a systematic approach to the allocation of existing facilities to ensure maximisation of usage to meet the demand for the upcoming season.

### Policy Implications

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Increase and encourage participation in a range of sport, recreation and leisure activities
<b>Strategy</b>	Promote community health and wellbeing through the provision of recreation facilities, open space, programs and activities.

The proposal to establish additional sportsgrounds in East Moorabool for the upcoming 2014/15 cricket season is consistent with the 2013-2017 Council Plan.

### Financial Implications

The establishment of additional sports grounds has been estimated at \$42,000 for the minimum standard for the Bacchus Marsh Racecourse and Recreation Reserve and \$22,000 for the minimum standard for the Bacchus Marsh College.

An in kind contribution by the local cricket clubs to install the cricket wicket and synthetic surface potentially reduces the cost estimate to \$14,000 for the Bacchus Marsh College.

Council has previously resolved to commit \$7,000 per sports ground on a basis of \$2 of Council funds for every \$1 of cash or in-kind club contribution. Should Council commit to the Bacchus Marsh College sports ground project only, it would be recommended to commit \$9,500 into this project on a funding ratio of \$2 Council for every \$1 community contribution.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Sports ground facility provision not meeting demand in east Moorabool	Participation in cricket activities in east Moorabool will be limited due to the facilities available.	High	Formalise additional sportsgrounds for the upcoming 2014/15 cricket season



Maintenance works required on additional facilities	Due to ongoing maintenance required at potential new facilities, standard and sustainability will potentially be compromised during the 2014.15 cricket season	High	Commit additional funds to support maintenance of new facilities.
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### **Communications Strategy**

Officers have held discussions with both the Darley and Bacchus Marsh Cricket Clubs over the last 12 months regarding additional sports grounds required to support growth in cricket participation.

Officers have also been in discussions throughout the scoping of the two facilities with the Bacchus Marsh College and notified representatives of the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management that future use of the sports ground will be required.

Agreements with all stakeholders will be required to proceed so stakeholders will be notified of the outcomes of this report.

### **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**

At the Ordinary Meeting of the Council held on the 6 August 2014, the Council resolved that officers collaborate with the Darley and Bacchus Marsh Cricket Clubs to identify and assess the feasibility of additional sports grounds in East Moorabool that might be made suitable and available as extra venues for the 2014/15 cricket season.

Officers have in partnership with the local cricket clubs identified that additional provision of sports grounds are required for the 2014/15 cricket season and that one or both of the Bacchus Marsh College and the Bacchus Marsh Racecourse and Recreation Reserve, grounds previously used for cricket are the most feasible to reactivate in the short term.

Based on the costs of establishment to provide a bare minimum base level standard of facility, it is proposed to reactivate the Bacchus Marsh College sports ground and refer the reactivation of the Bacchus Marsh Racecourse and Recreation sports ground to the 2015/16 budget process due to the expected additional works required to establish.

**Resolution:**

**Crs. Spain/**

***That the Council:***

- 1. In partnership with the Bacchus Marsh College reactivate the sports ground for community usage for the upcoming 2014/15 and 2015/16 cricket seasons***
- 2. Enters into an agreement for usage and maintenance of the sports ground with Bacchus Marsh College with a \$3,000 annual contribution towards minor maintenance.***
- 3. Provides funding of \$9,500 from the East Moorabool Recreation Facilities Reserve Fund toward the project on the basis of a \$2 of Council funds for every \$1 of cash or in-kind club contribution.***
- 4. Commits \$3,000 toward minor maintenance annually for the facility for the 2014/15 and 2015/16 financial years from the East Moorabool Reserves Ward Fund.***
- 5. Receives a further report detailing future sportsground provision in East Moorabool beyond 2015/16.***
- 6. Consider future development of the Bacchus Marsh Racecourse Recreation Reserve sports ground through the 2015/16 budget process.***

The Motion lapsed due to the want of a Secunder.

**Resolution:**

**Crs. Spain/Edwards**

***That the Council:***

- 1. In partnership with the Bacchus Marsh College reactivate the sports ground for community usage for the upcoming 2014/15 and 2015/16 cricket seasons***
- 2. Enters into an agreement for usage and maintenance of the sports ground with Bacchus Marsh College with a \$3,000 annual contribution towards minor maintenance.***
- 3. Provides funding of \$8,000 from the East Moorabool Recreation Facilities Reserve Fund toward the project on the basis of a \$2 of Council funds for every \$1 of cash or in-kind club contribution.***

4. *Receives a further report detailing future sportsground provision in East Moorabool beyond 2015/16.*
5. *Consider future development of the Bacchus Marsh Racecourse Recreation Reserve sports ground through the 2015/16 budget process.*

**CARRIED.**

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**Report Authorisation**

**Authorised by:**



**Name:**

Danny Colgan

**Title:**

General Manager Community Services

**Date:**

Monday, 25 August 2014

### 9.3.2 Local Facilities for Local Clubs Program 2014/15

#### Introduction

File No.: 06/03/021  
Author: Troy Scoble  
General Manager: Danny Colgan

The purpose of this report is to present the Council with projects suitable for application to the new funding program Local Facilities for Local Clubs Program 2014/15.

#### Background

The Victorian Government has announced a new funding program Local Facilities for Local Clubs Program 2014/15q

This aim of this program is to recognise the role of community clubs and organisations who have worked hard to bring together resources to develop sport and recreation facilities.

#### *The program aims to:*

- Increase or maintain sport and recreation participation
- Increase female and junior participation
- Increase access to sport and recreation places
- Improve safety, address risks and ensure facility compliance
- Provide innovative sport and recreation facilities
- Provide environmentally sustainable facilities
- Provide universally designed facilities

#### *Funding guidelines:*

- Only Local Governments can apply
- Funding is \$1:1
- Maximum grant is \$50,000, with a maximum total project value of \$150,000
- The community must contribute 25% of the project value in either cash or in kind works
- Council can apply for up to two projects (but only \$50,000 grant funding total overall)

#### *Timeframes:*

- Applications open . Mid August
- Closing Date . 15<sup>th</sup> September 2014
- Funding announcements . Mid October 2014
- Projects commence . November 2014
- Projects completed . May 2016

#### *Project that might be funded:*

There are a variety of projects that might be funded, with a focus on sport and active recreation projects, such as:

- Outdoor sports surfaces
- Outdoor playing field developments
- Outdoor sports lighting

- Indoor sports surfaces
  - Seasonal pool upgrades
  - Multipurpose training facilities
  - Skate parks
  - Play spaces
  - BMX tracks
  - Youth recreation spaces
  - Outdoor fitness stations etc.
- (Please see guidelines in **Attachment 1**: for further information.)

***Projects that will not be funded:***

- Projects that exceed maximum total project cost of \$150,000
  - Projects that do not meet the objectives of the program
  - Purchase of land
  - Routine or cyclical maintenance work
  - Upgrading or redeveloping social space, kitchen or toilet facilities, except as part of a larger project that meets the objectives of the funding program
  - Purchasing or maintaining recreation, entertainment sporting, life-saving or any other equipment
- (Please see guidelines in **Attachment 1**: for further information.)

***Community Contributions:***

Community contributions are defined as non-council contributions and can be both non-monetary or monetary.

***Non-monetary:***

- In kind labour
- Donated material or specialised equipment
- Project management
- Design and planning contribution

***Monetary:***

- Cash contributions from clubs community organisations
- Business contributions
- Philanthropic contribution

Projects demonstrating significant in kind labour and material will be prioritised.

**Potential Projects:**

Officers have identified the following projects using the following process:

1. Review Council's Capital Improvement Program list to identify strategic based projects
2. Review available projects against the funding program criteria (i.e. total project values under \$150,000 and funding program objectives)
3. Identify projects that had a community contribution suitable to meet the funding guidelines

**Note:** Officers did not conduct an Expression of Interest to all facilities/clubs due the very limited timeframes to identify suitable projects.

Project	Total project value	Council contribution	Community contribution	Local Facilities for Local Clubs Program	Assessment Comments
Masons Lane Athletics Development Project	\$41,000	\$10,000 to be referred to the 2015/16 capital improvement budget	\$11,000 (Bacchus Marsh Little Athletics Club)	\$20,000	<p>This project will resurface the existing long and triple jump run ups along with providing two additional lanes on front straight of athletics track consistent with master plan outcomes to increase participation in athletics in Bacchus Marsh.</p> <p>This project meets the funding criteria and community contribution requirements.</p>

Elaine Recreation Reserve Multipurpose Court Development	\$42,000	\$10,000 to be referred to the 2015/16 capital improvement budget	\$11,000	\$21,000	<p>Consistent with master plan recommendations this project will apply plexipave surface and extension to the Elaine Tennis Courts to provide a netball court overlay that meets required netball court run offs for competition purposes, and an appropriate surface to finish off the Elaine Tennis Court development project.</p> <p>This project meets the funding criteria and community contribution requirements</p>
Wallace Pavilion Veranda Extension	\$70,000	\$17,500	\$10,000 confirmed (require \$17,500)	\$35,000	<p>Extending the existing viewing area to provide more spectator space.</p> <p>This project does not meet the funding criteria, as it is an extension to a social space. Please see funding guidelines attached.</p>

Masons Lane Oval One Lighting Project	\$130,000 - estimate	\$47,500	\$32,500 (\$13,000 cash confirmed)	\$50,000	<p>Install training standard lighting on oval one to increase participation opportunities at the reserve. This project has been funded by the Council in 2014/15 for scoping and design.</p> <p>The community contribution required could be increased \$20,000 with in kind works however with short time frames this has not been able to be scoped and costed properly. Officers therefore recommend that this project continue to be scoped and designed in 2014/15 and be considered for funding from SRV Community Facilities Funding Program in 2015/16.</p>
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## Proposal

It is proposed for the Council to submit an application to the Local Facilities for Local Clubs Program for the following projects:

- Masons Lane Athletics Development Project
- Elaine Recreation Reserve Multipurpose Court Development Project

## Policy Implications

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Increase and encourage participation in a range of sport, recreation and leisure activities
<b>Strategy</b>	Promote community health and wellbeing through the provision of recreation facilities, open space, programs and activities.

The proposal Local Facilities for Local Clubs Program 2014/15 funding application is consistent with the 2013-2017 Council Plan.

## Financial Implications

The submission of these projects to this funding program will require the Council to provide a financial contribution toward the Elaine Recreation Reserve Multipurpose Court Development Project and the Masons Lane Athletics Development Project. As the project can be complete up until May 2016, it is proposed to refer Council's contribution of \$20,000 for both projects to the 2015/16 capital improvement budget.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Funding Program	Council does not submit an application to new funding program Local facilities for Local Clubs which is currently open for applications	Medium	Submit application

### Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Identified Committees of Management, Clubs, Community Sporting groups	Meetings, phone calls, emails, site visits.	Various	August 2014	Clubs/Committee identified as having potential projects were included in project discussions.

### Communications Strategy

The Victorian Government recently announced the Local Facilities for Local Clubs Program in August 2014, with applications due on the 15<sup>th</sup> September 2014.

Due to the time constraints and strict funding guidelines, Officers sourced suitable projects that had a strategic basis from Council's Capital Improvement Program list. Officers have been communicating with Committees and Clubs in relation to potential projects. The relevant Committees of Management and Clubs will be informed of the outcome of this report.

### 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 Victorian Government has announced a new funding program ~~±~~Local Facilities for Local Clubs Program-2014/15. This program will provide up to \$50,000 funding for sport and active recreation projects that are supported by local clubs. Officers have identified potential projects that are suitable for funding from this program, if approved by the Council. Applications are due on the 15<sup>th</sup> September 2014.

## Recommendation:

### That Council:

1. **Submit a funding application to the Local Facilities for Local Clubs grant program for the Masons Lane Athletics Development project, subject to community contribution being confirmed and the Council contribution of \$10,000 referred to the 2015/16 Capital Improvement Program Budget.**
2. **Submit a funding application to the Local Facilities for Local Clubs grant program for the Elaine Recreation Reserve Multipurpose Court Development project; subject to community contributions being confirmed and the Council contribution of \$10,000 referred to the 2015/16 Capital Improvement Program Budget.**

## Resolution:

**Crs. Sullivan/Toohey**

### *That Council:*

1. ***Submit a funding application to the Local Facilities for Local Clubs grant program for the Masons Lane Athletics Development project, subject to community contribution being confirmed and the Council contribution of \$10,000 referred to the 2015/16 Capital Improvement Program Budget.***
2. ***Submit a funding application to the Local Facilities for Local Clubs grant program for the Elaine Recreation Reserve Multipurpose Court Development project; subject to community contributions being confirmed and the Council contribution of \$10,000 referred to the 2015/16 Capital Improvement Program Budget.***
3. ***That Councils contribution of \$10,000 for each project be taken from each appropriate ward recreational facilities reserve.***

***A Division was called for.***

***Councillors voting for the resolution:***

***Cr. Toohey, Cr. Spain, Cr. Dudzik, Cr. Sullivan, Cr. Tatchell***

***Councillors voting against the resolution:***

***Cr. Edwards***

***The resolution was determined to be CARRIED.***

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**Report Authorisation**

**Authorised by:**

**Name:**

**Title:**

**Date:**



Danny Colgan

General Manager Community Services

Tuesday, 26 August 2014

## 9.4 INFRASTRUCTURE SERVICES

### 9.4.1 Adoption of the Waste Management and Resource Recovery Strategy

#### Introduction

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

#### Background

Moorabool is a rapidly growing municipality and the Moorabool Waste Management and Resource Recovery Strategy is a document that reviews management options and sets possible directions that could be taken to improve waste management outcomes by Council over the next 5 -10 years. Presently, Council provides waste management and resource recovery services via kerbside collection, transfer stations and litter and cleaning operations.

State legislation and policies are the main strategic drivers to implement this strategy document. Legislation governing waste management (Environment Protection and Sustainability Victoria Amendment Bill 2014) was passed in March 2014. This legislation is designed to implement the State Government Strategies such as *Getting full value - Victorian Waste and Resource Recovery Policy 2013* and the draft *State-wide Waste and resource recovery infrastructure Plan 2013 – 2043*.

The State Government has recently amalgamated the smaller Regional Waste Management Groups into 7 large Waste and Resource Recovery Groups across the state. Moorabool has become part of the Grampians Central West Waste and Resource Recovery Group. Therefore it is important that the documents feed into and reflect state, regional and local priorities.

The Shire has always had a user pays ideology when it comes to setting policy for waste management. This means that any waste services undertaken are done so on a full cost recovery basis through fees and charges and rate levies. It is intended that this ideology remain therefore the introduction of any new services considered in the strategy would need to be done so in light of the additional cost to ratepayers.

The draft Waste Management and Resource Recovery Strategy 2014 was presented to the Ordinary Meeting of Council on Wednesday 4 June 2014. At that meeting the following was resolved:

Resolution:

Crs. Sullivan/Toohey

*That Council:*

1. *Endorses “in principle” the Draft Moorabool Waste Management and Resource Recovery Strategy for the purposes of public exhibition for a period of six (6) weeks; and*
2. *Receives a further report at the conclusion of the exhibition period seeking adoption of the Moorabool Waste Management and Resource recovery Strategy.*
3. *Copies of draft document be sent to Highlands Regional Waste Management Group and member Councils.*

CARRIED.

## **Proposal**

The Draft Moorabool Waste Management and Resource Recovery Policy and Strategy encourage Council to focus on the following key principles:

- Waste minimisation
- Cost effectiveness and Best value
- Access to services
- Equity
- Innovation
- Continual Improvement
- Community engagement and communications.

The documents outline the key waste services provided by Council discussing the existing services, waste quantities and profile along with future waste projections and considerations. The key items are outlined below:

### Kerbside Service

Moorabool Shire will continue to deliver kerbside garbage and recycling services to existing and new households in established collection areas. It is proposed to amend the criteria for compulsory and non-compulsory areas to match the land zonings rather than rely on percentage. Residential, Low Density Residential, Township and Rural Living Zones would be automatically compulsory. This ensures the higher density areas are serviced by waste collection when certificate of occupancy for the land has been issued. Any areas in the Farm Zone that are currently compulsory or non-compulsory will remain the same.

Further, it is proposed that Residential and Low Density Residential zoned properties receive a 120ltr bin collected weekly and the all other zones a 240ltr bin collected fortnightly. Recycling will remain 240ltr collected fortnightly regardless of the zoning.

The impact of this is that the LDRZ land at Greendale, surrounding Ballan, Gordon and Mt Egerton as well as Pykes Creek estate and Myrniong would become compulsory. These areas are already non-compulsory and have a high take up rate so the impact is not significant. In addition, Hopetoun Park would change to a weekly collection which will incur some additional cost. The contractors have been consulted and can accommodate the change within existing contracts.

#### Schools, Emergency Services and Community Groups

Council provides 4 recycling bins which are collected fortnightly from schools, emergency services and community groups. They must agree to commit for a minimum period of twelve months. There is no proposed change to this provision.

#### Recreation Reserves and Halls

Council provide a free waste service to Committees of Management for recreation reserves and halls within the municipality. The proposed allocation is:

- Category 1 reserves having 6 x 240ltr bins collected weekly
- Other reserves having 4 x 240ltr bins collected weekly (urban) and fortnightly (rural)
- Additional bins to be charged at a set rate.
- This is over and above litter bins placed at various reserves.

There is a proposed increase to the number of bins allocated at reserves in the policy to address frequent requests in recent years.

#### Commercial / Industrial Waste Service

Council provides a 240ltr waste collection service across the municipality. The service is user pays as set in the annual fees and charges schedule for waste i.e. number of bins x number of collections = \$cost. There is currently no recycling service provided for commercial premises. Transfer stations provide drop off of recyclables free of charge. There is no proposed change to this provision.

#### Transfer Stations

Council operate 3 transfer stations at Bacchus Marsh, Ballan and Mt Egerton that provide for the disposal of general waste, green waste, timber, mattresses and tyres for a cost recovery charge. The transfer stations also provide for resource recovery such as recyclables, metals, whitegoods, e-waste, automotive oil and chemical containers at no cost.

The strategy highlights some inequity to the gate fees at transfer stations whereby large loads are charged at a lower volume rate than small loads. The draft policy looks to correct this over time as part of the annual budget process.

### Hard Waste

Council does not currently offer a hard waste collection other than access to transfer stations. Hard waste is accepted at the transfer stations for general disposal at the recovery cost. The policy proposes no change to hard waste but the strategy discusses available options and broad costs. It is not currently recommended to introduce hard waste however if it was considered into the future, the strategy could be used as a tool to engage with the community regarding whether there is sufficient demand from community members willing to pay for the service. The introduction of such a service would need to be considered in light of the user pays principle.

### Green Waste and Organics

Council does not currently offer a green waste collection other than access to transfer stations. Green waste is accepted at the transfer stations for general disposal and is subsidised at half the standard gate fee. The policy proposes no change to green waste but the strategy discusses available options and models costs. It is not currently recommended to introduce green waste however if it was considered into the future, the strategy could be used as a tool to engage with the community regarding whether there is sufficient demand from community members willing to pay for the service. The introduction of such a service would need to be considered in light of the user pays principle.

At the conclusion of the public consultation period, 2 submissions were received. One via email and one via Moorabool's Have Your Say. A summary of each submission is outlined below:

Submission	Date	Remarks
1	2/7/14	<ul style="list-style-type: none"> <li>• Change Litter Act to Environment Protection Act</li> <li>• Replace all %ouro+with %luoro+</li> <li>• Grampians RWMG have developed a training manual for Transfer Station Operators which would be useful to MSC.</li> <li>• Drop Off concept . Golden Plains Shire trialed one at CFA Smythesdale and shut it down due to mess, no control over contamination and illegal dumping.</li> <li>• List of dump sites should include railway tracks . not just stations.</li> <li>• VLAA have produced a Local Litter Management Tool for use by Local Laws Officers to enable Councils to monitor and manage illegal dumping sites</li> </ul>
<b>Comments:</b>		<ul style="list-style-type: none"> <li>• <b>Wording in the Waste Management and Resource Recovery Strategy has been changed as above where applicable.</b></li> <li>• <b>Training manual will be sourced from Grampians RWMG and provided to operators.</b></li> <li>• <b>Litter Management Tool to be sourced from VLAA.</b></li> </ul>



2	23/6/14	<ul style="list-style-type: none"> <li>• Would like Council to introduce a hard waste collection service via an annual booking service or designated periods during the year on-call service</li> <li>• Greenwaste should be offered on an optional basis.</li> <li>• Would like community consultations to progress with a greenwaste and hard waste collections.</li> </ul>
<b>Comments:</b>		<ul style="list-style-type: none"> <li>• <b>Both hard waste collection and greenwaste collection is dealt with in the Waste Management and Resource Recovery Strategy and discussed further in this report.</b></li> </ul>

In addition to the above amendments, minor spelling and grammar changes have been made as highlighted throughout the attached document.

### Implementation Plan

The strategy contains an action plan and the table below outlines the main items that will require follow up over the next 2 years. It is proposed to amend the proposed hardwaste service consultation to 2015/16 to be realistic with what can be achieved by officers.

Action	Comment	Proposed Timing
Kerbside Organics Collection	<ul style="list-style-type: none"> <li>• Develop a community engagement plan for survey of residents</li> <li>• Consult with the Community in urban areas regarding the level of uptake of the service at a user fee and report back to Council with recommendation</li> <li>• If decision made to proceed undertake process for tender, bins, collection and processing</li> <li>• Roll out service if funded</li> </ul>	2014/2015
		2014/2015
		2015/2016
		2016/2017
Hard Waste Service	<ul style="list-style-type: none"> <li>• Develop a community engagement plan for survey of residents</li> <li>• Consult with the community in township areas to gauge the level of support for general service or an on-call service at a user fee and report back to Council with recommendation</li> <li>• If decision made to proceed, undertake process for tender, collection and processing</li> <li>• Roll out service if funded</li> </ul>	2015/2016
		2015/2016
		2016/2017
		2017/2018
Public Place Recycling	<ul style="list-style-type: none"> <li>• Review current placement of public place garbage bins and develop options for placement of public place recycling bins.</li> <li>• Prepare report to S86 Place Making Committee</li> </ul>	2014/2015
		2014/2015

	<ul style="list-style-type: none"> <li>Seek external funding support for the installation of public place recycling bins, education and initiative reporting.</li> <li>If funded, implement public place recycling bins.</li> </ul>	2015/2016  2015/2016
Streamline areas of Compulsory and Non-Compulsory Waste Services within the Shire	<u>Hopetoun Park</u> <ul style="list-style-type: none"> <li>Calculate the financial implications of changing from a 240ltr fortnightly garbage collection to 120ltr weekly</li> <li>Communicate with residents and implement the change</li> </ul> <u>Changes to Compulsory/Non Compulsory based on Land Zones</u> <ul style="list-style-type: none"> <li>Determine the changes required to implement the new policy</li> <li>Communicate with residents and implement the change</li> </ul>	2014/2015  2015/2016  2014/2015  2015/2016

### Policy Implications

The 2013-2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced infrastructure and Natural and Built Environment
<b>Objective</b>	Effective management of municipal waste and recycling
<b>Strategy</b>	Implement the waste management policy and strategy. Promote recycling, reuse and minimisation of waste.

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

### Financial Implications

Waste Management is based on cost recovery. It is a user pays system so the implementation of extra service will need to be on a cost recovery basis.

### Risk & Occupational Health & Safety Issues

There is no risk or Occupational Health & Safety issues associated with this report.

### Communications and Consultation Strategy

The review of the Moorabool Waste Management and Resource Recovery Strategy involved a 6 week public consultation process as outlined below:

- Advertising in local newspapers on the dates listed below and how the community can make submissions to the draft version:
  - Moorabool News 10 and 17 June 2014
  - Ballarat Courier 7 June 2014
- Advertising on ~~the~~ Have Your Say Mooraboolq for the full public consultation period
- Draft document uploaded onto Council's website.
- Media Release.
- Hard copies of the document were held at:
  - Service Centre, 15 Stead Street, Ballan
  - Service Centre, 182 Halletts Way, Darley
  - Lerderderg Library, 215 Main Street, Bacchus Marsh

The implementation of the strategy will require further community engagement as part of some of the recommendations i.e. greenwaste and hardwaste. A community engagement plan will be developed for these prior to commencements of these components.

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

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

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

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

#### *General Manager – Phil Jeffrey*

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

#### *Author – Glenn Townsend*

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

### **Conclusion**

Having undertaken a review of the Waste Management and Resource Recovery Strategy including a public consultation process as outlined in this report, Council should now formally adopt the Waste Management and Resource Recovery Policy and Strategy 2014.

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

- 1. Adopts the Moorabool Waste Management and Resource Recovery Policy and Strategy 2014 as amended.**
- 2. Makes the document publically available by placing a copy on Council's website.**

**Resolution:**

**Crs. Toohey/Sullivan**

***That Council:***

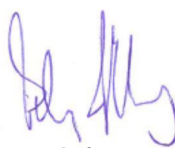
- 1. Adopts the Moorabool Waste Management and Resource Recovery Policy and Strategy 2014 as amended.***
- 2. Makes the document publically available by placing a copy on Council's website and hard copies are made available at all Council Offices.***

**CARRIED.**

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

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Thursday, 21 August 2014



## 9.5 CORPORATE SERVICES

### 9.5.1 Request for Sale of Portion of Council Reserve RES1 on LP216886 corner of Bacchus Marsh Road and Halletts Way, Bacchus Marsh

#### Introduction

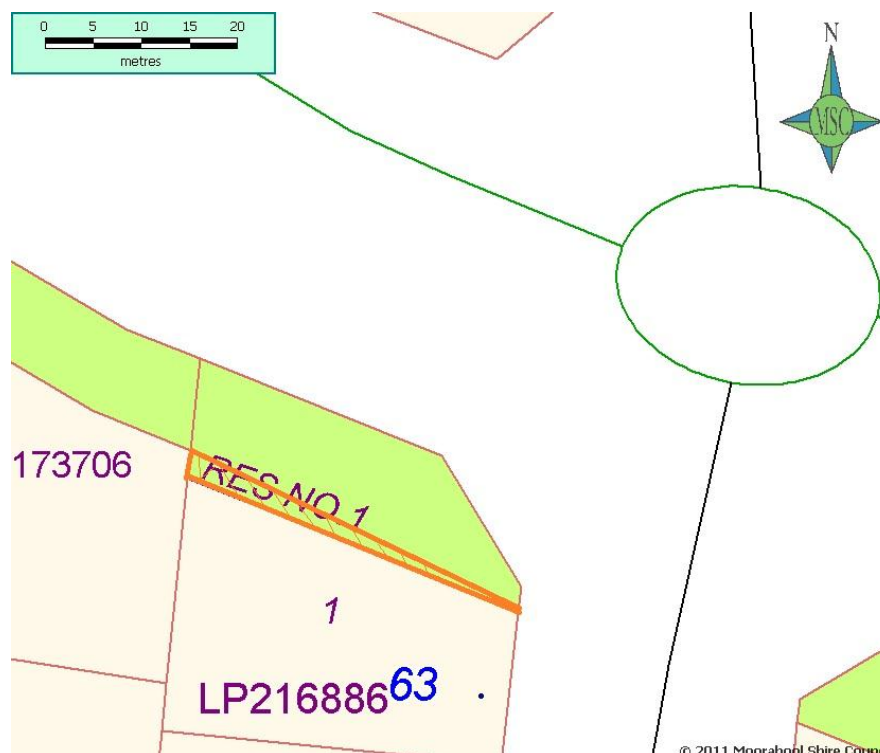
File No.: 804000  
Author: Michelle Morrow  
General Manager: Shane Marr

#### Background

Council has received a request from the registered proprietor of 63 Halletts Way, Bacchus Marsh, to purchase a portion of Council reserve land being RES1 on LP216886 to the north of their property for consolidation with the existing Title known as Lot 1 on LP216886. The reserve land for purchase in area is approximately 54sqm.

#### Proposal

The portion of reserve land for purchase is highlighted in orange on the plan below.



The property owner upon sitting an estimation of costs is prepared to meet Council costs including value of the reserve land, valuation, survey and plan costs, Council legal costs and Title Office registration fees.

The report author is currently seeking a valuation for the parcel of reserve land.

It is recommended that Council agree to sell the portion of Council reserve having an area of approximately 53sqm subject to complying with sections 189 and 192 of the Local Government Act 1989.

The Local Government Act 1989 requires Council to give public notice of its intension to sell the land and invite submissions from the public before a decision to sell the land is made.

### **Policy Implications**

The 2013-2017 Council Plan Revised 2014 provides as follows:

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

The proposal to sell surplus land is consistent with the 2013-2017 Council Plan Revised 2014.

### **Financial Implications**

There will be no financial implications for Council. Council will benefit in a small way financially from selling the portion of surplus land. All other expenses will be recoverable from the registered proprietor of the abutting property.

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

No risk and occupational health and safety issues have been identified.

### **Communications and Consultation Strategy**

Initial consultation with VicRoads and Council officers in relation to the possible sale of this portion of the reserve has been undertaken in terms of confirming current ownership, planning controls, environmental planning and assets. No objections were offered from internal departments or VicRoads.

Should Council agree to the request to sell the surplus parcel of land, then Council must comply with sections 189 and 192 of the Local Government Act 1989 (the Act). This allows the community to make any submissions under section 223 of the Act.

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

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

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

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

#### *General Manager – 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**

The request to purchase a portion of Council reserve land being RES1 on LP216886 to the north of 63 Halletts Way Bacchus Marsh for consolidation with the existing Title known as Lot 1 on LP216886 appears to be a reasonable request considering that the landowner upon siting an estimation of costs is prepared to meet the cost of the land and expenses associated with the consolidation of the land with the existing title of Lot 1 on LP216886.

It is recommended that Council resolve to sell the surplus portion of reserve land subject to complying with sections 189 and 192 of the Local Government Act 1989.

### **Resolution:**

#### **Crs. Spain/Edwards**

***That the s86 Finance and Governance Committee recommends the Sale of Land Halletts Way report be presented to the Ordinary Meeting of Council.***

#### ***That Council resolves:***

- ***that the portion of land having an area of approximately 53sqm and described as part of RES1 on LP216886 is surplus to Council requirements;***
- ***to proceed under Section 192 of the Local Government Act 1989 to change the status of that part of RES1 on LP216886 to freehold land as the land is now not required by the Council for the purpose for which it was acquired;***

- ***to give notice under Section 189 of the Local Government Act 1989 that the land be sold by private treaty to the abutting registered proprietor;***
- ***that under the requirements of sections 189 and 192 of the Local Government Act 1989, advertise that any submissions made under Section 223 may be submitted no less than 28 days of the date that the advertisement appears in the local newspaper generally circulating within the Municipality;***
- ***if no public submissions are received by the due date then Council proceed with the sale; and***
- ***subject to satisfactory completion of all required processes then Council sell the land by private treaty to the abutting registered proprietor on terms and conditions as approved by the Chief Executive Officer.***

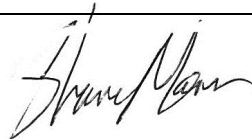
**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Monday, 25 August 2014





## **9.5.2 Adoption “in principle” of the 2013/14 Financial Statements, Standard Statements and Performance Statement for submission to the Victorian Auditor-General for certification**

### **Introduction**

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

### **Background**

The following report presents the 2013/14 Financial Statements, Standard Statements and Performance Statement for adoption ~~on~~ principle+ by Council for submission to the Auditor-General for certification.

The Local Government Act 1989 requires that Council complete the following at the end of each financial year with respect to producing an Annual Report and Performance Statement:

### **S. 131 Annual report**

- (1) A Council must, in respect of each financial year, prepare an annual report containing -
  - (b) audited standard statements for the financial year;
  - (c) audited financial statements for the financial year;
  - (d) a copy of the performance statement prepared under section 132; and
  - (e) a copy of the report on the performance statement prepared under section 133.
- (3) The standard statements in the annual report and the financial statements must -
  - (a) be prepared in the manner and form prescribed by the regulations;
  - (b) be submitted in their finalised form to the auditor for auditing as soon as possible after the end of the financial year; and
  - (c) be certified in the manner prescribed.
- (7) The Council must not submit the standard statements or the financial statements to its auditor or the Minister unless it has passed a resolution giving its approval ~~on~~ principle+ to the standard statements and the financial statements.
- (8) The Council must authorise two Councillors to certify the standard statements and the financial statements in their final form after any changes recommended, or agreed to, by the auditor have been made.

**S. 132 Performance statement**

- (1) As soon as is reasonably practicable after the end of each financial year, a Council must prepare a performance statement.
- (2) The performance statement must include -
  - (a) the Key Strategic Activities and performance targets and measures specified in the budget under section 127 for that financial year; and
  - (b) the actual results achieved for that financial year having regard to those performance targets and measures.
- (4) The statement must .
  - (a) be in the form; and
  - (b) contain the details - required by the regulations.
- (5) The Council must submit the statement to its auditor as soon as possible after the statement has been prepared.
- (6) The Council must not submit the statement to its auditor or the Minister unless the Council has passed a resolution giving its approval ~~to~~ principle+ to the statement.
- (7) The Council must authorise two Councillors to approve the statement in its final form after any changes recommended, or agreed to, by the auditor have been made.

**S. 133 Audit report on the performance statement**

The auditor must -

- (a) prepare a report on the performance statement prepared by a Council under section 132 in the form and containing the details required by the Minister, and
- (b) submit a copy of that report to the Minister and the Council as soon as is reasonably practicable after the report has been prepared.

## Proposal

The 2013/14 Financial Statements, 2013/14 Standard Statements and 2013/14 Performance Statement have been prepared in accordance with the requirements of the Local Government Act, various Australian Accounting Standards and regulations.

In accordance with Council's Governance protocols, the reports will be presented to Council's Audit Committee for review and recommendation to Council for adoption ~~on~~ principle+ and authorisation of two Councillors, being the Councillor members of the Audit Committee, to sign the audited statements.

In summary, the statements indicate the following results for 2013/14:

1. Financial Statements: reflect the comparative performance to the previous financial year.
  - Comprehensive Income Statement . The result reflects a total comprehensive loss of \$33.927 million. Included within this result are the following significant items:
    - \$35.580 million in net asset revaluation decrements as a result of the revaluation of Roads on 1<sup>st</sup> July 2013.
    - \$2.730 million reduction in Operating grants due mainly to the cancellation of early payment of Financial Assistance grants as advised post Federal Budget in May 2014.
    - \$0.150 million reduction in User Fees and Charges as a result of lower income from Subdivisions.
    - Materials and services \$2.847 million decrease which relates to the completion of the Bungaree Reserve project in 2012/13. This project was undertaken as part of the Capital Works program in 2012/13 but was subsequently deemed as Operating in nature, and as such was expensed in accordance with accounting standards in the 2012/13 year resulting in an increased expenditure in 2012/13.
    - \$1.145 million reduction in depreciation expense as a result of the asset revaluation. Contributing to the favourable result is the reduction in unit rates for road construction as a result of changes in the theoretical pavement depth. Also contributing to the reduced depreciation expense is the impact of changes in accounting estimates, most notably an increase in the residual values applied to pavement base assets and an increase in the residual value applied to road surface assets.
    - \$4.719m reduction in capital grants and contributions mainly related to the reduction in funding levels for asset restoration projects related to flood recovery works. The reduction also relates to higher levels of capital funding received in 2012/13 for community facilities, most notably Bungaree Reserve.

- Net gain (loss) on disposal of property, infrastructure, plant and equipment and investment properties compares unfavourably to 2012/13. The net loss mainly relates to the undepreciated portion of infrastructure assets replaced at the date of asset renewal or reconstruction.
  - Balance Sheet . The movement in net assets reflects the total operating deficit of \$33.927 million. Included within this result are the following significant items:
    - A \$1.696 million reduction in cash which mainly relates to the completion of a number of flood recovery projects that caused Council's cash balances to be higher in prior years.
    - An decrease in Property, Infrastructure, Plant and Equipment mainly due to revaluation decrements in Roads \$29.425 million.
    - \$2.723 million increase in interest bearing loans and borrowings current which is a timing related increase related to the MAV collaborative debt procurement facility. As at the 30<sup>th</sup> June, the MAV debt facility was not yet finalised which meant that the interim debt facility arrangement that was in place as a precursor to the MAV debt facility was classified as current. Upon finalisation of the MAV bond issuance, these loans will be classified as non current in future years.
  - Cash Flow Statement . The movement in cash held at the end of the year reflects a decrease in cash of \$1.696 million. Included within this result are the following significant items:
    - Net cash flows from operations decreased by \$2.967 million from last year to \$8.334 million. This mainly reflects the payout of the defined benefits liability in 2012/13 in addition timing issues related to Financial Assistance grant payments.
    - Net cash used in investing activities has decreased by \$0.973 million to \$10.507 million. This mainly reflects the decrease in capital expenditure as compared to 2012/13.
    - Net cash provided for in finance activities was \$0.477 million reflecting in large part the take up of loans to settle the defined Benefits superannuation shortfall. In 2012/13 the net cash used in finance activities was \$2.389 million reflecting the repayment of principle and interest on loans in 2012/13. No new loans were taken up in the 2012/13 financial year.
2. Standard Statements . reflect comparative performance to the 2013/14 Annual Budget adopted by Council.
- Total operating revenue of \$36.138 million was \$2.231 million below budget reflecting ;

- Actual Operating Grants were lower than budget mainly due to the cancellation of early payment of Financial Assistance grants (\$1.896m) and Local Road grants (\$863k) as advised post Federal Budget in May 2014. The 2013/14 council budget assumed that the early payment of FAG's and local road funding would continue in 2013/14. Partially offsetting this decrease, Council received a number of one off operating grants in 2013/14 including NBN Digital Local Government project (\$131k), Moorabool Healthy Communities (\$120k), West Moorabool Heritage Study (\$100K), Employment Scenario Planning (\$67.5k), Waterway and Stormwater Management Strategy (\$64k), Small Towns and Settlements Strategy (\$57k), Economic Development Strategy (\$51k), Bacchus Marsh Traffic Study (\$50k) and the Werribee Gorge Bio Link Project (\$45.5k). In addition to this, Council was successful in procuring a number of additional grants amounting to \$303k in total for grants ranging between \$10k to \$32k. In most instances, Council will be required to fully acquit the grant funds.
  - Actual User Fees and Charges revenue was less than budget due to a slowdown in income from Subdivision Certification fees (\$96K). Other areas of decline include brokerage fees for Aged and Disability services (\$84k) and Meals on Wheels (\$44k). In addition to this, \$46K reduction is attributed to the creation of an Asset Protection Officer that was approved in the 2013/14 Budget for which the position was not filled and therefore no income generated in the 2013/14 year.
- Total operating expenses of \$41.433 million was \$0.509 million below budget reflecting ;
  - Materials and Consumables -: Over budget primarily due to works carried out which were funded in previous financial years including Flood recovery technical costs (\$87k), Moorabool Healthy Communities (\$89k) and the NBN Digital Local Government project (\$279k). In addition to this, Council incurred additional costs as a result of animal enforcement legal proceedings (\$98k) in addition to \$69k in town planning enforcement related legal fees. Also, there were a number of projects that were budgeted as capital items which did not meet the definition of an asset and were therefore expensed. The total value of this was \$515k.
  - Depreciation expense -: In the 2012/13 and 2013/14 year, Moorabool undertook major works in developing a Strategic Asset Management Framework in addition to the ongoing implementation of the Asset Management System. This has in turn informed the 2013/14 infrastructure assets revaluation, resulting in a significant decrease in depreciation expense of \$2.208m as compared to the 2013/14 Budget. At the time of preparing the 2013/14

budget, the likely extent of the change in Council's asset base and depreciation profile was not known and was therefore not budgeted.

- Capital Grants and Contributions - Variances to budget include a number of grants and receipts that were not included in the 2013/14 budget. These include Flood technical cost recoveries (\$1.550M) in addition to a number of unbudgeted capital grants including Bungaree Recreation reserve (\$148k), Link Road / Swan road rehabilitation works (\$71k), Maddingley Park tennis Courts (\$41k), Navigators Road (\$40k) and Spargo Creek Road (\$37K). Offsetting these increases is a \$1.25m reduction in capital grants related to the Halletts Way Southern connection which was budgeted to be received in 2013/14. This is a timing issue only with the funds expected to be received in the 2014/15 financial year.
  - Proceeds from the Sale of Assets - Under budget due to the Graham Street property not selling. The budget assumed that this property would sell for \$850k but remains unsold at June 30 2014. Partially offsetting this decrease is \$235k in revenue received for the sale of land in the Hillside Industrial Estate. This was not budgeted for in the 2013/14 Council Budget.
  - Capital works - \$10.905 million program was completed during the year. Most projects were completed during the year. However, there were several projects that were incomplete and will be carried forward into 2014/15. In total, \$2.868 million in net Capital carry over expenditure has been identified as requiring carry forward into 2014/15.
3. The 2013/14 Performance Statement was prepared in accordance with the requirements of the Local Government Act 1989.

The statement includes measures against aspirational targets established under three Key Result Areas (KRA)

- (1) Representation and Leadership of our Community;
- (2) Community and Wellbeing and;
- (3) Enhanced Infrastructure and Natural and Built Environment.

The summary table below outlines that overall 11 KRA met or exceeded the aspirational target for the period:

KRA	Number of Measures	Number of Measures met
1	11	3
2	8	6
3	5	2
<b>Total</b>	<b>24</b>	<b>11</b>

KRA 1 . Representation and Leadership of our Community, included eleven targets in total of which three were achieved. Six of these targets related to the financial performance of Council and of these, Council was successful in achieving two of the set targets.

The following financial performance targets were not achieved in 2013/14;

- Underlying result % target > 0.00% , Actual -5.89% - The target set down in the Council plan was aspirational. A core financial focus of the Council is to improve this result from year to year. The current SFP indicates that Council will achieve an underlying surplus in 2-3 years.
- Liquidity . Target>100%, Actual 93.92% - The target was impacted by the Federal Government decision to cancel the early payment of Federal Assistance grants and the impact of the classification of interim borrowings as current as a result of delays in the MAV collaborative debt procurement funding vehicle.
- Self Financing Target >37% , Actual 20.52% - The target set down by the Council plan was aspirational and impacted by a significant reduction in capital grants as a result of the completion of flood recovery projects.
- Indebtedness . Target 29%, Actual 30.23% - The result was within 1.23% of the target and represents an improvement from the 2012/13 financial year.

Of the remaining five measures under KRA 1, Council achieved one of the set targets, and was within between one to three points of the target with the other four. Three of these measures were dependent upon the survey results from the Local Government Community Satisfaction Survey, commissioned by the Victorian State Government, in which 400 Moorabool residents completed survey interviews via telephone between 31 January and 11 March, 2014. The results of the Annual Community Satisfaction Survey 2014 have shown Council's ratings on core measures are relatively consistent with 2013. The fourth measure was within 1%, being 89% instead of 90% of customer requests closed within timeframes of the Moorabool Shire Council Charter. Indicating a high level of customer service.

KRA 2 . Community Wellbeing included eight targets in total of which six were achieved. The areas that Council will continue to progress include the number of groups assisted by community grants and number of people from diverse background using the Aged Care Service. Whilst only three points less than the target for groups assisted by community grants, the high number of high quality applications reflects the increasing skills of the community groups in the Shire and the likelihood of more groups meeting the criteria next year as Council continue to raise the awareness of the program throughout the community. In relation to the number of people from diverse backgrounds using the Aged Care Service, the appointment of an Access and Support Officer will address access issues.

KRA 3 . Enhanced Infrastructure and Natural and Built Environment included five measures in total of which two were achieved. Two of the three measures not reaching their target are expected to be finalised prior to the end of 2014. The remaining measure pertaining to the percentage of planning permits determined within the legislative time frames was within 10% of the target. Time frames are impacted by more complex applications, a reliance on third party referrals, or inadequate information provided in the original application.

### **Policy Implications**

The 2013. 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Continuous Improvement in Council Services
<b>Objective</b>	Sound long term financial management
<b>Strategy</b>	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets.

The financial statements, performance statement and standard statements are consistent with the 2013-2017 Council Plan.

### **Financial Implications**

The financial statements detail Council's financial performance and position for 2013/14. They demonstrate that over time Council has steadily improved its financial position, but indicates that there are still numerous financial challenges that lay ahead which will require responsible fiscal stewardship.

### **Communications Strategy**

The Annual Financial, Standard and Performance Statements are reported to Council to adopt 'a principle' for submission to the Auditor-General for certification. Audited Statements are then incorporated into Council's Annual Report, which is completed by Council by 30 September each year.

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

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



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

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

*General Manager – Shane Marr*

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

*Author – Steven Ivelja*

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

### **Conclusion**

The Financial, Standard and Performance Statements for 2013/14 have been prepared in accordance with the requirements of the Local Government Act. Council's Audit Committee have reviewed the statements and recommended that Council adopt the statements ~~in~~ *in principle*. The Statements will then be submitted to the Auditor-General for certification. Council is also required to authorise two Councillors to sign the statements on behalf of Council, as required under the Local Government Act.

It is practice for the Councillor members of the Audit Committee to sign the certified statements on behalf of Council.

### **Resolution:**

**Crs. Spain/Sullivan**

***That Council:***

- 1. *In accordance with section 131 of the Local Government Act (1989):***
  - (a) adopt in principle and submit the 2013/14 Standard Statements and Financial Statements to the Auditor-General for certification; and***
  - (b) authorise the Council's Audit Committee Representatives, Cr. Spain and Cr. Dudzik, to certify the 2013/14 Standard Statements and Financial Statements in their final form, after any changes recommended, or agreed to by the Auditor, have been made.***
- 2. *In accordance with section 132 of the Local Government Act (1989):***
  - (a) submit the 2013/14 Performance Statement to the Auditor-General for certification; and***

- (b) authorise the Council's Audit Committee Representatives, Cr. Spain and Cr. Dudzik, to certify the 2013/14 Performance Statement in its final form, after any changes recommended, or agreed to by the Auditor, have been made.**

**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Shane Marr

**Title:** General Manager Corporate Services

**Date:** Friday, 29 August 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](http://www.moorabool.vic.gov.au)

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

- Assembly of Councillors . Wednesday 6 August 2014 . Confidential Matter
- Assembly of Councillors . Wednesday 6 August 2014 . Woolpack Road / Halletts Way Package of Works Update.

#### **Resolution:**

**Crs. Toohey/Sullivan**

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

- ***Assembly of Councillors – Wednesday 6 August 2014 – Confidential Matter***
- ***Assembly of Councillors – Wednesday 6 August 2014 – Woolpack Road / Halletts Way Package of Works Update.***

**CARRIED.**

**10.2 Section 86 - Delegated Committees of Council - Reports**

Section 86 Delegated Committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989. The Council cannot delegate certain powers as specifically indicated in Section 86(4) of the Act.

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

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

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Bacchus Marsh Hall Committee of Management	Thursday 10 July 2014	Cr. Spain Community Members

**Resolution:**

**Crs. Spain/Edwards**

***That Council receives the report of the Bacchus Marsh Hall Committee of Management meeting of Thursday 10 July 2014.***

**CARRIED.**

### 10.3 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	28 May 2014	Cr. Spain Cr. Dudzik
Finance and Governance Committee	20 August 2014	Cr. Spain Cr. Dudzik

**Resolution:**

**Crs. Edwards/Sullivan**

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

- ***Audit and Risk Committee meeting of Wednesday, 28 May 2014***
- ***Finance and Governance Committee meeting of Wednesday, 20 August 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:***

<b>Cr. Tatchell - Mayor</b>	
<b>August - September 2014</b>	
11 August, 2014	Presentation to Bacchus Marsh Primary School re Margaret Moritz Heritage Ward
12 August, 2014	Meeting with Mr Luke Donnellan, Shadow Minister for Roads; Don Nardella and Geoff Howard re advocacy/traffic issues Moorabool White Ribbon Committee Meeting
13 August, 2014	Meeting with Catherine King, Member for Ballarat and Tony Burke, Shadow Finance Minister re Financial Assistance Grants
15 August, 2014	Central Highlands Mayors and CEOs Forum
18 August, 2014	Presentation to Coimadai Primary School re 2nd place Margaret Moritz Award Winner Strategic Health Forum Meeting
20 August, 2014	Ballan Red Cross Branch Commemoration of the Centenary of the First Meeting
21 August, 2014	Meeting with Tony Goodfellow, Greens Candidate for Buninyong
25 August, 2014	Bacchus Marsh Primary School - Visit with Year 6 Students re Governance Program
26 August, 2014	Principal for a Day Program . Ballan Primary School Annual General Meeting Blacksmiths Cottage and Forge Special Committee
27 August, 2014	Visit by The Honourable Alex Chernov AC QC, Governor of Victoria and Mrs Elizabeth Chernov
28 August, 2014	Meeting with Amanda Miller, Member for Northern Victoria
29 August, 2014	CFA Graduation Ceremony of CFA Recruit Firefighter Course 02/2014
3 September, 2014	Assembly of Councillors . Presentation to Councillors by Audit & Risk Committee Chair . 2013/14 Financials Assembly of Councillors . Amendment C62 Underbank Meeting with Blackwood Community Ordinary Meeting of Council

**Resolution:**

**Crs. Sullivan/Edwards**

***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:*

<b>Cr. Sullivan</b>	
<b>August 2014</b>	
<b>22 August</b>	<b>24<sup>th</sup> AGM Navigators Hall</b>

<b>Cr. Spain</b>	
<b>August 2014</b>	
<b>11 August</b>	<b>Bacchus Marsh Primary School – Margaret Moritz Awards</b>
<b>18 August</b>	<b>Coimadai Primary School – Margaret Moritz Awards</b>
<b>21 August</b>	<b>VLGA 20<sup>th</sup> Anniversary Dinner</b>
<b>27 August</b>	<b>Coimadai Avenue of Honour Restoration Committee</b>

<b>Cr. Dudzik</b>	
<b>August - September 2014</b>	
<b>12 August</b>	<b>Moorabool Municipal Emergency Management Planning Committee (MEMPC)</b>
<b>13 August</b>	<b>S86 Social Development Committee</b>
<b>18 August</b>	<b>Presentation of the Margaret Moritz Heritage Award 2<sup>nd</sup> Place – Coimadai Primary</b>
<b>18 August</b>	<b>Central Highlands Local Learning and Employment Network Board Meeting</b>
<b>20 August</b>	<b>S86 Finance and Governance Meeting</b>
<b>26 August</b>	<b>Audit and Risk Committee Meeting</b>
<b>1 September</b>	<b>Opening of the Werribee River Walking Path</b>
<b>2 September</b>	<b>Great War Centenary Committee Meeting</b>

**Resolution:**

**Crs. Sullivan/Toohey**

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

**CARRIED.**

**14. URGENT BUSINESS**

**Nil.**

**15. CLOSED SESSION OF THE MEETING TO THE PUBLIC****15.1 Confidential Report****15.2 Confidential Report****CLOSURE OF THE MEETING TO THE PUBLIC – 7.32PM****Resolution:****Crs. Sullivan/Spain**

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

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

**CARRIED.**

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

**15.1 Update on Purchase Offer PT Lot 1 LP114973 Taverner Street, Maddingley**

**MOTION IN OPEN SESSION**

**Resolution:**

**Crs. Edwards/Sullivan**

*That in relation to Lot 1 LP114973 Taverner Street, Maddingley, the community be advised that the Moorabool Shire Council has taken an option on the possible purchase of the land for future community benefit and that due diligence is currently being undertaken that will be considered by the Council in February 2015 before a final decision to purchase could be made.*

**CARRIED.**

**Cr Dudzik requested it be noted that she abstained from voting.**

**Resolution:**

**Crs. Sullivan/Spain**

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

- (d) personnel matters;*
- (e) the personal hardship of any resident or ratepayer;*
- (f) industrial matters;*
- (j) contractual matters;*
- (k) proposed developments;*
- (l) legal advice;*
- (m) matters affecting the security of Council property;*
- (n) any other matter which the Council or special committee considers would prejudice the Council or any person;*
- (o) a resolution to close the meeting to members of the public*

**CARRIED.**

**CLOSURE OF THE MEETING TO THE PUBLIC – 7.39 PM**

**ADJOURNMENT OF MEETING 7.39PM**

**Crs. Toohey/Dudzik**

*That the meeting now stand adjourned for a period of 9 minutes.*

**CARRIED.**

**RESUMPTION OF MEETING 7.48PM**

**Crs. Toohey/Dudzik**

*That the meeting now be resumed.*

**CARRIED.**

Item 15.2 is a confidential item  
and therefore not included  
as part of these Minutes.

**16. MEETING CLOSURE**

*The meeting closed at 8.07PM.*

*Confirmed.....Mayor.*