

## **ORDINARY MEETING OF COUNCIL**

**Minutes** of the  
Ordinary Meeting of Council held at  
the James Young Room, Lerderderg Library,  
215 Main Street, Bacchus Marsh on  
Wednesday 3 December 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
Ms. Natalie Abbott	A/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***

## AGENDA

<b>1.</b>	<b>OPENING OF MEETING AND PRAYER .....</b>	<b>4</b>
<b>2.</b>	<b>PRESENT.....</b>	<b>4</b>
<b>3.</b>	<b>APOLOGIES .....</b>	<b>4</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>5</b>
4.1	<i>Ordinary Meeting of Council – Wednesday 5 November 2014.....</i>	<i>5</i>
<b>5.</b>	<b>DISCLOSURE OF CONFLICT OF INTEREST.....</b>	<b>6</b>
5.1	<i>Disclosure of an Indirect Conflict of Interest.....</i>	<i>7</i>
5.2	<i>Disclosure of an Indirect Conflict of Interest.....</i>	<i>7</i>
<b>6.</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>8</b>
<b>7.</b>	<b>PETITIONS.....</b>	<b>9</b>
7.1	<i>Request for Agricultural Licence 0703869 over portion of Lohs Lane Myrniong north of CA73 and CA73A be cancelled .....</i>	<i>9</i>
<b>8.</b>	<b>PRESENTATIONS / DEPUTATIONS .....</b>	<b>10</b>
8.1	<i>Certificate of Appreciation Presentation - Mr. Nick Myrianthis.....</i>	<i>10</i>
8.2	<i>SES Victoria – Presentation of Municipal Emergency Management Plan Audit Certificate to Council.....</i>	<i>10</i>
8.3	<i>Presentations or deputations to Council in relation to matters presented on the Agenda for Council consideration .....</i>	<i>10</i>
<b>9.</b>	<b>OFFICER'S REPORTS.....</b>	<b>13</b>
<b>9.1</b>	<b>CHIEF EXECUTIVE OFFICER.....</b>	<b>13</b>
9.1.1	<i>Review of Council's Section 86 Committees (Internal).....</i>	<i>13</i>
<b>9.2</b>	<b>GROWTH AND DEVELOPMENT .....</b>	<b>24</b>
9.2.1	<i>Planning Scheme Amendment C76 rezoning of land in Parwan .....</i>	<i>24</i>
9.2.2	<i>Planning Application PA2008-209-A2; Seven (7) Lot Subdivision to proposed amendment to Twenty-Three (23) Lot Subdivision &amp; Removal of Easements at Lot S2 on PS 312999Y; Leila Court, Bacchus Marsh .....</i>	<i>41</i>
9.2.3	<i>Moorabool 2041 – Request for Assistance from Metropolitan Planning Authority (MPA) on Growth Management Framework for Bacchus Marsh and District .....</i>	<i>57</i>
<b>9.3</b>	<b>COMMUNITY SERVICES.....</b>	<b>62</b>
9.3.1	<i>Draft Moorabool Youth Charter.....</i>	<i>62</i>
9.3.2	<i>Moorabool Youth Awards.....</i>	<i>66</i>
9.3.3	<i>Draft Statement of Commitment to Indigenous People .....</i>	<i>70</i>
9.3.4	<i>Community Development Fund Review .....</i>	<i>75</i>
9.3.5	<i>Darley Park Reserve User Groups.....</i>	<i>82</i>
9.3.6	<i>Moorabool Recreation and Leisure Strategic Advisory Committee.....</i>	<i>85</i>
9.3.7	<i>Appointment of Chairperson Maddingley Park Committee of Management.</i>	<i>89</i>
<b>9.4</b>	<b>INFRASTRUCTURE SERVICES .....</b>	<b>92</b>
9.4.1	<i>Draft Asset Management Plans – Parts C, D and E.....</i>	<i>92</i>

9.4.2	<i>Bacchus Marsh Civic and Community Hub Pavilion</i> .....	96
<b>9.5</b>	<b>CORPORATE SERVICES</b> .....	<b>102</b>
9.5.1	<i>Road Closure – Portions of road adjoining Crown Allotment 1B Section 8, The Werribee Gorge State Park pursuant to Section 349 of the Land Act 1958</i> .....	102
<b>10.</b>	<b>OTHER REPORTS</b> .....	<b>105</b>
10.1	<i>Assembly of Councillors</i> .....	105
10.2	<i>Section 86 - Delegated Committees of Council - Reports</i> .....	106
10.3	<i>Section 86 - Advisory Committees of Council - Reports</i> .....	107
<b>11.</b>	<b>NOTICES OF MOTION</b> .....	<b>108</b>
11.1	<i>Cr. Comrie: N.O.M. No. 246 – Change of Meeting Times for Social Development, Place Making, Finance &amp; Government and Development &amp; Assessment S86 Committees</i> .....	108
<b>12.</b>	<b>MAYOR’S REPORT</b> .....	<b>109</b>
<b>13.</b>	<b>COUNCILLORS’ REPORTS</b> .....	<b>111</b>
<b>14.</b>	<b>URGENT BUSINESS</b> .....	<b>114</b>
<b>15.</b>	<b>CLOSED SESSION OF THE MEETING TO THE PUBLIC</b> .....	<b>115</b>
15.1	<i>Confidential Report</i> .....	115
15.2	<i>Confidential Report</i> .....	115
15.3	<i>Confidential Report</i> .....	115
<b>16.</b>	<b>MEETING CLOSURE</b> .....	<b>129</b>

**1. OPENING OF MEETING AND PRAYER**

*The Mayor, Cr. Tatchell, opened the meeting with the Council Prayer at 5.02pm.*

**2. PRESENT**

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

**Officers:**

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Ms. Natalie Abbott</i>	<i>A/General Manager Corporate Services</i>
<i>Ms. Kate Diamond-Keith</i>	<i>Manager Community Development</i>
<i>Mr. Troy Scoble</i>	<i>Manager Youth and Recreation</i>
<i>Ms. Sian Smith</i>	<i>Manager Statutory Planning and Community Safety</i>
<i>Ms. Sam Romaszko</i>	<i>Manager Engineering Services</i>
<i>Ms. Deb Absolom</i>	<i>Minute Taker</i>

**3. APOLOGIES**

*Nil.*

**CHANGE OF ORDER OF BUSINESS**

**Crs. Spain/Edwards**

*That the order of business be changed to consider Items 9.2.1 to 9.5.1 prior to considering Item 9.1.1 - Review of Council's Section 86 Committees (Internal).*

**CARRIED.**

**4. CONFIRMATION OF MINUTES**

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

**Resolution:**

**Crs. Comrie/Edwards**

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

**CARRIED.**

## 5. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

### Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

#### **5.1 Disclosure of an Indirect Conflict of Interest**

***Cr. Sullivan declared an Indirect Conflict of Interest (section 78B) in relation to Item 9.2.2 – Planning Application PA2008-209-A2; Seven (7) Lot Subdivision to proposed amendment to Twenty-Three (23) Lot Subdivision and Removal of Easements at Lot S2 on PS 312999Y; Leila Court, Bacchus Marsh. The nature of the Conflict of Interest is due to Cr. Sullivan acting as a surveyor for the applicants who own the land.***

#### **5.2 Disclosure of an Indirect Conflict of Interest**

***Cr. Dudzik declared an Indirect Conflict of Interest (section 78B) in relation to Item 15.1 – Confidential Item. The nature of the Conflict of Interest is due to Cr. Dudzik being a member of the Great War Centenary Committee – a nominated event, in addition to Cr. Dudzik having nominated a young person and citizen.***

## 6. PUBLIC QUESTION TIME

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

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

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

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

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

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

**The following question was responded to at the meeting:**

***Mr. Ian Cabrie – Bacchus Marsh – Capital Improvement works on Holts Lane, Darley. Officers provided a response at the meeting and advised Mr. Cabrie that Council will provide updates on the works progress.***

**7. PETITIONS****7.1 Request for Agricultural Licence 0703869 over portion of Lohs Lane Myrniong north of CA73 and CA73A be cancelled**

Council has received a petition containing 96 signatures from members of the public who use the portion of Lohs Lane under licence, inclusive of three letters of support from emergency service agencies, pertaining to a resolution from the Ordinary Meeting of Council, 7 May 2014 as follows: *“That Council considers it not desirable or in the public interest that Agricultural Licence 0703869, over the portion of Lohs Lane Myrniong situated north of CA73 and CA73A, under Division 8 of Part I or section 138 of the Land Act 1958 be cancelled..”*

The signatories on the petition are requesting that Council consider declaring that Lohs Lane is not an unused road and stating that they have a legitimate purpose to use the road and require unobstructed 24/7 access.

**Recommendation:**

**That the petition containing 96 signatures from members of the public who use the portion of Lohs Lane under licence inclusive of three letters of support from emergency service agencies requesting that the Agricultural Licence 0703869 over a portion of Lohs Lane Myrniong north of CA73 and CA73A be cancelled, be received by Council and that a report be prepared by officers for Council’s consideration.**

**Resolution:****Crs. Sullivan/Spain*****That:***

- 1. the petition containing 96 signatures from members of the public who use the portion of Lohs Lane under licence inclusive of three letters of support from emergency service agencies requesting that the Agricultural Licence 0703869 over a portion of Lohs Lane Myrniong north of CA73 and CA73A be cancelled, be received by Council and that a report be prepared by officers for Council’s consideration.***
- 2. Council’s report includes consideration of letters received from petition objector.***

**CARRIED.**

## **8. PRESENTATIONS / DEPUTATIONS**

### **8.1 Certificate of Appreciation Presentation - Mr. Nick Myrianthis**

The Mayor, Cr. Paul Tatchell presented Mr. Nick Myrianthis (past Member of S86 Audit and Risk Advisory Committee of Council) with a certificate of appreciation for Nick's dedication and commitment to the Audit and Risk Advisory Committee.

### **8.2 SES Victoria – Presentation of Municipal Emergency Management Plan Audit Certificate to Council.**

A Stephen Warren from Victoria State Emergency Service presented Council with a certificate certifying that the Municipal Emergency Management Plan of Moorabool Shire Council has been audited in accordance with the guidelines issued by the Minister and has been assessed as complying with the guidelines. Stephen congratulated the Moorabool Shire Emergency Management team on receiving Best Practice on the Audit.

### **8.3 Presentations or deputations to Council in relation to matters presented on the Agenda for Council consideration**

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
9.3.3	<i>Draft Statement of Commitment to Indigenous People</i>	Damien Loizou	Supporter
9.3.3	<i>Draft Statement of Commitment to Indigenous People</i>	Chris Huculak	Supporter

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

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

Item No	Description	Name	Applicant/ Objector
9.2.1	<i>Planning Scheme Amendment C76 rezoning of land in Parwan</i>	Julie Lancashire	For the Applicant
9.2.2	<i>Planning Application PA2008-209-A2; Seven (7) Lot Subdivision to proposed amendment to Twenty-Three (23) Lot Subdivision &amp; Removal of Easements at Lot S2 on PS 312999Y; Leila Court, Bacchus Marsh</i>	Aaron Mawhinney <i>(did not address Council)</i>	Objector
9.2.2	<i>Planning Application PA2008-209-A2; Seven (7) Lot Subdivision to proposed amendment to Twenty-Three (23) Lot Subdivision &amp; Removal of Easements at Lot S2 on PS 312999Y; Leila Court, Bacchus Marsh</i>	Wendy Abey <i>(did not address Council)</i>  Louise Mawhinney	Objectors

9.2.2	<i>Planning Application PA2008-209-A2; Seven (7) Lot Subdivision to proposed amendment to Twenty- Three (23) Lot Subdivision &amp; Removal of Easements at Lot S2 on PS 312999Y; Leila Court, Bacchus Marsh</i>	Wayne Daniel	Applicant
-------	---	--------------	-----------

*With the consent of Council the business of the meeting moved to consider Items 9.2.1 – 9.5.1 of the Agenda.*

## **9. OFFICER'S REPORTS**

### **9.1 CHIEF EXECUTIVE OFFICER**

#### **9.1.1 Review of Council's Section 86 Committees (Internal)**

##### **Introduction**

File No.: 02/01/011  
Author: Rob Croxford

##### **Background**

At the Ordinary Meeting of Council (OMC) on 2 July, 2014 the Council resolved to establish Advisory Committees to operate within terms of reference.

At the OMC held on 6 August, the Council resolved to trial for three months the establishment of a Development Assessment Delegated Committee within terms of reference.

On 29 October, 2014 at the Statutory and Annual Appointments Special Meeting, Council requested that a report be presented to the December meeting that addresses the following points:

- *The operations of the following Section 86 Committees of Council:*
  - *Social Development Committee*
  - *Finance and Governance Committee*
  - *Place Making Committee*
  - *Development Assessment Committee*
  - *Urban Growth Strategy Committee*
  - *Rural Growth Strategy Committee*
- *The above mentioned report to use feedback obtained from Councillors and Officers and especially considers:*
  - *Whether each of the Committees remains relevant and useful to the business of Council.*
  - *Whether the membership, terms of reference and delegations of the various Committees should be revised in light of experience.*
  - *Whether the overall framework comprising these Committees should be revised or improved to better support the business of Council.*

## Proposal

### Overall Review of the Governance Model

The Local Government Act 1989 (the Act) sets out that the purpose of local government is to provide a system under which Councils perform the functions and exercise the powers conferred under the Local Government Act or any other Act for the peace, order and good government of their municipal districts.

The Act also goes on to set out the objectives and roles of the Council.

The Council also, in consideration of its governance role, provides delegations to its CEO and in turn other officers to enable the day to day business of Council to be undertaken.

Further, under S86 of the Local Government Act the Council can establish special advisory and delegated committees to undertake roles or advise the Council on matters relating to the good governance of the Shire.

The S86 Committees may comprise a mix of Councillors only, Councillors and officers and community members. This report focuses on internal governance arrangements and does not explore the various Committees comprised largely of community members that are externally focussed.

It is also important to note that in the overall governance model of any local government that:

- Officers can only act within the terms of their delegation and statutory appointment functions;
- A S86 Committee can only operate in the terms of its delegations;
- An Assembly of Council cannot direct officers or make decisions;
- Only the Council in a properly constituted meeting can make binding decisions under various acts, and
- It is incumbent on the CEO to ensure that decisions of Council are implemented without delay.

Further, the Ombudsman in 2009 made the following recommendations on good governance:

- Councillors should not be assigned to informal working parties. Rather special Committees should be established in accordance with Sections 88-93 of the LGA to ensure that adequate records are kept of all meetings involving Councillors and that the public are able to attend. Preferably, all such Committee meetings should have clearly defined Terms of Reference.
- That procedure related to Councillor briefings or forums do not include any provision for direction of officers.
- That all reports and/or recommendations to Council be accompanied by all relevant officers reports and consultants reports.
- That briefings be only used as a forum for clarification, information and advice and that decisions to in any way modify, change or reflect Council staff recommendations must be made at formal Council meetings.

- That all reports and recommendations for Councillors consideration and/or decision be signed off by one or more executive prior to the provision to Councillors.

It is noted that the Local Government Act and guidance notes have provided a stronger framework around what now constitutes an Assembly of Council post the recommendations in relation to briefings as provided by the Ombudsman.

Moorabool Shire Council over the years has explored various governance models to ensure that Officers and Committees of Council can advance certain strategic work and carry out operational matters.

In setting a governance framework it is important that Councillors are kept informed of strategic work such as land use planning, social and recreation strategies, asset management frameworks and strategic financial issues. This is to ensure that Council is cognisant of the issues or strategic work to assist in its formal decision making process as a full Council.

This can be achieved in several ways:

### **Ordinary and Special Meetings of Council**

The frequency of Council meetings in which decisions and guidance can be provided by Council has varied at Moorabool and across local government generally. Moorabool has recently moved to a monthly cycle of ordinary meetings from fortnightly.

The timing of the meetings is also an issue in setting the scene for openness and transparency for members of the community. Recently Moorabool moved to 5.00pm commencement times from 7.00pm as a trial. There has been mixed feedback on the change of time, however generally it appears that a later start time would enhance community attendance.

OMCs have generally been held in conjunction with Assemblies of Council or Committees to ensure that issues are not presented to the public Council meeting that need rework or deferral.

Special Meetings of Council are held where the monthly timeframe does not enable expeditious resolution of a matter; statutory timeframes requires an outcome or a matter is of such significance in the community that a dedicated meeting is desirable. There is a protocol for the calling of Special Meetings.

### **Assemblies of Council (AOC)**

This occurs when four or more Councillors are requested to meet with one or more officers on an issue that is likely to be the subject of a future Council decision.

Moorabool has used this model for the past few years and meetings were scheduled for Wednesday afternoons commencing from 2.00pm.

An assessment of the AOC model leading to the Council's decision in July on S86 Committees was that as the AOCs were not able to make decisions or direct Officers it was difficult to progress issues, and as such consideration by a S86 Committee within delegation with a recommendation to Council was a more formalised and structured approach.

Difficulty was also experienced in getting high attendances at the Assemblies.

### **Briefing Notes (BN)**

Another mode of keeping Councillors informed is the use of briefing notes. These have worked well when it is necessary to inform Council of issues in the community or interim reports on strategic projects. BNs are not appropriate where:

- Direct feedback from Councillors is required.
- A conversation is required to explain or embellish key points.
- A decision is required where there is no delegation.

### **Councillor Portfolios**

This mode relies on one Councillor being relied upon for his or her expertise and passion for particular issues or portfolios. These could include, finance, water, environment or transport.

This option works well when there is regular and open interaction between Councillors. It also can result in one Councillor being the Council representative with external bodies and politicians and forming a close working relationship with key staff.

### **S86 Committees**

As mentioned earlier, S86 Committees can provide a more formalised and structured approach to keeping Councillors informed on issues that may come before the full Council at a later date.

Feedback from Officers and Councillors in relation to the operation of the S86 Committees suggest that the following points require consideration:

- Bi-monthly meetings need to be brought back to monthly in order to better align with Council meetings and project timeliness.
- A later start time would assist those Councillors in full time employment.
- Four Councillors on each committee would assist in maintaining quorums and getting broader input to agenda items.
- Urban and Rural Growth Committees could be combined into the Place Making Committee.
- Committees other than DAC could be combined to increase the size of the agenda and reduce the number of meetings being held.
- A two committee model should be explored.
- Terms of Reference of all committees now need a review.
- All Councillors should be ex-officio members of all committees. Voting but optional members.

- All Councillors should be allowed to vote if they attend a meeting.
- All Councillors need to be aware and have access to all meetings and agendas.
- A voting quorum of three Councillors is required for all committees.
- No casting vote for chair of committee.
- In the absence of a quorum the meeting should not be abandoned as useful discussion and input from the community can still be had.
- No closed sessions should occur at Committee level.
- Committees need to focus on more strategic matters.
- Committees should not be seen as mini Council meetings.
- Meeting requests for committees should be sent to Councillors with a minimum of two weeks notice.
- Tuesday meetings are preferable.
- Meet before 3.00pm or after 6.00pm.
- Ward Councillors need to be made aware of items on the agenda if the Councillor is not on the committee.
- Weekly Assemblies of Council are onerous.

### **Detailed Review of each S86 Committee**

#### **Urban and Rural Growth Committees**

In July 2012 the Council established an Urban Growth S86 Committee and a Rural Growth S86 Committee.

Broadly, the committees were established to develop a vision and planning principles to guide and manage future growth and development in the Shire. These committees have worked well and have been the reason significant progress has been made in recommending improvements to Council on land use planning, principles and strategic planning projects.

A review as part of writing this report, however, points to some shortcomings in the Terms of Reference (TOR) and membership of the committees as established in 2012.

If the Committees are to continue, a review needs to be undertaken by each Committee with a view to restating the purpose, roles and functions of members and membership.

The original TOR have been included as an attachment to this report.

#### **Place Making Committee**

The Committee has met on several occasions since July and has operated well.

The agenda has focussed on key strategic projects and provided several recommendations to Council.

Feedback to date is that the role and functions of the Committee is unclear. The original intent of the Committee was to assume the functions of the Rural and Urban Committees once the community consultation phase of both streams had been undertaken. Further, infrastructure, environment and land use planning issues were intended to be considered in this forum.

With the continuation of the Rural and Urban Committees, the Place Making Committee has become heavily infrastructure focused and could be seen to encourage silo consideration of issues rather than the more holistic consideration to create great places.

### **Social Development Committee**

The Committee has met on several occasions since July and has operated well, however it has been difficult to attract three Councillors to meetings.

A review of the strategic work relating to social issues suggests that in the next few months the workload of this Committee will become light. As such it could be rolled into another Committee or meet less frequently in the future.

### **Finance and Governance Committee**

The Committee has met on several occasions.

The Internal Audit Committee also plays a role in some of the responsibilities of this Committee.

The progress of statutory processes such as budget, council plan and strategic financial plan were originally included in the remit of the Committee, however these need the input of all Councillors in a formal setting to provide clear direction.

As such, if this Committee is to continue a review of the TOR is required.

### **Development Assessment Committee (DAC)**

The call in provisions for planning permits listed on the DAC agenda has resulted in only two meetings being held since August.

The most recent meeting on 11 November resulted in a chair being appointed for the Committee.

Accordingly, there is little data to form an opinion on the success or otherwise of the operation of the committee.

Feedback to date includes:

- The decision on planning applications as responsible authority needs to remain with the full Council.
- Full Council is comprised of Councillors more broadly than those that are members of the DAC. Expertise on certain planning issues rests with different Councillors.
- The call in provisions and advance notice of applications coming to Council in the future in addition to Greenlight is a useful process.

- The DAC enables informal discussion to occur with objectors, applicants and officers.
- The DAC can move into a closed session if more detailed sensitive information is required on an item before a public decision is made.
- The timing of the DAC and OMC makes call in a difficult administrative process. Consider changing the DAC meeting day.
- The DAC need to retain the formality of Council to ensure sound governance.
- The delegation to the DAC ensures that full Council still considers more significant planning application and land use issues.
- The call in provision is convoluted and should be simplified.

### **Policy Implications**

The 2009. 2013 Council Plan 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.

### **Financial Implications**

The governance framework and servicing of Council, Committee and Assemblies of Council is a core function of the administrative arm of Council and any model determined by the Council can be accommodated.

It is evident, however, that additional Committee and Council meetings adds to the cost of governance. Further, rework as a result of %all in+of items or changing meeting dates to accommodate committee members does create a stress and cost across the organisation.

A simplified, easily understood model would be optimal.

Most senior staff in attendance at meetings after hours do not receive overtime payments.

The cost of providing refreshments and meals is a secondary consideration to that of providing a sound governance model.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Governance	Poor structures and processes frustrate good governance outcomes	Medium	Clear direction and processes are in place.

## Communications and Consultation Strategy

Councillors and staff associated with the governance processes of Council have been consulted in the preparation of this report. Feedback from the community on the timing and transparency of meetings has been low, however the feedback suggests that a later start time and more frequent access to Councillors would be a positive measure.

## Victorian Charter of Human Rights and Responsibilities Act 2006

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

## Officer's Declaration of Conflict of Interests

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

*Author – Rob Croxford, CEO*

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

## Conclusion

The Council resolution of November 2014 required that the following matters be considered.

- Whether each of the Committees remains relevant and useful to the business of Council.
- Whether the membership, terms of reference and delegations of the various Committees should be revised in light of experience.
- Whether the overall framework comprising these Committees should be revised or improved to better support the business of Council.

In response Officers have concluded:

- Feedback on the operation of the Committees is diverse.
- That the Committee framework has not provided the intended benefits of informing all Councillors of strategic and important issues that are likely to be the subject of a full Council decision at a later date.
- The call in provisions of the DAC Committee has resulted in only two meetings being held in recent months. Call in items were considered by the full Council.
- The terms of reference of the Rural and Urban Committees is no longer valid and needs review.
- The terms of reference of all other Committees need improvement but have only been trialled for several months.
- The overall governance framework has not improved as a result of the operation of a Committee structure. In fact, it has added to confusion and complaints from Councillors on the scope, operation and notification of meetings.

Accordingly, it is concluded that the Committee structure framework should be discontinued.

It is recommended, based on feedback gathered, that the following governance framework be adopted to provide a system under which Moorabool Shire Council can perform the functions and exercise the powers conferred under the Local Government Act or any other Act for the peace, order and good government of Moorabool.

- Ordinary Meetings of Council to be held on the first Wednesday of the month, excluding January, commencing at 7.00pm at locations determined at the Statutory Meeting of Council held in October.
- That Assemblies of Council be convened on the third Wednesday of the month commencing at 2.00pm.
- That additional Assemblies of Council be convened as required following consultation between the Mayor and CEO.
- That the CEO and Mayor prepare guidelines and protocol for the consideration and discussion of items at Assemblies of Council for further consideration by Councillors.
- That Briefing Notes issued by the CEO or General Managers be used as a key means of ensuring that Councillors continue to be kept informed of developing issues and strategic matters.

**Recommendation:**

1. That the current internal governance framework that uses the following S86 Committees be discontinued:
  - Social Development Committee
  - Finance and Governance Committee
  - Place Making Committee
  - Development Assessment Committee
  - Urban Growth committee
  - Rural Growth Committee
  
2. That from February 2015 the following governance framework be used:
  - Ordinary Meetings of Council to be held on the first Wednesday of the month, excluding January, commencing at 7.00pm at locations determined at the Statutory Meeting of Council held in October.
  - That Assemblies of Council be convened on the third Wednesday of the month commencing at 2.00pm.
  - That additional Assemblies of Council be convened as required following consultation between the Mayor and CEO.
  - That the CEO and Mayor prepare guidelines and protocols for the consideration and discussion of items at Assemblies of Council for further consideration by Councillors.
  - That Briefing Notes issued by the CEO or General Managers be used as a key means of ensuring that Councillors continue to be kept informed of developing issues and strategic matters outside of Assembly and Council meetings.

**Resolution:****Crs. Dudzik/Edwards**

1. *That from February 2015 the following governance framework will be used:*
  - *The Ordinary Meetings of Council Schedule determined at the Statutory Meeting of Council held in October 2014 remains in place.*
  - *That a further report be prepared by Council Officers including a cost benefit analysis of changing Ordinary Council meeting start times to 7pm and possible risks in relation to COR.*
  
2. *That the following Section 86 Committees be discontinued:*
  - *Social Development Committee*
  - *Finance and Governance Committee*
  - *Place Making Committee*
  - *Urban Growth Committee*
  - *Rural Growth Committee*

3. ***That the Development Assessment Committee be retained as a delegated special committee and Council receive, for adoption, a revised Terms of Reference to require: all Councillors appointed to the Committee, quorum the same as for an Ordinary Meeting of Council, meetings to be held on the 3<sup>rd</sup> Wednesday of the month at 5pm alternating between Ballan and Bacchus Marsh, no call in procedure.***
4. ***That a new "Place Making Committee" be established. That a revised Terms of Reference be drafted for adoption by Council that requires: all Councillors appointed to the Committee, quorum the same as for an Ordinary Meeting of Council, Scope of the committee to include infrastructure, social development and strategic planning issues. Meetings to be held on the 3<sup>rd</sup> Wednesday of the month following the Development Assessment Committee alternating between Ballan and Bacchus Marsh, no call in procedure.***

**LOST.**

**Resolution:**

**Crs. Spain/Toohey**

***That Item 9.1.1 Review of Council's Section 86 Committees (Internal) be deferred for further consideration at the next Ordinary Meeting of Council.***

**CARRIED.**

---

#### **Report Authorisation**

**Authorised by:**

**Name:** Rob Croxford  
**Title:** Chief Executive Officer  
**Date:** Wednesday, 26 November 2014



## 9.2 GROWTH AND DEVELOPMENT

### 9.2.1 Planning Scheme Amendment C76 rezoning of land in Parwan

#### Introduction

File No. 13/06/080  
Author: Sian Smith  
General Manager: Satwinder Sandhu

#### Background

Urban Design and Management on behalf of L & G Failli have lodged a request to rezone 3922 Geelong . Bacchus Marsh Road, Parwan and a land parcel known as PC362391.

3922 Geelong . Bacchus Marsh Road, Parwan is currently zoned Farming and, through this amendment, is proposed to be rezoned to Industrial 1.

Land parcel PC362391 is currently zoned Industrial 1 and is proposed to be back-zoned to the Farming Zone.

Effectively the zones between these two adjoining land parcels will be swapped, although the area zoned Industrial 1 would be increased by approximately 74 hectares.

A new Schedule to the Development Plan Overlay is also being proposed.

Council is currently working on a range of policies and strategies which have direct relevance to this current amendment. A draft industrial lands strategy, including an agribusiness component should become available in late January 2015. This strategy is being undertaken concurrently with the Moorabool Economic Development Strategy.

The proponent has provided the following reports in support of their amendment:

- A Traffic Engineering Assessment prepared by the Traffix Group;
- A Cultural Heritage Desktop Assessment prepared by Terra Culture;
- An Ecological Features and Constraints Preliminary Assessment prepared by Paul Kelly and Associates and;
- A Servicing Report prepared by Urban Design and Management.
- A Planning Report prepared by Urban Design and Management.

## Proposal

The Planning Scheme Amendment proposes to:

- Rezone land at 3922 Geelong . Bacchus Marsh Road, Parwan from the Farming Zone to the Industrial 1 Zone with a Development Plan Overlay to facilitate its development as an employment precinct.
- Rezone land parcel PC362391 Parwan from the Industrial 1 Zone to the Farming Zone. The surrounding area is within the Farming Zone and the rezoning of this land effectively back zones this land parcel.
- Introduces a new schedule to the Development Plan Overlay which seeks to outline the form and conditions of future use and development of the land.

The intent behind the rezoning is to create an area that is key for the establishment of agricultural based enterprises on developable land.

It is recognised that this type of precinct can be established within the current Farming Zone, however the proponent contends that there is no ability to attract associated service and support industries due to the restrictions that the Farming Zone would impose. The rezoning would enable a broader range of uses to be co-located on the southern land parcel.

The owner of the two properties that are the subject of this amendment is seeking to swap the zoning of their two land parcels. The current Industrial 1 zoned site will be constrained by a proposed large retarding basin therefore reducing the amount of land available for industrial purposes.

The land parcel to the south (currently Farming Zone) offers a better ability to be developed due to it being downslope of the proposed retarding basin.

According to the proponent, the current Industrial site experiences significant drainage constraints which results in stormwater pooling in the north-east corner of the site. The proponent has commissioned a number of drainage studies into the feasibility of developing the site, however, they have advised that the infrastructure costs associated with these options make its development economically unfeasible.

In the short term it is expected that this site will be home to an abattoir, which will be relocated from its existing site in Woolpack Road. This location has been identified for this purpose since 1999. This type of agribusiness use would effectively form an anchor for the development of the site.

## Site Description

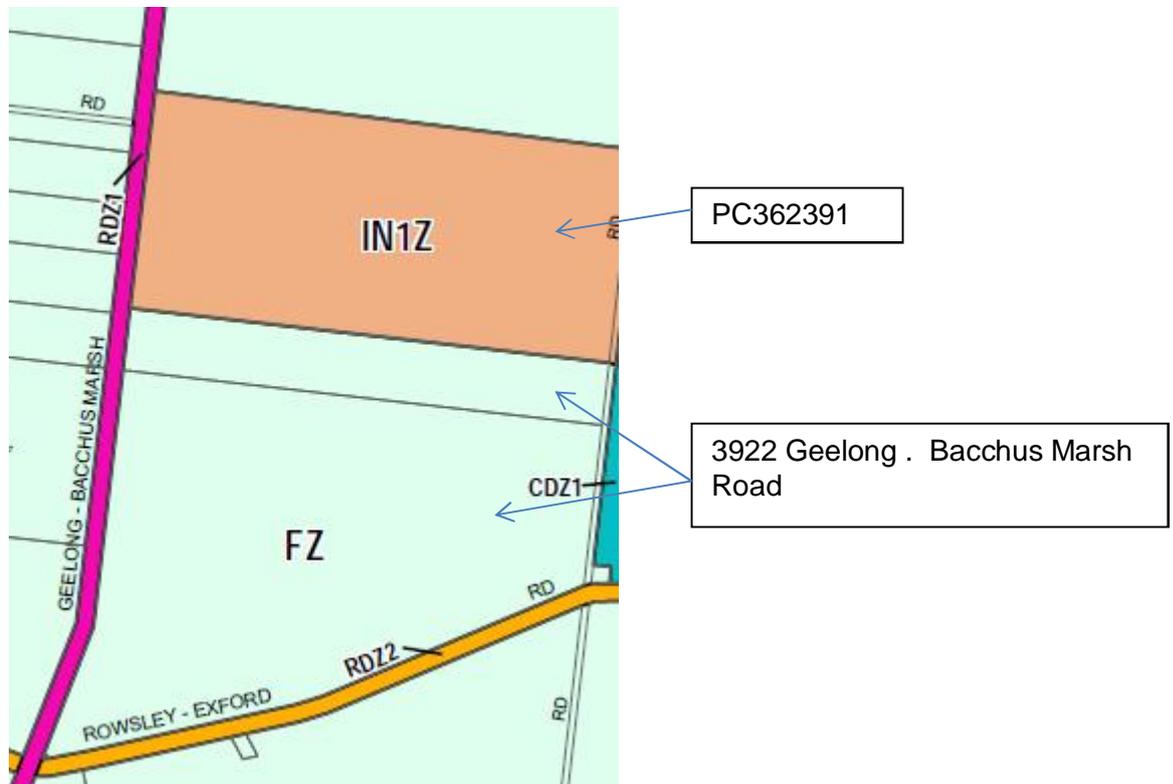
The Planning Scheme Amendment request relates to two properties:

- PC362391 Geelong . Bacchus Marsh Road, Parwan; and
- Lots 1 and 2 on TP188461W, 3922 Geelong . Bacchus Marsh Road, Parwan.

PC362391 is currently included in the Industrial 1 Zone and is proposed to be rezoned to Farming Zone. It has an area of approximately 116 hectares and contains no easements or encumbrances.

3922 Geelong . Bacchus Marsh Road, Parwan has an approximate area of 190 hectares and is proposed to be rezoned to the Industrial 1 Zone.

## Current Zoning Map



The rezoning effectively creates an additional area of approximately 70 hectares of Industrial 1 zoned land due to the existing land parcel sizes.

The land is located approximately 7.5km south of the Bacchus Marsh town centre.

The land is a large tract of flat, undeveloped land. It has direct frontage onto Geelong . Bacchus Marsh Road and provide good connectivity to the Western Freeway, Princes Highway and major local connector roads such as Ballan Road and Exford-Rowsley Road.

The surrounding area already contains key businesses that complement the establishment of an employment cluster such as the Western Water Treatment Plant, Genetics Australia, Poultry Farm, Parwan Valley Mushroom Farm and the Bacchus Marsh Airport.

Other land uses within close proximity to the site includes horse agistment / trotting tracks, cropping and the Sir Jack Brabham Raceway.

A majority of the site is utilised for a cereal crop grazed by sheep. There are scattered native trees on the site. Four habitat zones have been identified onsite. They are:

- Remnant Plains Woodland on the Nerowie Road roadside. This site is identified as a site of biodiversity conservation;
- Plains Grassland patch on the eastern edge of the site with a high coverage of surface stone which is suitable habitat for the Golden Sun Moth and the Striped Legless Lizard (targeted surveys will be done on these species during summer to ascertain their existence);
- Lignum Swamp associated with Bingham's Swamp. This patch is dominated by River Red Gums with an understorey of Lignum; and
- A smaller patch of Lignum Swamp abutting Geelong . Bacchus Marsh Road, near the farm house.

A Cultural Heritage Desktop Assessment has been provided by the proponent. This Assessment highlights that previously identified aboriginal sites occur within the subject site.

Investigations for a Cultural Heritage Management Plan (CHMP) revealed stone flake artefacts on the northern site and it is expected that similar artefacts will be found on the southern site.

Should the amendment be supported by Council and authorised by the Minister for Planning, a mandatory CHMP will be required under the *Aboriginal Heritage Act 2006*, prior to any permits being issued.

### **Servicing Report**

A Servicing Report was prepared by Urban Design and Management. This report discusses traffic, drainage, sewerage, water supply, electricity, telecommunications and gas.

This report is quite limited in terms of the depth of assessment required for infrastructure and service provision. The provision of appropriate services and infrastructure is critical to the success of an industrial estate.

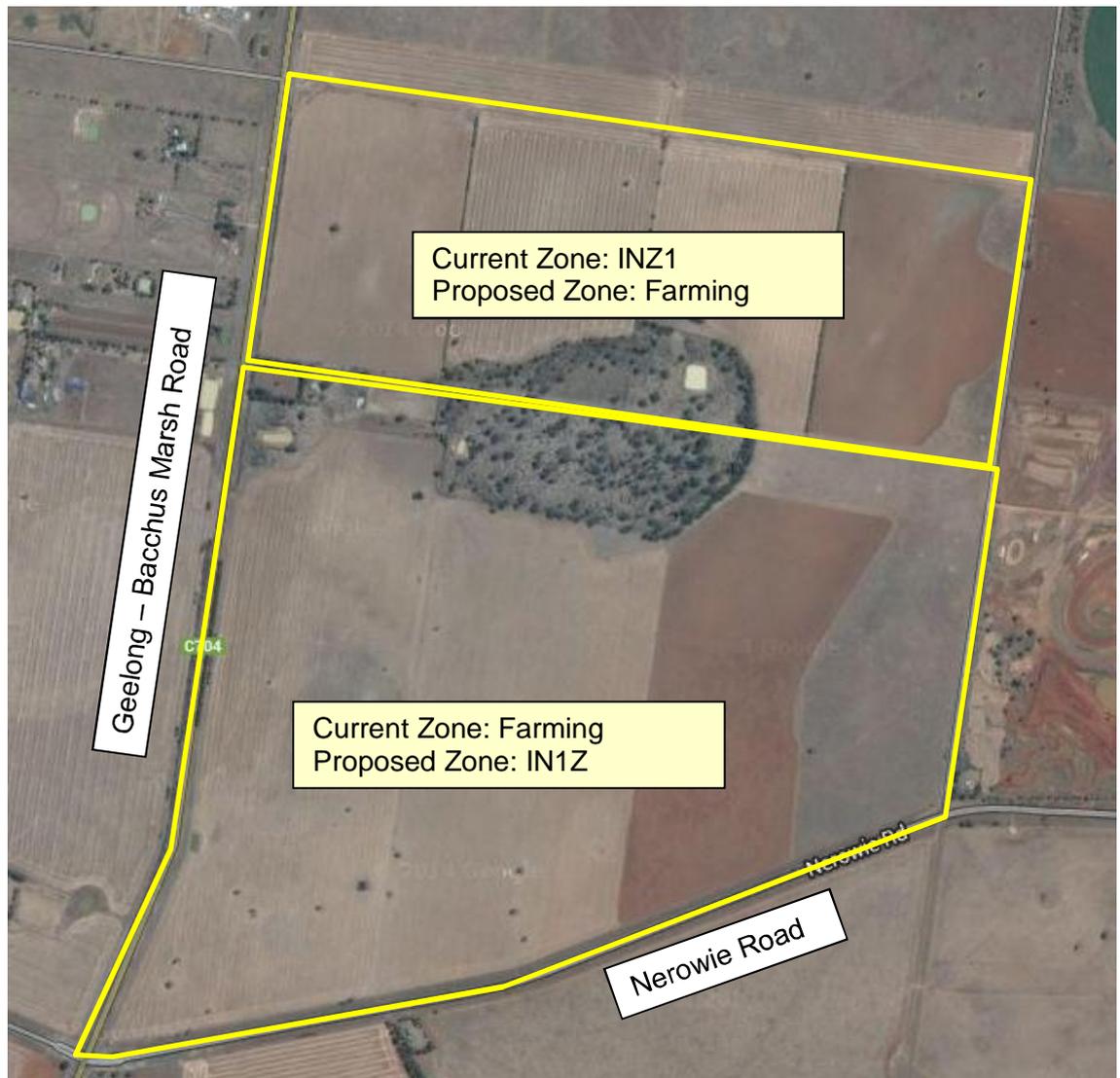
This report does not provide costing for any upgrades, augmentation or initial provision of services. It also does not elaborate on who will bear these costs. Council should not be responsible for the provision of any utility services or infrastructure.

The cost of any road upgrades or intersection works have also not been discussed and addressed. The report needs to identify clear responsibility for costing, timing of delivery of services and infrastructure and what mechanisms will be put in place to ensure the delivery of these expectations.

Overall, it is less a servicing report and more a precise of services that would be expected to be provided. On some fronts the services either can be likely accommodated such as sewer and water. In other cases this is less clearly established such as gas reticulation. The information on road upgrades is virtually non-existent.

Clarity around these issues will need to be provided prior to seeking authorisation.

### Proposed Area to be Rezoned



## History

This area has been the subject of planning considerations since 1999 when new format planning schemes were introduced.

In March 1999 a report of the Panel and Advisory Committee commented that a majority of submissions received generally do not support the proposed industrial zoning of land in Parwan South. Concerns at the time included:

- Industrial zoning conflicts with existing uses including harness racing and training, agricultural uses and rural amenity
- Increase traffic
- Adverse impact on property values
- Creation of pollution in the area
- Adverse implications for animal quarantine and disease control
- Introduction of hazardous manufacturing and storage facilities into the area

The Panel ultimately considered the site currently zoned Industrial 1 was on balance appropriate for the following reasons:

- All required buffer distances are met
- The site is well served by road access
- It is relatively flat
- It is well separated from residential development
- It is readily accessible to Bacchus Marsh and the Freeway
- It is able to connect to reticulated water and sewerage at the proponents cost.

Along with the approval to rezone the land the Panel recommended that the Council undertake the preparation of an industrial strategy as a matter of priority.

The Moorabool Industrial Areas Strategy was approved in 2001. The purpose of this Strategy was to:

1. Identify and set aside appropriate industrial land supply for the next 20 years and;
2. Analyse the existing and possible additional capacity required for the immediate needs (3-5 years) for the development of industrial land in Bacchus Marsh, Ballan and Gordon.

This Strategy is quite constrained in its usefulness in providing support for this rezoning. In the years preceding the rezoning of the Industrial 1 Zoned land there must have been a decision to not proceed with the relocation of the abattoir. This decision has meant that there was no further exploration into other opportunities and the dedicated industrial site presently in place not being developed.

Council is in the process of reviewing the strategic work undertaken in 2001 and it is expected that this review will investigate Parwan in greater detail in accordance with the objectives of the Central Highlands Growth Area Plan and the Council Plan. It is likely to support employment being provided in the area but preliminary feedback suggests that industrial land take up is limited in the Bacchus Marsh district and that further industrial zoning is not necessary.

It is, however, important to note that the increase in additional industrial land as proposed under this amendment is as a consequence of the existing land parcel sizes. The proponent has not advised that increasing the amount of industrial land is not the motivation for the amendment but rather a consequence of swapping the zones.

### **Strategic Guidance**

The proposed rezoning gets strategic support from the Moorabool Planning Scheme, namely Clause 11.06 which seeks to:

- Plan for population growth in sustainable locations throughout the Central Highlands Region. This Clause specifically references Bacchus Marsh as a key service centre and development should be supported to ensure the adequate provision of land and infrastructure to support population growth;
- Strengthen the regional economy;
- Capitalise on the regions close links with other regions and cities;
- Make a region more self-reliant and sustainable;
- Integrate planning with the provision of infrastructure;
- Manage, protect and enhance the region's land, soil, water and biodiversity;
- Support long-term agricultural productivity; and
- Recognise the importance of cultural heritage and landscapes.

Other relevant strategic objectives include:

- *Support greater economic self-sufficiency for the region (Clause 11.06-2);*
- *Facilitate economic development opportunities based on the emerging and existing strengths of the region (Clause 11.06-2);*
- *Support growth through the development of employment opportunities in towns identified for population growth (Clause 11.06-2);*
- *Provide and protect buffer areas for industry from the encroachment of sensitive uses (Clause 11.06-2);*
- *Support settlement and economic growth along existing transport infrastructure to maximise use of the network (Clause 11.06-3);*
- *Create communities that offer local jobs and services (Clause 11.06-5);*
- *Support expansion of energy supply infrastructure to facilitate the establishment of new industry or the expansion of existing industry (Clause 11.06-6);*

- *Support the ongoing viability of agriculture by identifying land for primary production and agriculture, including intensive agriculture (Clause 11.06-8);*
- *Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices (Clause 14.01-2);*
- *Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes (Clause 14.01-2);*
- *Facilitate the establishment and expansion of cattle feedlots, piggeries, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment (Clause 14.01-2); and*
- *Undertake measures to minimise the quantity and retard the stormwater runoff from developed areas (Clause 14.02-1).*

### **Urban Development Program (UDP) Regional Industrial Report – Shire of Moorabool.**

The applicant has claimed that there is a shortage of industrial land supply, however no evidence has been provided to demonstrate this is the case.

The UDP report provides an analysis of supply and demand for residential and industrial land across parts of regional Victoria.

This report concludes that there is an adequate stock of zoned and serviced industrial land stocks to meet trend and accelerated consumption rates across the Shire for the next 20-30 years.

There is also no identified shortfall of industrial land by specific lot size.

The rezoning and back-zoning of land will result in a net increase of approximately 74ha of industrial land supply.

Despite the above, it should be noted that the increase in land supply is not the motivation for this amendment. The increase is an incidental part of swapping the zones.

### **Central Highlands Regional Growth Plan May 2014**

The objectives listed within the State Planning Policy Framework are reflected within the principles and directions for growth within this Plan.

The Plan identifies that it is critical to support rapid population growth in peri-urban regions by encouraging new employment opportunities to reduce the current reliance on commuting to Melbourne and Geelong. This Plan notes Moorabool's investigation into the Parwan area as a key employment hub for Bacchus Marsh.

Within the Bacchus Marsh section of this Plan highlights that the Parwan area has opportunities for a flexible range of rural and industrial uses. It also highlights that a key strategic direction for Bacchus Marsh is to ensure it retains a strong local employment focus to limit its role as a commuter town.

### **Strategic Assessment of the amendment**

#### ***Why is an amendment required?***

A planning scheme amendment is required to rezone and backzone land to allow for the development of an appropriate parcel land. The current Industrial 1 Zone land has a significant constraint relating to drainage which renders a majority of the site as being unusable and economically unfeasible to develop. There will be an increase in Industrial land as the parcel to be rezoned is larger than the current Industrial land.

The rezoning is required to facilitate the development of the Moorabool Agribusiness Precinct which seeks to encourage the expansion of existing agricultural businesses within the site, create new economic growth and increase employment opportunities.

The proposal is supported by the current approved Development Plan for the Parwan South Industrial Estate April 2009 and the Growing Moorabool Economic Development Strategy and Action Plan April 2006.

The proposed rezoning considered the most appropriate means of promoting an Agribusiness Precinct in the Moorabool Shire.

#### ***How does the amendment implement the objectives of planning in Victoria?***

The amendment implements the objectives of planning in Victoria by:

- Reflecting the appropriate zone on the appropriate land parcel to ensure the land is viable to be developed;
- Ensuring that environmentally and culturally sensitive areas are managed appropriately;
- Providing employment opportunities that may contribute to the local and the regional economy;
- Facilitating development through the appropriate planning land use controls.

An amended servicing report and the preparation of a Section 173 Agreement for developer contributions will ensure that the appropriate provision of utilities and any other assets and upgrades.

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

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

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

The proposed amendment seeks to implement the objectives of planning in Victoria. The rezoning request will provide new employment opportunities and encourage new investments to support the growth of Moorabool Shire in accordance with the Central Highlands Regional Growth Area Plan.

There are areas of environmental significance that straddle both land parcels. This area is known as Bingham's Swamp and may be utilised by the Golden Sun Moth and the Striped Legless Lizard.

Ecological impacts and management will be a requirement of a schedule to the Development Plan Overlay.

The amendment provides for positive social and economic effects with facilitation of new employment. It seeks to prevent leakage of employment to surrounding areas by providing Agribusiness facilities in a centralised area.

Parwan can provide an employment hub in close proximity to Bacchus Marsh which has been undergoing significant growth and will continue to do so. It will assist in retaining jobs within the municipality which in turn helps to minimise escape expenditure.

Council's Health and Wellbeing Plan 2013-2017 highlights that only 37.6% of employed persons living in Moorabool believe they have a good work-life balance. This is well below the state average of 53.1%. Anecdotal evidence suggests that the flow on effects of not having a good work-life balance is the inability or reluctance to participate in socially engaging activities.

The capital investment will create local employment opportunities resulting in a significant community benefit. New employment opportunities for the abattoir and associated rendering plant are in excess of 300, while the total jobs in the Moorabool Agribusiness Precinct could exceed 2500 jobs.

***Does the amendment address relevant bushfire risk?***

The land is included within a designated bushfire prone area. This requires new development to be accompanied by bushfire protection measure construction standards for bushfire under the requirement of the Building Act.

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

The amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes.  
No other Minister Directions apply to the proposal.

***Does the amendment support or implement the SPPF?***

It is considered that the amendment implements the State Planning Policy Framework by recognising and addressing the key strategic directions relating to the growth of Bacchus Marsh. The SPPF refers to the Central Highlands Growth Area Plan which seeks to investigate the Parwan area for future employment and agribusiness opportunities.

The swapping of the zones ensures that the Industrial 1 Zoned land is located on the most appropriate land parcel that can be viably developed, as demonstrated in the Service Plan.

Relevant objectives have been identified in the Strategic Guidance section of this report.

***Does the amendment support or implement the LPPF?***

The proposal is consistent with Clause 21.04 Economic Development and Employment which aims to develop and facilitate increased opportunities for local employment and strengthen the local economy.

***Does the amendment make proper use of the VPP?***

The amendment makes proper use of the Victorian Planning Provisions by proposing to apply zones to land that is appropriate in context to its intended use.

The proponent has considered other zoning options, which all fall short of meeting their needs.

A new schedule to the Development Plan Overlay will ensure that development outcomes are appropriately and consistently designed and managed.

The back zoning of PC362391Y to the Farming Zone reduces the potential for an oversupply of industrial land in the area without further strategic justification, whilst reinforcing its current role to manage the stormwater outcomes for the precinct as a whole.

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

The proponent has held discussions with a range of agencies and stakeholders including infrastructure servicing agents, Office of Living Victoria, Regional Development Victoria and Moorabool Shire Council.

Various assessments have been completed for the site which has also resulted in discussions with specific agency groups.

Exhibition of this amendment is likely to stimulate further discussions with relevant agencies and interested parties.

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

The *Transport Integration Act 2010* requires the consideration of whether the amendment is likely to have a significant impact on the transport system.

A Traffic Engineering Assessment was completed by Traffix Group in August 2014. The key findings from this Assessment are:

- Traffic generated by the site will be distributed between a number of potential destinations and associated routes within the overall wider network;
- A Development Plan Overlay will provide a degree of certainty and direction for the future development potential of the site and associated higher order traffic engineering related outcomes;
- Detailed traffic engineering assessments such as parking, traffic and bicycle generation calculations and investigations relating to any potential mitigating works required in association with future site access connections will need to be undertaken as part of future planning permit applications that are submitted for the proposed development or use of the site; and
- There are no traffic engineering reasons why the proposed rezoning of the land should not be approved.

This assessment is intended to be broad given that not all end land uses are known at this stage, however this assessment lacks consideration of what upgrades may be required, costing, timing of delivery infrastructure and what mechanisms will be put in place to ensure the delivery of any necessary works.

This information is critical to determining the financial implications associated with the development of the site. This is a proponent led rezoning which should not impose any financial risks onto Council.

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

The Amendment provides greater scope for investment in Parwan. If the amendment is approved there will be further consideration and approvals required from Council's Strategic and Statutory Planning Departments.

## Policy Implications

The 2013 - 2017 Council Plan provides as follows:

**Key Result Area:** Community Wellbeing

**Objective** A strong and diverse local economy

**Strategy** Collaborate with other agencies/business partners in pursuing agricultural value adding industries in the region

**Key Result Area** Enhanced infrastructure and natural and built environment

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

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

The proposed amendment is consistent with the 2013 - 2017 Council Plan in that it supports the Central Highlands Regional Growth Area Plan (CHRGP) key directions. The CHRGP encourages investigation of the Parwan Area. The amendment is a strong expression of interest in the Parwan area reinforcing a view that Parwan could support employment and investment.

## Financial Implications

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

The Amendment provides greater scope for investment in Parwan. If the amendment is approved there will be further consideration and approvals required from Council's Strategic and Statutory Planning Departments.

It is important to acknowledge that, at this point in time, the Amendment would be proceeding before the approval of the strategies currently being revised by Council.

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

There could be financial implications for Council relating to Council's representation at a Panel Hearing. These costs could include engaging subject matter experts and legal counsel. These costs could be in the order of up to \$50k.

The amendment in its current form does not provide for any developer contributions. The preparation of a Section 173 Agreement for developer contributions is required to ensure that Council is not liable for significant infrastructure upgrades in the area.

### **Communications and Consultation Strategy**

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

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

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

#### *General Manager – Satwinder Sandhu*

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

#### *Author – Sian Smith*

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

### **Conclusion**

The amendment to rezone 3922 Geelong . Bacchus Marsh Road, Parwan and back zone PC362391 to facilitate the development of an agribusiness precinct could provide significant employment opportunities and positively impact on the Shire's commuter status.

It is acknowledged that further strategic work is required before any rezoning of the broader Parwan area can be considered. Council is currently addressing this issue. This rezoning however relates only to the swapping of zones between two land parcels.

There are shortfalls with respect to the Servicing Report and the Traffic Assessment which need to be resolved; however it is considered that these limitations are able to be addressed with appropriate conditions.

The numbers of Industrial land parcels are not increased as a result of this rezoning and the zone swap seeks to ensure that the most appropriate land has the most appropriate zone to facilitate a viable employment/economic precinct.

It is considered that overall the planning scheme amendment would benefit the local community and enhance the employment opportunities that are available to the community.

Local employment also stimulates the local economy and has a positive influence on work/life balance.

***Consideration of Deputations – Planning Scheme Amendment C76 rezoning of land in Parwan.***

***Ms. Julie Lancashire 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.***

**Recommendation:**

**That Council resolves to:**

- 1. Support Amendment C76 to the Moorabool Planning Scheme excluding the proposed deletion of the Design and Development Overlay 2.**
- 2. Request that the Minister for Planning authorise the preparation of Amendment C76.**
- 3. Defer the exhibition of Amendment C76 to the Moorabool Planning Scheme, subject to the submission of the following information to Council's satisfaction:**
  - a) A report, with evidence, which supports this rezoning specifically responding to:
    - I. The Urban Development Program's Industrial Land Audit;****
  - b) The Servicing Report is to be amended to identify clear responsibility for costing, timing of delivery of services and infrastructure and what mechanisms will be put in place to ensure the delivery of these expectations, specifically relating to:
    - I. Water reticulation**
    - II. Gas reticulation**
    - III. Road infrastructure**
    - IV. Drainage infrastructure and;**
    - V. Any other services****
  - c) Prepare a Section 173 Agreement, to Council's satisfaction, for development contributions based upon the cost, timing of delivery of services and infrastructure as identified in the Servicing Report.**
- 4. Advise the applicant that they are required to pay any costs incurred by Council for exhibition of Amendment C76, including any subsequent panel costs.**
- 5. Following the receipt of the above information to the satisfaction of Council's General Manager Growth and Development and any other information as requested by the Department of Transport, Planning and Local Infrastructure as a part of the authorisation process, Council will exhibit Amendment C76 in accordance with the *Planning and Environment Act 1987*.**

**Resolution:****Crs. Comrie/Edwards*****That Council resolves to:***

- 1. Support Amendment C76 to the Moorabool Planning Scheme subject to the retention of the Design and Development Overlay 2.***
- 2. Request that the Minister for Planning authorise the preparation of Amendment C76.***
- 3. Defer the exhibition of Amendment C76 to the Moorabool Planning Scheme, subject to the submission of the following information to Council's satisfaction:***
  - a) A report, with evidence, which supports this rezoning specifically responding to:***
    - I. The Urban Development Program's Industrial Land Audit;***
    - b) The Servicing Report is to be amended to identify clear responsibility for costing, timing of delivery of services and infrastructure and what mechanisms will be put in place to ensure the delivery of these expectations, specifically relating to:***
      - I. Water reticulation***
      - II. Gas reticulation***
      - III. Road infrastructure***
      - IV. Drainage infrastructure and;***
      - V. Any other services***
    - c) Prepare a Section 173 Agreement, to Council's satisfaction, for development contributions based upon the cost, timing of delivery of services and infrastructure as identified in the Servicing Report.***
  - 4. Advise the applicant that they are required to pay any costs incurred by Council for exhibition of Amendment C76, including any subsequent panel costs.***
  - 5. Following the receipt of the above information to the satisfaction of Council's General Manager Growth and Development and any other information as requested by the Department of Transport, Planning and Local Infrastructure as a part of the authorisation process, Council will exhibit Amendment C76 in accordance with the Planning and Environment Act 1987.***

**CARRIED.**

**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu

**Title:** General Manager Growth and Development

**Date:** Wednesday, 26 November 2014



***Cr. Sullivan declared an Indirect Conflict of Interest (section 78B) in relation to Item 9.2.2 – Planning Application PA2008-209-A2; Seven (7) Lot Subdivision to proposed amendment to Twenty-Three (23) Lot Subdivision and Removal of Easements at Lot S2 on PS 312999Y; Leila Court, Bacchus Marsh. The nature of the Conflict of Interest is due to Cr. Sullivan acting as a surveyor for the applicants who own the land.***

**9.2.2 Planning Application PA2008-209-A2; Seven (7) Lot Subdivision to proposed amendment to Twenty-Three (23) Lot Subdivision & Removal of Easements at Lot S2 on PS 312999Y; Leila Court, Bacchus Marsh**

<b>Application Summary:</b>	
Permit No:	PA2008-209-A2
Lodgement Date:	13 June, 2013
Planning Officer:	John Edwards
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	
Address of the land:	Leila Court, Bacchus Marsh Lot S2 on Plan of Subdivision 312999Y
Proposal:	Amend an existing Planning Permit allowing Seven (7) Lot Subdivision & Removal of Easements - to- allow Twenty-Three (23) Lot Subdivision & Removal of Easements
Lot size:	1.848 Hectares
Why is a permit required	Clause 32.08-2 Subdivision. (General Residential Zone)  Clause 43.02 Subdivision (Design and Development Overlay, Schedule 3).
<b>Public Consultation:</b>	
Number of notices to properties:	32
Notices on site:	Yes
Notice in Moorabool Newspaper:	Yes
Number of Objections:	Fourteen (14)
Consultation meeting:	Held on 5 June, 2014 6.00pm . 8.00pm

<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 – John Edwards</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
<b>Executive Summary:</b>	
The existing Planning Permit allows a Seven (7) lot subdivision & Removal of Easements at Leila Court, Bacchus Marsh, on the land known as Lot S2 on PS 312999Y.  This amendment seeks approval to increase the number of lots to Twenty-Three (23) and the removal of easements.  Currently the subject site is one lot of 1.848 hectares in area.	

Planning approval is required pursuant to Clause 32.08-2 of the General Residential Zone and under Clause 43.02 of the Design and Development Overlay. The proposal must be assessed against the provisions of Clause 56 (ResCode).

As the proposal may cause material detriment to surrounding land owners/occupiers, the application was notified to surrounding properties by way of individual letters, an onsite notice and a notice in the newspaper.

Council received fourteen (14) objections representing thirteen (13) properties. These submissions included concerns about overdevelopment, neighbourhood character, inadequate drainage and traffic management.

The application was referred to all appropriate authorities and within Council departments for comment. All parties except Melbourne Water offered no objection subject to conditions.

An objection was received from Melbourne Water Authority to the proposal initially due to concerns adequately addressing 100-year ARI flood events and effectively achieving pre-development stormwater levels downstream. A Drainage and Stormwater Management Strategy was required to be submitted adequately address stormwater and drainage prior to the issue of a planning permit.

Melbourne Water subsequently amended their response stating that ~~Melbourne Water~~ does not object to the proposal subject to conditions and footnotes. These included the same requirement to demonstrate the ability to appropriately convey 100-year flow and demonstrate how to retard stormwater to achieve pre-development levels downstream. The Drainage and Stormwater Management Strategy was now required prior to Certification of the Plan of Subdivision rather than prior to issuing a planning permit for the subdivision.

The applicant has since forwarded a new subdivision plan seeking one less lot, that is, a 22-lot subdivision due to clearly identified drainage problems in the north eastern corner of the land. This reduction has not been addressed in this report as further public notice and advertising is required to make this change to the permit application.

The application was reviewed against the provisions of the Moorabool Planning Scheme, particularly those set out in the State and Local Planning Policy Framework and Clause 56 of the Planning Scheme.

It is considered that the proposed application is inconsistent with the State and Local Planning Policies of the Moorabool Planning Scheme.

**Summary Recommendation:**

It is recommended that Council resolve to refuse to grant a permit for this application and issue a Notice of Refusal to Amend the Permit based on the grounds outlined in this report.

## **Background**

Council approved a seven-lot subdivision of the land on 30 August 2010. The lots approved have areas ranging from 1879sqm to 3530sqm (average 2224sqm). The subdivision also provides the only access for land to the east, which is within the Farming Zone (FZ).

The subdivision design allows for a road running east-west that connects with Leila Court (to the west). The design of Leila Court provides for a road opening into the subject land. Leila Court is an established residential subdivision with all lots developed with predominately single storey dwellings. The western end of Leila Court intersects with Gisborne Road which is a Category 1 Road Zone, located approximately 230m to the west of the subject site.

Following the original grant of a Planning Permit for the subject site, the applicant contested two conditions on the permit which required a footpath to be constructed to Gisborne Road (i.e. along Leila Court) and limited future subdivision potential to no more than 2 lots by means of a Section 173 Agreement. The Tribunal allowed the appeal and directed that an amended permit be issued.

The land has changed ownership since the planning permit was issued and the new owner seeks an increase in density. The increase in lots is contingent on the removal of easements.

## **Proposal**

The applicant has proposed the amendment of the existing subdivision permit to increase the number of lots by a further sixteen (16) up to twenty-three (23) lots. The proposed lots range in size from 470sqm to 736sqm (average lot size 573sqm).

The currently approved subdivision layout continues the central roadway through to the eastern paddock, with four lots to the north and three lots to the south of the roadway. In the subdivision layout (Version 04, April 2013) the proposed road layout is substantially altered seeking a loop-road provided around four central lots, along with a short southwestern lane to allow access for two indented lots. The balance of the lots are located on the road perimeters. While access is maintained to the Farming Zone land to the east, this has been shifted near to the northeastern corner of the allotment rather centrally as with the existing approved access.

The proposed increase in lot yield requires the relocation of two existing easements, an unregistered Drainage and Sewerage easement and a Gas and Fuel Corporation easement in order to facilitate the increase in lot numbers.

The proposal was accompanied by a basic traffic engineering report utilising the relevant Australian Standard time of day tests. While these times may not be those most relevant to this site, they are those set forth in the Australian Standards. The report concludes that waiting times to enter and exit the Gisborne Road intersection at Leila Court are acceptable, and therefore there is no requirement to upgrade the Gisborne Road and Leila Court intersection to allow for the increased lot numbers.

### **Site Description**

The subject site is located towards the north-eastern extent of the residential zone in Bacchus Marsh, abutting the southern side of the Western Freeway and adjoining land in the Farming Zone to the east. The land is gently sloping and largely undeveloped. It is located at the urban/farming interface.

There is an existing shed in the northeastern corner of the subject land on Lot S2 PS312999 which was used as part of the horse agistment operation on the abutting land now known as Lot 2 PS312999 before Lot S2 was relatively recently sold to the current owners.

This subject site is irregular in shape with similar depth north to south approximating 113 metres, with northern boundary 140 metres long and southern boundary at 178 metres. This approximates 1.85 hectares.

The northwestern corner of the subject land is positioned approximately 212 metres from Gisborne Road. The existing Leila Court development is within this approximate 212 metres x 113 metres land portion, and contains 24 lots, five (5) of which directly front Gisborne Road. This land portion is close to 2.6 hectares.

Land across Gisborne Road to the west is within the General Residential Zone (GRZ). There is currently vacant land on the northeast corner between Clifford Street, Gisborne Road and the Western Freeway. Beyond this are the existing well developed residential properties continuing for nearly two kilometres to the western Bacchus Marsh Road . Western Freeway interface. This same residential zone extends approximately two kilometres northwards up to the Lerderderg River frontage in the north; and a similar distance southwards to the Werribee River frontage.

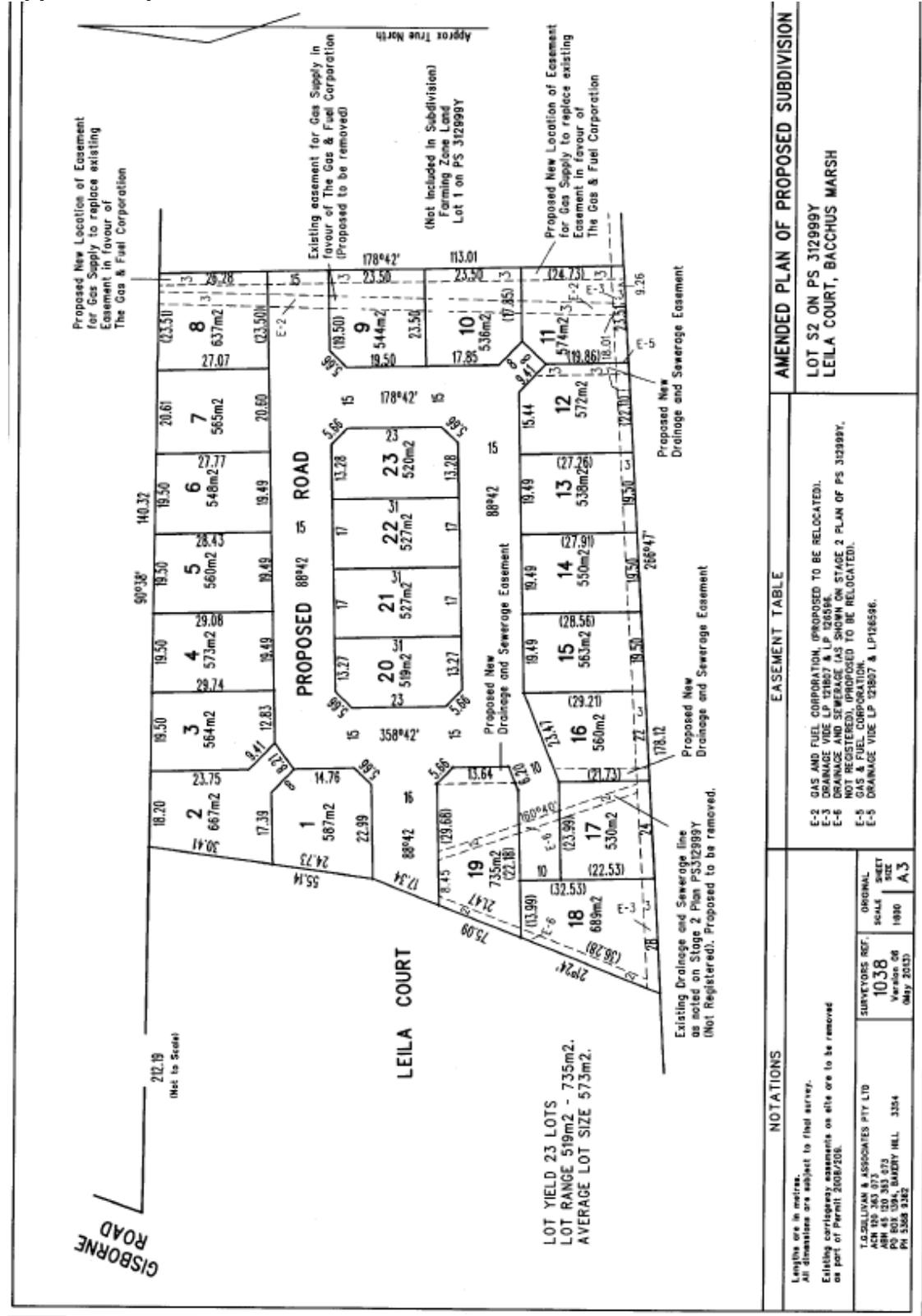
Land to the south and southwest is substantially developed with residential homes upon a variety of lot sizes between 700m<sup>2</sup> and 1600m<sup>2</sup>.

Land to the east and south east is operating farmland, and further to the southeast Masons Lane Recreation Reserve, the Lerderderg River, and irrigated horticulture farmland.

The land abutting to the east and only accessible directly from Leila Court is within the Farming Zone and currently utilised for horse agistment in the closer portion and for cropping through to its northeastern boundary with the Western Freeway.

The subject land is at the urban-rural interface, and overall . and to the north, west and south is predominantly established residential properties; while land to the east is predominantly operating farmland, culminating in the intensive irrigation horticultural land further to the east situated on both sides of the freeway.

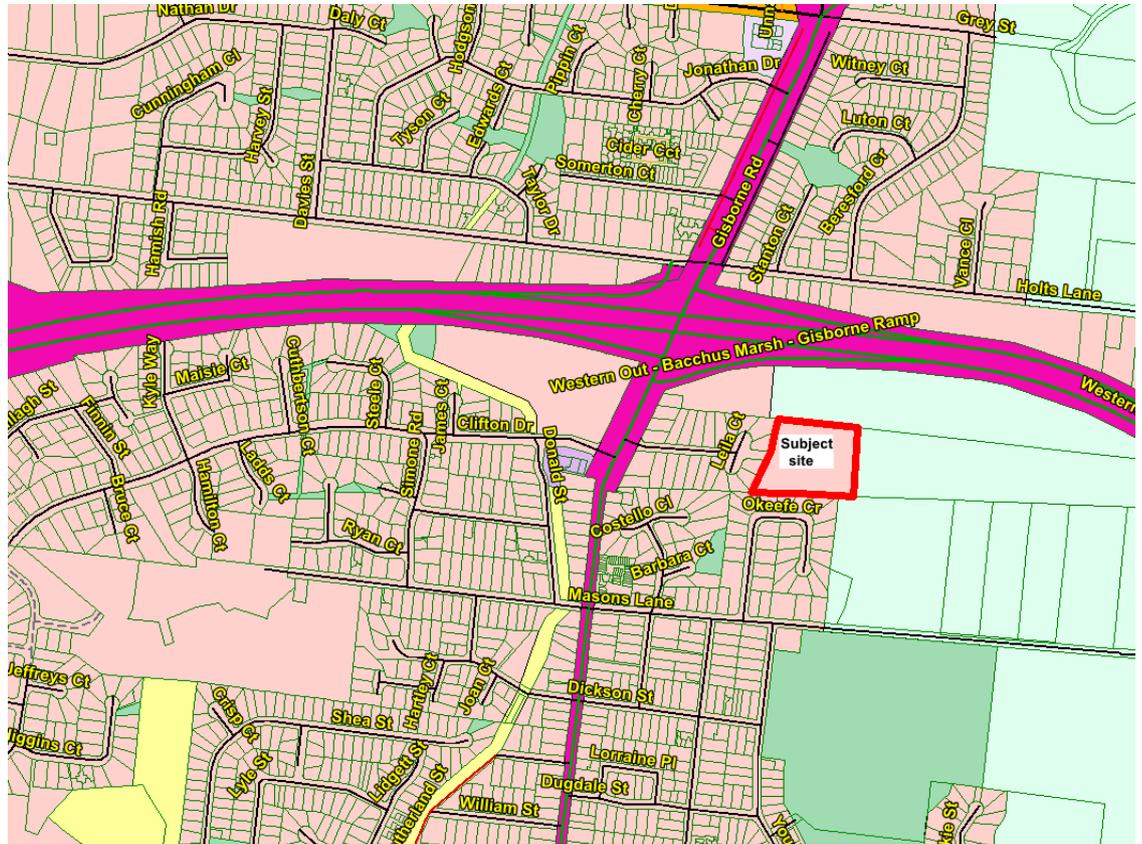
**Application plans**



NOTATIONS		EASEMENT TABLE	
Lengths are in metres. All dimensions are subject to final survey. Existing cartography easements on site are to be removed as part of Permit 2008/206.		<b>AMENDED PLAN OF PROPOSED SUBDIVISION</b> LOT S2 ON PS 312999Y LEILA COURT, BACCHUS MARSH	
T.O. SULLIVAN & ASSOCIATES PTY LTD ACN 829 363 073 PO BOX 100, 8773 PO BOX 100, MADDY HILL 3354 PH 5388 3382		E-2 GAS AND FUEL CORPORATION, PROPOSED TO BE RELOCATED. E-3 DRAINAGE VIDE LP 121857 & LP 121858. E-6 DRAINAGE AND SEWERAGE (AS SHOWN ON STAGE 2 PLAN OF PS 312999Y, NOT REGISTERED), PROPOSED TO BE RELOCATED. E-5 GAS & FUEL CORPORATION. E-5 DRAINAGE VIDE LP 121857 & LP 121859.	
SURVEYORS REF. 1038 VOLUME OF MAY 2013		ORIGINAL SCALE 1:1000 SHEET SIZE A3	

### 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 11.02-1	Supply of urban land	<p>Planning policy seeks to ensure an adequate supply of residential land in well located areas.</p> <p>Complies in principle.</p>
Clause 11.05-2	Melbourne's Hinterland Areas	<p>Policy seeks to provide for the growth of regional cities through ensuring land supply is available to accommodate forecast growth and limit the impact of urban development on non-urban areas.</p> <p>Complies in principle.</p>

Clause 15.01-3	Neighbourhood and subdivision design	<p>Policy seeks to promote subdivision design, which respects the established or emerging character of an area.</p> <p><b>Does not comply.</b></p>
Clause 16.01-2	Location of residential development	<p>Planning policy seeks to create subdivisions that have access to facilities, a range of lot sizes and established road networks. The policy also seeks to promote urban consolidation objectives.</p> <p>Complies in principle.</p>
Clause 19.03-2	Water supply, sewerage and drainage	<p>Planning policy seeks to ensure that the provision of water supply, sewerage and drainage services is undertaken in an efficient manner and takes into account existing development.</p> <p><b>Not effectively demonstrated. Does not comply.</b></p>
<b>LPPF</b>		
Clause 21.03-3	Residential Development	<p>Residential development is of relevance as this clause seeks to provide a range of housing opportunities to respond to and meet changing needs.</p> <p>Complies in principle.</p>
Clause 21.07	Bacchus Marsh	<p>The policy is of relevance as the Clause identifies Bacchus Marsh as being the largest town in the Shire. The Clause seeks to ensure a diversity and range of housing areas based on residential layout, lot design, housing styles and types.</p> <p>Provides range of lot sizes. Complies in principle.</p>

## **Zone**

### General Residential Zone (GRZ)

Pursuant to Clause 32.08-2 of the Moorabool Planning Scheme a permit is required to subdivide land.

At Clause 32.08 the relevant purpose of the General Residential Zone (GRZ) is to:

- To implement the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage residential 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.

Clause 32.08-2 of the GRZ states that a planning permit is required to subdivide land, and that the proposal must meet the objectives of Clause 56 and should meet the required standards.

Clause 32.08-10 Decision Guidelines outlines that before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the purpose of the zone and the decision guidelines under the zone provisions.

Also specifically for Subdivision, the pattern of subdivision and its effect on the spacing of buildings must be considered, along with the objectives and standards of Clause 56.

## **Overlays**

A portion of the site on the eastern boundary is located within the Design Development Overlay (Schedule 3), which relates to the National Route 8 (Western Freeway Highway) Environs. This specifically controls development within 50 metres of the freeway. The overlay seeks to ensure that the subdivision of land must contribute to the long-term objective of the Western Freeway and its maintenance. As the northern boundary of the site is approximately 100 metres from the southern edge of the Western Freeway reserve, it is unlikely that the subdivision would impact upon the maintenance of this roadway, especially in light of existing Farming Zone properties on the north between the subject land and the Western Freeway that create an existing buffer.

## **Particular Provisions**

Clause 56 is of relevance as this Clause relates to the subdivision of land located within the General Residential Zone. All Clauses are relevant except for Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

### Liveable and Sustainable Communities

The overall character of the area is influenced by single storey dwellings of mainly brick veneer construction on well-sized blocks with wide grass verges. The joining of the subject site with Leila Court has been planned for with a road opening located centrally at the eastern end of the current court bowl.

#### Lot Design

The neighbourhood character for this area has consistently deep relatively large residential allotments in this sector between Gisborne Road to the west, Masons Lane to the south, and the Western Highway to the north. Lot sizes average around 800m<sup>2</sup>, with a variety of lot sizes between 700m<sup>2</sup> and 1600m<sup>2</sup>.

Existing lots in Leila Court and surrounding roads to the south have grass verges around 5 metres wide and frontages predominantly between 15 . 25 metres wide. Most of the existing development in Leila Court achieves 20 metre frontage.

The vast majority of the existing 18 dwellings in Leila Court have property depths around 60 metres. All but one of the eight properties (7 dwellings) impacted by the double/oval court bowl achieve property depths of 30-40 metres.

Neighbouring Costello and Barbara Courts to the south provide allotment depths around 40 metres, with those impacted by the court bowls being deeper at around 60-70 metres.

Neighbouring O'Keefe Court to the southeast has lot depths of 35-40 metres and frontages 15-20 metres wide with little change in depth or width for properties fronting the court bowl.

The housing style within Leila Court of detached houses on lots of approximately 850 - 900sqm is consistent with the pattern of development within this area of Bacchus Marsh.

Land to the south and southwest is substantially developed with residential homes upon a variety of lot sizes between 700m<sup>2</sup> and 1600m<sup>2</sup>, with the majority of lots approximating 800m<sup>2</sup>.

The current approved 7-Lot subdivision plan has lots ranging from 1572 . 3530sqm. Whilst these lot sizes are larger than the surrounding pattern of development they were designed in this manner due to the position of easements and the dimensions of the existing allotment.

The current landowner seeks to remove easements so that a greater number of lots can be achieved.

The proposed 23-Lot subdivision seeks an average lot size of 573m<sup>2</sup> and is designed with a loop road layout forming a northern and southern road utilizing a central western access point and a northeastern access point to the east.

A short southwestern lane is also included to allow access for two indented lots which would otherwise be landlocked.

The loop road also creates four centrally located consecutive lots totally surrounded by the roadway.

The existing developments in Leila Court and surrounding environs (east of Gisborne Road and south of the Western Freeway) provide deep lots with secluded backyards, direct access to the residential road, wide grass verges, single-storey dwellings predominantly of brick construction, and extensively vegetated allotments.

The land in this sector of Bacchus Marsh provides larger residential lots averaging around 800m<sup>2</sup> and varying between 700m<sup>2</sup> . 1600m<sup>2</sup>.

### Urban Landscape

Subdivision applications that create streets or public open space should be accompanied by a landscape design. While this application does not propose to create public open space it does create a street extension to Leila Court.

Landscape design should respond to the site and context description for the site and surrounding area

The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.

### Access and Mobility Management

The proposed design links with the existing and established road network within Leila Court. The design still maintains access to the adjoining rural allotment to the east.

### General Provisions

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

- *The suitability of the land for subdivisions.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*
- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*

## **Discussion**

### State and Local Planning Policies

Several different strands of planning policies of the Moorabool Planning Scheme are relevant to the assessment of the proposal. The planning policies and controls promote subdivisions that will provide for high standards of amenity whilst responding to the established pattern of development. In the context of State and Local Policy it is considered that the proposed subdivision does not satisfy the aspects of these principles and is considered to not fit with the overall lot layout in the locale. The subdivision design proposes lots that are smaller than found in adjacent residential areas and the road layout will lead to poor streetscape outcomes.

It is noted the site is considered to be within reasonable proximity to shops, schools, medical facilities, public reserves and bus routes with connection to the Bacchus Marsh train station. Further, all necessary services can be made available to the site including reticulated water, sewer and power. In addition, an existing subdivision for seven (7) lots exists.

### Clause 56 ResCode assessment

The proposed layout has the following shortcomings:

- The road layout is extensive and is not efficient;
- The proposed four central lots would be overly exposed to the surrounding road network and the response of these parcels to amenity protection may see high fences along boundaries which would be inconsistent with the established pattern of development;
- The position of easements may compromise house siting;
- The development is at a level of density that was not previously considered.
- The level of density proposed is contrary to the pattern of development within this area of Bacchus Marsh.

### Clauses 65 – Decision Guidelines

The proposal is considered to be inconsistent with the zoning provisions due to the layout and impact on the established neighbourhood character.

The proposal has the potential to cause a loss of amenity to the surrounding area. The site context is such that the proposal would be inconsistent with the proper and orderly planning of the area.

## **General Provisions**

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

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

## Referrals

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

Referrals/Notice	Response
Section 55 Referrals: Melbourne Water Western Water Powercor Telstra TXU GasNet VicRoads	No objection subject to conditions No objection No objection subject to conditions No objection subject to conditions No objection subject to conditions No objection subject to conditions No objection
Internal Council Referrals: Strategic Planning Infrastructure	No response No objection subject to conditions

## Public Notice

Notice of the application was sent to adjoining owners and occupiers. Notice was also given in the newspaper and by means of an onsite notice. The advertising process was from 27 July 2013 to 20 August 2013. Fourteen (14) objections were received.

## Summary of Objections

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

Objection	Officer's response
There are drainage, sewer and flooding issues; the increased density will exacerbate these issues.	The application has been referred externally and internally for engineering advice. The issues identified can be managed subject to appropriate conditions.
The proposal is an overdevelopment with too many lots.	The proposed increase in yield (from 7 to 23 lots) relies upon a new road layout and smaller lots. The proposed subdivision design is not considered to fit with the established character of the area due to the road alignment, position and size of the allotments. In this way the design can be considered an overdevelopment.
The increased density will cause traffic and access problems.	The increased number of lots will have a greater impact on amenity conditions within Leila Court due to increased traffic volumes.

The proposal will lead to a loss of local amenity.	The increase in density is substantial and the smaller lots will see a more intense pattern of development. The proposed looping street layout with 4 central lots is contrary to the current straight wide and open street, where complete clear visual access along the street gives current residents confidence to allow children greater access to the front yards and street for play.
Due to the lots being smaller there is a greater chance of two storey development and therefore privacy concerns.	Privacy considerations are made at the time when development plans are being assessed. The lots are of a size that a planning permit would not be required for a single dwelling. Building surveyors must take into account privacy issues when they consider dwelling designs.
The increased lot yield will devalue nearby properties.	VCAT have established that a loss of property value is not a valid town planning objection.
The increase in lot numbers is unreasonable given the current approval.	A permit holder may seek to alter an approval. Council must decide whether this change is acceptable given the relevant planning policies and controls. The current locale including several streets provides an average lots size around 800m <sup>2</sup> with lots predominantly between 700m <sup>2</sup> and 1600m <sup>2</sup> . The proposed 23 lots are between 470m <sup>2</sup> and 736m <sup>2</sup> . In this instance, the change is considered to be inappropriate given the site context and the application of relevant planning policies and controls.

### **Financial Implications**

The recommendation of a refusal of this amendment request does not implicate any financial risk issues to Council.

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

The recommendation of a refusal of this amendment request 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.

A public consultation meeting was held from 6.00pm - 8.00pm on Thursday 5 June, 2014. 15 local residents representing around ten (10) properties attended the meeting.

The joint land owners, their planning consultant(s), and two engineering consultants attended and presented the latest information on the proposed lots, sewerage and drainage plans.

The residents attending the meeting contributed vigorously to the discussion on all aspects of the proposed subdivision.

Further correspondence with all interested parties to the application will also be a result of a decision in this matter.

### **Conclusion**

The proposal is considered to be an inappropriate change to the existing planning permit on the basis of the site context, locational values and the amenity of the surrounding area. The proposed layout is considered to be contrary to neighbourhood character and will result in a layout that will lead to adverse streetscape outcomes. The proposal is inconsistent with policy and does not satisfy the provisions of the zone or ResCode.

The application has been assessed against the relevant sections of the Moorabool Planning Scheme, and found to be inconsistent with the provisions therein. The application should be issued with a Notice of Refusal.

***Cr. Sullivan adjourned from the meeting at 5.18pm and did not participate in voting on the Item.***

***Consideration of Deputations – Planning Permit No. PA2008-209-A2 .***

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

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

***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*, Council issues a Notice of Refusal to Amend an existing Planning Permit (PA2008-209-1) allowing a Seven (7) Lot Subdivision and Removal of Easements to be amended to achieve a Twenty-Three (23) Lot Subdivision and Removal of Easements at Lot S2 on PS 312999Y; Leila Court, Bacchus Marsh subject to the following grounds of refusal.**

- 1. The proposal is inappropriate given site and context description for the site and surrounding area.**
- 2. The proposal creates an overdevelopment of the subject land.**
- 3. The proposal does not respond to the established neighbourhood character and will therefore adversely impact upon adjacent residential areas.**

4. The proposed subdivision design will lead to sub-optimal streetscape outcomes and poor siting options.
5. The proposal does not demonstrate that the proposed subdivision can appropriately convey 100-year ARI flood flow or adequately retard stormwater to achieve pre-development levels of flow downstream.
6. The proposal is contrary to the proper and orderly planning of the area.

**Resolution:**

**Crs. Toohey/Comrie**

*That Item 9.2.2 - Planning Application PA2008-209-A2; Seven (7) Lot Subdivision to proposed amendment to Twenty-Three (23) Lot Subdivision & Removal of Easements at Lot S2 on PS 312999Y; Leila Court, Bacchus Marsh, be deferred and presented to a future Council meeting.*

**CARRIED.**

*Cr. Sullivan returned to the Meeting at 5.40pm.*

---

**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Thursday, 20 November 2014



### **9.2.3 Moorabool 2041 – Request for Assistance from Metropolitan Planning Authority (MPA) on Growth Management Framework for Bacchus Marsh and District**

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

#### **Background**

Moorabool Shire Council has embarked on Moorabool 2041 to develop a growth framework for both the Bacchus Marsh district (Urban Growth Framework) as well as the rural small towns (Rural Growth Framework).

Plan Melbourne identified that peri-urban councils will have a significant role to deliver housing and development opportunities, to reduce some of the growth pressures on metropolitan Melbourne.

It has been evident for many years that these growth pressures already affect Bacchus Marsh. This poses many challenges often beyond Council's scope of influence. The Metropolitan Planning Authority (MPA) has been in discussions with Moorabool Council through the General Manager Growth and Development to discuss how a partnership to manage these pressures can be developed.

Working with the MPA presents Council with a significant opportunity to fast track and utilise their skills and resources to develop a growth framework for Bacchus Marsh and district.

A number of Councils in Victoria have begun to integrate their strategic planning efforts with those of the MPA, namely Greater Shepparton City Council (Shepparton North East Growth Corridor); City of Wodonga (Leneva Barandunda Growth Area); Baw Baw (Settlement Structure Plans).

By partnering with the MPA, it will assist in the integration of longer term strategic goals and achieve closer alignment between agency and community expectations for future growth. Such an outcome is important where growth is occurring rapidly and dynamic forces are driving the growth occurring presently in the Shire.

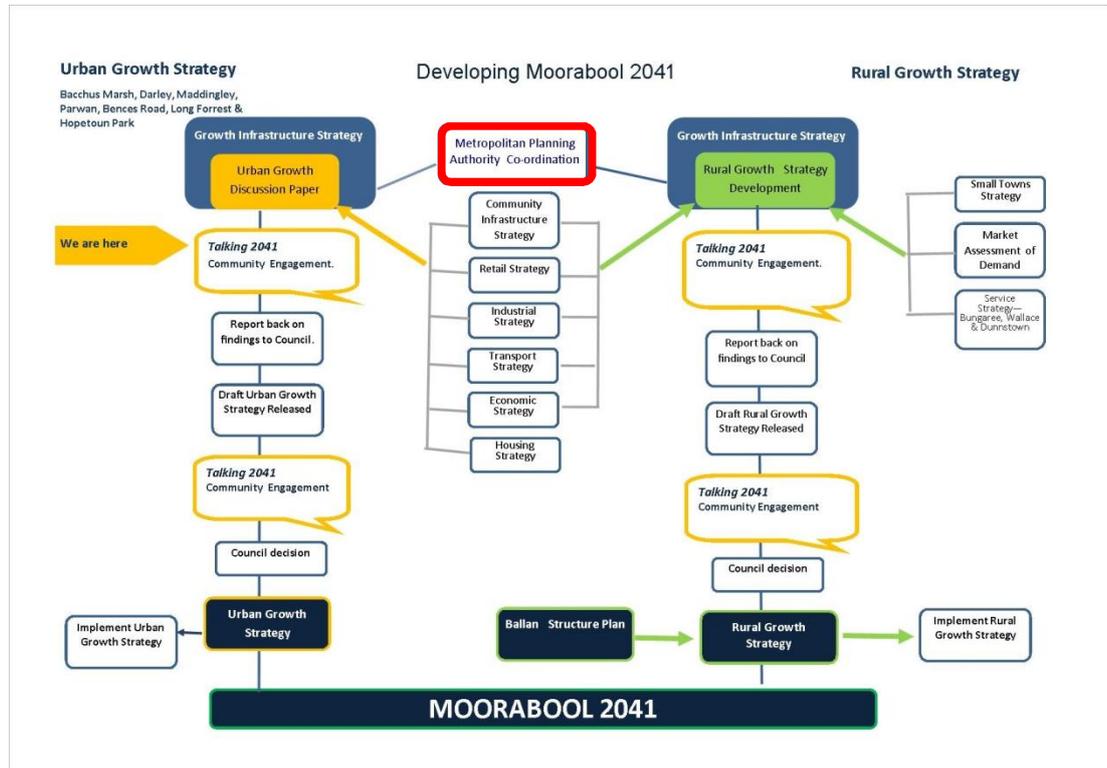
In proceeding with the proposed partnership with MPA, local community expectations on service delivery and effective responses to growth need to be reflected in the ultimate Bacchus Marsh Future Framework Plan. The work being presently undertaken, whether it be street level community consultation or the finalisation of strategies on retail and industrial investment are all important in shaping the final strategies developed.

The purpose of this report is to obtain Council support to formally seek the assistance of the MPA on M2041 in the manner outlined above.

### Relationship with M2041

Council has for some time envisaged the need for the MPA to provide input and direct assistance in framing a growth strategy for the Bacchus Marsh district.

This relationship has been identified in previous briefings to Council and is reflected in the flowchart below (MPA role highlighted in red).



In terms of project integration, the intention is that Council continue with community visioning for the Urban Growth Strategy. At the time of writing, this is well progressed and will be completed by mid December 2014.

Thereafter, if the MPA have an active role in developing a framework planning and the co-ordination of agencies on that plan/framework, community input can be directed into the process.

With respect to the role of the MPA on the Rural Growth Strategy, this will need to be considered separately.

### Proposed Role of MPA

The proposed role for the MPA is to *support Council* in creating a whole of government response on the Bacchus Marsh Futures Framework Plan (see expected outcomes).

The intention must be to integrate State, Regional and Local expectations into a clear and unambiguous Framework Plan.

The impetus for the project is Council and the input is direct into Council's strategic framework. However the work is best viewed as a partnership arrangement with a whole of government focus.

### Expected Outcomes

Provide an over-arching strategic planning framework, including residential, employment and community facilities having full regard to:

- Community visioning conducted by Council with its community as part of M2041;
- Existing adopted local strategies;
- Draft local strategies which form part of M2041 (retail strategy, industrial strategy, economic development strategy, transport study, Bacchus Marsh Central Area Structure Plan) and/or community service plans . such as Municipal Early Years Plan;
- Existing initiatives under way . such as floodplain mapping, extension of Halletts Way;
- Inform and indicate areas of high environmental and landscape values, natural features or open space to be preserved;
- Inform the future planning processes through the identification of investigation areas;
- Determine the physical extent of future growth and define the settlement limits of Bacchus Marsh; and
- Identify critical transport and community infrastructure required to support the significant growth of Bacchus Marsh.

### Timelines

Pending Council endorsement of the request for MPA assistance and the Planning Minister supporting this request, it is expected that Council would begin actively working with the MPA in early 2015.

A more fully detailed timeline would be developed thereafter. However the intention would be to complete the Framework Plan by mid 2015. This timeline would accord with previous timetables for completion of a draft Growth Framework for community engagement in June/July 2015.

### Policy Implications

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced infrastructure and natural and built environment.
<b>Objective</b>	Effective and integrated strategic planning in place to create sustainable communities.
<b>Strategy</b>	Development of Urban and Rural Growth Strategies in conjunction with other related plans.

The project outcomes are consistent with and integrate into the 2013 - 2017 Council Plan.

## **Financial Implications**

Council will develop a memorandum of understanding with the MPA which will determine the level of resourcing for the scheduled work.

At this point the MPA may reasonably expect some in-kind support from Council. If this were to occur, an upper limit liability of around \$30,000 may be incurred. There is funding within the SSD budget to support this initiative, noting the MPA support would be likely closer to \$50,000, plus staff in kind support.

Further details will be provided in the additional report which will be presented to Council in early 2015.

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

Not applicable.

## **Community Engagement Strategy**

The project will utilise information gained from the community engagement strategy element of the Urban Growth Strategy component of M2041.

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

Preparation of the Bacchus Marsh Future Framework Plan does not trigger any human rights issues.

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

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

*General Manager – Satwinder Sandhu*

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

*Author – Andrew Goodsell*

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

## **Conclusion**

Working with the MPA presents Council with a significant opportunity to accelerate the development of a growth framework for Bacchus Marsh and district, and provide Council with access to additional skills and resources.

Several Councils have partnered with the MPA to assist in significant project including

- Shepparton North East Growth Corridor (Greater Shepparton City Council);
- Leneva Barandunda Growth Area (City of Wodonga);

- Settlement Structure Plans (Baw Baw).

There is a compelling case that Moorabool Shire Council requests the assistance from the MPA to integrate longer term strategic goals and achieve closer alignment between agency and community expectations for future growth. Such an outcome is important where rapid growth is occurring and expected to continue with dynamic forces driving the growth occurring presently in the Shire.

It is expected that in proceeding with the proposed partnership with MPA, local community expectations on service delivery and effective responses to growth will be reflected in the ultimate Bacchus Marsh Future Framework Plan. The work being presently undertaken by Council, whether it be street level community consultation or the finalisation of strategies on retail and industrial investment are all important in shaping the final strategies.

Council will remain the planning authority but will work in collaboration with the MPA to develop a growth framework for the Bacchus Marsh district.

A memorandum of understanding (MOU) will be developed which further develops the working relationship between Council concerning funding arrangements, key principles, work output and timelines.

**Resolution:**

**Crs. Edwards/Spain**

***That Council:***

1. ***Resolves to request the Planning Minister to authorise the MPA to undertake joint strategic planning initiatives in the Bacchus Marsh district, comprising substantial preparation of a Bacchus Marsh Futures Framework Plan as a key component of the Moorabool 2041 Growth Management Framework.***
  - a. ***A further report be presented to Council in early 2015 on the Ministers authorisation and progress of the project.***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Tuesday, 18 November 2014



## 9.3 COMMUNITY SERVICES

### 9.3.1 Draft Moorabool Youth Charter

#### Introduction

File No.: 12/12/002  
Author: Troy Scoble  
General Manager: Danny Colgan

The purpose of this report is to present the draft Moorabool Youth Charter for adoption.

#### Background

The Council adopted the 2013 . 2016 Youth Strategy at its meeting in December 2013. The strategy recommended a range of new initiative aimed at promoting youth engagement and acknowledging young people and the contributions they make to the Moorabool community.

A key recommendation of the Strategy was the adoption of a Youth Charter as a vehicle to support Council in the engagement of young people on issues that affect them in the municipality and the establishment of a Youth Action Group to partner and support officers with a range of projects identified in the Strategy.

A Youth Action Group has been formed to partner and support Council and provide direct opportunities for young people to inform Council's decision making processes. The Youth Action Group consists of 14 young people aged between 12 to 23 years who live, work, and study or have other significant connections with Moorabool Shire. This group has been the key driver in the development of the draft Youth Charter

#### Proposal

The draft Youth Charter outlines:

- The role and membership of the Youth Action Group;
- Key issues to be addressed for young people in the Shire including the need to engage young people on key issues that impact them; and
- A commitment from Council to engage with young people, celebrate and promote the achievements of young people.

The draft Youth Charter is a simple user friendly document that promotes a clear platform for Council and young people to ensure engagement opportunities on key issues.

The Young people involved in the development of the Charter believe the document provides a clear communication platform for Council and young people which will promote positive outcomes for young people in the community.

The Youth Action Group sought support from a professional graphic artist to undertake the design and layout of the Youth Charter to ensure that it is easy to read and will attract the interest of the broader community.

It is proposed that Council adopts the Moorabool Youth Charter as contained in **Attachment 9.3.1**.

### Policy Implications

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Inclusive, responsive and accessible community service
<b>Strategy</b>	Advocate, support and deliver youth development programs and services in partnership with other agencies.

The Draft Moorabool Youth Charter is consistent with the 2013-2017 Council Plan and the 2013 . 2016 Moorabool Youth Strategy.

### Financial Implications

The implementation of the Youth Charter has no specific financial implications that have not been budgeted for, however officers will continue to source funding and resource opportunities both internally and externally including collaborative partnerships with other service providers to implement and develop the Youth Charter in the future.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community / Youth needs	No dialogue between Young people and Council	High	Implementation of Youth Action Group and subsequent establishment of Youth Charter - Charter to be reviewed annually
Financial	Funding required to progress actions	Low	Make provision in Youth services budget. Continue to seek external funding options.

## **Communications and Engagement Strategy**

In accordance with Council's Community Engagement Policy and Framework, Youth Services and members of the Youth Action Group undertook community engagement to inform the development of the Youth Charter. This engagement included:

- face to face meetings with 160 young people;
- discussions with external agency staff; and
- engagement of young people using social media.

Feedback received throughout the engagement processes informed the development of the Draft Youth Charter.

## **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**

Consistent with recommendations of Council's Youth Strategy, as a vehicle to support Council in the engagement of young people on issues that affect them in the municipality, a Youth Charter has been developed by the Moorabool Youth Action Group.

To develop the charter, young people have engaged with other young people in the community using a variety of mechanisms. The Charter is a simple, easy to read document that provides the mechanism to ensure meaningful and informed dialogue between young people and Council on issues that affect them.

**Resolution:**

**Crs. Dudzik/Comrie:**

*That Council adopts the Moorabool Youth Charter that promotes a clear platform for Council and young people to ensure engagement opportunities on key issues.*

**LOST.**

**Resolution:**

**Crs. Sullivan/Spain**

*That the Moorabool Youth Charter lay on the table and be presented at the next Ordinary Meeting of Council.*

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**   
**Name:** Danny Colgan  
**Title:** General Manager Community Services  
**Date:** Wednesday, 12 November 2014

### 9.3.2 Moorabool Youth Awards

#### Introduction

File No.: 12/12/007  
Author: Troy Scoble  
General Manager: Danny Colgan

The purpose of the report is to recommend that Council endorse the establishment and guidelines of the Moorabool Youth Awards to be undertaken annually as part of National Youth Week and appoint a Councillor to the Youth Awards Evaluation Panel.

#### Background

The Council adopted the 2013. 2016 Youth Strategy at its meeting on the 4 December 2013. The strategy contains a number of actions aimed at acknowledging young people and their contributions in the communities of Moorabool.

An action of the Youth Strategy is the introduction of an awards program to recognise significant contributions made by young people in the community, celebrated as part of National Youth Week in April each year.

The Awards acknowledge that the focus for future development is not only on addressing the immediate needs of young people; but also to provide opportunities for Council and the community to enhance connections with young people by recognising outstanding achievements and promote community understanding of the contributions young people are making to the community.

#### Proposal

It is proposed that Council in partnership with the Youth Action Group and external agencies establish an annual Youth Awards program commencing in April next year as part of National Youth Week. Draft guidelines for the awards have been prepared in consultation with the members of the Youth Action Group and are contained in **Attachment 9.3.2**.

It is intended that the awards program will recognise the significant contributions young people make to the communities of the Moorabool Shire. The Awards will be open to all young people aged 12. 25 years who live, work, go to school or have other significant connections to the Moorabool Shire and will seek to recognise young people that have excelled in the categories listed below.

Award categories will be: Significant Achievement; Significant Contribution to Community; Significant Community Service; Overcoming Significant Adversity; and a Mayoral Award.

### Policy Implications

The Moorabool Shire 2013-17 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Inclusive, responsive and accessible community service
<b>Strategy</b>	Advocate, support and deliver youth development programs and services in partnership with other agencies.

The Moorabool Awards are consistent with the 2013-2016 Youth Strategy, the Moorabool Shire Health and Wellbeing Plan and the 2013-2017 Council Plan.

### Financial Implications

The Youth Awards will be resourced within the existing operational budget. Officers will continue to source funding externally including through collaborative partnerships with other service providers to develop and augment the awards in the future.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Service gaps if priorities in strategy are not implemented	High	Future strategic planning for high priority recommendations identified in context of other priorities
Financial	Funding required to progress actions set out in strategy	Minimal	All costs will be from existing budgets. Any other costs will be sought through applications to funding bodies, partners etc.

### Communications and Engagement Strategy

In accordance with Council's Community Engagement Policy and Framework, the Youth Awards resulted from extensive engagement undertaken as part of the development of the Moorabool 2013 - 2016 Youth Strategy.

The awards program will be promoted extensively through external partners including agencies and service providers, the Youth Action Group and online communications.

## **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**

An action of the Council's Youth Strategy is the introduction of an awards program recognising the significant contributions made by young people in the community, celebrated as part of National Youth Week in April each year.

The Moorabool Youth Awards will encourage a greater focus on engagement and connectedness of young people with their community. The awards will acknowledge the contributions young people make to the Moorabool community.

### **Recommendation:**

#### **That Council:**

- 1. Endorses the establishment and guidelines of the Moorabool Youth Awards to be undertaken annually as part of National Youth Week.**
- 2. Appoints Cr. \_\_\_\_\_ to the Youth Awards Evaluation Panel.**

### **Resolution:**

**Crs. Comrie/Sullivan**

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

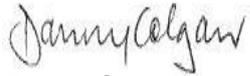
- 1. Endorses the establishment and guidelines of the Moorabool Youth Awards to be undertaken annually as part of National Youth Week.***

**2. Appoints Cr. Dudzik to the Youth Awards Evaluation Panel.**

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**   
**Name:** Danny Colgan  
**Title:** General Manager Community Services  
**Date:** Wednesday, 12 November 2014

### 9.3.3 Draft Statement of Commitment to Indigenous People

#### Introduction

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

#### Background

The purpose of this report is to seek the ~~principle~~ endorsement by the Council of the Draft Statement of Commitment to Indigenous People for the purposes of community engagement.

At the Ordinary Council Meeting on the 20 February 2013, Council resolved:

*That the:*

- 1. Council endorse the hosting of a ceremony along with raising the Aboriginal and Torres Strait Islander Flags at the Ballan and Darley Offices during National Aborigines and Islanders Day Observance Committee (NAIDOC) Week (7-14 July).*
- 2. Council endorse seeking funds to conduct activities during NAIDOC week.*
- 3. Council endorse the preparation of a draft Policy Statement on its commitment to Indigenous People.*
- 4. Council receive a further report on the draft Policy Statement on its commitment to Indigenous People.*

Council currently does not have any Policy or Commitment Statement to Indigenous people in the Moorabool community. The Council has supported Indigenous events in the past two years, including Reconciliation Week and NAIDOC Week.

The aims of the Draft Statement of Commitment to Indigenous People are to:

- Demonstrate recognition through acknowledgement of traditional owners at meetings and events;
- Permanently fly the aboriginal flag at Council offices; and
- Encourage greater understanding, acknowledgement, respect, inclusion of and opportunities for the Aboriginal and Torres Strait Islander people residing in the Moorabool Shire.

On the 3 November 2014, Council received a letter from the Victorian Minister for Aboriginal Affairs following a visit by the Minister to the Ballan Offices. In the letter the Minister noted %am very keen to see more and more councils across the state start to acknowledge their region's Aboriginal heritage. There is a wide range of ways to do this from employing Aboriginal staff to holding %Welcome to Country+ ceremonies at important events through to acknowledging the traditional owners of an area before opening council meetings. The easiest and most effective ways of acknowledging Aboriginal Heritage though is by simply flying the Aboriginal flag alongside the Australian and Victorian flags+. A copy of the letter is contained in **Attachment 9.33(a)**.

**Proposal**

The Draft Statement of Commitment to Indigenous People as contained in **Attachment 9.33(b)** comprises a statement of purpose and scope as well as the proposed statements of acknowledgment. The Draft Statement also includes a proposal to permanently fly the Aboriginal flag at Council offices, as well as outlining the Council's commitment to Indigenous people in the Moorabool community.

**Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

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

The proposed Draft Statement of Commitment to Indigenous People is consistent with the 2013-2017 Council Plan.

**Financial Implications**

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

**Risk & Occupational Health & Safety Issues**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Request from Indigenous Community to fly the Aboriginal flag	A policy is required to provide a statement on Council's commitment to Indigenous people, including flying the Aboriginal flag.	Medium	Implement the Policy

## Communications and Consultation Strategy

Members of the Indigenous community have been consulted in the preparation of the Draft Statement. Further community engagement is proposed as follows:

The following community engagement is proposed in accordance with the Council's Community Engagement Policy and Framework

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Indigenous community members	Workshop	Various	Dec 2014	To be determined
Consult	Community Members	Have Your Say	Various	Dec/Jan	To be determined
Inform	Community Members	Email to community group database	Various	December 2014	To be determined
Collaborate	Community Members	Display policy in libraries for comments	Various	June 2014	To be determined

## Victorian Charter of Human Rights and Responsibilities Act 2006

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

## Officer's Declaration of Conflict of Interests

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

### *General Manager – Danny Colgan*

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

### *Author – Kate Diamond-Keith*

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

## **Conclusion**

The development of a Draft Statement of Commitment to Indigenous People is in response to Council resolution and also feedback from Moorabool community members. The draft Statement outlines proposed statements of commitment by the Council to the indigenous community as well as statements of acknowledgement and a proposal to permanently fly the Aboriginal flag at Council offices.

The matter pertaining to the Draft Statement of Commitment to Indigenous People was considered at a meeting of the Social Development S86 Advisory Committee of Council on 8 October. The recommendation by the Committee was that the Committee provide feedback on the discussion paper to inform the development of a draft policy statement which will be presented to an Ordinary Meeting of Council for endorsement for the purpose of Community Engagement; and that the Committee recognises the hard work and contribution in the presentation of the discussion paper.

### ***Consideration of Presentation***

***Mr. Damien Loizou addressed Council in relation to the Draft Statement of Commitment to Indigenous People.***

***Mr. Chris Huculak addressed Council in relation to the Draft Statement of Commitment to Indigenous People.***

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

### **Recommendation:**

#### **That Council:**

- 1. Endorses “in principle” the Draft Statement of Commitment to Indigenous People for the purposes of public exhibition for a period of eight (8) weeks; and**
- 2. Receives a further report at the conclusion of the exhibition period seeking adoption of the Statement of Commitment to Indigenous People.**

**Resolution:**

***Crs. Dudzik/Edwards***

***That Council:***

- 1. Endorses "in principle" the Draft Statement of Commitment to Indigenous People for the purposes of public exhibition for a period of eight (8) weeks; and***
- 2. Receives a further report at the conclusion of the exhibition period.***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**   
**Name:** Danny Colgan  
**Title:** General Manager Community Services  
**Date:** Wednesday, 26 November 2014.

### 9.3.4 Community Development Fund Review

File No.: 06/03/004  
Author: Dawn Tschujasehenko  
General Manager: Danny Colgan

This item was presented to the Ordinary Meeting of Council held on the 5 November 2014. At the meeting, the Council resolved to lay the report on the table for one month.

The purpose of this report is to present to the Council the findings and recommendations of the review into the Community Development Fund.

#### Background

At its meeting on the 8 October 2014, the Social Development Committee of Council received a Discussion Paper outlining the findings and recommendations of the review of the Community Development Fund. The Social Development Committee recommended that the findings and recommendations of the review be presented for adoption at an Ordinary Meeting of Council in November 2014.

The Community Development Fund was established by the Council at the Ordinary Meeting of Council on the 19 October 2011. The Community Development Fund was an initiative of the now concluded State Government funded Community Engagement Project. The purpose of the fund was to provide a more robust and transparent process for the allocation of the \$100,000 capital funding which had previously been committed to support capital projects under the Moorabool Communities in Action (MCiA) Program. The funding commitment by Council was made in accordance with the former Department of Planning and Community Development (DPCD) funding agreement which was varied to support the implementation of the Community Engagement Project.

The Community Development Fund provides \$100,000 annually to community groups/committees, community networks, progress groups and development associations as seed funding (and leverage for external funding opportunities) to support community infrastructure projects that have a significant impact on community development, liveability and wellbeing in the Shire.

In accordance with the Community Development Fund Guidelines, the Community Development Fund framework was scheduled for review in early 2014/15.

A detailed review into the Community Development Fund has been undertaken and the findings and recommendations are detailed in the final report contained in **Attachment 9.3.4**.

The review involved:

- Evaluation of the existing Community Development Fund model including background, program aims, objectives and key outcomes
- Investigation of other models or trends in identifying and funding community capital projects
- Assessment of community need/expectation and benefit
- Identification of the most appropriate model for Council to identify and allocate funding for community capital projects, specifically the \$100,000 currently allocated through the existing mechanism
- Development of recommendations to the Council on the future framework for identifying and guiding decision making for the provision of funding for community capital projects.

### **Analysis of review outcomes**

As outlined in the Final Report, a comprehensive engagement process was undertaken with the community as well as internal stakeholders as part of the review process. As such, the community provided substantial feedback regarding the benefits of the Community Development Fund. Specifically, the community indicated that the fund provides community facilities that they want and need and contributes to building community capacity and connectedness. The community were also complementary in regards to understanding the guidelines and application form, as well as in the provision of support and guidance by Council Officers.

It should be noted however, that the community expressed significant confusion and frustration in regards to the overall process including the extended timeframes from application to approval and project delivery. More specifically, the community indicated a lack of understanding in relation to the most critical aspects of how the program fed into the CIP and Annual Budget process and were not always aware that Council would take the lead in leveraging funding and delivering the project. As a result, the community indicated that they preferred a structure where the timeframes and processes were not as long and complicated.

A similar conclusion was drawn from outcomes of the engagement undertaken with the internal working group. Feedback highlighted the importance of involving the community in decision making around the identification of community capital projects, but was clear in questioning whether the Community Development Fund was an appropriate mechanism for this. Specifically, it was noted that the process and extended timeframes were often confusing and frustrating for the community and although there were positive aspects, that the Capital Improvement Program was the preferred mechanism for identifying and funding community projects. It should be noted however that respondents also felt that the CIP process still had some limitations around the types of projects included on the list as well as the lack of broader engagement undertaken on an annual basis around the projects and priorities.

In investigating current models and trends few examples have been identified where the local government offer community groups with significant capital funding for community-driven projects that enhance and strengthen their own neighbourhoods. Generally speaking, other local governments identify and fund Community Capital Projects through their Capital Improvement Program where projects are identified through Council's own strategic planning and facility master planning processes.

To facilitate community participation in decision making around capital spending, including community capital funding allocation, many local governments have progressively taken steps to broaden and improve their community engagement processes. Most notably, there has been a shift to looking at how the community can be engaged in a more participatory and transparent manner. As such, more comprehensive, staged processes such as participatory budgeting initiatives are now being utilized.

### **Proposal**

As a result of the review, including outcomes of the community/stakeholder engagement and investigation into models and trends, the following recommendations are presented for endorsement by the Council.

1. Cease the operation of the Community Development Fund program.
2. Establish a process for engaging the community on an annual basis around the projects and priorities contained in the Council's Capital Improvement Program involving:
  - Continuing to support the community and committees of management to regularly update their facility master plans and provide to the Council for consideration, including undertaking community engagement.
  - Writing to Committees of Management and Community Groups and Sporting Clubs not represented by a Committee of Management annually to make submissions to the Capital Improvement Program.
  - Ensuring all projects from strategic plans across the Council are represented on the Capital Improvement Program list which includes projects from any new Master Plan endorsed by the Council.
  - Encourage community groups and networks to build capacity and sustainability by undertaking planning activities and developing new skills.

### **Policy Implications**

The review of the Community Development Fund is a Council Plan Action for 2014/2015.

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Inclusive, responsive and accessible community services.

**Strategy**

Undertake social and community planning that increases our understanding of the needs of our communities now and into the future and articulates the role of Council.

**Financial Implications**

The Review has been undertaken within existing resources. Recommendations made by the review will result in the Council making a decision around the future distribution of the \$100,000 capital funding currently allocated through the Community Development Fund.

**Community Engagement**

As part of the review, a Community Engagement Plan was prepared and implemented in accordance with the Council's Community Engagement Policy and Framework. The plan ensured that an in-depth stakeholder analysis was undertaken and engagement activities tailored to the needs of each stakeholder group. The table below provides an overview of the community engagement undertaken as part of the review process:

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Outcome</b>
Inform	Community Groups /Organisations General Community External Funders  Internal Working Group  Councillors	Fact Sheets Advertising  Emails Workshop Brief Fact Sheets  Briefings Discussion Paper	N/A	Provision of balanced and objective information to assist in understanding the problems, alternatives, opportunities and/or solutions
Consult	Community Groups and Organisations Successful/Unsuccessful applicants  The Community  Other LGA's	Phone survey   Phone survey  Online/phone survey/email	N/A	Keep informed and Obtain feedback around CD Fund process, aims, objectives and outcomes Collect information and obtain feedback on analysis, alternatives and/or decision

Level of Engagement	Stakeholder	Activities	Location	Outcome
Involve	Internal Working Group including CIP Control Group and representatives from relevant service areas	Respond to key questions via e-mail	Bacchus Marsh	Work with internal working group throughout the process to ensure that concerns and aspirations are directly reflected in the alternatives developed. Provide feedback around how their input influenced the recommendations
Empower	Councillors	Briefing/Report AOC OMC	Various	Implement Council Decision based on outcomes of engagement

The report into the review of the Community Development Fund contains details of the responses provided by the community as well as internal stakeholders as part of the community engagement process.

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

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Program review	Outcomes of program review not implemented	Medium	Undertake comprehensive review process

### **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 –Dawn Tschujasehenko*

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

## **Conclusion**

This report presents the Council with the outcomes of the Review of the Community Development Fund, which is a framework for identifying community capital projects and allocating \$100,000 capital funding annually. Background information, the scope and methodology for the review, program evaluation, outcomes of the community and stakeholder engagement process and an investigation of other models and current trends have been provided in the attached Final Report into the Review of the Community Development Fund. It is recommended that the Council cease the Community Development Fund as part of the Capital Improvement Program and establish a process for engaging the community on an annual basis around the current Capital Improvement Program.

The matter pertaining to the review of the Community Development Fund was considered at a meeting of the Social Development S86 Advisory Committee of Council on 8 October. The recommendation by the Committee was that the report be presented to the Ordinary Meeting of Council for adoption and to seek further feedback from Councillors; and that the Committee provide further feedback on the discussion paper to inform the development of a final report to be presented to an Ordinary Meeting of Council.

## **Recommendation:**

### **That Council:**

- 1. Cease the operation of the Community Development Fund program.**
- 2. Establishes a process for engaging the community on an annual basis around the projects and priorities contained in the Council's Capital Improvement Program involving:**
  - Continuing to support the community and committees of management to regularly update their facility master plans and provide to the Council for consideration, including undertaking community engagement.**
  - Writing to Committees of Management and Community Groups and Sporting Clubs not represented by a Committee of Management annually to make submissions to the Capital Improvement Program.**
  - Ensuring all projects from strategic plans across the Council are represented on the Capital Improvement Program list which includes projects from any new Master Plan endorsed by the Council.**
  - Encourage community groups and networks to build capacity and sustainability by undertaking planning activities and developing new skills.**

**Resolution:**

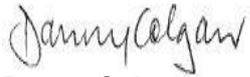
**Crs. Toohey/Sullivan**

***That Council continue to work with the Community Development Fund under the present guidelines and to continue to seek seed funding for the small projects throughout the Shire.***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**   
**Name:** Danny Colgan  
**Title:** General Manager Community Services  
**Date:** Wednesday, 12 November 2014

### 9.3.5 Darley Park Reserve User Groups

File No.: 328150(1)  
Author: Troy Scoble  
General Manager: Danny Colgan

#### Background

The purpose of the report is to report back to Council about the merits and means of establishing a Darley Park Advisory Group that would provide an opportunity for community representatives to continue to contribute grass roots advice to Council on the future development of Darley Park.

At the Ordinary Meeting of Council on the 6 August 2014, the Council resolved to *receive a report from Officers about the merits and means of establishing a "Park Advisory Group" that would provide an opportunity for community representatives to continue to contribute grass roots advice to Council on the future development of Darley Park*.

Council is responsible for the management and maintenance of Darley Park and maintains a direct relationship with the user groups of the reserve in relation to ongoing maintenance, development, management and allocation of use.

#### Proposal

Whilst the user groups supported the abolition of the Reserve Committee of Management, the users groups have asked that an informal gathering of user groups be convened to enable the user groups to provide grass roots advice regarding any management or maintenance issues. It is not proposed to establish a formal advisory committee of Council.

Officers have engaged with the user groups at the reserve to establish arrangements for ongoing engagement. The proposed arrangements are:

- Two meetings each year for all user groups
- The meetings will involve discussions on providing up to date information on the management and allocation of the reserve including user/ licence agreements; maintenance program for the reserve; any outstanding maintenance issues; updates from user groups regarding participation levels and input into the future development of the reserve for consideration by Council in its budget processes.
- The master plan for Darley Park is due to be updated commencing February 2015. The user groups will have significant input into the driving of the new plans development as well as its ongoing priorities for implementation which will be discussed at these meetings.
- Meetings to remain informal in nature with action items to be distributed to user group representatives and Officers post meeting.
- Additional meetings to be called throughout the year should specific issues affecting all user groups at the reserve arise.
- User groups outlined that they will continue to meet with each other should the need arise and Officers will be invited to attend meetings as required.

It is proposed that a meeting of the user groups be convened in December and a further one in March at the changeover of seasons.

### Policy Implications

The Moorabool Shire 2013-17 Council Plan provides as follows:

<b>Key Result Area</b>	Community Well Being
<b>Objective</b>	Leadership through best practice community engagement.
<b>Strategy</b>	Pursue strategic alliances, stakeholder forums and advisory committees that assist Council in policy development and service planning.

The ongoing coordination of the Darley Park User Advisory Group is consistent with the 2013-2017 Council Plan.

### Financial Implications

There are no financial implications in the ongoing coordination of the Darley Park User Advisory Group.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Advisory Group Governance Requirements	Inefficient operation or support of the user advisory group	Low	Annually review the user group advisory concept to ensure ongoing support from the user groups.

### Communications and Engagement Strategy

Upon the abolition the Darley Park Reserve Committee of Management, Officers engaged with user groups of Darley Park to determine the most appropriate forum for user groups to continue to provide advice to Council regarding the management, maintenance and ongoing development of Darley Park.

## **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**

Upon the abolition of the Darley Park Reserve Committee of Management, Officers engaged with user groups of Darley Park to determine the most appropriate forum for user groups to continue to provide advice to Council regarding the management, maintenance and ongoing development of Darley Park.

The User groups have advised that they wish to continue to provide advice to Council through informal meetings. It is not proposed to establish a formal advisory committee of Council.

### **Resolution:**

#### **Crs. Spain/Dudzik**

***That Council continue to encourage the Darley Park User Groups to provide advice to Council through regular meetings of user groups and Council representatives.***

**CARRIED.**

---

### **Report Authorisation**

**Authorised by:**



**Name:**

Danny Colgan

**Title:**

General Manager Community Services

**Date:**

Friday, 21 November 2014

### 9.3.6 Moorabool Recreation and Leisure Strategic Advisory Committee

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

#### Background

The purpose of the report is to recommend that Council appoint community members to the Moorabool Recreation and Leisure Strategic Advisory Committee.

At the Ordinary Meeting of Council held on Wednesday 6 August 2014, the Council resolved to establish a Recreation and Leisure Strategic Advisory Committee; invite nominations for membership from the community; and appointed Cr. Spain, Cr. Toohey and Cr. Edwards to the Committee.

The purpose of the Recreation and Leisure Strategic Advisory Committee is to provide strategic advice into the planning and provision of active and passive recreation and leisure services and facilities across the municipality.

The terms of reference for the Committee which has been adopted by the Council provides for membership of the Advisory Committee to comprise of:

- Three Councillors appointed by resolution of Council with one of those Councillors appointed as Chairperson of the Committee; these appointments to be reviewed annually at the Statutory and Annual Appointments special meeting of Council.
- Six community representatives appointed for one year terms by resolution of Council with these appointments to be reviewed annually at the Statutory and Annual Appointments special meeting of Council.
- The General Manager Community Services, the General Manager Growth & Development, the General Manager Infrastructure and the Manager Recreation and Youth or their delegates; appointed on an ex officio basis.

Nominations for appointment as community representatives were sought through two rounds of public advertisement. A second round of advertisements were run to seek additional nominations from across the municipality. Fourteen nominations were received at the conclusion of the public nomination period.

In assessing the nominations the criteria for membership of the committee for community representatives was applied, The criteria as contained in the Committee terms of Reference is that community representation should reflect being reflect the diversity of the Moorabool community in terms of: demographic profile; geographical areas; and recreational & leisure interests.

## Proposal

It is proposed that the Council appoint Pat Griffin, Rod Ward, Noel Stanley, Simon Hooper, Shane Dunn and Patricia Binks to the Recreation and Leisure Strategic Advisory Committee for a period of one year term.

## Policy Implications

The Moorabool Shire 2013-17 Council Plan provides as follows:

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

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

## Financial Implications

The resourcing of the Moorabool Recreation and Leisure Strategic Advisory Committee will be undertaken within existing resources.

## Risk & Occupational Health & Safety Issues

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

## Communications and Engagement Strategy

Nominations for membership of the Moorabool Recreation and Leisure Strategic Advisory Committee were sought through two public advertisement processes.

Successful and unsuccessful nominees will be immediately notified upon consideration of the report by the Council.

## Victorian Charter of Human Rights and Responsibilities Act 2006

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

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

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

*General Manager – 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 Council has resolved to establish a Recreation and Leisure Strategic Advisory Committee and invite nominations for membership from the community. Two public advertisement processes were undertaken to encourage a broad representation from across the Shire.

Officers have assessed the nominations received and recommend the appointment of six community members to the Committee for a period of one year.

### **Recommendation:**

#### **That Council:**

- 1. Appoint Pat Griffin, Rod Ward, Noel Stanley, Simon Hooper, Shane Dunn and Patricia Binks the Moorabool Recreation and Leisure Strategic Advisory Committee for a period of one year.**
- 2. Write to all nominees thanking them for their nomination.**

### **Resolution:**

**Crs. Dudzik/Comrie**

#### **That Council:**

- 1. Increase community membership of the Moorabool Recreation and Leisure Strategic Advisory Committee to eight and adjust the Terms of Reference for the committee to take into account increased membership.***
- 2. Appoint Pat Griffin, Rod Ward, Noel Stanley, Simon Hooper, Shane Dunn, Patricia Binks, Marg Scarff and Darran Fowlie to the Moorabool Recreation and Leisure Strategic Advisory Committee for a period of one year.***
- 3. Write to all nominees thanking them for their nomination.***

**Councillor Toohey called for a Division.**

**Councillors voting for the resolution:**

**Cr. Comrie, Cr. Dudzik, Cr. Edwards, Cr. Spain.**

**Councillors voting against the resolution:**

**Cr. Toohey, Cr. Sullivan, Cr. Tatchell**

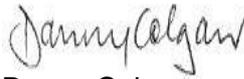
**CARRIED.**

***Cr. Toohey respectfully resigned as a member of the Moorabool Recreation and Leisure Strategic Advisory Committee.***

---

**Report Authorisation**

**Authorised by:**



**Name:**

Danny Colgan

**Title:**

General Manager Community Services

**Date:**

Friday, 21 November 2014

### 9.3.7 Appointment of Chairperson Maddingley Park Committee of Management

#### Introduction

File No.: 534900  
Author: Troy Scoble  
General Manager: Danny Colgan

The purpose of this report is to recommend that the Council appoint a Chairperson for the Maddingley Park Committee of Management consistent with the Council's Appointments and Delegations policy.

#### Background

The Maddingley Park Committee of Management is a section 86 Committee of Council in accordance with the Local Government Act 1989. At the Ordinary Council Meeting on 18 April 2012 Council adopted the Appointments and Delegations Policy:

Nominations were sought through public advertisement with two nominations received at the close of nominations. The nominations were assessed by Officers and then interviewed by East Moorabool Councillors in accordance with the provisions of the Appointments and Delegation Policy.

#### Proposal

It is proposed that Mr Russ Hendry be appointed to the position of Chairperson of the Maddingley Park Committee of Management for a period of two years. Mr Hendry has a strong knowledge of the workings of the park and demonstrated a detailed understanding of what the park needs to make it a better, more vibrant facility that will provide for the existing user groups and the broader community.

#### Policy Implications

The 2013-2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Well Being
<b>Objective</b>	Community Self Reliance
<b>Strategy</b>	Actively support Committees of Management of community assets.

The proposal to appoint the Chairperson of the Maddingley Park Committee of Management is consistent with the 2013-2017 Council Plan.

## Financial Implications

There are no financial implications. Council provides operational funding to Maddingley Park as part of the Recreation Reserve Funding Policy. An Annual Management Agreement is in place outlining the service level for maintenance, roles and responsibilities in management of both Council and delegated to the Committee of Management.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Vacant chairperson position	Position remains vacant	Low	Appoint chairperson to committee or Council manage the reserve.

## Communications and Consultation Strategy

The outcomes of this report will be communicated to the applicants for the position of chairperson position of the Maddingley Park Committee of Management.

## 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 – Troy Scoble*

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 Maddingley Park Committee of Management is a Section 86 Committee of Management and is delegate management and maintenance responsibilities at the reserve on behalf of Council. The appointment of the chairperson will ensure that the Committee of Management can continue to support Council to perform this function in the future.

**Resolution:**

**Crs. Edwards/Comrie**

***That Council:***

- 1. *Appoint Mr. Russ Hendry as the Chairperson of the Maddingley Park Committee of Management for a period of two years.***
- 2. *Write to all nominees to thank them for their nomination.***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**



**Name:**

Danny Colgan

**Title:**

General Manager Community Services

**Date:**

Wednesday, 26 November 2014

## 9.4 INFRASTRUCTURE SERVICES

### 9.4.1 Draft Asset Management Plans – Parts C, D and E

#### Introduction

File No.: 08/01/002  
Author: Sam Romaszko  
General Manager: Phil Jeffrey

#### Background

Council is responsible for the management and maintenance of some \$520.4M worth of infrastructure assets that include the road and street network, underground drainage, buildings and facilities, and parks and recreational facilities. Council seeks to ensure that these infrastructure assets are effectively managed in order to meet current and future service delivery goals.

To assist this, a number of Asset Management Plans (AMPs) have been prepared which address all of the major asset groups as follows:

Part A	General Information (information common to all assets)
Part B	Transport Assets
Part C	Buildings and Structures
Part D	Water and Drainage
Part E	Recreation and Open Space

AMPs parts A and B were adopted by Council in June 2013.

The International Infrastructure Management Manual (IIMM) defines Asset Management Plans as *long-term Plans (Usually 10-20 years or more for infrastructure assets) that outline the asset activities and programs for each service area and resources applied to provide a defined level of service in the most cost effective way.*

AMPs are important Council documents and are a key element of the National Asset Management Assessment Framework (NAMAF) completed as part of the MAV STEP Asset Management Program.

The AMPs provide documentation of intended Asset Management programs for management of infrastructure assets based on the organisations understanding of service level requirements and the specific asset groups capability to meet these requirements. The AMPs effectively provide a business case for long term forecasts of required Capital expenditure (Renewal, Upgrade, Expansion and New) as well as the required Maintenance expenditure to sustain the agreed levels of service to the community. This information is used in the preparation of the SRP and Long Term Financial Plan.

Each plan acknowledges the importance of the vital role the specific asset group plays in supporting services delivered to the community. The AMPs are linked to the Council Plan, Asset Management Policy, Asset Management Strategy, the SRP and Long Term Financial Plan as well as defining any regulatory requirements.

The AMPs are prepared at %Core+ level (as defined in the NAMAf) at this stage with the aim to move to an %Advanced+ level over time as more detailed asset and service level information is obtained.

The draft Asset Management Plans were presented to the Section 86 Place Making Committee on Wednesday 19 November 2014, where the following was resolved:

*That the S86 Place Making Committee:*

- 1. Receives the draft Asset Management plans (part C, D and E) for the purpose of review and feedback to officers.*
- 2. Requests that the draft Asset Management Plans (with identified amendments) be presented to the next Ordinary Meeting of Council.*
- 3. Recommends to Council that the Asset Management Plans be adopted.*
- 4. Requests that subsequent versions of the Asset Management Plans, as updated, be brought back to Council for adoption.*

## **Proposal**

### Part C . Buildings and Structures

Council's current registers equate to some \$39.5M worth of buildings and structures, including halls, depots, libraries, offices, amenity blocks and shelters. The aim of the AMP is to provide a framework to describe and review existing management practices relating to Council's buildings and structures infrastructure, and to form the basis of an ongoing improvement program to meet progressively identified deficiencies.

### Part D . Water and Drainage

Council's current registers equate to some \$51.7M worth of water and drainage assets, including;

- Stormwater drainage . pipes, pits & end-walls, small culverts, water quality devices
- Flood Control . Retention/Detention systems
- Water supply - bores, standpipes, pipelines & irrigation
- Water Storage . dams and tanks
- Water Treatment - Septic Tanks & Water Treatment Systems

The aim of the AMP is to provide a framework to describe and review existing management practices relating to Council's drainage infrastructure, and to form the basis of an ongoing improvement program to meet progressively identified deficiencies.

## Part E . Recreation and Open Space

Council's current registers equate to some \$6.9M worth of recreation and open space assets, including parks and reserves, play equipment, sports fields and courts. The aim of the AMP is to provide a framework to describe and review existing management practices relating to Council's recreation and open space infrastructure, and to form the basis of an ongoing improvement program to meet progressively identified deficiencies.

It is recommended as part of this report that the remaining three Asset Management Plans be presented to Council for adoption.

It is noted that the plans being presented to Council have some gaps in information due to the data available currently and it is intended that all AMPs will be continue to be updated as the asset management implementation program progresses over the coming years. The subsequent version of the plans will be presented to Council as they are updated.

### **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>	Management of assets and infrastructure
<b>Strategy</b>	Develop asset management plans for all classes.

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

### **Financial Implications**

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

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

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

### **Communications and Consultation Strategy**

There is no communications strategy required in line with the recommendation within this report. A copy of the Asset Management Plans, once adopted, will be uploaded onto Council's website, with public copies available at all office locations.

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

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues.

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

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

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

*General Manager – Phil Jeffrey*

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

*Author – Sam Romaszko*

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

### **Conclusion**

To assist in the management and maintenance of Council's infrastructure assets a number of Asset Management Plans have been prepared. Parts A and B were adopted by Council in June 2013, and parts C, D and E are now presented to Council for adoption.

The matter pertaining to the draft Asset Management Plans was considered at the Place Making Section 86 Advisory Committee on Wednesday 19 November 2014 with a recommendation by the Committee that the reports be presented to the Ordinary Meeting of Council for adoption.

### **Resolution:**

**Crs. Sullivan/Toohey**

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

- 1. adopts the Asset Management Plans (parts C, D and E) as attached to this report.***
- 2. requests that subsequent versions of the Asset Management Plans, as updated, be brought back to Council for adoption.***

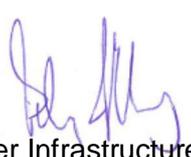
**CARRIED.**

---

### **Report Authorisation**

#### **Authorised by:**

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Wednesday, 26 November 2014



## 9.4.2 Bacchus Marsh Civic and Community Hub Pavilion

### Introduction

File No.: 05-2014/2015  
Author: Sam Romaszko/Troy Scoble  
General Manager: Phil Jeffrey

### Background

The Bacchus Marsh Civic and Community Hub (BMCCH) Multipurpose Pavilion project was identified in the 2012/2013 Capital Improvement Program as a preplanning project. In addition, the following Notice of Motion on 06 June 2012 included the resolution below;

*That Council as part of the 2012/13 Budget process allocate the following funds from the East Moorabool Recreational Facilities Reserve Fund:*

2. *\$150,000 towards the design and fit out of the classroom overlooking the sports ground at the Darley Civic & Community Hub to enable change, toilet, showers and canteen facilities following consultation with user groups and technical assessment and recommendations from Council Officers to Council.*

Investigation into possible locations of the pavilion has progressed in recent months. The scope of the project includes the provision of key components to facilitate both winter and summer competition sport. These components include formalising change amenities for male and female participants and umpires, toilet amenities for participants and spectators as well as kitchen (with canteen servery) and community meeting space.

Site investigation and conceptual design has now occurred, with four options presented within this report for the proposed site of the BMCCH Multipurpose Pavilion.

The report was presented to the Section 86 Place Making Committee on Wednesday 19 November 2014, where the following was resolved:

*That the S86 Place Making Committee:*

1. *Endorses the reuse of building E as the proposed site for the BMCCH pavilion to promote sporting activities and community use, with the inclusion of the following:*
  - a. *provision of externally accessible toilets within the building*
  - b. *provision of disability access from the building to the shelter/playground area*
  - c. *removal of existing carparking on the north side of the building and inclusion of a covered viewing area*
  - d. *consideration of traffic calming and pedestrian safety measures to the road fronting the building*
2. *Recommends to Council that officers proceed to the detailed design phase.*

## Proposal

Moorabool Shire has per capita the highest active sport participation rates in the Grampians region. AFL Victoria have conducted investigations and found that there should be a standard of 7 registered teams utilising any oval. All other major active sport recreation reserves in the Bacchus Marsh area currently exceed these recommendations with Darley Park sports ground currently providing for 12 teams plus a large Auskick program and Maddingley Park, the other large sportsground, also providing for 12 teams.

With Moorabool Shire's expectant growth, in regards to Australian Rules Football alone, AFL Goldfields found that by 2020 Moorabool will be short 2 ovals for competition and training purposes and providing for an extra 15 teams. By 2030 it is forecast for an additional 25 teams and 4 sports grounds expected at the current rate of participation. This is consistent with Moorabool Shire Councils Sports Facility Demand study recently conducted.

The Bacchus Marsh Civic Hub sports ground is currently used for training purposes in winter by the Darley Junior and Senior Football Club and the Bacchus Marsh Soccer Club. Discussions have already commenced for other winter user groups including the Bacchus Marsh Junior Football Club for increased access to this facility in 2015 and beyond. In summer the ground is utilised by the Darley Junior and Senior Cricket Club for both training and competition purposes making this a year round facility used almost 7 days a week. Due to the lack of amenities on site however winter competition and some higher level cricket competition cannot be played at the reserve.

To ensure the ongoing growth and support of our community sporting clubs and the health benefits the community derives, significant investment into supporting infrastructure is required into the Bacchus Marsh Civic Hub. The installation of player and umpire change and toilet amenities, canteen, meeting space and public toilets will provide the site with necessary infrastructure to support formal competition, increased training opportunities and passive community use. The development of the Civic Hub facilities is consistent with the Moorabool Recreation and Open Space Strategy, Moorabool's Sports Facility Demand Study and the Recreation and Leisure Strategy currently being developed.

The following four options were identified for investigation of a pavilion at BMCCH;

- Option 1 Refurbishment of Building E (south end) and associated site works.
- Option 2 Refurbishment of Building E (north end) and associated site works.
- Option 3 New building (north-west) adjacent to football oval, site works and external services.
- Option 4 New building (north-west) adjacent to football oval, site works and external services.

The sites have been assessed both for their technical and construction capacity and their ability to deliver required mixed use services outcomes. Eight key criteria were established for the assessment of the development capacity for each site as contained in the attached feasibility report. Pros and cons for each site were identified against each variable and a rating between 0 and 5 was determined for the performance of each site against each variable. (Where 0 equals complete failure and 5 equals excellent).

The outcomes of the assessments are as follows:

<b>Option</b>	<b>Overall Rating</b>	<b>Indicative Cost</b>
Option 1	121.3	\$910,000
Option 2	117.5	\$995,000
Option 3	115.4	\$1,198,000
Option 4	116.2	\$1,012,000

The decision as to which option to implement ultimately comes down to a value judgement about the importance of utilising existing building infrastructure, against the provision of a standalone pavilion directly related to the playing field.

Current good practice in recreation would be to locate the pavilion directly adjacent to the field, to enable a direct access for players and to allow the public to watch the game from the boundary, while taking advantage of the amenities available in the pavilion.

Therefore from a functional point of view, Option 3 would generally be preferred. However in this case, Council has an underutilised building facility in the vicinity of the playing field which has good views over the reserve and is also readily accessible from parking and other infrastructure.

In this case while the development of this pavilion would not necessarily meet Best Practice Standards in the way Option 3 or 4 would, locating the pavilion facilities within the existing building would be an acceptable alternative to the construction of a new pavilion.

It should be noted that the main difference in scoring between Option 1 and 2 is related to the location of the change rooms to the south of the existing building that would allow ready access to the ground. By locating the facilities at the south eastern end of the building, a more direct connection can be made to the playing field surface.

Subject to Council endorsement of the site and approval to proceed to detailed design, it is proposed that the detailed design process will commence this financial year and run in parallel with the Darley Early Years Hub design 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 is consistent with the 2013-2017 Council Plan.

## **Financial Implications**

The 2014/2015 budget includes \$58,500 for detailed design of the BMCCH pavilion with a further \$150,000 allocated to the project via a Notice of Motion to contribute towards the construction component.

The cost plans prepared for the refurbishment options indicate a total project cost in the order of \$910,000. If Council proceeds to endorse the site and proceed to detailed design, it is expected the detailed design component, subject to budget will be completed in 2014/2015.

Discussions with State Government grant bodies will inform the appropriate funding model and mix of funding including streams to be applied for to construct the project.

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

There are no direct risk or Occupational Health & Safety issues associated with the recommendation within this report.

## **Communications and Consultation Strategy**

It is proposed that officers engage with key community sporting group stakeholders through the detailed design phase of the project.

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

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

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

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

*General Manager – Phil Jeffrey*

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

*Author – Sam Romaszko/Troy Scoble*

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

### **Conclusion**

The Bacchus Marsh Civic and Community Hub (BMCCH) Multipurpose Pavilion project was identified in the 2012/2013 Capital Improvement Program as a preplanning project. Initial investigation into possible locations of the pavilion was included in the Darley Early Years Hub site investigation and conceptual design project last financial year.

Site investigation and conceptual design has now occurred, with four options presented within this report for endorsement by the s86 Place Making Committee of the proposed site of the BMCCH Multipurpose Pavilion and for officers to proceed to detailed design.

These options have been assessed both for their technical and construction capacity and their ability to deliver required mixed use service outcomes.

The decision as to which option to implement ultimately comes down to a value judgement about the importance of utilizing existing building infrastructure, against the provision of a standalone pavilion directly related to the playing field.

From a functional point of view, a pavilion adjacent to the oval would generally be preferred. However in this case, Council has an underutilised building facility in the vicinity of the playing field which has good views over the reserve and is also readily accessible from parking and other infrastructure, and as such it is the recommended option.

The matter pertaining to the BMCCH Pavilion project was considered at the Place Making Section 86 Advisory Committee on Wednesday 19 November 2014 with a recommendation by the committee that Council endorse the reuse of building E and direct officers to proceed to detailed design.

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

1. ***Endorses the reuse of building E as the proposed site for the Bacchus Marsh Civic and Community Hub pavilion to promote sporting activities and community use, with the inclusion of the following:***
  - a. ***Provision of externally accessible toilets within the building.***
  - b. ***Provision of disability access from the building to the shelter/playground area.***
  - c. ***Removal of existing car parking on the north side of the building and inclusion of a covered viewing area.***
  - d. ***Consideration of traffic calming and pedestrian safety measures to the road fronting the building.***
2. ***Requests officers to proceed to the detailed design phase of the project.***

**CARRIED.**

---

**Report Authorisation****Authorised by:****Name:** Phil Jeffrey**Title:** General Manager Infrastructure**Date:** Wednesday, 26 November 2014

## 9.5 CORPORATE SERVICES

### 9.5.1 Road Closure – Portions of road adjoining Crown Allotment 1B Section 8, The Werribee Gorge State Park pursuant to Section 349 of the Land Act 1958

#### Introduction

File No.: 20/01/003  
Author: Michelle Morrow  
General Manager: Shane Marr

#### Background

Council has received a request from the Department of Environment and Primary Industries (DEPI) seeking Council's consent to the closure as highlighted in red on the attached plan adjoining Crown Allotment 1B Section 8, the Werribee Gorge State Park. This matter is being presented to Council at this meeting in order to respond within 60 days and to satisfy the requirements of s349 of the *Land Act 1958*.

A road laid out on land of the Crown which is unused as to the whole or any portion of the length or width may be closed by the Governor in Council by order published in the Government Gazette; but only with the concurrence in writing of the Council of the municipality in whose district the road is located and the owners of any adjoining land.

#### Proposal

It is the intention of the Department to formally include these roads into the adjoining State Park pursuant to the provisions of the *National Park Act 1975*.

It is recommended that Council, pursuant to section 349 of the *Land Act 1958*, gives its consent to the closure of three portions of unmade Government road.

In resolving to consent to the closure of the three portions of Government road, Council will be aware of the following:

- a) the closing will be absolute;
- b) the road will be shown as closed on all departmental plans and Office of Title charts and on the titles of the abutting land;
- c) all rights of carriageway enjoyed by the public will cease; and
- d) the land in the closed road will be unalienable land of the Crown and can be dealt with under the provisions of the Land Act, which includes the sale of the freehold.

### **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>	Ensure current and future infrastructure meets the needs of the community.

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

### **Financial Implications**

There will be no financial implications for Council.

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

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

### **Communications Strategy**

Consultation in relation to the closure of the portions of road abutting freehold land titles has been undertaken by the Department of Environment and Primary Industries as required under s349 of the *Land Act* 1958.

Council officers have been consulted and have offered no objection to the closure of these portions of government road.

The Governor in Council by order will publish the government road closures in the Victorian Government Gazette.

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

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

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

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

*General Manager – Shane Marr*

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

*Author – Michelle Morrow*

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

### **Conclusion**

This matter is an administrative issue that requires Council's formal consent under section 349 of the *Land Act* 1958.

It is recommended that Council, pursuant to section 349 of the *Land Act* 1958, gives its consent to the closure of three portions of unmade Government roads as highlighted in the attached map.

### **Resolution:**

#### **Crs. Sullivan/Comrie**

1. ***That Council give its consent to the closing of portions of road adjoining Crown Allotment 1B Section 8, the Werribee Gorge State Park to the west as highlighted on the attached plan.***
2. ***In giving this consent, Council is aware that should the road be closed, the effect will be that:***
  - a. ***the closing will be absolute;***
  - b. ***the road will be shown as closed on all departmental plans and Office of Title charts and on the titles of the abutting land;***
  - c. ***all rights of carriageway enjoyed by the public will cease; and***
  - d. ***the land in the closed road will be unalienable land of the Crown and can be dealt with under the provisions of the Land Act, which includes the sale of the freehold.***

**CARRIED.**

---

#### **Report Authorisation**

#### **Authorised by:**

**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Wednesday, 26 November 2014



***The business of the meeting returned to consider Item 9.1.1 - Review of Council's Section 86 Committees (Internal).***

## 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 . Monday 10 November 2014 . Confidential Matter.
- Assembly of Councillors . Wednesday 12 November 2014 . Confidential Matter
- Assembly of Councillors . Wednesday 12 November 2014 . Update on Retail Strategy

#### **Resolution:**

**Crs. Toohey/Edwards**

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

- ***Assembly of Councillors – Monday 10 November 2014 – Confidential Matter.***
- ***Assembly of Councillors – Wednesday 12 November 2014 – Confidential Matter***
- ***Assembly of Councillors – Wednesday 12 November 2014 – Update on Retail Strategy***

**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	10 September 2014	Cr. Spain
Masons Lane Recreation Reserve Committee of Management	10 November 2014	Cr.Dudzik Community Members

### **Resolution:**

**Crs. Toohey/Spain**

***That Council receives the reports of the following Section 86 - Delegated Committees of Council:***

- ***Bacchus Marsh Hall Committee of Management meeting of Wednesday, 10 September 2014***
- ***Masons Lane Recreation Reserve Committee of Management meeting of Monday, 10 November 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.

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Audit and Risk Committee	26 August 2014 3 September 2014	Cr. Spain Cr. Dudzik
Place Making Committee	19 November 2014	Cr. Spain Cr. Sullivan Cr. Toohey

**Resolution:**

**Crs. Spain/Edwards**

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

- ***Audit and Risk Committee meeting of Tuesday, 26 August 2014.***
- ***Audit and Risk Committee meeting of Wednesday, 3 September 2014.***
- ***Place Making Committee meeting of Wednesday, 19 November 2014.***

**CARRIED.**

**11. NOTICES OF MOTION****11.1 Cr. Comrie: N.O.M. No. 246 – Change of Meeting Times for Social Development, Place Making, Finance & Government and Development & Assessment S86 Committees****Motion**

That Council:

1. Changes the time that meetings commence in 2015 for the following S86 Committees of Council from 3.30pm to 5.00pm:
  - a. Social Development Committee
  - b. Place Making Committee
  - c. Finance and Governance Committee
2. Changes the time that meetings commence in 2015 for the following S86 Committee of Council from 2.00pm to 5.00pm:
  - a. Development Assessment Committee
3. Adopts the attached revised S86 Committees of Council Meeting Framework.

**Resolution:****Crs. Comrie/Spain**

***That Cr. Comrie's Notice of Motion. No. 246, be deferred to be presented with Item 9.1.1. – Review of Council's Section 86 Committees (Internal) at the next Ordinary Meeting of Council.***

**CARRIED.**

**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>November/December 2014</b>	
5 November	Funding Announcement by Mr David O'Brien, Member for the Western Region re Moorabool Halls Development Project Ordinary Meeting of Council
11 November	Ballan RSL Remembrance Day and Wreath Laying Service
12 November	S86 Development Assessment Committee Meeting Funding Announcement by the Minister for Sport and Recreation, The Hon Damian Drum re Masons Lane Athletics Development Project Assembly of Councillors . Update on Retail Strategy
13 November	2014 Media Launch Naturipe's Strawberry Fields
17 November	Community Engagement Talking 2041 . Pentland Primary School
18 November	Community Engagement Talking 2041 . Darley Primary School
19 November	Community Engagement Talking 2041 . Bacchus Marsh Primary School
22 November	Youth Fest 2014, Bacchus Marsh
23 November	Christ Church Myrniong 150th Celebration Service, Myrniong
25 November	Moorabool White Ribbon Day
26 November	Assembly of Councillors . Strategic Financial Plan
27 November	Talking 2041 Community Workshop
30 November	Launch of the Memory Byways Publication . An Anthology of Dementia Journeys
2 December	Community Engagement Talking 2041 . Community Engagement at the Bacchus Marsh Train Station
3 December	Community Engagement Talking 2041 . Community Engagement at the Bacchus Marsh Train Station Community Engagement Talking 2041 . Bacchus Marsh Grammar

	Assembly of Councillors . Consultation with Metropolitan Planning Authority Assembly of Councillors . Update on Halletts Way Alignment Ordinary Meeting of Council
--	--

**Resolution:****Crs. Comrie/Spain*****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. Dudzik</b>	
<b>November/December 2014</b>	
<b>6 November</b>	<b>VLGA Event – Celebrating 100 years of women in Local Government</b>
<b>10 November</b>	<b>S86 Committee Masons Lane Committee of Management</b>
<b>11 November</b>	<b>Bacchus Marsh RSL – Remembrance Day</b>
<b>12 November</b>	<b>S86 Development Assessment Committee Meeting</b>
<b>12 November</b>	<b>Funding Announcement by the Minister for Sport &amp; Recreation the Hon. Damien Drum regarding Masons Lane Athletics Development Project</b>
<b>13 November</b>	<b>Launch Strawberry and Cherry Festival</b>
<b>17 November</b>	<b>Strategic Health Forum</b>
<b>17 November</b>	<b>Anzac Centenary Steering Committee Meeting</b>
<b>26 November</b>	<b>Audit &amp; Risk Committee Meeting</b>
<b>27 &amp; 30 November</b>	<b>Community Engagement Session – Talking 2041 Bacchus Marsh</b>
<b>1 December</b>	<b>Great War Centenary Committee Meeting</b>

<b>Cr. Spain</b>	
<b>November/December 2014</b>	
<b>11 November</b>	<b>Municipal Fire Management Planning Committee, Ballan</b>
<b>11 November</b>	<b>Municipal Emergency Management Planning Committee, Ballan</b>
<b>11 November</b>	<b>Bacchus Marsh &amp; District Trails Advisory Committee, Bacchus Marsh</b> <b>Notes:</b> <b>BMDTAC has completed a private track condition audit of the Great Dividing Trail – Lerderberg Track section and will provide the audit report to Council. BMDTAC asks that MSC consider maintaining sections of the “Links Walk” track that are accessible from the northern end of the track, notwithstanding the break in the track caused by river washout near the Bacchus Marsh Golf Club course at the southern end of the track.</b>

	<p><b>BMDTAC asks that MSC consider the newly reconstructed “Federation Walk” track for approval as a dog “off leash” area.</b></p> <p><b>BMDTAC also asks that MSC consider the installation of a dog litter bag dispenser at the Gisborne Rd end of the riverside section of the “Federation Walk” track.</b></p>
<b>12 November</b>	<b>S86 Development Assessment Committee meeting, Bacchus Marsh</b>
<b>12 November</b>	<b>Funding announcement by Minister for Sport &amp; Recreation (the Hon. Damian Drum) re Masons Lane reserve development, Bacchus Marsh</b>
<b>13 November</b>	<b>Strawberry &amp; Cherries Festival media event, Bacchus Marsh</b>
<b>13 November</b>	<b>Bacchus Marsh Public Hall Committee of Management meeting, Bacchus Marsh</b>
<b>19 November</b>	<b>S86 Place Making Committee meeting, Ballan</b>
<b>22 November</b>	<b>Youth Festival 2014, Bacchus Marsh</b>
<b>23 November</b>	<b>150th Anniversary Celebration, Christ Church Myrniong, Myrniong</b>
<b>25 November</b>	<b>Moorabool White Ribbon Day, Bacchus Marsh</b>
<b>26 November</b>	<b>Audit &amp; Risk Committee meeting, Bacchus Marsh</b>
<b>27 November</b>	<p><b>MAV Financial Assistance Grants &amp; Rate Capping Taskforce (as proxy for Cr Sullivan), Melbourne</b></p> <p><b>Notes:</b></p> <p><b>The Commonwealth Government’s upcoming White Paper “Review of the Federation” (a review of Commonwealth/State responsibilities) that is due by end 2015 is expected to have implications for future FAG arrangements.</b></p> <p><b>MAV tactical recommendations:</b></p> <ul style="list-style-type: none"> <li>• <b>Stress the importance of FAGs to LG’s ability to provide services to elected representatives at “ribbon cutting” events.</b></li> <li>• <b>Continually promote the importance of direct funding relationships between Commonwealth Government and Local Government.</b></li> </ul>
<b>27 November</b>	<b>VLGA Annual General Meeting, Melbourne</b>
<b>30 November</b>	<b>Talking M2014 community workshop, Bacchus Marsh</b>

<b>Cr. Comrie</b>	
<b>November 2014</b>	
<b>22-23 November</b>	<b>Strawberries and Cherries Festival</b>
<b>Cr. Toohey</b>	
<b>November 2014</b>	
<b>November 2014</b>	<b>Local Roads Conference – Tamworth</b>
<b>November 2014</b>	<b>WHAC Meeting</b>
<b>Cr. Sullivan</b>	
<b>November/December 2014</b>	
<b>14 November</b>	<b>Timber Towns meeting</b>
<b>19 November</b>	<b>National Timber Towns AGM</b>

**Resolution:**

**Crs. Sullivan/Spain**

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

**CARRIED.**

**14. URGENT BUSINESS**

**Resolution:**

**Crs. Tatchell/Sullivan**

***That officers prepare a report on the costs of rework in relation to matters brought to Council and the impact on budgets.***

**CARRIED.**

**15. CLOSED SESSION OF THE MEETING TO THE PUBLIC****15.1 Confidential Report****15.2 Confidential Report****15.3 Confidential Report****ADJOURNMENT OF MEETING 7.25PM**

Crs. Toohey/Spain

*That the meeting now stand adjourned for a period of 8 minutes.***CARRIED.****RESUMPTION OF MEETING 7.33PM**

Crs. Sullivan/Comrie

*That the meeting now be resumed.***CARRIED.****CLOSURE OF THE MEETING TO THE PUBLIC – 7.33PM**

Resolution:

Crs. Sullivan/Comrie

*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.**

**16. MEETING CLOSURE**

*The meeting closed at 7.45 pm.*

*Confirmed.....Mayor.*