

ORDINARY MEETING OF COUNCIL

Minutes of the
Ordinary Meeting of Council held at the
Council Chamber, 15 Stead Street, Ballan on
Wednesday 4 December 2013,
commencing at 5:00 p.m.

Members:

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

Officers:

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

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

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

2. PRESENT

<i>Cr. Paul Tatchell (Mayor)</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>

In Attendance

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Shane Marr</i>	<i>General Manager Corporate Services</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Ms. Kate Diamond-Keith</i>	<i>Acting General Manager Community Services</i>
<i>Ms. Sian Smith</i>	<i>Manager Statutory Planning and Community Safety</i>
<i>Ms. Lace Daniel</i>	<i>Minute Taker</i>

3. APOLOGIES

Nil.

4. CONFIRMATION OF MINUTES**4.1 Ordinary Meeting of Council – Wednesday 6 November 2013**

Resolution:

Crs. Spain/Comrie

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 6 November 2013.

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. Dudzik declared an Indirect Conflict of Interest (section 78) in relation to Item 15.1- Australia Day Award Recipient – Selection Panel as stated at the meeting.

5.2 Disclosure of an Indirect Conflict of Interest

Cr. Spain declared an Indirect Conflict of Interest (section 78) in relation to Item 15.1- Australia Day Award Recipient – Selection Panel as stated at the meeting.

6. MAYOR'S REPORT

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

Cr. Tatchell - Mayor	
November/December 2013	
7 November	Media Preview 7th Annual Bacchus Marsh Strawberries and Cherries Weekend. Funding Announcement by Mr. David O'Brien MLC, Member for Western Region re: Masons Lane Recreation Reserve
11 November	Remembrance Day Services, Ballan Rural Advisory Committee Meeting, Ballan
12 November	Meeting with Peter Seamer, CEO of the Growth Areas Authority WRISC Family Violence Support Annual Celebration, Ballarat
13 November	Assembly of Councillors – Recreation Reserve and Hall Management Review Assembly of Councillors – Rural Library Review Assembly of Councillors – Civic Hub
19 November	Heritage Advisory Committee Meeting
20 November	2013 Local Government Ministerial and Mayors Forum and Dinner, Melbourne Assembly of Councillors – Planning Scheme Amendment Update Assembly of Councillors – Plan Melbourne Draft Submission Assembly of Councillors – Ballan Structure Plan
21 November	Blackwood Community Fire Refuge Community Meeting
22 November	Roundtable Discussion on Regional and Rural Economic Development, Ballarat Leadership Ballarat & Western Region 2013 Leaders Forum Graduation Ceremony, Ballarat
27 November	CEO Quarterly Staff Briefing – Presentation of staff awards

28 November	CEO Quarterly Staff Briefing – Presentation of staff awards Myrniong Primary School Art Fair
29 November	Ballan Red Cross Flower Show, Ballan
30 November	Gordon's Back in Time Festival 2013, Gordon
2 December	Rural Advisory Committee Meeting, Ballan
3 December	Myrniong Public Hall Annual General Meeting, Myrniong
4 December	Assembly of Councillors – Moorabool Shire Council Rate Strategy Ordinary Meeting of Council

Resolution:

Crs. Comrie/Toohey

That the Mayor's report be received.

CARRIED.

7. COUNCILLORS' REPORTS

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

Cr. Toohey	
November 2013	
21 November	Blackwood Community Information Session – Blackwood Fire Refuge

Cr. Spain	
November 2013	
7 November	Maddingley Park and Masons Lane Funding Announcement
11 November	Remembrance Day Service, Bacchus Marsh
14 November	Playgroups Victoria Awards
15 November	Grow West Ten Year Anniversary Dinner
26 November	Djerriwarrh Health Services Annual General Meeting

Cr. Comrie	
November/December 2013	
7 November	Maddingley Park and Masons Lane Funding Announcement
16 – 17 November	Strawberries and Cherries Festival
1 December	Moorabool Light Orchestra Performance

Cr. Sullivan	
November 2013	
20 November	Regional Transition Working Group Meeting
21 – 22 November	Victorian Waste Management Group Meeting
25 November	Highlands Regional Waste Management Group Christmas Function

Cr. Edwards	
November 2013	
26 November	Metropolitan Planning Authority Meeting

Cr. Dudzik	
November 2013	
11 November	Remembrance Day Service
12 November	Moorabool Municipal Fire Management Planning Committee Meeting Moorabool Municipal Emergency Management Planning Committee Meeting
26 November	ICC and MECC Emergency Exercise
29 November	Ballan Red Cross Flower Show
30 November	Inca Festival
9 December	Central Highlands Local Learning Employment Network Committee Meeting Great War Steering Committee Meeting

Resolution:

Crs. Edwards/Spain

That the Councillors' reports be received.

CARRIED.

8. PUBLIC QUESTION TIME

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

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

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

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

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

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

The following questions were responded to at the meeting:

Mr. Pat Griffin, Bacchus Marsh – Advertising and public consultation period for Underbank Estate Rezoning, Amendment C62.

Mrs. Angela Kearns, Mount Egerton – Key Priority Projects Document (Wind farms).

Mr. Frank Kearns, Mount Egerton – Wind farms.

Ms. Danielle Cooper, Bacchus Marsh – Graffiti removal.

9. PETITIONS

Nil.

10. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Nil.

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

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

Item No	Description	Name	Position
11.2.1	Planning Application PA2013-142; Use of the Land as a Place of Assembly Function Centre and Accommodation and Removal of Native Vegetation at Lots 5 & 6 on PS 308194T Boyd Baker House, 305 . 307 Long Forest Road, Long Forest 3340	Bob Reid	Objector
11.2.1	Planning Application PA2013-142; Use of the Land as a Place of Assembly Function Centre and Accommodation and Removal of Native Vegetation at Lots 5 & 6 on PS 308194T Boyd Baker House, 305 . 307 Long Forest Road, Long Forest 3340	Julie Lewin	Objector
11.2.1	Planning Application PA2013-142; Use of the Land as a Place of Assembly Function Centre and Accommodation and Removal of Native Vegetation at Lots 5 & 6 on PS 308194T Boyd Baker House, 305 . 307 Long Forest Road, Long Forest 3340	Geoff Button	Objector

11.2.1	Planning Application PA2013-142; Use of the Land as a Place of Assembly Function Centre and Accommodation and Removal of Native Vegetation at Lots 5 & 6 on PS 308194T Boyd Baker House, 305 . 307 Long Forest Road, Long Forest 3340	Gisela Gandert	Objector
11.2.1	Planning Application PA2013-142; Use of the Land as a Place of Assembly Function Centre and Accommodation and Removal of Native Vegetation at Lots 5 & 6 on PS 308194T Boyd Baker House, 305 . 307 Long Forest Road, Long Forest 3340	Tim Feetham	Objector
11.2.1	Planning Application PA2013-142; Use of the Land as a Place of Assembly Function Centre and Accommodation and Removal of Native Vegetation at Lots 5 & 6 on PS 308194T Boyd Baker House, 305 . 307 Long Forest Road, Long Forest 3340	Patricia Provis on behalf of T & F James	Objector
11.2.2	PA2012-069 Amendment to Trading Hours for a Medical Centre; at Lot 22 on PS112262, 162 Gisborne Road, Darley	Josephine Holborn	Objector
11.2.3	PA2013-185; Earth and Energy Resources Industry (Stone extraction) at Lot 1 on TP 170550X (formerly pt CA 12C, Parish of Ballark) Twin Lakes Road, Mount Wallace VIC 3342	Alex Barns	Objector
11.2.3	PA2013-185; Earth and Energy Resources Industry (Stone extraction) at Lot 1 on TP 170550X (formerly pt CA 12C, Parish of Ballark) Twin Lakes Road, Mount Wallace VIC 3342	Greg Lakey	Objector

11.2.3	PA2013-185; Earth and Energy Resources Industry (Stone extraction) at Lot 1 on TP 170550X (formerly pt CA 12C, Parish of Ballark) Twin Lakes Road, Mount Wallace VIC 3342	Hayley Coates, BJT Speaking on behalf of the applicant	Applicant
11.2.4	Planning Application PA2013-077; Use and Development of an Outbuilding ancillary to a Dwelling for a Home Occupation on Lot 2 PS 126568, 2054 Old Melbourne Road, Millbrook	Mark and Andrea Weigall	Applicant
11.2.5	Planning Application PA2012-063; Keith Altmann & Associates Development of Thirteen (13) Dwellings; Lot 4 on PS 146426P, Meikle Street, Maddingley	Lincoln Powell	Objector
11.2.5	Planning Application PA2012-063; Keith Altmann & Associates Development of Thirteen (13) Dwellings; Lot 4 on PS 146426P, Meikle Street, Maddingley	Arnie Macknamara	Objector
11.2.6	Planning Application PA2013-076; Keith Altmann & Associates; Development and use of a child care facility and business identification signage; Lot 1, 2 & 3 on PS 146426P, 8-12 Labilliere Street, Maddingley	Melissa Powell	Objector

11. OFFICER'S REPORTS

11.1 CHIEF EXECUTIVE OFFICER

No reports for this meeting

11.2 GROWTH AND DEVELOPMENT

11.2.1 Planning Application PA2013-142; Use of the Land as a Place of Assembly Function Centre & Accommodation and Removal of Native Vegetation at Lots 5 & 6 on PS 308194T Boyd Baker House, 305 – 307 Long Forest Road, Long Forest 3340.

Application Summary:	
Permit No:	PA2013-142
Lodgement Date:	24 June 2013
Planning Officer:	Rob Fillisch
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	18 September 2013
Address of the land:	305 . 307 Long Forest Road, Long Forest
Proposal:	Use of the Land as a Place of Assembly Function Centre & Accommodation and Removal of Native Vegetation
Lot size:	12.5 hectares
Why is a permit required	<p>Clause 35.03-1 . Rural Living Zone . both uses fall within Section 2</p> <p>Clause 35.03-3 . Rural Living Zone . buildings and works</p> <p>Clause 44.06-1 . BMO . buildings and works</p> <p>Clause 52.17 . native vegetation removal</p>
Public Consultation:	
Number of notices to properties:	65
Notices on site:	One
Notice in Moorabool Newspaper:	Nil
Number of Objections:	Thirty five (35) and one petition with fifty nine (59) signatures
Consultation meeting:	The applicant was invited to submit additional information and a consultative meeting was deferred until this material was received. Subsequently an Application for Review has been lodged by the permit applicant with VCAT.

Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Sian Smith</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Robert Fillisch</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
The subject site has been used as a Place of Assembly and accommodation without planning permission. The owner was informed that planning permission was required for these activities and subsequently an application was lodged with Council. The three buildings on the site have architectural significance and they are registered with Heritage Victoria. The vegetation on the site and in the immediate surrounds has ecological significance being the only Mallee Woodland occurring to the south of the Great Dividing Range. The position of the subject site is somewhat unique as the Long Forest Nature Reserve surrounds it. Access to the buildings is via a long relatively narrow dirt track. The site and surrounding land has extensive bush coverage. The area in which the buildings are located is flat and the immediate topography is one of steep slopes and gullies.	

The activities on the site have generated complaints to Council in relation to noise, loss of amenity and poor patron behaviour. The application has received a significant number of objections that have the same concerns.

The application was referred to all appropriate authorities and within Council departments for comment. Of significance the CFA objected to the application. The permit applicant was provided with a copy of the CFA objection and given the opportunity to respond. The permit applicant then submitted further specialist information and this was on sent to the CFA. The CFA after reviewing the additional submission has maintained its objection. The CFA has objected on the basis that adequate fire protection cannot be provided for the type of activity proposed. Furthermore the CFA has indicated extensive clearing adjacent the buildings would be necessary to achieve compliance with the Defendable space requirements of Clause 52.47. As the CFA is a statutory referral authority under Section 55 of the Planning & Environment Act 1987 Council is obliged to refuse the application. Apart from the fire risk (a concern raised by many of the objectors) there are also proposed grounds of refusal based on inappropriate access, inadequate management arrangements, poor parking arrangements, adverse impacts on the surrounding area and unfavourable locational characteristics.

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

The application was advertised and thirty-six objections (including one petition) were received. The submissions raised concerns about the impact on the fauna and flora of the area; inadequate access, loss of privacy, noise, impact on traffic conditions and potential fire risk. A consultation meeting was not held as the permit applicant has lodged an Application for Review with VCAT.

This report recommends that Council issue a Notice of Refusal to use the land for a Place of Assembly and Accommodation; and native vegetation removal.

Summary Recommendation:

That, having considered all relevant matters as required by s.60 of the Planning and Environment Act 1987, Council issue a Notice of Refusal to Grant a Permit in accordance with Section 84 of the Act to use the land for a Place of Assembly and Accommodation; and native vegetation removal at Lots 5 & 6 on PS 308194, 305 . 307 Long Forest Road, Long Forest subject to eight (8) grounds of refusal.

Background

The subject site was developed as a rural residential property in the mid to late 1960s. It contains three buildings of significant architectural value and these are on the Victorian heritage register. Robin Boyd a significant Australian architect of the 20th century designed the two buildings used as dwellings. The third building, used as a library was designed by the noted architect Sir Roy Grounds. The original owner sold the land in 2006. Earlier the owner (Baker) had subdivided the land and given a substantial area to the State Government. This land now forms the Long Forest Nature Reserve. The balance of the land consisted of 12.5 hectares and contained the three buildings (ie. the subject site). The Long Forest Nature Reserve surrounds the property. The site and surrounds have particularly ecological significance being the only Mallee woodland occurring to the south of the Great Dividing Range.

The new owner has been letting the two buildings for short stays. These buildings can accommodate up to 20 persons. The buildings and surrounding grounds have also been used as a function centre (ie. Place of Assembly).

The activities undertaken on the site have generated complaints to Council. The permit applicant now seeks planning approval to formalize the existing activities. The applicant also seeks approval for native vegetation removal to provide for adequate defensible space to satisfy the Bushfire Management Overlay provisions. The proposed parking areas would require alterations to the existing native vegetation.

Enforcement Proceedings

At a practice day hearing on 10 May 2013 the enforcement order was placed on hold until 31 August to allow the applicant to apply for a planning permit. It was envisaged by VCAT that this would provide sufficient time for the matter to be determined by Council. An application was lodged on the 24 June 2013 but further information was required to enable Council to make an informed decision on the application.

Given the application was not determined by 31 August 2013, Council requested a Practice Day Hearing at VCAT to request that the operation of the site for a Function Centre and Accommodation cease. This was based on the impending fire season and potential risk of the operation. At the hearing on the 11th October 2013 the VCAT member was not prepared to grant the order as per Council's request. The member did state that Council could apply for an interim enforcement order.

At this hearing on the 11 October 2013, VCAT determined that the proponent could hold functions that were already booked, but could not take any more bookings from 1 October until the date of the mediation hearing on 9 December 2013. The schedule provided by the proponent indicated that a wedding was booked for every weekend between 11 October and 8 December 2013. These functions may now proceed at VCAT's direction.

On the 1 November 2013, Council was formally advised by VCAT that there is mediation on 9 December 2013. All objectors have been notified by VCAT of the mediation and they have the opportunity to submit a statement of grounds to VCAT which will enable them to become a party to this hearing. A resolution at mediation can only occur if all the parties at the hearing agree to the proposal in accordance with discussion/negotiations at that hearing.

As a result of VCAT allowing the continued use of the site, Council has sent a letter to the proponent advising the use is not sanctioned by Council and the use of the site will be conducted at the proponents own risk.

Council's legal representatives are currently preparing an application for an interim enforcement order with regard to this matter. An interim enforcement order is to demonstrate that Council is aware of the risks and believes that these risks are unacceptable when considering matters of public safety. There are sufficient VCAT cases which would support this type of action being taken.

Proposal

It is proposed to use the land for the purpose of Accommodation and a Place of Assembly. The buildings can provide accommodation for up to 20 persons, 16 persons within the Boyd Baker House and 4 persons within the Boyd Dower House. The buildings on the site and associated grounds are also proposed to be used as a function centre for up to 200 guests. The application seeks approval to remove native vegetation principally to improve the fire safety of the property. The proposed parking changes may include a degree of works.

The permit applicant via their planning consultant has set out proposed operational parameters associated with the place of assembly, these include:

- A Bushfire Emergency Plan;
- Limited to 200 guests on site at any one time;
- During the operation of any evening functions on the land, two security personnel must be onsite from 9.00pm until the completion of the event;
- For any evening function the phone number of the owner or security personnel shall be given to Council and all landowners within 1 kilometre radius, the purpose being to provide a reliable contact to ensure a prompt response to any complaints;
- Compliance with the State Environment Protection Policy (Control of Music from Public Premises) N-2;
- Amplified music is not permitted to be played after 12.30am; and
- A requirement that the owner ensure no undue detriment is caused to the amenity of the area as a consequence of the function use.

The proposal was accompanied by a traffic engineering report. The report includes survey data from a wedding held on 15 December 2012. The report concludes that for a 200 person function at least 60 car parking spaces be provided. The report notes that parking is provided in an informal manner on the site including on one side of the accessway. The report indicates that there should be no need to provide car parking along Long Forest Road. The report also considers that the access onto Long Forest Road is adequate in terms of traffic safety.

A Bushfire Management Statement also accompanied the application. This considered fire safety issues and the ecological conditions onsite. An amended report was later submitted following the initial CFA objection. The ecologist report recommended that a Bushfire Emergency Plan be prepared. It also provides recommendations concerning the extent and location of native vegetation removal associated with providing defendable space pursuant to Clause 52.47.

Site Description

The site is located on the west side of Long Forest Road. It has an irregular shape with an area of 12.5 hectares. The site is developed with three buildings. These two dwellings are known as the Boyd Baker house, the Boyd Dower house and the Grounds library. The buildings on the site and surrounding grounds are registered by Heritage Victoria on the basis that they have significant architectural value.

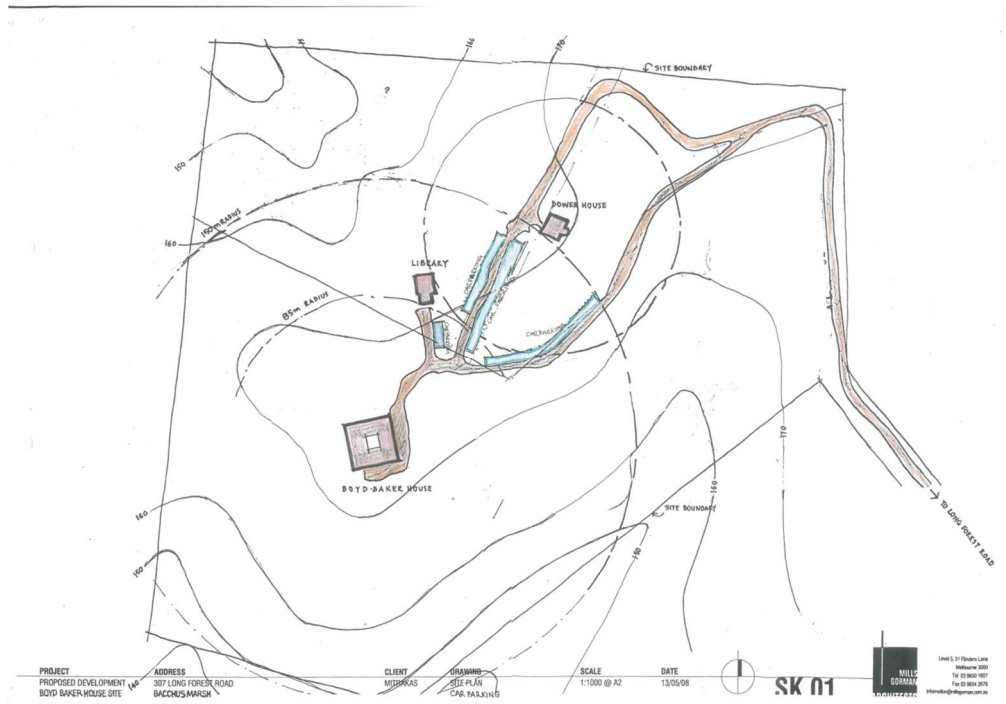
The buildings are centrally located deep within the site. The buildings are accessed by means of an 800m long dirt track. The track has a width of approximately 4.5m. Much of the access way adjoins the Long Forest Nature Conservation Reserve. This is a heavily vegetated bush area that is steeply sloping. There are no fences demarking the site from the adjoining nature reserve. The reserve borders the site on all sides apart from the narrow entrance to the roadway.

There are residential properties set on large lots on the east side of Long Forest Road and further north.

Surrounding land contains bushland and residential development at low densities. Long Forest is the only patch of Mallee woodland occurring to the south of the Great Dividing Range.

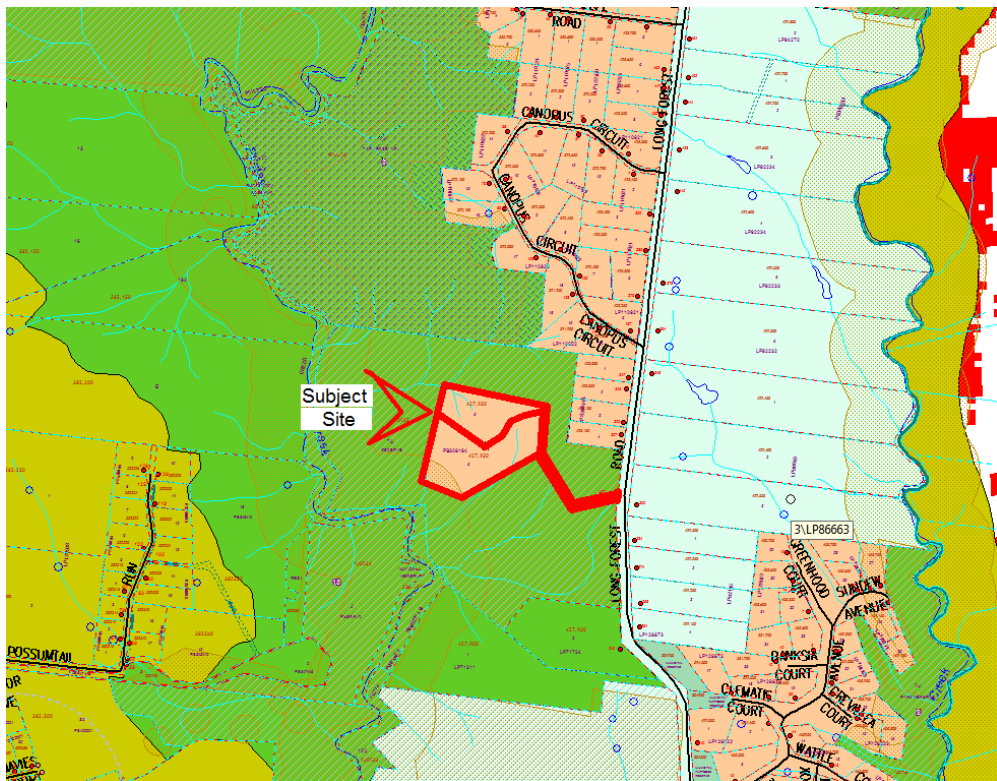
The property was used for residential purposes until 2006. Sometime afterwards the property started being used for accommodation and functions. Council has informed the property owner that planning permission was required for these activities and the current application was subsequently lodged.

Application Plans



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).

SPPF		
Clause 12.01	Biodiversity/Native Vegetation	Planning policy seeks to protect and enhance the natural environment. The subject site contains significant vegetation. The proposal includes the removal of native vegetation adjacent to the buildings.
Clause 13.05	Bushfire	The subject site is located in an area identified as being at risk of bushfire. Planning policy seeks to minimise the potential for fire risk to people and property. The CFA has assessed the proposal and found that the proposal would result in unreasonable fire risks.
Clause 15.03	Heritage	Heritage policy seeks the protection and appropriate use and development of heritage assets. The application does not seek to alter the existing buildings. The fire risk associated with the proposed use is such that there will be changes (ie. reduction/removal) of the native vegetation adjacent the buildings. This will adversely impact on the heritage values of the site. The proposal does increase public access to the site albeit in a restricted manner.
Clause 17.03-1	Facilitating Tourism	Planning policy seeks to promote tourism and associated economic development. The proposal will be consistent with encouraging economic development and the re-use of a heritage asset.
LPPF		
Clause 21.02	Natural Environment	Protection of the ecological values of the Long Forest is encouraged. The vegetation onsite is of ecological significance. Policy also seeks to minimise the adverse impacts of wildfire.

Clause 21.04-5	Economic Development	The policy seeks to support tourism by protecting the local environment and heritage assets. The proposal seeks to generate employment on the site and actively use heritage assets for commercial benefit.
Clause 21.06	Heritage	The policy recognises that the Shire contains many heritage assets that require particular care in terms of management and protection.

Zone

The land is zoned Rural Living under the Moorabool Planning Scheme. A Place of Assembly is defined as:

Land where people congregate for religious or cultural activities, entertainment, or meetings.

The use is in Section 2 of the Table to Clause 35.03-1. Accommodation of the type proposed is also similarly positioned under the zoning. Changes to accommodate increased car parking may be classified as ~~works~~sq Approval is sought to remove native vegetation and accordingly planning approval is required pursuant to Clause 52.17.

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

Overlays

The land is included in a Heritage Overlay (Schedule 55). Pursuant to Clause 43.01-1, a planning permit is required for ~~B~~Buildings and works~~sq~~ The site is registered by Heritage Victoria (H2218). Due to this control, Heritage Victoria is responsible for assessing all buildings and works proposals. Advice from Heritage Victoria indicates no application has been made.

A Bushfire Management Overlay also covers the site. Under this overlay a planning permit is required for any buildings and works (Clause 44.06-1) associated with Accommodation or a Place of Assembly. Clause 66.03 requires that any such applications be referred to the CFA.

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 seek the protection of both heritage assets and the natural ecology. The provisions also place significance importance on protection from bushfire.

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

The permit application seeks retrospective planning permission for uses that have operated for a number of years. The applicant has outlined the various merits of the proposal. These include allowing access to the site to various members of the public who would otherwise not have the opportunity to experience what are significant architectural expressions of the 1960s and 1970s. The importance of these buildings and associated site is recognized by the Victorian Heritage registration. The applicant further puts that the proposal will boost tourism and associated economic development. There is obvious merit in these suggestions however they cannot be viewed in isolation. An important issue is whether the site has the capacity to accommodate the intended uses given its locational and environmental constraints.

The proposal will necessitate the clearing of vegetation around the buildings. The CFA assessment of the required defendable space adjacent to the buildings is greater than that put forward by the applicant's ecologist. It is evident that a significant amount of clearing will be required. The values associated with the buildings on site are in part tied to their position amongst bushland set deep inside the property. The vegetation clearance conditions associated with any approval will impair the existing relationship between the buildings and bushland. In this way the proposal can be said to be adverse to the heritage status of the site.

The actual buildings are located well within the site. The accessway comprises a dirt track with a width of 4.5 metres. The accessway to the buildings is flanked by bushland for some 800 metres. The internal access is considered problematic given the potential for bushfire as well as the proper operation of vehicle movement.

The number of residential properties nearby although well below densities found in suburban or township areas is not insignificant. The low density nature of the surrounds along with the extensive bushland provides for a tranquil setting. In terms of noise levels this leads to a low ambient setting. Comment is made on the objections below but a consistent theme raised is the disturbance that the current operations have caused.

The low intensity nature of the surrounds implies that the area is susceptible to disruption, particularly noise. The applicant has not indicated whether the suggested operational requirements are currently in place. There is a degree of uncertainty about the effectiveness of the measures proposed. The venue, due to the number of patrons proposed (up to 200), will operate mostly outdoors. There is limited ability to therefore control certain aspects of the operation (ie. sound protection).

The relatively high numbers of patrons and the locational circumstances indicate that fire safety is a significant planning consideration. In the assessment of the fire safety issues, the CFA as a mandatory referral authority has objected to the application. Council is therefore obliged to refuse the application. Apart from the CFA objection there are locational, heritage and amenity grounds upon which the application should be refused.

Environmental Significance

Having regard to the comments of the CFA, the proposal will cause an adverse impact on the site. The loss of native vegetation as well as potential effluent issues are also concerns.

Clauses 35.03, 44.06, 52.17 & 65 – Decision Guidelines

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

The proposal creates a number of uncertainties on the potential impact on the natural environment. The proposal has the potential to cause a loss of amenity to the surrounding area. The site limitations are 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: CFA	The CFA has objected to the application
Section 52 notice: Heritage Victoria	Requested that an application be made to Heritage Victoria as the application requires separate approval from Heritage Victoria
DEPI	Requires further information on the extent of vegetation clearance. This may require the application to be re referred as a Section 55 referral. No further information was provided by the applicant.
Internal Council Referrals Strategic Planning Environmental Health Environmental Officer Infrastructure	Objects on the grounds that a permit should not issue without a Heritage Victoria permit being issued first. No objection subject to conditions. Objects on the ground insufficient information has been provided to assess vegetation removal. No objection.

Public Notice

Notice of the application was sent to adjoining landowners and those downstream. The advertising process was from 19 July 2013 to 12 August 2013. Thirty six (36) objections were received including one petition.

Summary of Objections

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

Objection	Officer's response
The proposal is in conflict with the zoning.	The site is within the Rural Living Zone where the proposed uses are permissible subject to planning approval. In this instance the proposal has minimal compatibility with the zoning purpose.
The proposal will adversely impact upon the biodiversity of the property.	The potential impacts on the surrounding biodiversity are broad and at present unclear due to unknown vegetation removal required. This is part of the reason for the officer recommendation for refusal.

Inadequate operational provisions.	The permit applicant has suggested various operational management procedures and processes. The uses have been in operation and these have led to disturbance to nearby properties. The nature of the proposed operations being largely outdoors indicates potential for adverse amenity outcomes. It is considered that permit conditions could be devised to limit the impact of the operation on surrounding premises.
The proposal will lead to a loss of local amenity.	While it is acknowledged that the current functions at the property have resulted in adverse amenity impacts it may be possible to include conditions to alleviate these issues. It also must be noted that the current operation of the facility has in essence been uncontrolled.
Adverse impact on the operating conditions of Long Forest Road.	Long Forest Road is a public road and Councils infrastructure department have not indicated the road cannot cope with the traffic created by this operation. It would be useful to have adequate advanced signage should a permit issue.
Inadequate septic conditions causing runoff given the scale of the operations.	The Council's Environmental Health Officer has found that the existing septic tanks are adequate.
Potential fire risk to the site and surrounds.	The CFA have objected to the application.

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. A consultation meeting has not taken place as Council officers were awaiting additional material from the applicant in the interim an Application for Review was lodged by the permit applicant.

Conclusion

The proposal is considered to be an inappropriate use of the site and will adversely impact on environmental conditions, heritage values and the amenity of the surrounding area. The proposal has been deemed by the CFA to represent an unacceptable fire risk. The proposal is inconsistent with policy and does not satisfy the intent and provisions of the zone or overlays.

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

As the matter has now proceeded to VCAT Council can determine the matter under Section 84 of the Planning and Environment Act (1987) however cannot issue a permit. The matter is listed for a full hearing on 28 January 2014. At the conclusion of the hearing VCAT will provide a final order with a direction for Council to either issue a permit or uphold Council's refusal.

Consideration of Deputations - Planning Permit Application No 2013-142.

Mr. Bob Reid addressed Council as an objector to the granting of a planning permit for the application.

Ms. Julie Lewin addressed Council as an objector to the granting of a planning permit for the application.

Mr. Geoff Button addressed Council as an objector to the granting of a planning permit for the application.

Ms. Gisela Gandert addressed Council as an objector to the granting of a planning permit for the application.

Mr. Tim Feetham addressed Council as an objector to the granting of a planning permit for the application.

Ms. Patricia Provis addressed Council on behalf of T & F James as objectors to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:

Crs. Dudzik/Spain

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Notice of Refusal to Grant a Permit PA2013-142 for the Use of land for a Place of Assembly and Accommodation; and Native Vegetation removal at Lots 5 & 6 on PS 308194, 305 – 307 Long Forest Road, Long Forest subject to the following grounds of refusal.

1. ***The proposal fails to comply with State and Local Planning Policy.***
2. ***The applicant has not provided sufficient information to enable full assessment of the application with regard to native vegetation clearance.***
3. ***The fails to comply with the provisions of Clause 44.06 Bushfire Management Overlay.***
4. ***The proposal will cause a loss of amenity to the area.***

CFA grounds

5. ***The proposal fails to comply with the State Planning Policy Framework clause 13.05 - Bushfire, clause 44.06 - Bushfire Management Overlay and the objectives of clause 52.47 - Bushfire Protection Planning Requirements as:***
 - ***The land is located in an area of significant bushfire risk at both the local and broader scale and the current proposal does not reduce the risk to human life from bushfire to an acceptable risk.***
6. ***The proposal fails to comply with the objective of clause 52.47-8 (Defendable space and construction for other occupied buildings objective) and mandatory Standard BF8.1 and Standard BF8.2. as:***
 - ***The identified places of shelter – Boyd Baker House (principle place of shelter) and Boyd Dower House (ancillary place of shelter) have not been provided with defendable space appropriate to the number, age and mobility of anticipated occupants and in accordance with Table 2 of Clause 52.47.***
 - ***The proposed alternative method for calculating defendable space for the principle dwelling - Boyd Baker House, using Mallee instead of woodland vegetation class, is not acceptable as Woodland is the predominant vegetation class that will generate the anticipated bushfire behaviour within the subject land and the wider surrounding landscape.***
7. ***The proposal fails to comply with the objective of clause 52.47-10 (Water supply and access objectives) and Mandatory Standard BF10 as:***
 - ***The proposal does not clearly identify the number and capacity of dedicated static water supply to ensure an adequate supply of water is provided to protect the anticipated number of occupants and buildings during and after the passage of a bushfire.***
 - ***The current proposal fails to provide appropriate access arrangements.***

8. The current bushfire emergency plan fails to ensure adequate protection of human life due to the following factors:

- *It does not provide suitable 'triggers' for closing the facility under significant fire weather conditions and appropriate to the level of bushfire threat to the site.*
- *It does not adequately assign responsibility for enacting the plan to suitably qualified and trained individuals to provide confidence the plan will be appropriately implemented if required.*
- *It provides inadequate procedures for monitoring potential fire activity in the area.*

CARRIED.

Report Authorisation

Authorised by:

Name:

Satwinder Sandhu

Title:

General Manager Growth and Development

Date:

Thursday, 21 November 2013

11.2.2 PA2012-069 Amendment to Trading Hours for a Medical Centre; at Lot 22 on PS112262, 162 Gisborne Road, Darley

Introduction

File No.: PA2012-069
Author: Sian Smith
General Manager: Satwinder Sandhu

Background

On 19 September 2012 it was resolved at an Ordinary Meeting of Council to issue a Notice of Decision to grant a Planning Permit for Use and Development of the land for a Medical Centre; Alteration of Access to Road Zone and Business Identification Signage at Lot 22 of PS 112262, 162 Gisborne Road Darley VIC 3340.

No appeal was made by any party to the Victorian Administrative and Civil Tribunal and subsequently a planning permit was granted for the medical centre on 24 October 2014.

The medical centre has since established and has a planning permit to trade Monday to Friday 8:00 am to 6:00 pm and 9:00 am until 12 noon on weekends and public holidays with two practitioners.

On 15 July 2013 Council received an application to amend the Planning Permit to increase the number of practitioners from two to three and to alter the medical centre trading hours to the following:

- (a) Extend Monday to Friday open hours an additional two hours from 6:00 pm to 8:00 pm; and
- (b) Alter weekend trading hours from 9:00am to 12 noon to 11:00 am to 5:00 pm increasing opening hours by an additional 3 hours.

Increasing the practitioners from two to three would also require a car parking provision of (11) eleven spaces and a site plan was submitted including this requirement onsite.

The amendment was subject to public notice and during the notification period Council received two objections to the amendment.

Some of the concerns raised by objectors were;

- extended hours would increase on-street car parking demand;
- car parking and increased traffic movements would result in a loss of amenity and security;
- the approval of any increase to the hours may set a precedence for further increases at a later stage.

This matter was deferred at the 6 November 2013 Ordinary Meeting of Council with a resolution for officers to prepare an alternative motion providing grounds for refusal. *A copy of the original officer's report is attached to this report.*

As a result of the recommendation of the 6 November 2013 Ordinary Meeting of Council and on the basis of the objection raised, the proponent on 22 November 2013 submitted an application to amend the application in progress to revise the application as follows:

- (a) Continue to seek an amendment of Monday to Friday trading hours to increase from 8:00am to 6:00pm for an additional two hours being 8:00am until 8.00pm Monday to Friday.
- (b) Remove the request to alter weekend and public holiday trading hours. The opening hours as granted on the original permit would be retained being 9:00am until 12 noon.

The report has been returned for consideration with a recommendation for approval to grant an amended permit on the basis of the recently submitted amendment.

Policy Implications

The 2009. 2013 Council Plan provides as follows:

Key Result Area	Enhanced Natural and Built Environment
Objective	Effective and efficient land use planning and building control
Strategy	Provide a high quality and timely development application processing system

The proposal is consistent with the 2009-2013 Council Plan.

Financial Implications

The recommendation for amendment of this proposal would not present any undue financial burden to Council.

Risk & Occupational Health & Safety Issues

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

Communications Strategy

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

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.

Manager – Satwinder Sandhu

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

Author – Natalie Robertson

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

Discussion:

The original permit grants trading hours as follows:

- Monday to Friday 8:00 a.m. to 6:00 p.m.; and
- Saturday, Sunday and Public Holidays 9:00 a.m. to 12 noon.

These trading hours continue and remain valid should Council determine to refuse this amendment application.

Given that the proponent has given consideration to concerns raised by the surrounding residents and amended the application in order to remove the changes to the weekend trading hours it is considered reasonable to recommend approval of this amendment application.

Conclusion

This proposal has been assessed against the relevant sections of the Moorabool Planning Scheme and it is recommended that the application should be granted and a Notice of Decision to Grant an Amended Planning Permit be provided subject to variation of some conditions.

Consideration of Deputations - Planning Permit Application No 2012-069.

Ms. Josephine Holborn addressed Council as an objector to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation:

That Council, having considered all relevant matter as prescribed by S.61 of the Planning and Environment Act, issue a Notice of Decision to Grant an Amended Planning Permit PA2012-069 for the Use and Development of the land for a Medical Centre, Alteration to Access to a RDZ1 and Erection of Business Identification Signage at Lot 22 on PS 112262, 162 Gisborne Road Darley VIC 3340 subject to the following amendments:

1. Condition 1 of the original Planning Permit shall include the following:
 - a) *Landscaping using species with dense foliage and/or hedging properties will be required to be planted along the rear boundary to the satisfaction of the responsible authority;*
 - b) *Extension of the rear boundary fence to a height of 1.8m.*
 - c) *Provision of sensor lighting from the front entry directed along the access drive and suitably baffled so as not to impact adjoining properties.*

2. Condition 2 be amended to read as follows:

Unless otherwise approved in writing by the responsible authority the use may only occur between the hours of:

 - a) *8:00am and 8:00 pm (Monday to Friday); and*
 - b) *9:00am and 12 noon (Weekends and Public Holidays).*

3. A new permit condition should be provided at Condition 3 as follows:
 3. *There must be no more than three practitioners operating from site at any given time unless with the written consent of the responsible authority.*

4. A new permit condition should be provided at Condition 4 as follows:
 4. *Access gates to the subject site should be securely closed outside opening hours to the satisfaction of the responsible authority.*

5. All subsequent conditions should be renumbered accordingly to reflect the inclusion of new Conditions 3 and 4.

Resolution:**Crs. Dudzik/Edwards**

That Council, having considered all relevant matter as prescribed by S.61 of the Planning and Environment Act, issue a Notice of Decision to Grant an Amended Planning Permit PA2012-069 for the Use and Development of the land for a Medical Centre, Alteration to Access to a RDZ1 and Erection of Business Identification Signage at Lot 22 on PS 112262, 162 Gisborne Road Darley VIC 3340 subject to the following amendments:

1. *Condition 1 of the original Planning Permit shall include the following:*

- a) *Landscaping using species with dense foliage and/or hedging properties will be required to be planted along the rear boundary to the satisfaction of the responsible authority;***
- b) *Extension of the rear boundary fence to a height of 1.8m.***
- c) *Provision of sensor lighting from the front entry directed along the access drive and suitably baffled so as not to impact adjoining properties.***

2. *Condition 2 be amended to read as follows:*

Unless otherwise approved in writing by the responsible authority the use may only occur between the hours of:

- a) *8:00am and 8:00 pm (Monday to Friday); and***
- b) *9:00am and 12 noon (Weekends and Public Holidays).***

3. *A new permit condition should be provided at Condition 3 as follows:*

- 3. *There must be no more than three practitioners operating from site at any given time unless with the written consent of the responsible authority.***

4. *A new permit condition should be provided at Condition 4 as follows:*

- 4. *Access gates to the subject site should be securely closed outside opening hours to the satisfaction of the responsible authority.***

5. *All subsequent conditions should be renumbered accordingly to reflect the inclusion of new Conditions 3 and 4.*

6. *Condition 1 of the Planning Permit should be corrected where the wording at Condition 1 a) states "...for the visitors, patience, and staff members...", the word "patience" should be replaced with "patients".*

LOST.

Resolution:**Crs. Toohey/Sullivan**

That Council, having considered all relevant matter as prescribed by S.61 of the Planning and Environment Act, issue a Refusal to Grant an Amended Planning Permit PA2012-069 for the Use and Development of the land for a Medical Centre, Alteration to Access to a RDZ1 and Erection of Business Identification Signage at Lot 22 on PS 112262, 162 Gisborne Road Darley VIC 3340 subject to the following grounds:

- 1. An increase in Practitioners to the facility has potential to increase traffic which would result in an impact to the amenity of the surrounding residential area.***
- 2. Alteration of the trading hours to increase opening times would prolong the impact to the surrounding residential area amenity which is already considered to be suffering detriment caused by operation of such a facility.***

CARRIED.

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

Satwinder Sandhu

Title:

General Manager Growth and Development

Date:

Thursday, 21 November 2013

11.2.3 Planning Application PA2013-185; Earth and Energy Resources Industry (Stone extraction) at Lot 1 on TP 170550X (formerly pt CA12C, Parish of Ballark) Twin Lakes Road, Mount Wallace VIC 3342

Application Summary:	
Permit No:	PA2013-185
Lodgement Date:	6 August 2013
Planning Officer:	Victoria Mack
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	7 October 2013
Address of the land:	Lot 1 on TP 170550X (formerly part CA12C, Parish of Ballark); or Twin Lakes Road, Mount Wallace VIC 3342
Proposal:	Use and development of an Earth and Energy Resources Industry (Stone extraction)
Lot size:	25.92ha
Why is a permit required	Farming Zone: Clause 35.07-1, section 2 use of land for Stone extraction and 35.07-4 - works associated with a Section 2 use. Environmental Significance Overlay: Clause 42.02, Schedule 1 . earthworks.
Public Consultation:	
Number of notices to properties:	8
Notices on site:	1
Notice in Moorabool Newspaper:	N/A
Number of Objections:	Three (3)
Consultation meeting:	Not held due to local and commercial issues.

Policy Implications:	
Key Result Area -	Enhanced Infrastructure and Natural Built Environment.
Objective -	Effective and efficient land use planning and building controls.
Strategy -	Implement high quality, responsive, and efficient processing systems for planning and building applications. Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	
Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Sian Smith</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Victoria Mack</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
<p>The application seeks approval to use and develop land for the purpose of gravel extraction (small quarry) at Twin Lakes Road, Mt. Wallace.</p> <p>The applicant has stated in the cover letter attached to the application that he is the Company Director of Central Highlands Excavating Pty Ltd. The company has been a successful tenderer in the Moorabool Shire Council Gravel Road Re-sheet Program in 2010/2011, 2012/2013 and also in 2013/2014. The applicant states that he is listed with the Moorabool Shire Council as a preferred supplier.</p>	

Despite the company being a preferred supplier this has had no bearing on the assessment of the application. The application was assessed on its planning merits taking in to consideration the Moorabool Planning Scheme, relevant policies, public notice and referral comments.

The application was referred to the required referral authorities and within Council departments for comment. No objections from referral authorities were raised provided certain conditions were placed on any permit issued. These conditions cover a range of matters including traffic management, road construction, safety and signage, the protection of water quality and control of emissions from the site.

The application was advertised and three objections were received. The submissions raised concerns about the impact of the quarry operations and truck movements on the local roads as well as the amenity impact of the quarrying operations on local residents including from dust, noise and industrial activities.

A consultation meeting was not held as it was considered that commercial interests may have been involved.

The quarry would not be a full time operation and would only operate when gravel is required for the Moorabool Shires road construction and re-sheet program. While it is acknowledged that the gravel trucks may create a detriment to local road users during peak times, permit conditions would ensure that such local impacts are appropriately managed.

The application was reviewed against the provisions of the Moorabool Planning Scheme. This report recommends that Council issue a Notice of Decision to Grant a Planning Permit for the use and development of an Earth and Energy Resources Industry (Stone extraction) subject to conditions.

Infrastructure Officer Note:

Whilst the submission states that the company has been a successful tenderer for gravel road resheet programs, this relates only to the supply and delivery of road making materials. The contractor is also one of many road making material suppliers on the preferred panel. In addition, the applicant states that the quarry would only operate when gravel is required for Moorabool Shire purposes, however, the applicant could supply the product to anyone. Also, the materials in this pit is of unknown quality and would need to meet Council's specifications before its use.

Summary Recommendation:

That, having considered all relevant matters as required by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant a Permit for the Use and development of an Earth and Energy Resources Industry (Stone extraction) at Lot 1 on TP 170550X (formerly pt CA12C, Parish of Ballark); or otherwise known as Twin Lakes Road, Mount Wallace VIC 3342 subject to conditions.

Background

The applicant has stated in the cover letter attached to the application that he is the Company Director of Central Highlands Excavating Pty Ltd. The company has been a successful tenderer in the Moorabool Shire Council Gravel Road Re-sheet Program in 2010/2011, 2012/2013 and also in 2013/2014. The applicant states that he is listed with the Moorabool Shire Council as a preferred supplier.

Proposal

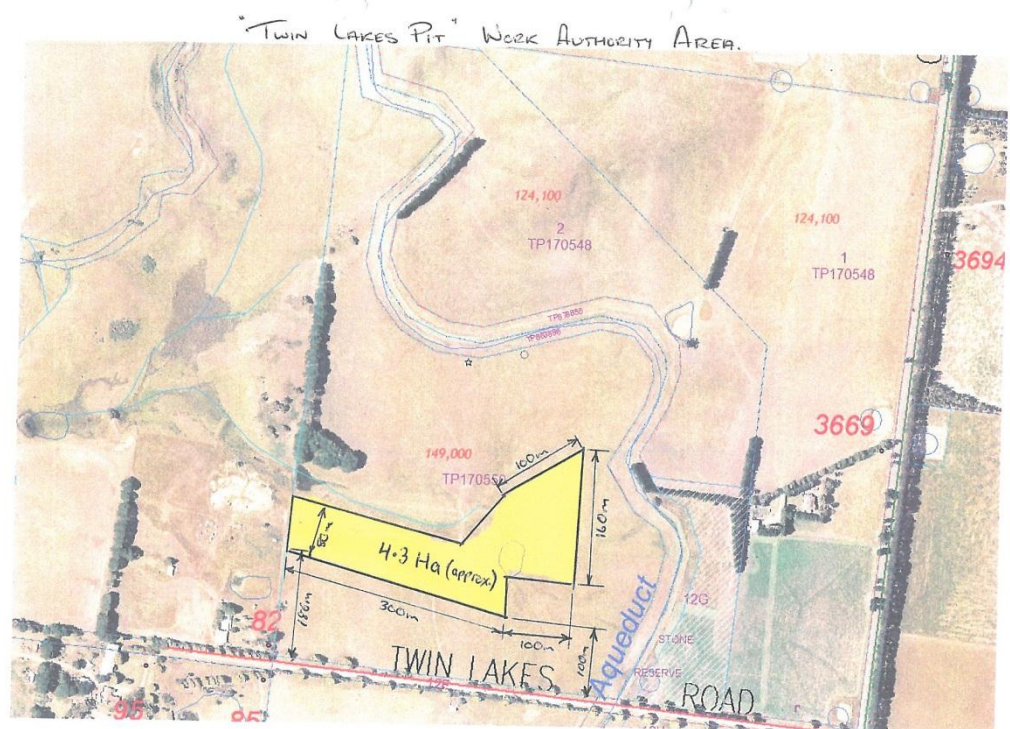
From 1 January 2010, quarries that are less than 5ha in area and less than 5m in depth, provided no blasting or native vegetation clearance occurs, will be exempt from the requirements to work to an approved Work Plan (section 77G of the *Mineral Resources (Sustainable Development) Act 1990 Act* (MSDA). Such small quarries are instead required to comply with the Code of Practice for Small Quarries, 2010, which is made under sections 89A-89H of the MSDA Act. These extractive industries still require an approved Work Authority.

This proposal meets the definition of a small extractive industry. It would be less than 5ha, less than 5m in depth, there would be no blasting and no impact on native vegetation.

Further details of the proposal include as follows:

- The gravel pit would have a life of between 5 . 7 years.
- It would not be a full time operation, and would be used only when gravel is required to as part of the Moorabool Shire re-sheet program.
- At some times the gravel pit would be a five day a week operation, at other times a two to three day operation and in the winter months it would be closed.
- The site entrance on Twin Lakes Road would be upgraded to ensure trucks would park off the Twin Lakes Road and not inconvenience local traffic.
- Tree branches would be trimmed along Twin Lakes Road as applicable.

17/12/2013



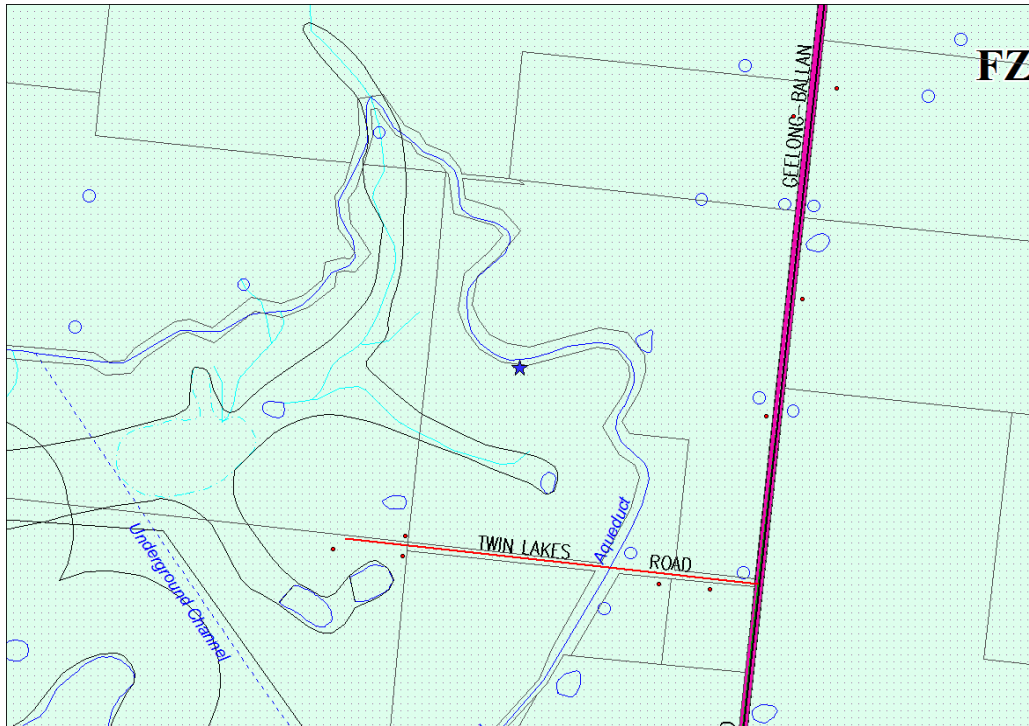
- The entrance to Twin Lakes Road from the Geelong-Ballan Road would be modified to ensure that trucks entering or exiting Twin Lakes Road would have sufficient space and appropriate lines of sight to ensure the safety of road traffic on the Geelong-Ballan Road, and local road users on Twin Lakes Road.
- Trucks to be used would not be B-doubles but rather a truck and dog trailer with a maximum load of 50 tonnes gross weight.

Site Description

The site is located on the west side of the Geelong-Ballan Road. The site is vacant farming land, however, there is evidence of previous gravel extraction on the site, and it is believed that the Shire of Ballan used the site for road making many years ago.

The site is located on the north side of Twin Lakes Road, approximately 570m from the Geelong-Ballan Road to the proposed quarry entrance.

The land is flat to undulating. Surrounding land is used for agricultural purposes including grazing and cropping. There is a waterway that dissects the site approximately 210m north of Twin Lakes Road.



Planning Scheme Provisions

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

SPPF		
Clause 12.01	Biodiversity	An inspection of the site by the Department of Environment and Primary Industries (DEPI) revealed that the subject site contains no significant vegetation. No vegetation is to be removed. The proposed works will require a minimum setback in relation to riparian systems.
Clause 13.03	Soil Degradation	The proposal will seek active management practices employed to deal with any contamination issues. The applicant must comply with the Code of Practice for Small Quarries, 2010.
Clause 14.02-1	Catchment planning and management	The applicant must comply with the Code of Practice for Small Quarries, 2010.
Clause 14.02-2	Water quality	The applicant must comply with the Code of Practice for Small Quarries, 2010.

LPPF		
Clause 21.01-2	Key Issues - Environment	Protection of waterways is a consistent theme within policy; the proposal seeks to achieve this outcome. The applicant must comply with the Code of Practice for Small Quarries, 2010.
Clause 21.02-1	Water and catchment Management	The policy notes there is a shared responsibility for water quality by the Shire, Water authorities and Catchment Management Authorities. The applicant must comply with the Code of Practice for Small Quarries, 2010.
Clause 21.02-3	Objective-Water and Catchment Management	The applicant must comply with the Code of Practice for Small Quarries, 2010.
Clause 21.02-6	Objective . Environmentally Sustainable Development	This Policy encourages land use that is environmentally sustainable and minimises adverse impacts on the ecology. The proposal is consistent with these objectives.
Clause 22.02	Special Water Supply Catchments	The applicant must comply with the Code of Practice for Small Quarries, 2010.

Zone

Farming Zone

The land is zoned Farming under the Moorabool Planning Scheme.

The use is in Section 2 of the Table to Clause 35.07-1. Clause 35.07-4 Buildings and works requires that any works associated with a Section 2 use requires a planning permit. The sub clause of Clause 35.07-4 also requires that any earthworks require a planning permit.

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

Overlays

Environmental Significance Overlay – Schedule 1

The land is included in an Environmental Significance Overlay . Proclaimed Water Catchment Areas (ESO1) under the Moorabool Planning Scheme. Pursuant to Clause 42.01, a planning permit is required for earth works.

The environmental significance of the catchment areas is cited as follows:

The Shire of Moorabool contains several proclaimed water catchments, which provide water to urban and rural development throughout the Shire. The protection of water catchments is essential to the health of all communities that rely on water for domestic and stock supply.

The environmental objectives to be achieved are:

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

Design and Development Overlay – Schedule 2

No permit is required to undertake the works under the Design and Development Overlay . Visual amenity and building design, schedule 2 (DDO2).

General Provisions

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework,
- including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

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

Under Clause 66.04, an application under the Environmental Significance Overlay must be referred to the relevant water authority.

Referrals

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

Referrals/Notice	Response
Section 55 Referrals: Western Water Southern Rural Water VicRoads Corangamite CMA Department of Environment and Primary industries (DEPI) Department of State Development, Business and Innovation (DSDBI) Barwon Water	Advised by Western Water not in their catchment area. Consent subject to five (5) conditions Consent subject to nine (9) conditions Consent subject to four (4) conditions No objection, no conditions. Consent subject to two (2) conditions and permit note. Consent subject to one (1) condition.
Section 52 notice:	None applicable
Internal Council Referrals: Infrastructure Department Assets Department	Consent subject to eight (8) conditions. Consent, conditions included with Infrastructure Department conditions.

Public Notice

Notice of the application was sent to adjoining landowners. The advertising process was conducted between from 13 September and 27 September 2013. Three objections were received.

Summary of Objections

A summary of the three (3) objections received are detailed below with officer's comments accompanying them:

Objection	Officer's Response
The value of our property will decrease if this quarry is approved.	The impact of an application for a use or development on nearby property values is not a planning consideration.

<p>Noise and dust pollution from gravel extraction activities, especially in dry weather, and dust contamination of drinking water collected from the roofs of nearby houses.</p>	<p>The applicant has indicated through a letter to objectors that a water truck will be used to suppress dust on Twin Lakes Road during dry periods. Council's Infrastructure Department has included permit conditions that require regular watering or other treatments to suppress dust during extraction activities, both on Twin Lakes Road and within the property.</p>
<p>Twin Lakes Road is a narrow gravel road, and large trucks carting gravel will be hazardous to cars, families and domestic pets.</p>	<p>The applicant has stated that at peak times there would be 6 trucks (truck and dog trailer with a maximum capacity of 50 tonnes gross weight) per day each doing 5 or 6 loads per day which would be the equivalent of 60-72 truck movements on Twin Lakes Road per day. At other times there would be 3-4 trucks operating which would be equivalent to 36-48 truck movements per day. The quarry would be closed during winter.</p> <p>Some trees may have to be lopped that overhang the road to ensure clear line of sight and the applicant has stated in his letter to objectors that the road will be maintained in a better condition than it is currently.</p> <p>Council's Infrastructure Department has included permit conditions requiring the upgrading and ongoing maintenance of Twin Lakes Road, including patrol grading to maintain the road surface in a safe condition during extraction activities.</p>
<p>We would have a gravel pit right at the front of our house and another at the back of our house.</p>	<p>There are at least two other quarries in the immediate area, one that appears to not be currently operating. The locality has a history of gravel quarrying and this is known to local residents, some of whom have benefited from gravel extraction operations in the past.</p>
<p>The operation of an industrial site close to homes will create a detriment to families and the amenity of the area.</p>	<p>The quarry will not be operating continuously and will be closed during winter. The impact of the extraction process itself is unlikely to have a more significant impact on the locality than the operation of agricultural machinery and farm equipment.</p>
<p>Our farm is on the market and this quarry will detract from a potential sale.</p>	<p>Commercial considerations such as property sales are not planning considerations.</p>

<p>The intersection of the Geelong-Ballan Road and Twin Lakes Road is dangerous now and the addition of a large number of heavy gravel trucks would only increase the danger.</p>	<p>VicRoads permit conditions require that the Geelong Ballan Road entrance is appropriately constructed with turning treatments to enter and exit Twin Lakes Road in accordance with AusRoads Guide to Road Design, part 4A: Unsignalised and Signalised intersections. Similarly VicRoads requires that the intersection must satisfy Safe Intersection Sight Distance as per the above AusRoads publication.</p>
<p>The school bus stops twice a day in term time directly opposite the intersection of Twin Lakes Road and the Geelong-Ballan Road, adding to the potential congestion and safety at certain times of the day.</p>	<p>Council's Infrastructure Department requires that when extraction works are in progress that signs must be displayed as follows: %Trucks (entering or crossing)+ warning signs (Type T2-25 as detailed in AS1742.2 %Traffic Control Devices for General Use+) must be displayed in Twin Lakes Road at a minimum distance of 100 metres from the property entrance. In addition gravel trucks would be restricted to 40 km/h along Twin Lakes Road between the property entrance and the intersection with Twin Lakes Road.</p> <p>The signage will be visible to all road users.</p>
<p>A gravel quarry will impact on the water quality in the vicinity.</p>	<p>The application was referred to the Corangamite Catchment Management Authority and Southern Rural Water both of which required permit conditions that address the protection of water quality from gravel extraction operations.</p>
<p>There are currently two operating and approved gravel facilities within the Mt. Wallace area which are more than capable of servicing the regional gravel requirements.</p>	<p>Applicants have a right under planning regulations to apply for a permit to operate a quarry which is then assessed under planning regulations. The commercial risk and / or viability of the quarry are not planning considerations.</p>

Discussion

State and Local Planning Policies

The planning policies of the Moorabool Planning Scheme place a strong emphasis on protecting water quality and riparian and natural systems. The planning policies and controls seek active management of water systems to ensure beneficial outcomes.

It is considered that the proposal generally complies with State and Local planning policies, and in this instance the Code of Practice provides significant additional planning controls for the sustainable management and operation of the proposed quarry.

If a planning permit is issued the applicant must comply with the Department of Primary Industries Code of Practice for Small Quarries, 2010. The Code of Practice covers a range of matters relating to the management of small quarries including as follows:

- The purpose of the Code;
- Approval requirements;
- Quarry design;
- Topsoil management;
- Landform design;
- Control of noxious weeds, pest animals and plant disease (invasive species);
- Drainage and erosion control;
- Water storage and discharge control;
- Groundwater;
- Slimes management;
- Fire management;
- Hazardous materials management;
- Noise;
- Dust;
- Visual management;
- Community;
- Site rehabilitation;
- Decommissioning and closure; and
- Exceptional circumstance.

In addition Clause 65 Decision Guidelines of the Moorabool Planning Scheme requires responsible authorities to consider the orderly planning of the area and the effect of the proposal on the amenity of the area.

The application was referred to a range of referral authorities as required by Clause 66 of the Moorabool Planning Scheme. VicRoads and Council's Infrastructure Department both recommended specific permit conditions relating to road construction and maintenance, traffic management and safety in accordance with AusRoads standards.

While the volume of gravel trucks using the road during peak times will be noticed by users of Twin Lakes Road, when the gravel extraction works are in process, the quarry will not be a full time operation and there will be times when the quarry is not being used, dependent on the Shire's road construction and re-sheet activities, and the quarry will be closed during the winter period. It is not considered that the actual extraction process would provide a greater impact on the locality than the existing use of agricultural and farm machinery.

The application was also referred to the relevant water authorities and the catchment management authority. No objections were raised regarding the proposal but all required specific conditions on the permit relating to sustainable land and water management.

The site for the quarry is well set back from the road, and the nearest neighbouring dwelling is approximately 260m to the west. The owners of this property were not objectors to the application.

The supervision of quarries in the State of Victoria is conducted by the Department of State Development, Business and Innovation, Earth Resources Regulation Victoria. The application was referred to this department and their permit conditions stated that:

The use and development of the subject land must not commence until the Work Authority is granted in accordance with the requirements of the Mineral Resources (Sustainable Development) Act 1990 (MRSDA)

and

The use and development of the subject land must at all times be in accordance with the Work Authority 1528, including the Code of Practice for Small Quarries.

It is therefore considered that the Code of Practice for Small Quarries, 2010, will provide the necessary regulatory framework for the safe and orderly operation of the quarry proposed in this application and it therefore recommended that the application should be supported.

Financial Implications

The recommendation of approval of this proposal does not implicate any financial risk issues to Council.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. A consultation meeting was not held with the objectors.

Conclusion

The proposal is considered to be an appropriate response to the site conditions. The proposal is consistent with policy and meets the objectives of the zone and overlays.

The application should be issued with a Notice of Decision to Grant a Permit.

Consideration of Deputations - Planning Permit Application No 2013-185.

Mr. Alex Barns addressed Council as an objector to the granting of a planning permit for the application.

Mr. Greg Lakey addressed Council as an objector to the granting of a planning permit for the application.

Ms. Hayley Coates 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, having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Notice of Decision to Grant a Permit PA2013-185 for Use and Development of an Earth and Energy Resources Industry (Stone extraction) at Lot 1 on TP 170550X (formerly part CA12C, Parish of Ballark); or otherwise known as Twin Lakes Road, Mount Wallace VIC 3342, subject to the following conditions:

1. The use and or development as shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
2. Unless specifically required otherwise by any other condition of this permit and except with the prior written consent of the responsible authority to any variation, the development must be in accordance with the plans endorsed as part of this permit.
3. All works shall be in accordance with the Department of Primary Industries Code of Practice for Small Quarries 2010, to the satisfaction of the Responsible Authority.
4. Quarry operations are only permitted between the hours of 6.30am and 5.00 pm (Monday to Friday) to the satisfaction of the Responsible Authority.
5. No vegetation on Twin Lakes Road, or at the intersection of Twin Lakes Road and the Geelong-Ballan Road, can be removed until this permit is amended to allow for any vegetation removal including the lopping of vegetation. Full details of all vegetation to be removed must be provided to Council before an amendment can be assessed.

Infrastructure conditions

- 6. A rural vehicle crossing with culvert must be provided on Twin Lakes Road to the satisfaction of the Responsible Authority. The crossing must be of sufficient dimensions to allow for the passage of heavy articulated vehicles. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.**
- 7. The following works must be undertaken in Twin Lakes Road prior to commencement of extraction activities, to the satisfaction of the Responsible Authority:**
 - a) Provision of pavement widening of sufficient dimensions to allow the safe passage of heavy vehicles on approach to the property entrance.**
 - b) Twin Lakes Road must be upgraded and shall have a pavement 5.5m wide of approved granular material to a minimum compacted depth of 150mm.**
 - c) Widening as required by VicRoads in Twin Lakes Road to allow safe passage of heavy vehicles at the intersection with the Geelong-Ballan Road.**
 - d) The pavement shall be formed to facilitate water runoff to the table drains.**
 - e) all works to be completed to the satisfaction of the Responsible Authority.**
- 8. An annual condition assessment of Twin Lakes Road must be undertaken by a certified engineer and submitted to the responsible authority for review. All works identified to restore the road back to its original condition must be carried out by the applicant to the satisfaction of the Responsible Authority.**
- 9. The following works should be undertaken during extraction activities:**
 - a) Patrol grading to the satisfaction of the responsible authority to maintain the road surface in a safe condition.**
 - b) Regular watering or other treatment to suppress dust during extraction activities, both on Twin Lakes Road and within the property.**
 - c) "Trucks (entering or crossing)" warning signs (Type T2-25 as detailed in AS1742.2 "Traffic Control Devices for General Use") must be displayed in Twin Lakes Road at a minimum distance of 100 metres from the property entrance.**

10. Storm water drainage from any proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
11. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
12. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

VicRoads conditions

13. The developer must provide a 'Rural Basic Right-turn' (BAR) treatment and a 'Rural Basic Left-turn' (BAL) treatment on the Geelong-Ballan Road entrance in accordance with AusRoads 'Guide to Road Design, part 4A: Unsignalised and Signalised Intersection'.
14. Two warning signs (W5-22) are required to be installed along Geelong-Ballan Road at an appropriate distance from the Twin Lakes Road intersection to the satisfaction of VicRoads.
15. Prior to commencement of any works at the site, the applicant must:
 - a) Submit a functional layout plan of the proposed Rural Basic Right-turn (BAR) and Left-turn (BAL) treatments at the intersection of Geelong-Ballan Road and Twin Lakes Road to VicRoads for approval.
 - b) Following the approval of the functional layout plan, submit detailed engineering plans of the road works on Geelong-Ballan Road to VicRoads for approval.
16. The intersection of Geelong-Ballan Road and Twin Lakes Road must satisfy Safe Intersection Sight Distance(SISD) as per AusRoads publication "Guide to Road Design, Part 4A: Unsignalised and Signalised Intersections".
17. Roadside vegetation along Geelong-Ballan Road shall be removed in three stages as below, if removal is required to provide sight distance.
 - a) Remove exotic trees and shrubs, which are predominately *Pinus radiata*.
 - b) Remove planted native trees or shrubs, and individuals that have recruited from the planted vegetation.

- c) **Remove the minimum amount of remnant trees and shrubs, which are mostly Blackwood (*Acacia melanoxylon*) or other Acacia species. This vegetation removal requires the permission of Moorabool Shire Council.**
18. **Prior to the commencement of any road works within the Geelong-Ballan Road reserve the applicant must have first applied for and received written consent from VicRoads for those works in accordance with Section 63 of the Road Management Act 2004.**
19. **All construction equipment must be cleaned free of all soil, seed and vegetation prior to entering and leaving construction site.**
20. **All road works must be undertaken by a VicRoads prequalified (R1) contractor and must be completed to VicRoads satisfaction prior to the gravel extraction from the subject site.**
21. **All works must be at the developer cost.**

Southern Rural Water conditions

22. **The limit of extraction is 5.0 below natural surface level.**
23. **Groundwater dewatering activities shall not take place without the approval of SRW.**
24. **The use of groundwater or surface water, including water stored in a dam cannot be used in connection with the quarry operation unless a licence is obtained from SRW.**
25. **Quarry operations must not cause pollution of any water resource.**
26. **Cut off drains must be constructed around the quarry perimeter in order to eliminate any catchment water entering the quarry pit.**

Corangamite Catchment Management Authority conditions

27. **No works activities shall occur within 30 meters either side of the top of bank of the waterways as identified in Figure1. This is in accordance with Clause 14.02-1 of the Planning Provisions.**
28. **The operational management and rehabilitation of the site must be in accordance with Code of Practice for Small Quarries (DPI, earth resources, 2010).**
29. **Appropriate sediment management treatments must be installed (prior to commencement of works) to protect receiving waters from flows with high sediment loads.**
30. **No discharge of runoff associated with these works must enter the waterway without meeting best practice management guidelines.**

Department of State Development, Business and Innovation

31. The use and development of the subject land must not commence until the Work Authority is granted in accordance with the requirements of the *Mineral Resources (Sustainable Development) Act 1990 (MRSDA)*.
32. This permit will expire if the Work Authority for the use issued under the provisions of the MRSDA is cancelled in accordance with Section 770 of this Act.

Barwon Water condition

33. The development and operation of the quarry for gravel extraction must be undertaken strictly in accordance with the Department of Primary Industry Code of Practice for Small Quarries 2010 or any subsequent revision.

Expiry condition

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

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

Permit Note:

Department of State Development, Business and Innovation (DSDBI)

Work Authority

The use and development of the subject land must at all times be in accordance with Work Authority 1528, including the *Code of Practice for Small Quarries*. The Code sets out minimum mandatory requirements that Work Authority holders must meet together with practical guidance on how to achieve a well-designed and operated quarry.

Resolution:**Crs. Toohey/Edwards**

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Notice of Decision to Grant a Permit PA2013-185 for Use and Development of an Earth and Energy Resources Industry (Stone extraction) at Lot 1 on TP 170550X (formerly part CA12C, Parish of Ballark); or otherwise known as Twin Lakes Road, Mount Wallace VIC 3342, subject to the following conditions:

- 1. The use and or development as shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.***
- 2. Unless specifically required otherwise by any other condition of this permit and except with the prior written consent of the responsible authority to any variation, the development must be in accordance with the plans endorsed as part of this permit.***
- 3. All works shall be in accordance with the Department of Primary Industries Code of Practice for Small Quarries 2010, to the satisfaction of the Responsible Authority.***
- 4. Quarry operations are only permitted between the hours of 6.30am and 5.00 pm (Monday to Friday) to the satisfaction of the Responsible Authority.***
- 5. No vegetation on Twin Lakes Road, or at the intersection of Twin Lakes Road and the Geelong-Ballan Road, can be removed until this permit is amended to allow for any vegetation removal including the lopping of vegetation. Full details of all vegetation to be removed must be provided to Council before an amendment can be assessed.***

Infrastructure conditions

- 6. A rural vehicle crossing with culvert must be provided on Twin Lakes Road to the satisfaction of the Responsible Authority. The crossing must be of sufficient dimensions to allow for the passage of heavy articulated vehicles. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.***
- 7. The following works must be undertaken in Twin Lakes Road prior to commencement of extraction activities, to the satisfaction of the Responsible Authority:***
 - a) Provision of pavement widening of sufficient dimensions to allow the safe passage of heavy vehicles on approach to the property entrance.***

- b) ***Twin Lakes Road must be upgraded and shall have a pavement 5.5m wide of approved granular material to a minimum compacted depth of 150mm.***
 - c) ***Widening as required by VicRoads in Twin Lakes Road to allow safe passage of heavy vehicles at the intersection with the Geelong-Ballan Road.***
 - d) ***The pavement shall be formed to facilitate water runoff to the table drains.***
 - e) ***all works to be completed to the satisfaction of the Responsible Authority.***
8. ***An annual condition assessment of Twin Lakes Road must be undertaken by a certified engineer and submitted to the responsible authority for review. All works identified to restore the road back to its original condition as per condition 7.b must be carried out by the applicant to the satisfaction of the Responsible Authority.***
9. ***The following works should be undertaken during extraction activities:***
- a) ***Patrol grading to the satisfaction of the responsible authority to maintain the road surface in a safe condition.***
 - b) ***Regular watering or other treatment to suppress dust during extraction activities, both on Twin Lakes Road and within the property.***
 - c) ***“Trucks (entering or crossing)” warning signs (Type T2-25 as detailed in AS1742.2 “Traffic Control Devices for General Use”) must be displayed in Twin Lakes Road at a minimum distance of 100 metres from the property entrance.***
10. ***Storm water drainage from any proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.***
11. ***Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).***
12. ***Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***

VicRoads conditions

13. **The developer must provide a 'Rural Basic Right-turn' (BAR) treatment and a 'Rural Basic Left-turn' (BAL) treatment on the Geelong-Ballan Road entrance in accordance with AusRoads 'Guide to Road Design, part 4A: Unsignalised and Signalised Intersection'.**
14. **Two warning signs (W5-22) are required to be installed along Geelong-Ballan Road at an appropriate distance from the Twin Lakes Road intersection to the satisfaction of VicRoads.**
15. **Prior to commencement of any works at the site, the applicant must:**
 - a) **Submit a functional layout plan of the proposed Rural Basic Right-turn (BAR) and Left-turn (BAL) treatments at the intersection of Geelong-Ballan Road and Twin Lakes Road to VicRoads for approval.**
 - b) **Following the approval of the functional layout plan, submit detailed engineering plans of the road works on Geelong-Ballan Road to VicRoads for approval.**
16. **The intersection of Geelong-Ballan Road and Twin Lakes Road must satisfy Safe Intersection Sight Distance(SISD) as per AusRoads publication "Guide to Road Design, Part 4A: Unsignalised and Signalised Intersections".**
17. **Roadside vegetation along Geelong-Ballan Road shall be removed in three stages as below, if removal is required to provide sight distance.**
 - a) **Remove exotic trees and shrubs, which are predominately *Pinus radiata*.**
 - b) **Remove planted native trees or shrubs, and individuals that have recruited from the planted vegetation.**
 - c) **Remove the minimum amount of remnant trees and shrubs, which are mostly Blackwood (*Acacia melanoxylon*) or other *Acacia* species. This vegetation removal requires the permission of Moorabool Shire Council.**
18. **Prior to the commencement of any road works within the Geelong-Ballan Road reserve the applicant must have first applied for and received written consent from VicRoads for those works in accordance with Section 63 of the Road Management Act 2004.**

19. **All construction equipment must be cleaned free of all soil, seed and vegetation prior to entering and leaving construction site.**
20. **All road works must be undertaken by a VicRoads prequalified (R1) contractor and must be completed to VicRoads satisfaction prior to the gravel extraction from the subject site.**
21. **All works must be at the developer cost.**

Southern Rural Water conditions

22. **The limit of extraction is 5.0 below natural surface level.**
23. **Groundwater dewatering activities shall not take place without the approval of SRW.**
24. **The use of groundwater or surface water, including water stored in a dam cannot be used in connection with the quarry operation unless a licence is obtained from SRW.**
25. **Quarry operations must not cause pollution of any water resource.**
26. **Cut off drains must be constructed around the quarry perimeter in order to eliminate any catchment water entering the quarry pit.**

Corangamite Catchment Management Authority conditions

27. **No works activities shall occur within 30 meters either side of the top of bank of the waterways as identified in Figure1. This is in accordance with Clause 14.02-1 of the Planning Provisions.**
28. **The operational management and rehabilitation of the site must be in accordance with Code of Practice for Small Quarries (DPI, earth resources, 2010).**
29. **Appropriate sediment management treatments must be installed (prior to commencement of works) to protect receiving waters from flows with high sediment loads.**
30. **No discharge of runoff associated with these works must enter the waterway without meeting best practice management guidelines.**

Department of State Development, Business and Innovation

31. **The use and development of the subject land must not commence until the Work Authority is granted in accordance with the requirements of the Mineral Resources (Sustainable Development) Act 1990 (MRSDA).**
32. **This permit will expire if the Work Authority for the use issued under the provisions of the MRSDA is cancelled in accordance with Section 770 of this Act.**

Barwon Water condition

33. **The development and operation of the quarry for gravel extraction must be undertaken strictly in accordance with the Department of Primary Industry Code of Practice for Small Quarries 2010 or any subsequent revision.**

Expiry condition

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

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

Permit Note:

Department of State Development, Business and Innovation (DSDBI)
Work Authority

The use and development of the subject land must at all times be in accordance with Work Authority 1528, including the Code of Practice for Small Quarries. The Code sets out minimum mandatory requirements that Work Authority holders must meet together with practical guidance on how to achieve a well-designed and operated quarry.

CARRIED.

Report Authorisation

Authorised by:

Name:


Satwinder Sandhu

Title:

General Manager Growth and Development

Date:

Thursday, 21 November 2013



11.2.4 Planning Application PA2013-077; Use and Development of an Outbuilding ancillary to a Dwelling for a Home Occupation on Lot 2 PS126568, 2054 Old Melbourne Road, Millbrook

Application Summary:	
Permit No:	PA2013-077
Lodgement Date:	12 April 2013
Planning Officer:	Tom Tonkin
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	22 November 2013
Address of the land:	2054 Old Melbourne Road, Millbrook
Proposal:	Development of an Outbuilding for use as a Home Occupation
Lot size:	0.3ha approximately
Restrictive Covenant/173 Agreement:	No
Why is a permit required	Clause 35.07-1 . Farming Zone Clause 42.01-2 . Environmental Significance Overlay Clause 52.11-2 . Home Occupation
Public Consultation:	
Number of notices to properties:	4
Notices on site:	One
Notice in Moorabool Newspaper:	No
Number of Objections:	One (1)
Consultation meeting:	None held.

Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Statutory Planning Coordinator – Robert Fillisch</i> In providing this advice to Council as the Coordinator, I have no interests to disclose in this report. <i>Author – Tom Tonkin</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
This application seeks approval for the development of an outbuilding ancillary to an existing dwelling for use as a home occupation. The application was referred to external referral authorities in accordance with the Planning and Environment Act 1987, and within Council departments for comment. No objections were raised provided certain conditions were placed on any permit granted. The application was reviewed against the provisions of the Moorabool Planning Scheme with particular attention paid to the requirements of the following: <ul style="list-style-type: none"> • Clause 35.07 for use and development of land in the Farming Zone. 	

- Clause 42.01 for buildings and works on land in a proclaimed water catchment.
- Clause 52.11 for the use of land for a home occupation.

The site is on a lot of approximately 0.3ha occupied by a single dwelling. Surrounding land is used for agricultural purposes. The proposed use and development is generally acceptable in the rural context and given that the subject site is not capable of being used for agricultural purposes.

The application was advertised and one objection was received. The submission was based on the potential use of the outbuilding as a dwelling, the non-agricultural use proposed and the potential for detrimental impacts on water quality.

This report recommends that Council issue a Notice of Decision to Grant a Planning Permit for buildings and works comprising the Use and Development of an Outbuilding ancillary to a Dwelling for a Home Occupation, subject to conditions.

Summary Recommendation:

The proposal has been assessed against the relevant provisions of the Moorabool Planning Scheme, particularly those set out in the State and Local Planning Policy Framework, Clause 35.07 - Farming Zone, Clause 42.01 Environmental Significance Overlay, Schedule 1 (ESO1) and Clause 52.11 Home Occupation of the Moorabool Planning Scheme.

It is considered that the proposed development is generally consistent with the State and Local Planning Policies of the Moorabool Planning Scheme, the Farming Zone, ESO1 and Home Occupation provisions.

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

Background

The subject site has no planning history.

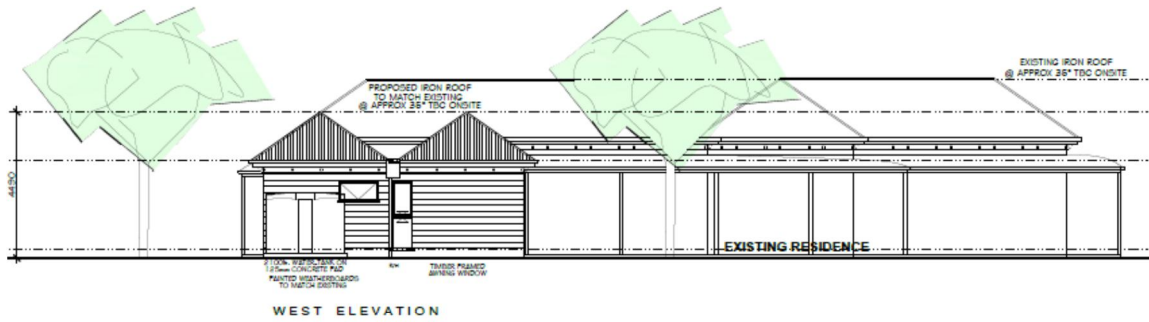
Proposal

The application seeks approval for the construction of an outbuilding ancillary to an existing dwelling for use as a home occupation.

The proposed outbuilding would comprise a study, lounge, bedroom, kitchen, toilet and washbasin and have a floor area of 56.0sq m. The outbuilding would be of weatherboard construction with a double hipped roof.

The outbuilding would be located between the existing dwelling and the western site boundary and have the following setbacks:

- 1.27m . 3.36m from the western boundary
- 5.0m from the north boundary
- 43.1m from the front south boundary
- 5.66m from the existing dwelling.



WEST ELEVATION



NORTH ELEVATION

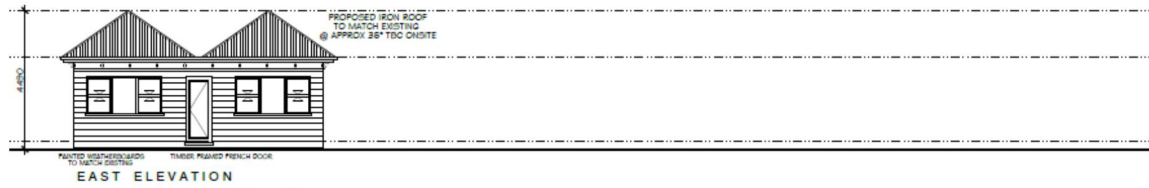
FOR CONSTRUCTION



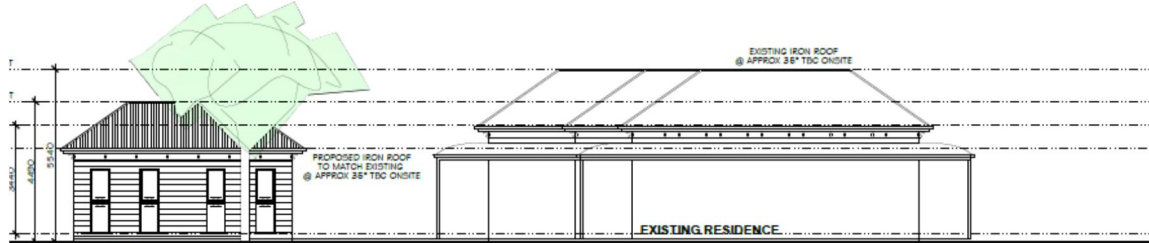
WEST ELEVATION

SOUTH ELEVATION

NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

FOR CONSTRUCTION

Site Description

The site is generally rectangular in shape with a total site area of approximately 0.3ha, generally flat and has a northerly aspect.

The site contains an existing single storey Victorian-era dwelling with a pitched iron roof. The dwelling is set within a well-established garden which includes trees and landscaped gardens.

The site has a frontage to Old Melbourne Road which is a Road Zone Category 1 road. Vehicle access is via two crossovers leading to a circular driveway in the dwelling's front setback.

The site is in the rural locale of Millbrook. Surrounding land has been largely cleared of vegetation and is used for agricultural purposes, predominantly grazing livestock.

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).

SPPF		
Clause 11	Settlement	The proposed development is consistent with this policy
Clause 11.05-1	Regional settlement networks	The proposal supports this policy by allowing for a home occupation without any unreasonable impacts on rural productivity.
Clause 14	Natural Resource Management	The proposal will not affect agricultural productivity. No subdivision of land is proposed.
Clause 14.02	Water	The proposal does not present an unreasonable risk to water quality.
LPPF		
Clause 21.02-3	Water and Catchment Management	The proposal protects water quality and onsite treatment of additional wastewater can be acceptably managed.
Clause 21.03-4	Landscape and Neighbourhood Character Objective	The design and siting of the proposed outbuilding respects the rural character of the host dwelling and surrounding landscape.
Clause 21.03-5	Rural Lifestyle Opportunities	The proposed outbuilding is contained on the same lot as an existing dwelling and, subject to conditions, is a modest proposal which allows for an enhanced rural lifestyle for the landowner.
Clause 21.04-5	Local Employment	The proposal facilitates a home occupation which strengthens the local economy.
Clause 22.02	Special Water Supply Catchments	The proposed outbuilding ancillary to an existing dwelling will not unreasonably increase wastewater discharge and is not within 100m of a waterway.
Clause 22.03	Houses and House Lot Excisions in Rural Areas	The subject site appears to have been subject to a previous house lot excision. The current proposal will not result in any further land fragmentation or loss of agricultural land.

Zone

Farming Zone

The subject site is in the Farming Zone and the provisions of Clause 35.07 apply.

A permit is required to use the land for a home occupation under Clause 35.07-1 of the Moorabool Planning Scheme as the proposal also triggers a permit under Clause 52.11 (Home Occupation), discussed further below.

Under the Schedule to the Farming Zone, a permit is required to construct a building within 100 metres of a Road Zone, Category 1, and 5 metres of any other property boundary. The proposed outbuilding would be within these setbacks and so a permit is required.

Farming Zone – Decision Guidelines

Before deciding on an application to construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider the following relevant decision guidelines:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.
- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.
- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

Overlays

The subject site is affected by the Environmental Significance Overlay, Schedule 1 (ESO1), and Design and Development Overlay, Schedule 2 (DDO2).

Environmental Significance Overlay, Schedule 1

Pursuant to Clause 42.01-2 (ESO) a permit is required to construct a building or carry out works. Buildings and works ancillary to an existing dwelling and with an area of 30sq m or less are exempt. The proposed outbuilding's floor area of 56sq m means that a permit is required.

Environmental Significance Overlay, Schedule 1 – decision guidelines

Before deciding on an application, the responsible authority must consider:

- The slope, soil type and other environmental factors.
- The need to maintain water quality at a local and regional level.
- The possible effect of the development on the quality and quantity of water in local watercourses, including the impact on nutrient levels.
- The preservation of and impact on soils and the need to prevent erosion.
- The need to prevent or reduce the concentration or diversion of stormwater.

Before deciding on an application, the responsible authority must consider the comments of the relevant water authority on the:

- Effect of the proposed development and, where applicable, the method of waste disposal on the quality and quantity of water within the proclaimed catchment; and
- Requirements and provision of the State Environment Protection Policy (Waters of Victoria) and the provisions of the ~~the~~ Septic Tanks Code of Practice.

Where the land is not connected to reticulated sewerage and facilities are to be provided for the onsite disposal and treatment of wastewater the responsible authority must consider the following:

- Whether a report from a qualified geotechnical engineer has been provided which demonstrates that the land is capable of absorbing sewage and sullage effluent generated on the lot and that the waste water treatment system has been designed to prevent wastewater entering any waterway, dam or wetland.
- Where an application is for the subdivision of land, whether the plan of subdivision shows appropriate building and effluent disposal envelopes.
- Where an application proposes to make use of a septic tank system, whether any building and the septic tank effluent absorption area associated with it are located:
 - Within 100 metres of a waterway; or
 - Upstream of a dam or wetland.
- Where an application proposes to make use of a treatment and wastewater disposal system other than a septic tank system, and the building or its associated wastewater treatment and disposal system is proposed to be located within 100 metres of a waterway, dam or wetland, whether:
 - The applicant has provided evidence to the satisfaction of the responsible authority that the building and wastewater treatment and disposal system cannot be located outside these areas; and
 - The applicant has provided evidence to the satisfaction of the responsible authority that the siting of buildings and wastewater treatment systems will not compromise the quality within proclaimed catchment areas; and
 - The applicant has provided evidence to the satisfaction of the responsible authority of compliance and consistency with the State Environment Protection Policy (Waters of Victoria).

The responsible authority must consider any relevant catchment management plan, policy, strategy or Ministerial Direction (such as the Interim Guideline for Planning Permit Applications in Open, Potable Water Supply Catchment Areas) before deciding on an application, as appropriate.

Design and Development Overlay, Schedule 2

Pursuant to Clause 43.02, Schedule 2 (DDO2) a permit is not required to construct a building or to carry out works where all external walls and roof areas are clad with non-reflective materials.

The applicant has indicated the use of non-reflective materials and therefore a permit is not required under this provision.

Particular Provisions

Clause 52.06 . Car parking

Clause 52.06 Car parking requires that car parking be provided on the land before a new use commences. The number of spaces provided is to be in accordance with the table at Clause 52.06-5 which specifies one (1) space to each employee not a resident of the dwelling. It is proposed that only a resident of the dwelling will be employed in the occupation, thus no additional car parking is required.

Clause 52.11 . Home Occupation

Clause 52.11 Home Occupation sets out the requirements that a home occupation must meet, including the floor area used for the occupation. However a permit may be granted for a home occupation with a gross floor area not exceeding 100sq m or one-third of the gross floor area of the dwelling, whichever is the lesser. Given that a dwelling includes outbuildings normal to a dwelling, one-third of the gross floor area is 95.48sq m and therefore a permit is required.

Home Occupation – decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether there is a need for additional parking or loading facilities.
- The effect of any vehicle parking, storage or washing facilities on the amenity and character of the street.
- Whether the site is suitable for the particular home occupation and is compatible with the surrounding use and development.
- Whether there is a need for landscaping to screen any outbuildings or car parking or loading areas or any other area relating to the home occupation.

Clause 65 – Decision Guidelines

This report has considered the decision guidelines at Clause 65.01.

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council Departments were provided with an opportunity to make comment on the application.

Authority	Response
Central Highlands Water	No objection, subject to conditions
VicRoads	No objection
Infrastructure	No objection, subject to conditions
Environmental Health Officer	No objection, subject to conditions

All referral authorities consented to the application subject to conditions being placed on any permit issued.

Public Notice

The application was advertised to adjoining owners and occupiers by sending individual notices on 22 May 2013 and a sign placed on the site from 30 May 2013 to 16 June 2013. One objection was received.

The application was subsequently amended to delete the shower from the bathroom. The application was re-advertised to the objector who maintained their objection.

Summary of Objection

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

Objection	Officer's response
<p>The proposed outbuilding can be used as a self-contained unit and will be leased by the owners as a dwelling.</p>	<p>The proposed outbuilding comprises a bedroom, lounge, toilet and washbasin, a study and kitchen. Central Highlands Water consent to the proposal, subject to conditions including that the proposed outbuilding not be used as a dwelling.</p>
<p>A second dwelling on land in the Farming Zone is not allowed on a lot of less than 40ha.</p>	<p>The proposed outbuilding contains some features of a dwelling but does not include a bath or shower. Regardless of this, pursuant to Clause 35.07-1 of the Moorabool Planning Scheme, the use of land for more than one dwelling needs a planning permit and must meet certain requirements for vehicle access, wastewater treatment and water and energy supply.</p>
<p>The proposal will set a precedent in rural zones and increase water pollution.</p>	<p>The proposal was referred to Central Highlands Water and Council's Environmental Health Officer who both consent to the proposal, subject to conditions. The proposal is not considered to present an unreasonable risk to water quality.</p>
<p>The applicant's business importing toys and accessories and warehousing them on the subject site is not an agricultural land use and is specifically prohibited in the Farming Zone.</p>	<p>The applicant has indicated that the proposed home occupation is an office-based business. The use of land for the proposed home occupation requires a planning permit and is not a prohibited use in the Farming Zone.</p>

Discussion

Planning policy at both the State and local level supports the protection and enhancement of rural land in terms of agricultural productivity and protection of natural resources. This is balanced with the need to ensure the long term viability of rural communities and support for the retention and growth of rural and regional communities. Residential development in rural areas, especially outside of township boundaries, must be carefully managed to ensure that environmental impacts are minimised.

The proposal is for a 56.0sq m outbuilding ancillary to an existing dwelling for use as a home occupation to run an office-based business, expanding the existing residential use of the land. The outbuilding would comprise a bedroom, lounge, study, kitchen, toilet and washbasin.

The subject site appears to have previously been subject to a house lot excision resulting in a land parcel of 0.3ha, substantially smaller than surrounding properties which are used for agricultural purposes. Wastewater from the existing dwelling is treated by an onsite septic system which, subject to modification, would be capable of treating additional wastewater generated by the proposed outbuilding.

Whilst the proposed development does not support agricultural activity on the subject site or surrounding land, it nevertheless is considered generally acceptable. The subject site is not used for agriculture and is evidently not capable of doing so given its small size. The development of an outbuilding to support a home occupation would make a modest contribution to retaining population and employment in the area without detriment to surrounding agricultural activity.

The siting and design of the proposed outbuilding is in keeping with the existing dwelling. The proposed setbacks from Old Melbourne Road and other boundaries will ensure that the outbuilding is not a dominant feature in the landscape. No reflective wall or roof cladding is proposed to be used.

The proposed outbuilding is not within 100 metres of a waterway and the Land Capability Assessment submitted with the application shows that the additional wastewater generated by the proposed outbuilding can be treated on site. Central Highlands Water and Council's Environmental Health Officer have consented to the proposal, subject to conditions.

The outbuilding's layout and features for an office-type use are considered to be more consistent with the layout of a small dwelling. The provision of a bedroom, lounge and kitchen are not considered necessary for the proposed use however it is accepted that part of this development may be used as an outbuilding normal to a dwelling. Whilst the proposed home occupation is considered acceptable, it is nevertheless considered that in future, with the inclusion of a shower or bath, the proposal could be used for self-contained accommodation. This would be a relatively minor modification, requiring an amendment to the permit, however the potential to create a second dwelling on the lot represents a substantial change of use and one not supported by Council policy.

Financial Implications

The recommendation to grant a permit for the development of an outbuilding ancillary to an existing dwelling for use as a home occupation on the site will not represent any financial implications to Council.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Conclusion

The proposal is generally consistent with the relevant policies in the Moorabool Planning Scheme. Subject to conditions, the proposal provides an appropriate balance between maintaining rural productivity and enhancing rural lifestyle opportunities, including home-based employment.

Additional wastewater generated by the proposal can be treated onsite and the proposal will not detrimentally affect water quality in the catchment. The siting and design of the proposed outbuilding is site responsive.

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

Consideration of Deputations - Planning Permit Application No PA2013-077.

Mr. Mark Weigall addressed Council as the applicant in favour of the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:

Crs. Sullivan/Toohey

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant a Permit PA2013-077 for Use and Development of an Outbuilding for a Home Occupation on Lot 2 PS126568, 2054 Old Melbourne Road, Millbrook subject to the following conditions:

- 1. Before the development starts, amended plans must be submitted to and approved by the responsible authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies provided. The plans must generally be in accordance with the plans identified as Job No. 2013-06, Sheets 2 of 9, 3 of 9, 4 of 9 and 5 of 9 and dated 6/8/2013, but modified to show:***

- a) Deletion of the kitchen facilities.***

Infrastructure Conditions:

13. **Storm water drainage from the proposed building and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.**
14. **Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991).**
15. **Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**
16. **Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

Expiry Condition:

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

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

CARRIED.

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Thursday, 21 November 2013



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

Application Summary:	
Application No:	PA2012-063
Lodgement Date:	Original application 4 April 2013 Amended application 12 April 2013 Amended application 20 November 2013
Planning Officer:	Natalie Robertson
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	20 January 2014
Address of the land:	Lot 4 on PS 146426P Meikle Street, Maddingley
Proposal:	Development of thirteen (13) dwellings
Lot size:	2656sq m
Moorabool Planning Scheme (Relevant details):	
State Planning Policy Framework (SPPF):	Clause 11 Settlement Clause 11.02-1 Supply of urban land Clause 11.05-2 Melbourne's hinterland Clause 16.01-1 Integrated housing Clause 16.01-2 Location of Residential Development Clause 19.03-2 Water Supply, Sewerage and Drainage
Local Planning Policy Framework (LPPF):	Clause 21.03 Settlement Clause 21.03-4 Landscape and Neighbourhood Character Objective Clause 21.05 Development and infrastructure Clause 21.07 Bacchus Marsh
Zone:	Mixed Use Zone (MUZ)
Overlays:	Environmental Significance Overlay Schedule 2 and Schedule 8 (ESO2 and ESO8)
Particular provisions:	Clause 55 More than one dwelling on a lot
General provisions:	Clause 65 Decision guidelines Clause 66 Referrals

Why is a permit required?	Under Clause 32.04-6 of Mixed Use Zone. A planning permit is required to construct two or more dwellings on a lot.
Public Consultation:	
Number of notices to properties:	Twenty (20)
Notices on site:	One
Notice in Newspaper:	Nil
Number of objections:	Three (3)
Submission of support:	Nil
Consultation meeting:	Refer to Public Notice in Report
Policy Implications:	
<p>Key Result Area -</p> <p>Objective -</p> <p>Strategy -</p>	<p>Enhanced Natural and Built Environment.</p> <p>Effective and efficient land use planning and building control.</p> <p>Provide a high quality and timely development application processing system.</p>
Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	
Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager Statutory Planning and Community Safety – Sian Smith</i> In providing this advice to Council as Manager, I have no interests to disclose in this report.</p> <p><i>Author – Natalie Robertson</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	

Executive Summary:

The application is for the construction of thirteen (13) double storey dwellings on Lot 4 Meikle Street, Maddingley. This application is before Council due to receipt of three objections from neighbours to the proposed development of the subject site.

The current application is the result of an amendment to an application in progress. On 4 April 2012 Council received a Planning application for development of 24 dwellings which incorporated the subject site together with the land parcels known as 8, 10 and 12 Labilliere Street, Maddingley. As part of a further information request, the officer requested that the proponent conduct Cultural Heritage Management Assessment as the site was identified as an area of potential Cultural Heritage sensitivity. During the assessment indigenous remains were discovered on site. As a result, the proponent amended the application PA2012063 for development of 14 dwellings on the subject site and applied for a planning permit under PA2013076 for a child care facility on the lots that front Labilliere Street. The applicant has since amended the application in progress to thirteen dwellings.

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

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

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

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

Summary Recommendation:

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

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

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

Proposal

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

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

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

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

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

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

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

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

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

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

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

Land slopes moderately north to south west.



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

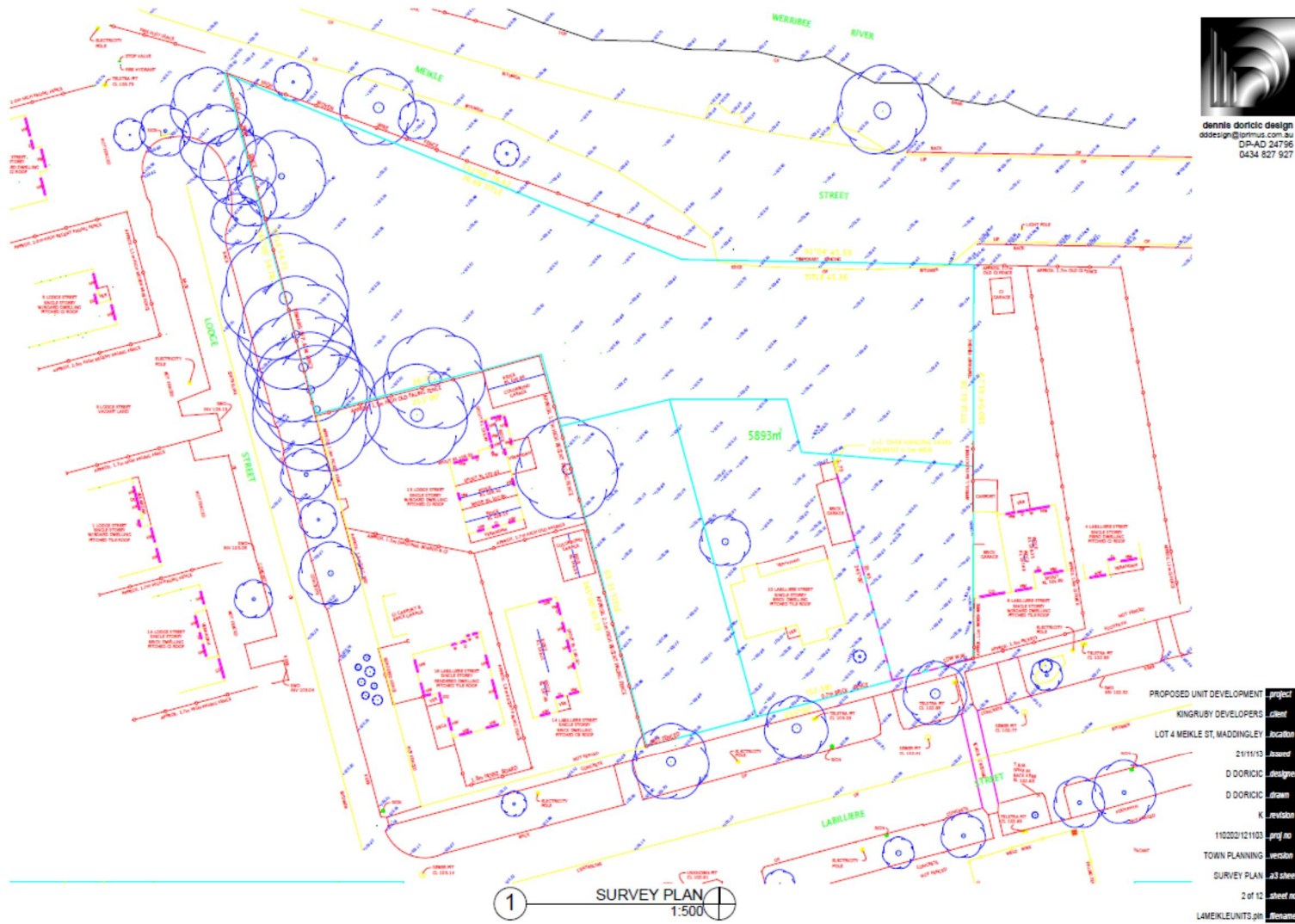


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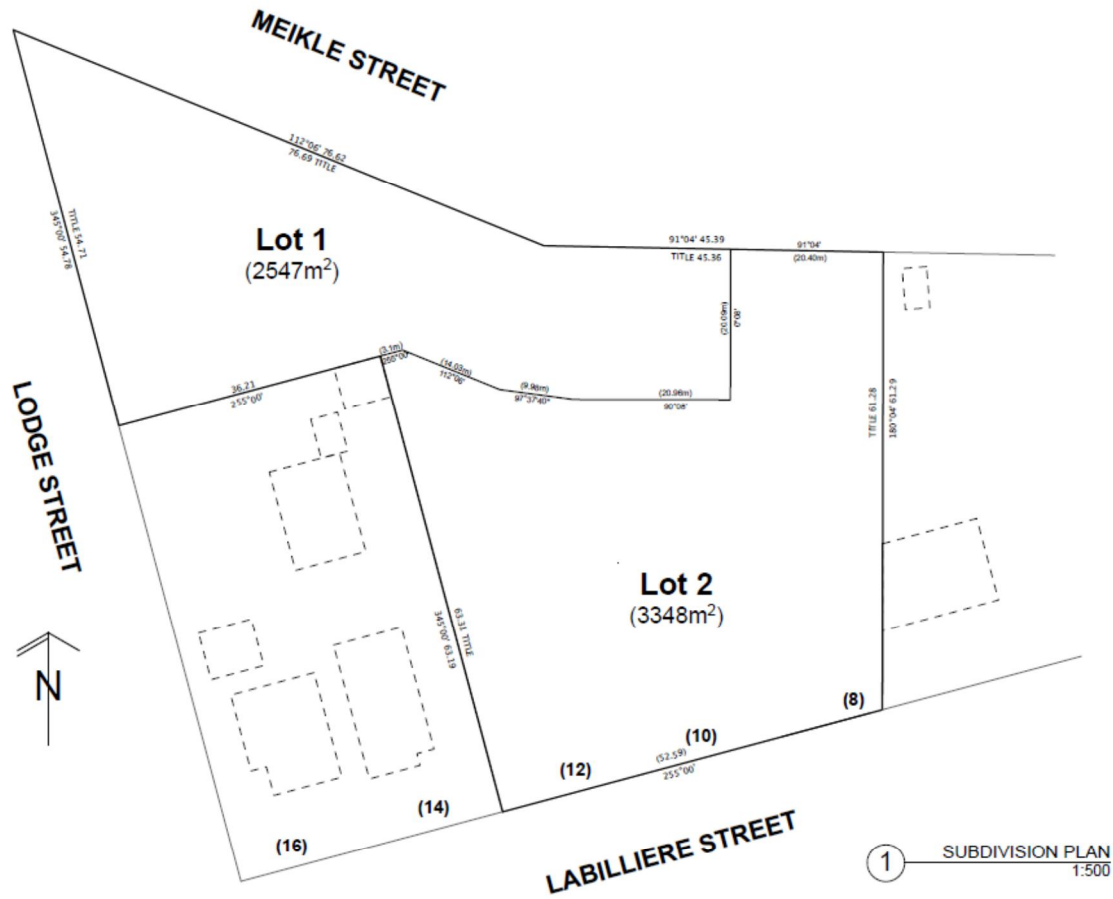
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KINGRUBY DEVELOPERS .client
LOT 4 MEIKLE ST, MADDINGLEY .location
21/11/13 .issued

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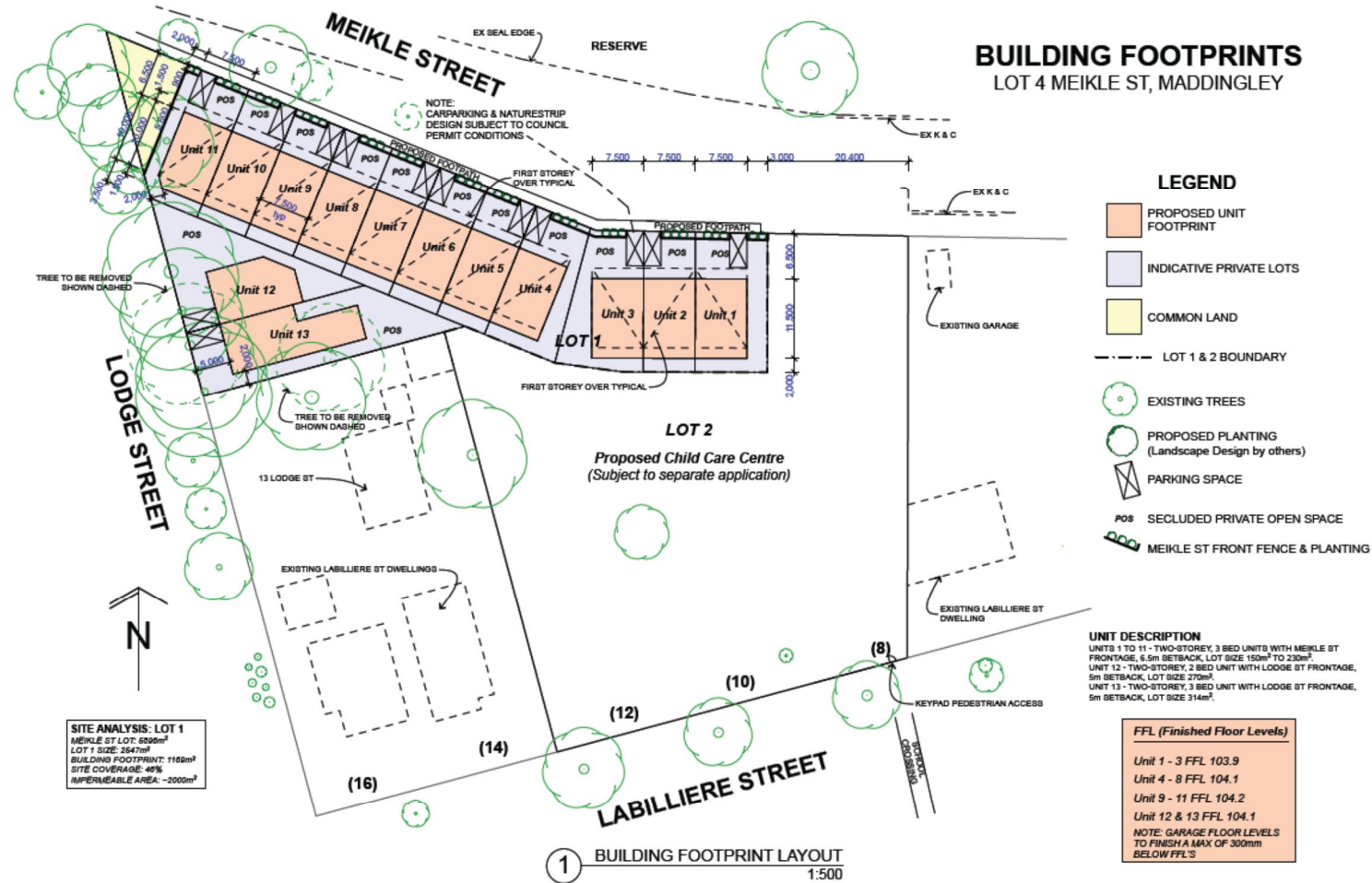


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PROPOSED UNIT DEVELOPMENT	project	D DORIC	designer	TOWN PLANNING	version
KINGRUBY DEVELOPERS	client	D DORIC	drawn	SUBDIVISION PLAN	33 sheet
LOT 4 MEIKLE ST, MADDINGLEY	location	K	revision	3 of 12	sheet no
21/11/13	issued	110200121103	plan no	L4MEIKLEUNITS.plt	filename



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 dddesign@primus.com.au
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PROPOSED UNIT DEVELOPMENT	project	D DORIC	designer	TOWN PLANNING	version
KINGRUBY DEVELOPERS	client	D DORIC	organ	BUILDING FOOTPRINT LAYOUT	33 sheet
LOT 4 MEIKLE ST, MADDINGLEY	location	K	revision	4 of 12	sheet no
21/11/13	issued	110202121103	proj no	LAMEKLEUNITS.plt	filename



dennis doronic design
 dddesign@primus.com.au
 DP-AD 24796
 0434 827 927

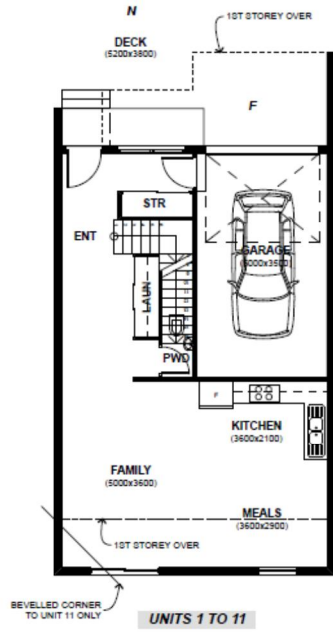
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KINGRUBY DEVELOPERS	client
LOT 4 MEIKLE ST, MADDINGLEY	location
21/11/13	issued

D DORIC	designer
D DORIC	drawn
K	revision
110202121103	proj no

TOWN PLANNING	version
SITE SERVICES & FENCING PLAN	83 sheet
5 of 12	sheet no
LAMEKLEUNITS.plt	filename



MEIKLE ST STREETSCAPE



1 Ground Floor Plan 1:100

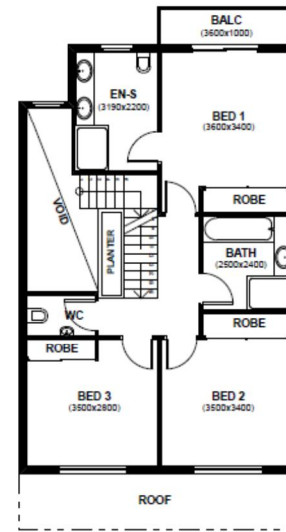
FLOOR AREAS
 UNITS 1 TO 11
 GROUND FLOOR - 61.5m² (6.6sqgs)
 UPPER FLOOR - 72.4m² (7.8sqgs)
 GARAGE - 23m² (2.5sqgs)
 DECK - 19.8m² (2.1sqgs)
 TOTAL AREA - 176.8m² (19.0sqgs)



TYPICAL FACADE

N - DENOTES NORTH FACING
 F - DENOTES FRONTAGES

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



2 First Floor Plan 1:100



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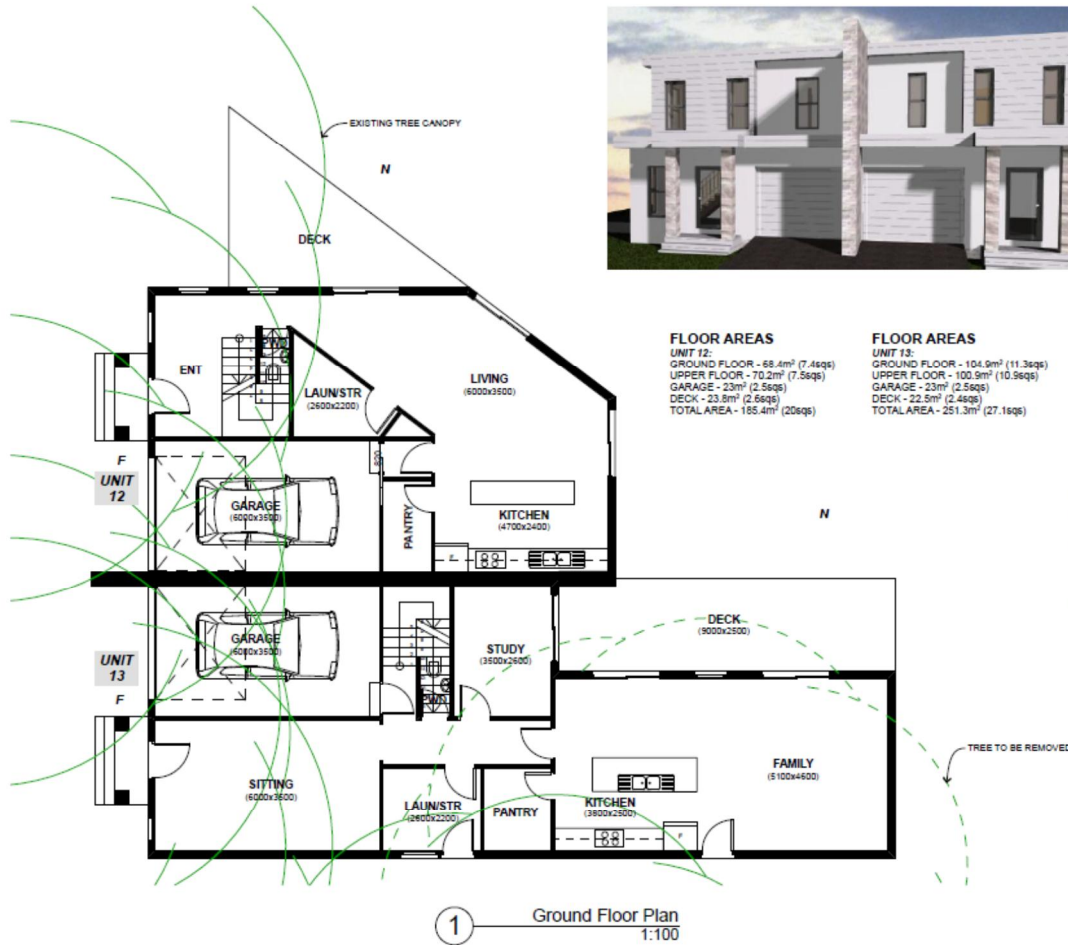
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KINGRUBY DEVELOPERS	client
LOT 4 MEIKLE ST, MADDINGLEY	location
21/11/13	issued

D DORIC	designer
D DORIC	drawn
K	revision
110200121103	proj no

TOWN PLANNING	version
FLOOR PLANS UNITS 1 TO 11	33 sheet
6 of 12	sheet no
L4MEIKLEUNITS.plt	filename



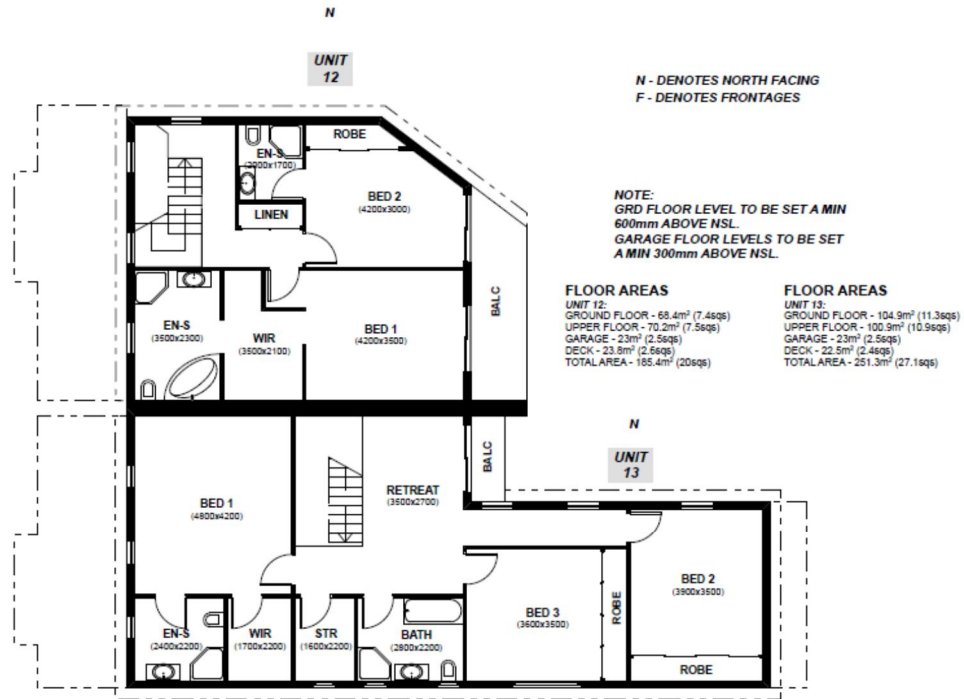
dennis doric design
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PROPOSED UNIT DEVELOPMENT	project
KINGRUBY DEVELOPERS	client
LOT 4 MEIKLE ST, MADDINGLEY	location
2/11/13	issued
D DORIC	designer
D DORIC	drawn
K	revision
11020/121103	proj no
TOWN PLANNING	version
GRD FLOOR PLANS 12 & 13	a3 sheet
7 of 12	sheet no
LAMEIKLEUNITS.pln	filename



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 DP-AD 24796
 0434 627 927



① — First Floor Plan
1:100

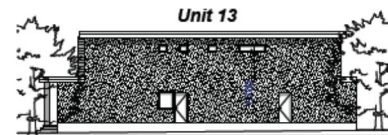
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KINGRUBY DEVELOPERS	client
LOT 4 MEIKLE ST, MADDINGSLEY	location
2/11/13	issued
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D DORIC	drawn
K	revision
11/20/12/1103	proj no
TOWN PLANNING	version
FIRST FL PLANS 12 & 13	a3 sheet
8 of 12	sheet no
LAMEIKLEUNITS.pln	filename



① MEIKLE ST ELEVATION
1:250



② MEIKLE ST ELEVATION
1:250



③ SOUTH ELEVATION - UNIT 13
1:250



④ NORTH ELEVATION - UNIT 12 & 13
1:250



⑤ LODGE ST ELEVATION
1:250



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

D DORIC designer
D DORIC drawn
K revision
11/02/2012/1103 prog no

TOWN PLANNING version
STREET ELEVATIONS 33 sheet
9 of 12 sheet no
LAMEKLEUNITS.ppt filename



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 DP-AD 24796
 0434 827 927

PROPOSED UNIT DEVELOPMENT	project	D DORIC	designer	TOWN PLANNING	version
KINGRUBY DEVELOPERS	client	D DORIC	drawn	9am SHADOW DIAGRAM	33 sheet
LOT 4 MEIKLE ST, MADDINGLEY	location	K	revision	10 of 12	sheet no
21/11/13	issued	110200121103	proj no	L4MEIKLEUNITS.plt	filename



dennis doric design
 dddesign@formus.com.au
 DP-AD 24796
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PROPOSED UNIT DEVELOPMENT project
 KINGRUBY DEVELOPERS client
 LOT 4 MEIKLE ST, MADDINGLEY location
 21/11/13 issued

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 K revision
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TOWN PLANNING version
 12 noon SHADOW DIAGRAM sheet
 11 of 12 sheet no
 L4MEIKLEUNITS.plt filename



PROPOSED UNIT DEVELOPMENT	project	D DORIC	designer	TOWN PLANNING	version
KINGRUBY DEVELOPERS	client	D DORIC	drawn	3pm SHADOW DIAGRAM	33 sheet
LOT 4 MEIKLE ST, MADDINGLEY	location	K	revision	12 of 12	sheet no
21/11/13	issued	110200121103	proj no	L4MEIKLEUNITS.plt	filename

Site History

On 4 April 2012 Council received Planning Application PA2012063 for development of 24 dwellings which incorporated the subject sites and Lot 4 Meikle Street.

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

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

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

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

Site Description

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

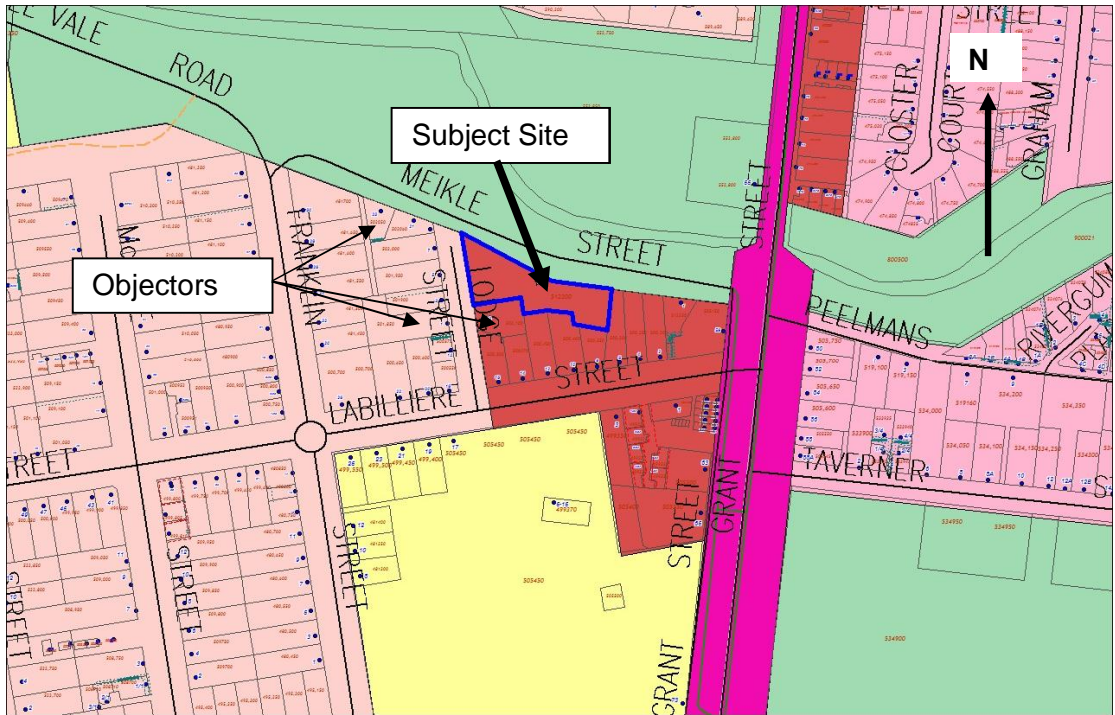
On the eastern and western boundary are residential dwellings. In close proximity is the Bacchus Marsh Leisure Centre, Bacchus Marsh Secondary College (side entry) and the Ecolinc Centre, which is the state-wide science centre which attracts schools and community groups from all over Victoria. Within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

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

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

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

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



Cultural Heritage Management Plan

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

Planning Scheme Provisions

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

SPPF		
Clause 11	Settlement	The proposal for multi dwelling development is consistent with this policy.
Clause 11.02-1	Supply of urban land	The intent of this policy is supported by the proposal.
Clause 11.05-2	Melbourne's hinterland	Providing for residential development within the urban growth boundary of the Bacchus Marsh township is supported by this policy.

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

Zone:

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

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

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

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

Overlay:

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

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

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

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

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

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

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

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

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

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

Particular Provisions:

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

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

55.02-2	Residential Policy objectives	Standard B2	Complies. A written statement has been provided which covers the requirements.
55-02-3	Dwelling Diversity	Standard B3	Complies Dwellings have ground floor amenities. Dwelling 12 provides for two bedrooms and Dwelling 13 may utilise a ground floor study as a bedroom.
55-02-4	Infrastructure	Standards B4	Complies. The proposal will not exceed the capacity of utilities.
55.02-5	Integration with street	Standard B5	Complies. The proposal provides adequate vehicle and pedestrian links, is orientated towards streets, and does not include high fencing. Given the proposal is directly adjacent to public open space and in order to integrate well with the Pepper Tree park Reserve and the surrounding streetscape, should a permit issue, generous landscaping conditions should be imposed.
55.03-1	Street setback	Standard B6	Complies. Dwellings are setback 6.5m fronting Meikle Street and 5m fronting Lodge Street.
55.03-2	Building height	Standard B7	Complies. Building height does not exceed 6.856m.
55.03-3	Site coverage	Standard B8	Complies. Site coverage is 47% which is less than the maximum site coverage standard of 60%.
55.03-4	Permeability	Standard B9	Complies. Permeability is 40% exceeding the minimum permeability standard of 20%.

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

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

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

Clause 65.02- Decision Guidelines

This report has considered the decision guidelines of Clause 65.

Referrals

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

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

Public Notice

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

Summary of Objections

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

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

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

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

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

Assessment of Application

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

Consideration of Deputations - Planning Permit Application No PA2012-063.

Mr. Lincoln Powell addressed Council as an objector to the granting of a planning permit for the application.

Mr. Arnie Macknamara addressed Council as an objector to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation:

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

1. **Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
 - a) **Bedroom 2 and 3 windows of Dwelling six must provide obscure glazing to 1.7m above floor level.**
2. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
3. **Prior to development commencing a landscape plan prepared by a suitably qualified and experienced person must be submitted to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:**
 - a) **Details of surface finishes of pathways and driveways**
 - b) **A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;**
 - c) **Details of in-ground irrigation system; and**
 - d) **Details of nature strip landscaping.**
4. **Prior to the occupation of the development or by such later date as approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
 - a) **All landscaping works shown on the endorsed landscape plans must be maintained and any dead, diseased or damaged plant replaced to the satisfaction of the Responsible Authority.**
5. **A construction and tree management plan must be prepared, to the satisfaction of the responsible authority, to ensure that all buildings and works are constructed under the supervision of a qualified arborist. The plan must include management and protective procedures for surrounding River Red Gums and the root system of the tree identified at the northern boundary of the property known as 13 Lodge Street, Maddingley as identified during construction and should include:**
 - a) **Onsite induction program for all contractors/workers;**
 - b) **Requirement for and responsibilities of onsite arborist during construction;**
 - c) **Establishment of Tree Protection Zones and protocols for gaining access; and**
 - d) **Notification and remedial protocols for unexpected damage.**

6. All works must be in accordance with the Cultural Heritage Management Plan number 12279 pursuant to the Notice of Approval of the Wathaurung Aboriginal Corporation trading as Wadawurrung and dated 7 October 2013.

Infrastructure Conditions:

7. Prior to the development commencing, Meikle Street adjacent to the subject land must be constructed to the standards detailed in the Infrastructure Design Manual to the satisfaction of the responsible authority as follows:
 - a) 1.5 metre wide reinforced concrete footpath connecting to the existing concrete footpath network in Meikle Street;
 - b) Urban standard vehicle crossing to each dwelling;
 - c) Kerb and channel and pavement widening as required;
 - d) Pavement widening adjacent to Dwellings 1 to 10 sufficient to provide for on-street parking;
 - e) Industrial standard vehicle crossing to service the proposed child care facility on the adjacent property;
 - f) Stormwater drainage;
 - g) Nature strip landscaping;
 - h) Street trees at the rate of one per two dwellings (less any existing trees); and
 - i) Public lighting as required.
8. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the responsible authority for approval.
9. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the responsible authority.
10. Each dwelling abutting Lodge Street must be provide with a standard urban residential vehicle crossing to the satisfaction of the responsible authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the responsible authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
11. The development must be provide with a drainage system constructed to a design approved by the responsible authority and must ensure that:
 - a) The development as a whole must be self-draining;
 - b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to the development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the responsible authority.

- c) **Flow paths of the 1% AEP storm must be determined and the development designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.**
 - d) **All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the responsible authority.**
 - e) **Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.**
 - f) **Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the responsible authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.**
12. **Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the responsible authority for approval.**
 13. **Unless otherwise approved by the responsible authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**
 14. **If required, the layout of the development must be modified based on the approved stormwater design.**
 15. **Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control “(EPA 1991) and “Environmental Guidelines for Major Construction Sites” (EPA 1995).**
 16. **A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements.**
 17. **Prior to the commencement of the development, notification photographic evidence must be sent to Council’s Asset Services Department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the responsible authority.**
 18. **All road and drainage works must be maintained in good condition and repair for a minimum of 6 months after completion of the works, to the satisfaction of the responsible authority.**

19. Prior to the practical completion of the works detailed in this permit, a security deposit of 5% of the total value of engineering works approved by the responsible authority must be lodged with the responsible authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 6 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.

Melbourne water conditions:

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

Southern Rural Water conditions:

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

Western Water conditions:

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

Country Fire Authority conditions:

32. **Operable hydrants, above or below ground, must be provided to the satisfaction of the CFA. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120 metres and hydrants must be no more than 200 metres apart.**
33. **Hydrants must be identified as specified in 'Identification of Street Hydrants for fire fighting purposes' available under publications of the Country Fire Authority website (www.cfa.vic.gov.au).**
34. **This permit will expire if either of the following circumstances applies:**
 - a) **The development is not started within two years of the date of this permit;**
 - b) **The development is not completed within four years of the date of this permit.**

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

Permit Notes**Melbourne Water**

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

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

Crs. Comrie/Dudzik


That consideration of Planning Application PA2012-063; Keith Altmann & Associates Development of Thirteen (13) Dwellings; Lot 4 on PS 146426P, Meikle Street, Maddingley be deferred to allow for further discussion, and presented to a future Ordinary Meeting of Council.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday, 22 November 2013



11.2.6 Planning Application PA2013-076; Keith Altmann & Associates; Development and use of a child care facility and business identification signage; Lot 1, 2 & 3 on PS 146426P, 8-12 Labilliere Street, Maddingley

Application Summary:	
Application No:	PA2013-076
Lodgement Date:	12 April 2013
Planning Officer:	Natalie Robertson
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	25 August 2013
Address of the land:	Lot 1, 2 & 3 on PS 146426P, 8-12 Labilliere Street, Maddingley
Proposal:	Development and use of a child care facility and business identification signage
Lot size:	3235 sqm
Moorabool Planning Scheme (Relevant details):	
State Planning Policy Framework (SPPF):	Clause 11 Settlement Clause 15.03-2 Aboriginal Cultural Heritage
Local Planning Policy Framework (LPPF):	Clause 21.05 Development and community infrastructure Clause 21.06-2 Enhance and Preserve Cultural Heritage Clause 21.07 Bacchus Marsh
Zone:	Mixed Use Zone (MUZ)
Overlays:	Environmental Significance Overlay (ESO) (Part Schedule 2 and Schedule 8)
Particular provisions:	Clause 52.05 Advertising Clause 52.06 Car Parking
General provisions:	Clause 65 Decision guidelines
Why is a permit required?	Under Clauses 32.04-1 and 32.04-7 of the Mixed Use Zone, a planning permit is required to use and develop the land for the purpose of a child care facility. Under Clause 52.05-9, a permit is required to display a business identification sign.

Public Consultation:	
Number of notices to properties:	Twenty (20)
Notices on site:	Three (3)
Notice in Newspaper:	Nil
Number of objections:	Two (2)
Submission of support:	Nil
Consultation meeting:	Consultation was undertaken between the developer and one objector. The second objection does not mention the child care facility but the adjoining application relates to a medium density dwelling development. This objector has been involved in consultation with regard to PA2012-063.
Policy Implications:	
Key Result Area:	Enhanced Infrastructure and Natural Built Environment.
Objective:	Effective and efficient land use planning and building controls.
Strategy:	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests

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

Manager Statutory Planning and Community Safety – Sian Smith

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

Author – Natalie Robertson

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

Executive Summary:

The application is for the development and use of a Child Care facility (maximum 102 places) and business identification signage. This application is before Council due to the receipt of two objections from nearby residents.

The site has an area of 3235 sqm, and contains a single dwelling located on lot 2. The area was identified as one with potential for aboriginal cultural heritage and aboriginal artefacts were found on site during an assessment of the site for a Cultural Heritage Management Plan. Consent to the development has been provided by the Wadawurrung representatives, subject to conditions.

The proposed child care facility would be appropriately located on Labilliere Street, however access would be via Meikle Street. The subject site sits within the Mixed Use Zone directly adjacent to the Bacchus Marsh Leisure Centre and Bacchus Marsh Secondary College.

The building and associated car parking, with twenty three spaces to be provided, makes efficient use of the site with no perceived adverse impact on the amenity of the area and integrates well with the streetscape and mixed neighbourhood character.

The proposal would improve the appearance of the property, the economic viability of a mixed-use area and the provision of child care facilities in Bacchus Marsh.

One objection relate to the reduced car parking provision, increased traffic, and impact on the school crossing. The second objection relates to the development area inclusive of a proposed 13 dwellings on Lot 4 facing Meikle Street which is in the same ownership as this proposal. Details of the objectors concerns and response to the key issues have been provided later in the report.

It is considered that the proposed development and use accords with State and Local Planning Policies, the objectives of the zone and particular provisions in relation to car parking and advertising.

Summary Recommendation:

That pursuant to Section 60(1) of the Planning and Environment Act 1987, Council resolve to issue a Notice of Decision to Grant a Permit subject to conditions for the development and use of a child care facility and business identification signage at 8 - 12 Labilliere Street, Maddingley.

Proposal

Approval is sought for the development and use of a child care facility (maximum 102 places) and the display of business identification signage.

The proposed building would be setback 20m from Labilliere Street and 5m from the western boundary. The eastern boundary incorporates access from Meikle Streets with provision of fourteen car parks along the eastern boundary, a further seven car parking spaces on the western front entry boundary opening into a covered circular drop off area which incorporates one car parking space and a disabled car parking space (23 car spaces in total) and a separate loading/unloading area. Only pedestrian access is available from Labilliere Street and the frontage at Labilliere Street is made up of a 1200sqm playground area set behind a 1.8m picket fence.

The proposed building footprint would be 757sqm and the facility would provide the following areas:

Ground floor

- 0 . 1 years, 64.1sqm
- 1 . 2 years, 70.5 sqm
- 2 . 3 years, 74.4 sqm
- 3 . 4 years, 71.4 sqm
- 4 . 5 years, 74.4 sqm
- Storage, bathroom and amenity areas for each area
- Kitchen
- Laundry
- Reception
- Meeting room and office area

First floor . semi recessed area accessed via stairs or lift.

- Staff female / male bathroom and amenities areas
- Filing storage area
- Open dining and lounge area
- Library

The area identified as culturally sensitive would be developed in accordance with the requirements of the Wadawurrung Aboriginal Corporation as follows:

- Would remain open space
- Would be capped with fill taken from the rest of the site and graded to the existing footpath level on Labilliere Street.
- No encroachment by built structures of the child care centre within the area including fencing or playground equipment.
- A rock garden and plaque would be constructed in the south east corner of the site to acknowledge and protect the presence of ancestral human remains.
- Signage would be erected that prevent digging within the area of cultural sensitivity.
- The proponent has agreed to enter into a Section 173 Agreement that is attached to the title that agrees that the area of cultural sensitivity is not to have its ground disturbed for any reason without appropriate permissions.

In order to facilitate the area of cultural sensitivity the children's playground would operate on top of the capped fill in the southern 20 metres of the site and would:

- Create an open interactive area that has a natural feel rather than one of a commonly perceived multi coloured steel and plastic gymnasium.
- The playground would use canopy trees as sun shades rather than steel pole sun sails.
- The soft fall of the playground would amount to tan bark spread over the filled surface rather than synthetic options.
- The veranda of the centre would be horizontally cantilevered over the first 4 metres of the space so that it would not require posts or excavation.
- The play equipment would not be fixed structures requiring concrete footings.
- Sandpits would sit on top of the filled site and require excavation.
- The playground would have a boundary fence to Labilliere Street frontage.
- Pedestrian access would be via the existing crossover at number 10 Labilliere Street.

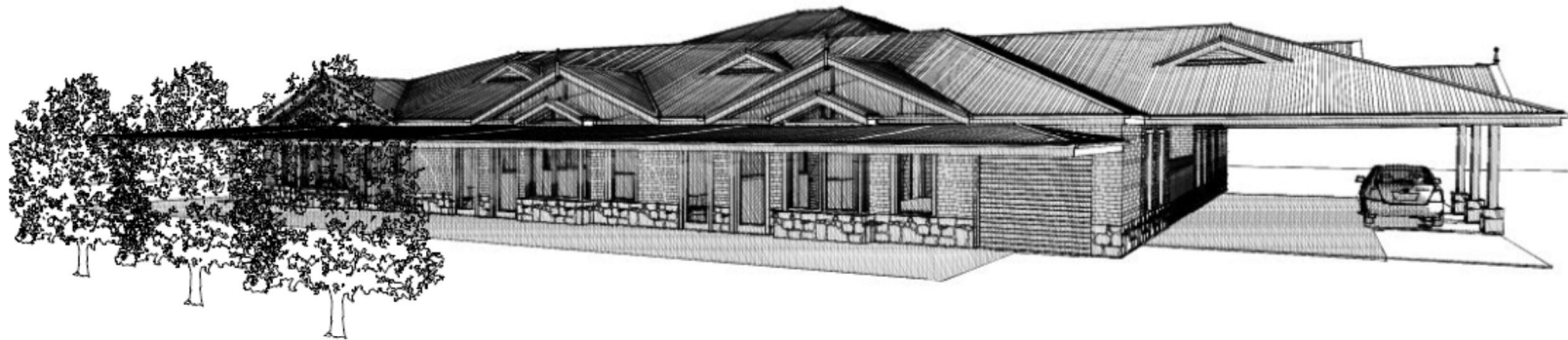
The design would be contemporary, constructed in brick with part stone cladding, aluminum window frames and a Colourbond® metal roof.

Vegetation removal is restricted to the immediate garden area of the dwelling on site. As part of the development the dwelling would be demolished.

The proposal does not indicate opening hours; however common hours of operation for child care facilities in the area are 6.30am to 7.00pm Monday to Friday and 7.00 am to 5.00pm Saturdays.



MEIKLE STREET CHILD CARE CENTRE, MADDINGLEY



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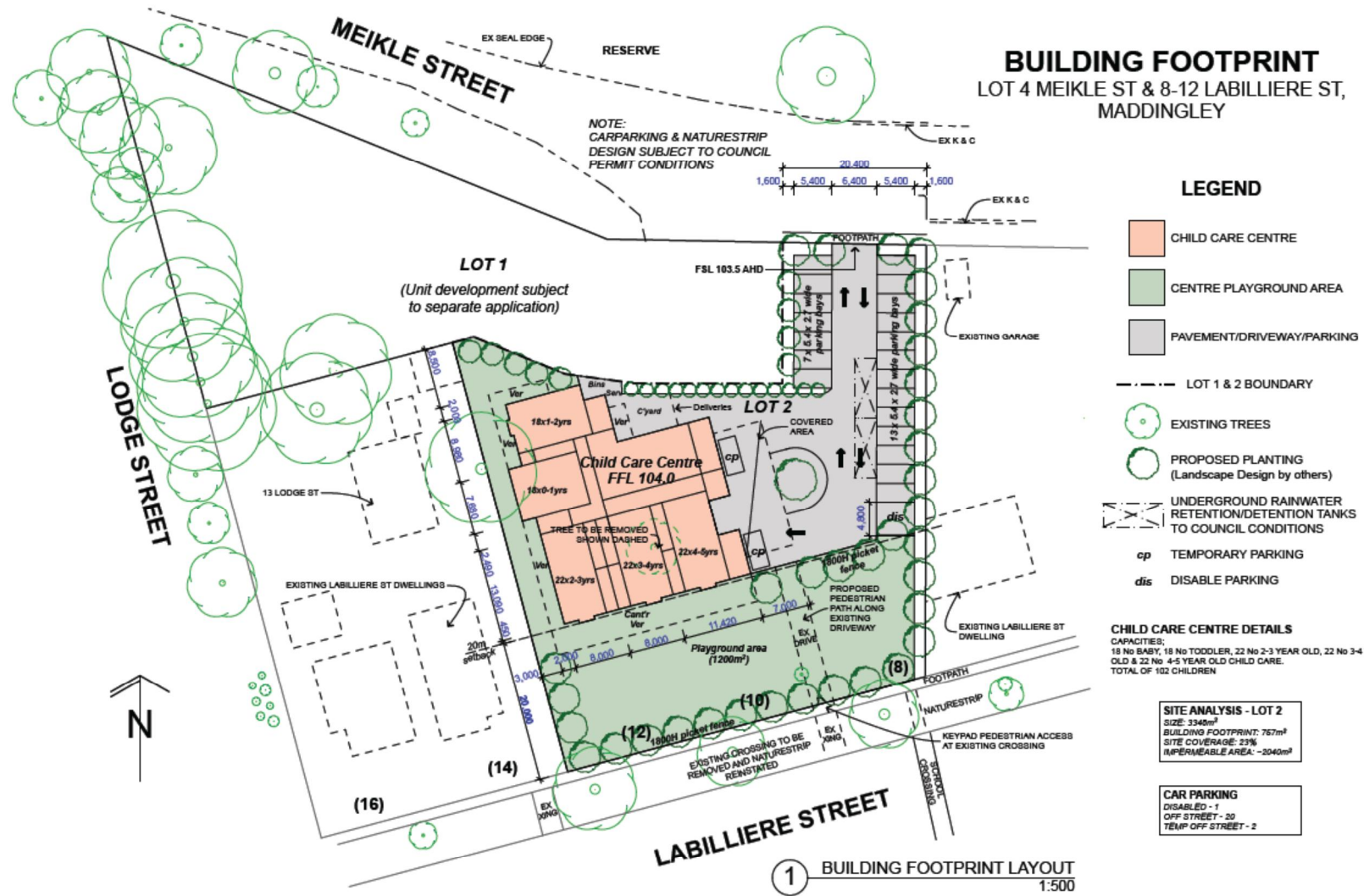


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 dddesign@primus.com.au
 DP-AD 24796
 0434 827 927

PROPOSED CHILD CARE CENTRE .project
 KINGRUBY DEVELOPERS .client
 LOT 4 MEIKLE ST, MADDINGLEY .location
 21/11/13 .issued

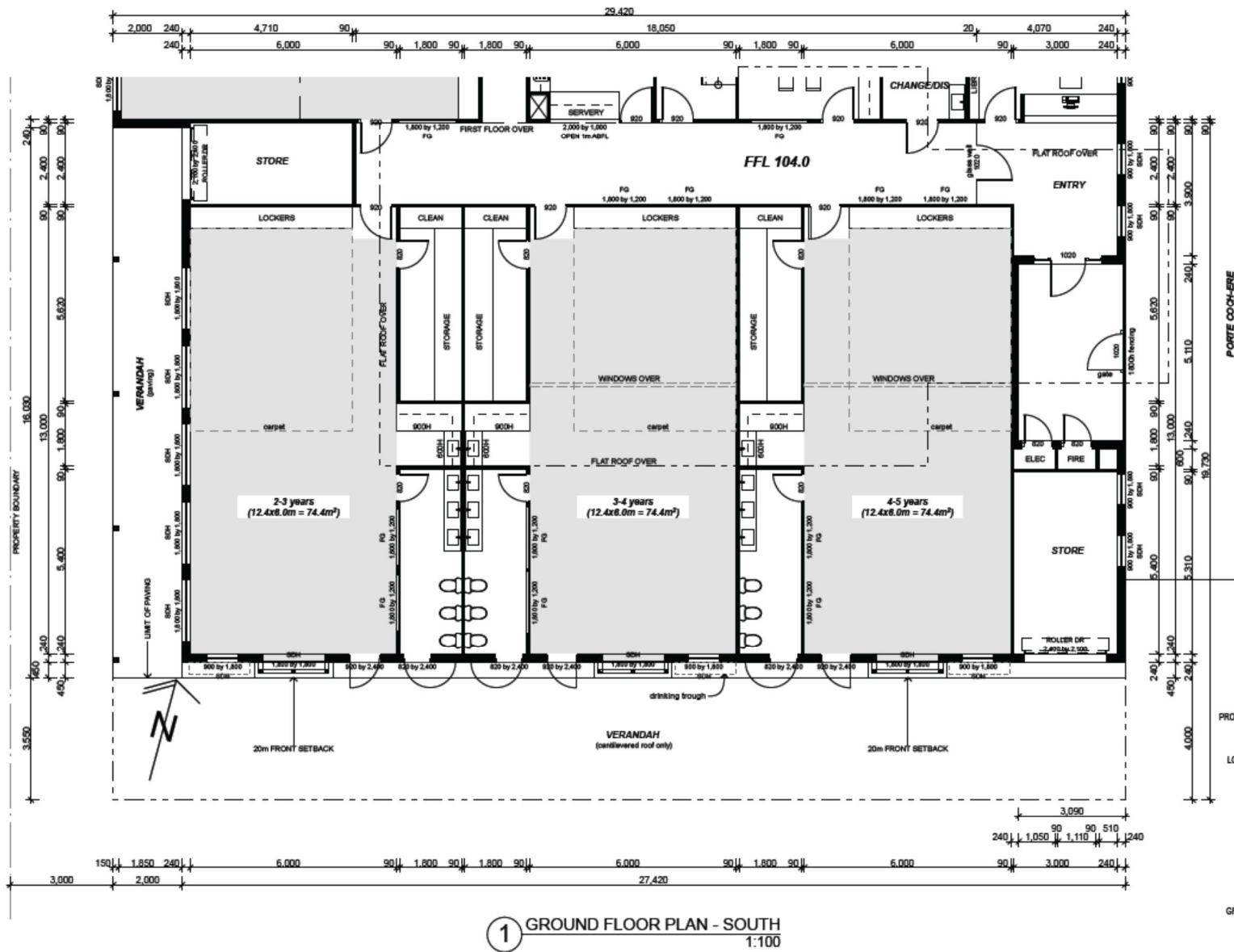
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PROPOSED CHILD CARE CENTRE	project
KINGRUBY DEVELOPERS	client
LOT 4 MEIKLE ST, MADDINGLEY	location
21/11/13	issued

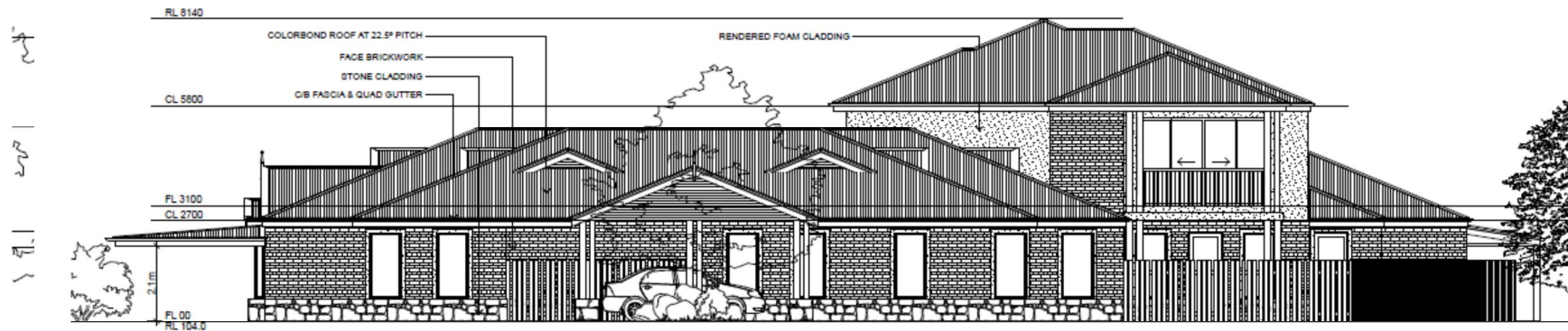
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PROPOSED CHILD CARE CENTRE	project
KINGRUBY DEVELOPERS	client
LOT 4 MEIKLE ST, MADDINGLEY	location
21/11/13	issued
B GILBERT	architect
D DORICIC	drawn
E	revision
12/11/13	proj no
TOWN PLANNING	version
GROUND FLOOR PLAN - SOUTH	a3 sheet
5 of 9	sheet no
LAMEKLECHILD CARE.pln	filename



① EAST ELEVATION
1:100



② WEST ELEVATION
1:100



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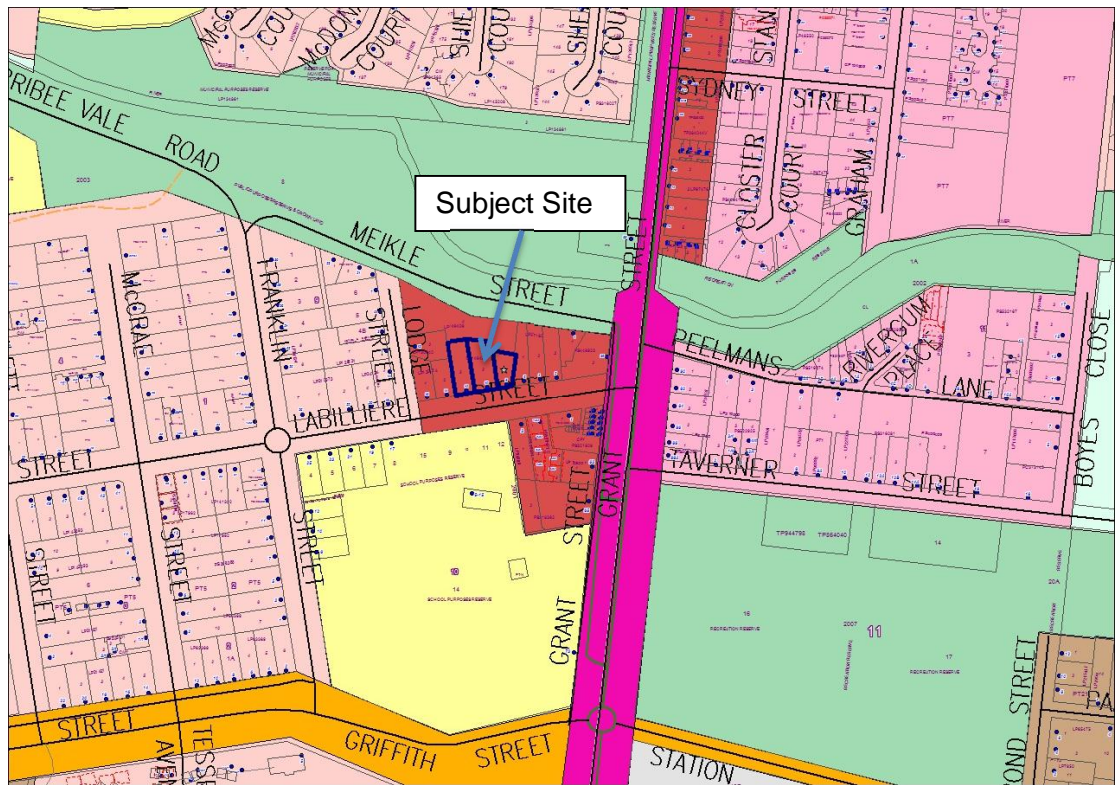
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PROPOSED CHILD CARE CENTRE .project
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E .revision
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Site and Surrounds



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

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

As a result, the proponent amended application PA2012-063 for development of 13 dwellings on the land fronting Meikle Street and applied under this planning permit application PA2013076 for a child care facility on the lots that front Labilliere Street.

This application involves the lots known as 1, 2 and 3 on PS 146426P which front Labilliere Street and have the street addresses of 8, 10 and 12 Labilliere Street. The subject site contains an unkempt brick dwelling at number 10. As the proposal straddles three boundaries a separate permit application has been made for resubdivision of lots 1 through 4 with the proposed child care facility to be located entirely on Lot 2 of the proposed resubdivision.

The subject site is located within the Mixed Use area of Maddingley. It sits adjacent on Labilliere Street to the Bacchus Marsh Leisure Centre, Bacchus Marsh Secondary College (side entry) and the Ecolinc Centre, which is the state-wide science centre which attracts schools and community groups from all over Victoria. Towards Grant Street to the east there is residential development and commercial development.

It is difficult to define a particular neighbourhood character given the zoning, the mix of uses and as dwellings vary considerably in style and land area until the area.

The area has lot sizes ranging from 300sqm to over 1000sqm. There is medium density development within the mixed use area and surrounds. The child care facility would be in close proximity to schools, shops, community facilities and the railway station, at Maddingley. The site is 1.1km from the town centre and 400m from Maddingley Park, Peppertree Park and the Werribee River. A school crossing is provided directly in front of the subject site in Labilliere Street.

Cultural Heritage Management Plan

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

The proponent advocates for a facility that will embrace the Aboriginal and Torres Strait Island culture and plans a facility that would recognise the cultural significance of the site.

Planning Scheme Provisions

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

SPPF		
Clause 11	Settlement	Anticipating and responding to the needs of existing and future communities, the proposal supports the role and function of the Bacchus Marsh Urban Development Activity Centre.
Clause 15.01	Urban Design	The proposal is consistent with urban design principles for non-residential development. In particular, the proposed building has good access to daylight and sunlight, a safe and functional layout, and a high standard of architecture.
Clause 15.03-2	Aboriginal cultural heritage	In accordance with policy, facilitation of the proposed facility ensures the protection and conservation of place of Aboriginal cultural heritage significance.

LPPF		
Clause 21.03-4	Landscape and neighbourhood character	The proposed design complements the mixed streetscape, and landscaping softens the impact of on-site parking.
Clause 21.05	Development and community infrastructure	In response to policy, the proposal builds on the community fabric of the Shire by providing quality and flexible community and social infrastructure.
Clause 21.07	Bacchus Marsh	The site is located within the Urban Development Activity Centre on the Bacchus Marsh Framework Plan.

Zone:

The site is located within the Mixed Use Zone. Pursuant to Clauses 32.04-1 and 32.04-7 of the Moorabool Planning Scheme, a planning permit is required to use the land for the purpose of a child care facility, and construct a building or carry out works associated with a use in Section 2 of Clause 32.04-1.

Pursuant to Clause 32.04-8, advertising sign requirements in the Mixed Use Zone fall into Category 3 of Clause 52.05.

The purpose of the zone is:

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

The proposed development complements the mix of shops, offices, cafes, service industries and dwellings within a mixed-use commercial precinct, and provides housing at a greater density.

Overlay:

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

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

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

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

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

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

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

There are three River Red Gum trees located directly adjacent the subject site on the southern side of Labilliere Street and the tree protection zone of the trees extends onto the subject site along the entire front boundary and setback approximately 24m into the subject site. In order to provide for long term preservation and regeneration of the River Red Gum population within the Bacchus Marsh Valley and to enhance biodiversity and landscape quality ongoing management practices should aim to achieve the following:

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

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

Particular Provisions:*Car Parking*

Pursuant to Clause 52.06 of the Moorabool Planning Scheme, prior to a new use commencing, the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

Under Clause 52.06-5, the proposed child care facility requires the provision of 0.22 car spaces for each child. In this case the facility would accommodate a maximum of 102 children which equates to 22.44 car parking spaces (rounded up to 23 car parking spaces). Provision for twenty three spaces inclusive of one (1) disabled car parking space has been made on site and no reduction of car parking approval is required.

General provisions:

Having regard to the decisions guidelines under Clause 65, the proposed development and use is consistent with State and Local Planning Policies, the objectives of the zone and particular provisions in relation to car parking, advertising and vehicle access to a road in a Road Zone Category 1. It is considered that there would be no adverse impact on the amenity of surrounding properties or the orderly planning of the area.

Referrals

The application was referred under Section 55 of the Planning and Environment Act 1987 to the relevant authorities, and internally to Council's Infrastructure Department. A summary of responses is as follows:

Authority	Response
CFA	No objection subject to conditions
Melbourne Water	No objection subject to conditions
Western Water	No objection subject to conditions
Southern rural Water	No objection subject to conditions
Aboriginal Affairs Victoria	No objection
Infrastructure	No objection subject to conditions
Environmental Health	No objection subject to conditions
Community Services	No objection subject to conditions

Public Notice

Pursuant to Clause 52 of the Planning and Environment Act 1987, the application was advertised to the owners and occupiers of opposite and adjoining properties by sending individual notices on 11 June 2013 and a sign placed on the site from 11 June to 25 June 2013. Two objections were received.

Summary of Objections

The grounds of objection are outlined below with officer's comments accompanying them. The objectors are from the Bacchus Marsh College and an adjoining resident who shares a portion of the Lodge Street boundary.

Objection	Officer's response
Traffic concerns due to lack of traffic mitigation plans presented.	No traffic management plan was required as calculation of traffic generation was based on RTA data, it is expected that peak traffic would be produced between 7 . 9 am with a total of 140 . 150 cars entering the site, which is approximately 75 cars per hour. In accordance with infrastructure comments this is below the capacity of Meikle Street.

	<p>The pm traffic is considered to be at peak after 4pm and pick up times are considered to be more varied and less confined to a specific peak time than the morning peak.</p> <p>This data does not consider the availability of parking in Labilliere Street or the service area of Gisborne Road so it is considered that the likely peak may be overstated.</p> <p>Data suggests that the average parking time for drop off and pick up is 6 to 7 minutes.</p>
<p>Loss of car parking spaces</p>	<p>The proposal has provided the minimum number of car parking spaces (23) required for this development on site.</p> <p>It is likely that car parking would mostly be available on site given that drop off and pick up is not limited to a set time.</p> <p>In context to the mixed use zone and the various uses which include a secondary school, Ecolinc Science Centre, commercial and retail premises, and residential dwellings it is reasonable to conclude that given the number of on site car spaces provided the proposal is unlikely to cause any further detriment to the area with regard to car parking.</p>
<p>Potential impact on the school crossing</p>	<p>The school crossing would remain. The crossing would still be manned between 8.00 am and 9.30 am and 2.30 to 4.00pm Monday to Friday. No vehicles may park so as to obstruct the crossing at any time of day.</p>
<p>Lack of overall plans presented</p>	<p>The proponent has provided a site plan, floor plans and elevations which accords with Statutory requirements.</p>
<p>Concern that this application relates only to the child care facility where previously the subject site related to a planning application that applied for 24 Dwellings and was revised to 14 dwellings</p>	<p>As stated previously originally a planning application (PA2012063) was received for the subject site together with adjoining land fronting Meikle Street.</p> <p>Through a Cultural Heritage Management Assessment, the proponent subsequently revised the PA2012063 planning permit application through an amendment to the application in progress from a 24 Dwelling Development to a 13 Dwelling development.</p> <p>This current application was received for the subject site which seeks the development of a child care facility.</p>

	All parties who received notice of the original 24 Dwelling application have received notification of the revised dwelling application together with notice of this proposal.
References to Lodge Street. Council should be aware that Lodge Street is effectively a Court.	<p>Whilst this does not impact the Lodge Street for the development component it is recognised that Lodge Street does not provide through access to Labilliere Street and ends on the northern end with the area closed off to vehicle traffic.</p> <p>Although referred to as a Court by the objector, Lodge Street is referred to as a Street and may be extended to form a through road should it ever be necessary. Although that is not likely to be the case and has not been considered as part of this proposal.</p>

Conclusion

The proposed child care facility responds appropriately to the growing demand for these types of services in Bacchus Marsh with no perceived adverse impact on the amenity of the area, the streetscape or neighbourhood character. It will also improve the appearance of the property and the viability of a traditional mixed-use commercial precinct. The proposal is consistent with State and Local Planning Policies, the objectives of the zone, and particular provisions in relation to car parking.

Consideration of Deputations - Planning Permit Application No PA2013-076.

Ms. Melissa Powell addressed Council as an objector to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation:

That Council having considered all relevant matters as prescribed by s.60(1) of the *Planning and Environment Act 1987*, issue a Notice of Decision to Grant a Permit for the development and use of a child care facility at 8, 10 and 12 Labilliere Street, Maddingley, also known as Lots 1, 2, 3 and 4 on PS146426P subject to the following conditions:

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. All works must be in accordance with the Cultural Heritage Management Plan number 12279 pursuant to the Notice of Approval of the Wathaurung Aboriginal Corporation trading as Wadawurrung and dated 7 October 2013.**

- 3. The hours of operation are restricted to the following times unless with the written consent of the responsible authority:**
 - a) 6:30 am to 7:00 pm Monday to Friday; and**
 - b) 7:00 am to 5:00 pm Saturdays.**

- 4. A landscape plan prepared by a suitably qualified and experienced person must be submitted to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:**
 - a) Details of surface finishes of pathways and driveways**
 - b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and**
 - c) Details of in-ground irrigation system.**

- 5. Prior to the occupation of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**

- 6. All landscaping works shown on the endorsed landscape plans must be maintained and any dead, diseased or damaged plant replaced to the satisfaction of the Responsible Authority.**

- 7. A construction and tree management plan must be prepared, to the satisfaction of the responsible authority, to ensure that all buildings and works are constructed under the supervision of a qualified arborist. The plan must include management and protective procedures during construction and should include:**
 - a) Onsite induction program for all contractors/workers;**
 - b) Requirement for and responsibilities of onsite arborist during construction;**
 - c) Establishment of Tree Protection Zones and protocols for gaining access; and**
 - d) Notification and remedial protocols for unexpected damage to River Red Gums.**

- 8. The development must be managed so that the amenity of the area is not detrimentally affected through the:**
 - a) Transport of materials, goods or commodities to or from the land;**
 - b) Appearance of any building, works or materials;**
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and**
 - d) Presence of vermin.**

9. **Areas set aside for the parking and movement of vehicles as shown on the endorsed plan must be made available for such use and must not be used for any other purpose. The access to car parking must be restricted in such a manner that provides for single direction of traffic to ensure that traffic enters and exits in a forward direction. Appropriate signs must be shown on site to reflect this requirement prior to the commencement of the use hereby approved. A method of restricting access to the car park outside of operating hours, must be installed and used.**
10. **Business identification signage must be in accordance with the requirements of the Moorabool Planning Scheme.**

Infrastructure conditions

11. **An industrial standard vehicle crossing must be provided to the vehicle access point on Meikle Street to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.**
12. **A pedestrian entrance to the site, separated from the vehicle access point, must be provided to the satisfaction of the responsible authority.**
13. **The development must be provided with a drainage system constructed to a design approved by the responsible authority, and must ensure that:**
 - a) **The development as a whole must be self draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.**
 - b) **The peak flow of water discharging from the development in a 10% AEP storm shall not exceed 20% AEP predevelopment. Onsite detention shall be provided to the satisfaction of the responsible authority.**
 - c) **Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure that no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.**
 - d) **Stormwater runoff must meet the “Urban Stormwater Best Practice environmental Management Guidelines (CSIRO 199)”.**
14. **Storm water drainage from the proposed building and impervious surfaces must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.**
15. **Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the responsible authority.**

- 16. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991).**
- 17. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**
- 18. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**
- 19. Prior to the use commencing, the car parking bays at the front of the premises must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the Responsible Authority, and shall incorporate the following:**
 - a) Parking bays and aisle widths of the car park shall comply with Australian Standard AS2890.1:2004 Off-street car parking. Disabled Parking bays shall comply with the Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities;**
 - b) Designated loading areas shall be shown on the layout plans;**
 - c) The parking areas shall be provided with an asphalt or concrete surface and associated drainage;**
 - d) Concrete kerb of a minimum height of 150 mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.**
 - e) The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.**
- 20. The building shall be provided with disabled access in accordance with the provisions of AS1428 - Design for Access and Mobility.**
- 21. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements.**
- 22. Prior to the commencement of the development, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the responsible authority.**

- 23. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:**
- a) Location of vehicle crossings.**
 - b) Details of the underground drainage.**
 - c) Location of drainage legal points of discharge.**
 - d) Standard details for vehicle crossing and legal point of discharge.**
 - e) Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.**

Melbourne Water conditions:

- 24. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.**
- 25. Finished ground levels of Child Care Centre must be constructed no lower than 104.0 metres to Australian Height Datum (600mm above the applicable flood level).**
- 26. Any proposed vehicle parking areas must have finished surface levels no lower than 350mm below the graded flood level.**
- 27. Any new fences must be of an open style of construction to allow for the passage of floodwaters/ overland flow.**
- 28. Prior to the commencement of works separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is no feasible to connect to the local drainage system.**

Western Water conditions:

- 29. Any existing water tapping that will no longer be required must be sealed to the satisfaction of Western Water and at the developer's expense.**
- 30. Any existing sewer connection point that will no longer be required must be sealed to the satisfaction of Western Water and at the developer's expense.**
- 31. The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner / applicant shall make a written request to Western Water for the terms and conditions of the agreement.**

Southern Rural Water conditions:

32. Stormwater must be connected to existing drainage infrastructure.
33. No excavation works are to be undertaken along or in close proximity to the Werribee River without prior approval from Southern Rural Water.

Country Fire Authority conditions:

34. Operable hydrants, above or below ground must be provided to the satisfaction of Country Fire Authority. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 90m.
35. Hydrants must be identified as specified in "Identification of Street Hydrants for Fire fighting purposes" available under publications on the Country Fire Authority Web site (www.cfa.vic.gov.au).

Expiry condition:

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

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

Permit Notes:**Melbourne Water:**

The flood line for the property grades from 103.4 metres to Australian Height Datum at the north boundary down to 102.98 metres to Australian Height Datum at the south boundary.

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting reference 223069.

Resolution:


Crs. Comrie/Dudzik

That consideration of Planning Application PA2013-076; Keith Altmann & Associates; Development and use of a child care facility and business identification signage; Lot 1, 2 & 3 on PS 146426P, 8-12 Labilliere Street, Maddingley, be deferred to allow for further discussion and be presented to a future Ordinary Meeting of Council.

CARRIED.

Report Authorisation

Authorised by:

Name:  Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday, 27 November 2013

11.2.7 Plan Melbourne Submission

Introduction

File No.: 13/01/010
Author: Gavin Alford
General Manager: Satwinder Sandhu

Background

The State Government has released the Metropolitan Strategy . Plan Melbourne. Comments are sought on the Plan by 6 December 2013. It is the State Government's intent that Plan Melbourne comes into fruition in January 2014.

In light of the short timeline between closing of submissions and implementation it was considered prudent to send an interim submission before the closing date. This Officer report seeks Council's ratification of that submission.

Proposal

Plan Melbourne aims to address the population and accommodation pressures facing Melbourne, with 2.3 million extra people projected to reside in Melbourne in the next 30-40 years. Maintaining Melbourne's liveability at the same time as housing and employer the increased population were key challenges.

The Plan aims to create a State of Cities, and not a City State, and that sharing the population growth with regional cities, peri urban and regional towns was part accommodating the growth. Working with regional and rural Councils was essential.

The government is aware of the growth in these areas and that Councils were not resourced for this at this time and greater support was required. The Melbourne Planning Authority would work with regional, peri urban and metro councils in implementation of the Plan. This included providing support to local councils in strategic planning, assist in infrastructure planning and advising on infrastructure priorities.

Other key elements raised by the Minister included highlighting:

- the fixing of the metropolitan boundary
- the aim to make and expanded central city area a 24 hour city
- removal of Neighbourhood Activity Centres from the focus of growth
- a larger focus on urban renewal projects of state owned land, to show Melbourne is ready for business
- sub-regional (5) groupings of local Councils, working with the Metropolitan Planning Authority, to help implement the Plan.

Policy Implications

Key Result Area	Representation and Leadership of Our Community.
Objective	Advocate for services and infrastructure that meets the Shire's existing and future needs.
Strategy	Represent Council at a regional level to improve services and infrastructure within the Shire.

Financial Implications

No financial implications for lodging the submission.

Risk & Occupational Health & Safety Issues

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

Communications Strategy

The submission is part of Council's on going advocacy for the community, communicating the needs of Moorabool to the State Government.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Gavin Alford

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

Conclusion

Plan Melbourne is a high level state government policy document. How the policies are implemented, and the weight given by the State Government and others (ie; VCAT, Planning Panels), will determine the Plan's impact, not the policies themselves.

Plan Melbourne recognises the growth pressures and the need to plan of that growth in peri urban areas such as Moorabool Shire.

Plan Melbourne does contain a substantial list of directions and initiatives, more so than that contained within the CHRGP. Substantial detail will be required for the CHRGP Implementation Plan for it be effective. With the release Plan Melbourne ensuring that the CHRGP is consistent with Plan Melbourne will be more straight forward.

For Plan Melbourne, active engagement with the implementation of the Plan policies will be required, if the outcome are to be informed by Council's preferred direction. For the preparation of the CHRGP Implementation Plan, and subsequent implementation of CHRGP, similar active engagement will be required.

Resolution:

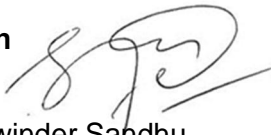
Crs. Toohey/Edwards

That Council endorses the Chief Executive Officers actions in making a submission to Plan Melbourne in accordance with the attached letter.

CARRIED.

Report Authorisation

Authorised by:


Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Thursday, 21 November 2013

11.2.8 Draft Domestic Animal Management Plan

Introduction

File No.: 04/02/002
Author: Sarah Annells
General Manager: Satwinder Sandhu

Background

The purpose of this report is to present the Moorabool Domestic Animal Management Plan 2012-2016 (the Plan) to the Council for adoption after the completion of a public exhibition period of four weeks.

At the Council meeting on 2 October 2013 Council made the following resolution:

That Council:

- 1. endorse in principle the draft Moorabool Domestic Animal Management Plan 2012-2016 for the purposes of public exhibition for a period of four weeks.*
- 2. receive a further report at the conclusion of the exhibition period seeking adoption of the Moorabool Domestic Animal Management Plan 2012-2016.*

It is a requirement of the *Domestic Animals Act 1994* that Council prepare and adopt a Domestic Animal Management Plan every 4 years. The Plan enables Council to take a greater strategic approach to animal management by:

- Promoting responsible pet ownership
- Encompassing effective management of dogs and cats through desexing programs and identification through microchipping of cats and dogs
- Reducing public and environmental nuisances caused by dogs either wandering and / or not under effective control in public places and open spaces.

During the public exhibition period copies were available in all Council offices, on the Moorabool website and on the ~~Have your say~~ Moorabool+ website. Copies were also sent to all external stakeholders.

Key issues raised in feedback

- Council officers are handling complaints well.
- There are conflicting views about increasing or decreasing off lead areas.
- It was suggested signage be reviewed.
- Several changes to the document have been adopted.

A full summary of the feedback is contained in attachment

Proposal

It is proposed that Council adopt the Domestic Animal Management Plan 2012-2016 as contained in attachment .

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community and Wellbeing
Objective	A safe community
Strategy	Promote and administer Council's Local Laws and other relevant legislation

The proposal to adopt the Moorabool Domestic Animal Management Plan 2012-2016 is consistent with the 2013-2017 Council Plan.

Financial Implications

There are no financial implications in the adoption of the draft Domestic Animal Management Plan as it was produced by officers within current budget allocations.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Domestic Animal Management Plan	Requirement under section 68A of the <i>Domestic Animals Act 1994</i>	Low	Council to develop and implement Domestic Animal Management Plan

Communications and Consultation Strategy

Once adopted by Council, *The Plan* will be advertised in the Moorabool News, placed on the *Have your Say* website and hardcopies located at all customer service centres. Copies will also be sent to all external stakeholders, including Department of Primary industries and Environment, local vets, the RSPCA, Pets Haven and any animal adoption group currently used by Council.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Sarah Annells

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

Conclusion

The Moorabool Domestic Animal Management Plan 2012-2016 has been prepared in accordance with guidance documents from the Department of Environment and Primary Industries, and is a legislative requirement of the *Domestic Animals Act 1994*. The Domestic Animals Management Plan will be implemented and the actions reviewed annually by Council's Community Safety Unit.

Recommendation:

That Council adopts the Domestic Animal Management Plan 2012-2016.

Resolution:

Crs. Spain/Sullivan

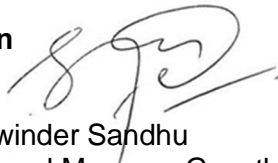
That Council adopts the Domestic Animal Management Plan 2012-2016 with an amendment to page 70 of the report to exclude working dogs.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Thursday, 21 November 2013



11.3 COMMUNITY SERVICES

11.3.1 Moorabool Youth Strategy 2013-2016

Introduction

File No.: 12/09/017
Author: Troy Scoble
General Manager: Danny Colgan

Background

The purpose of the report is to present the Moorabool Youth Strategy 2013-2016 to the Council for adoption following the completion of the public exhibition period.

At the Ordinary Meeting of Council on 2 October 2013, the Council made the following resolution

Crs. Dudzik/Comrie

That Council:

- 1. endorses 'in principle' the Draft Moorabool Youth Strategy 2013-2016 for the purposes of public exhibition for a period of four weeks; and*
- 2. receives a further report at the conclusion of the exhibition period seeking adoption of the Moorabool Youth Strategy 2013-2016.*

The Moorabool Youth Strategy 2013-2016 (~~%Strategy+~~) provides the framework for the future provision of Youth Services in the Shire and encourages a greater focus on engagement and connectedness in partnership with a range of other external service providers.

The Strategy acknowledges 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; recognise outstanding achievements by young people; and promote community understanding and appreciation of young people and their contributions to the community. Local agencies, health services and organisations have demonstrated a strong commitment to the development and implementation of the youth strategy.

The Strategy includes an action plan to ensure the key recommendations are progressed and reviewed annually.

The draft strategy was placed on public exhibition for four weeks. The exhibition of the draft strategy involved:

- A public submission process advertised in the local newspaper.
- Electronic copies of the draft strategy being placed on the %Have Your Say Moorabool+website, Council's on-line engagement portal.
- Electronic copies of the draft strategy being placed on Council's Website
- Electronic copies of the draft strategy being provided to members of the Moorabool and Schools Together (MAST) network, external agencies, State Government, education and training providers, other community groups and organisations for feedback.
- Copies of the draft strategy being made available at Council's Customer Service locations, Lerderderg Library and the Ballan Library.
- Electronic copies being sent to State Government departments which fund youth services for comment.

Key Issues raised in the Feedback

The key issues raised in the feedback were as follows:

- The plan was easy to read and follow, especially the action plan
- Good level of community and agency engagement
- Concern that the Avenue Program was not specifically mentioned as a good example of an alternative educational program.
- Some issues were raised regarding the timing/priority of key actions specifically the timing around the further investigation of a youth space. Informal feedback was received indicating this as a priority for 2014.
- Positive feedback from the MAST agencies regarding a collaborative approach to youth services.

The draft strategy was amended to reference the Avenue program as a positive example of alternative education.

Proposal

It is proposed that Council adopts the Moorabool Youth Strategy 2013. 2016 as contained in **Attachment 11.3.1**.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

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

Financial Implications

The Strategy contains an action plan outlining key strategies and actions to be implemented over the next four years. Officers will continue to source funding and resource opportunities both internally and externally including collaborative partnerships with other service providers to implement the action plan.

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	Medium	Business cases will be prepared for consideration in future Council budgets along with applications for external funding.

Communications and Consultation Strategy

Strategy Development

In accordance with Council's Community Engagement Policy and Framework, the following community engagement activities were undertaken to inform the development of the strategy:

- Face to face meetings with young people across the Shire.
- Meetings and discussions with parents, teachers and external agency staff.
- Engagement using social media, youth program and events evaluation surveys
- Forums with young people.
- Meeting and workshops with key networks and stakeholders including the MAST network.
- State Government and Agencies, community sporting groups.

Public Exhibition Period

Level of Engagement	Stakeholder	Activity	Outcome
Consult	Community	Public submission process advertised in Local Newspaper	No submissions
Consult	Community	Copies of Draft Strategy available at service centres, Lerderberg and Ballan Libraries	Residents able to view Draft Strategy
Consult	Community	Electronic copies of the Draft Strategy on the Have Have Your Say Moorabool+ website	39 Copies of document downloaded No Responses
Consult	Community	Electronic copies of the Draft Strategy were placed on Council's Website	Residents able to view Draft Strategy
Consult	MAST and Agencies / Community Groups, Secondary College, Education and Training Providers	Provided with electronic copies of the Draft Strategy and asked for comment.	2 Responses . resulting in face to face discussion
Consult	State Government departments which fund youth services and asked for comment.	Provided with electronic copies of Draft Strategy and asked for comment.	No Response

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 Moorabool Youth Strategy 2013-2016 is a four year strategy that provides the framework for the future provision of Youth Services in the Shire and encourages a greater focus on engagement and connectedness in partnership with a range of other external service providers.

The draft strategy encourages Council to focus on service provision and management, organisation wide strategy and policy development, facilitating networks and communication and advocacy and leadership.

Resolution:

Crs. Dudzik/Spain

That the Council adopts the Moorabool 2013-2016 Youth Strategy.

CARRIED.

Report Authorisation

Authorised by:

Name:

Title:

Date:



Danny Colgan

General Manager Community Services

Thursday 21 October, 2013

11.3.2 Sponsorship and Naming Rights Policy

Introduction

File No.: 02/06/007
Author: Danny Colgan
General Manager: Danny Colgan

Background

The Council previously considered this item at the Ordinary Meeting of Council on Wednesday 6 November 2013 where it resolved that the Draft Sponsorship and Naming Rights policy lay on the table for further consideration at the next Ordinary Meeting of Council.

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

The draft Sponsorship and Naming Rights Policy was made available for public comment.

The feedback received was as follows:

- Looks sensible to me
- It is essential that all documentation associated with any sponsorship and naming rights matter is immediately made available to all citizens prior to finalisation so that the risk analysis undertaken, and the basis for the decision(s) made, can be properly examined.
- The activity of %Wind Farms+ should be placed in the unacceptable category for any sponsorship. Direct experience in this Shire with Hepburn Wind has shown this industrial operation is demonstrably divisive of the community.

In relation to the documentation relating to sponsorship and naming rights being available, the policy stipulates that sponsorship opportunities will be publicly promoted and not limited to invited sponsors. Council will also establish criteria by which any sponsorship proposals will be assessed. If an expression of interest process is undertaken, specific criteria will be published and made available to all prospective sponsors. All sponsorship agreements will be listed in a publicly accessible sponsorship register and current sponsorship agreements will be noted in Council's annual report, in a form commensurate with the significance of the sponsorship.

The policy also stipulates that sponsorship package agreements with a value greater than \$20,000 must be reviewed by Council's legal advisors prior to signing; sponsorship arrangements must be approved by the Council's Chief Executive Officer; and naming rights agreements must be approved by a resolution of the Council.

In relation to the feedback to place wind farms in the unacceptable category for any sponsorship, the Council as a responsible authority cannot adopt a pre-determined position on matters that may be presented to Council.

The purpose of this report is to recommend the Council adopt the Sponsorship and Naming Rights Policy.

The policy relates to Council being the recipient of sponsorship and naming agreements and establishes guidelines by which sponsorship packages and agreements and/or philanthropic gifts will be negotiated.

The policy is based on the following principles:

- There should be no conflict between the vision and objectives of Council, the facility and the sponsor
- The nature of the product and the service of any sponsoring organisation should not detract from the purpose of the facility
- The sponsorship should not obligate Council to one company or product, nor imply the Council's or facility's endorsement of any products
- Council reserves the right to re-offer sponsorship rights after a certain period if the corporate entity ceases to exist.
- Sponsorship or donations by organisations or individuals does not allow them any rights of control, decision or influence over the Council or the facility
- All funds accepted will be administered in accordance with Council's financial management processes
- The Council will not enter into any alliance or partnership with any corporation or organisation where the association with the prospective partner or acceptance of the sponsorship will jeopardise the financial, legal or integrity of Council or the facility or adversely impact upon Council's or the facility's standing and reputation in the community
- Probity and transparency are important. Sponsorship opportunities will be publicly promoted and not limited to invited sponsors. However, it is recognised that there are instances where it is more feasible to approach individual sponsors directly as this can be more effective in terms of time and cost. In instances where it is deemed more feasible to approach individual sponsors directly, Council will employ both methods to allow for reasonable opportunity for all and identification of the most appropriate sponsor.
- Council will establish criteria by which any sponsorship proposals will be assessed. If an expression of interest process is undertaken, specific criteria will be published and made available to all prospective sponsors

- Sponsorship agreements will not be negotiated with organisations that produce, promote or provide tobacco or alcohol products or are in the sex, gaming or gambling industry

The policy specifically set out guidelines for attribution of naming rights for community facilities:

- for a fixed period, in the case of sponsorship, to acknowledge publicly the financial support to the facility by a sponsor, or
- indefinitely, in the case of philanthropic donation, to recognise the generous contribution of a person or trust to an important community cultural asset

Attributing Naming Rights to a major community facility needs to be undertaken in a considered way to ensure that the name, facility function and the reputation of all complement each other and do not detract from the public perception and use of the facility.

The policy states that the Council will consider naming a community facility after a corporate entity/sponsor, for a limited period, as a legitimate component of a sponsorship contract when a sponsor provides a substantial contribution (in percentage or absolute dollars) towards the capital and/or operating cost of the facility or the individual space within a facility (e.g. a program room within an aquatic and leisure services complex).

The policy also states that the Council will consider naming a community facility after a philanthropic benefactor noting that a substantial contribution in either percentage or actual dollars towards the capital cost of the facility, or component of the facility should be funded by the donor.

The policy does not outline the specific financial contributions associated with any individual sponsorship and naming rights arrangements as the dollars and scope of the sponsorship and naming rights should be identified in a fundraising prospectus. The fundraising prospectus would need to be developed in accordance with the policy principles and parameters.

In accordance with the resolution of Council on Wednesday 6 November 2013 the Sponsorship and Naming Rights and is now presented to Council for adoption.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

The Sponsorship and Naming Rights Policy is consistent with the 2013-2017 Council Plan.

Financial Implications

The policy has been prepared with existing resources. The proposed community engagement will also be undertaken within existing resources.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Reputation	Entering into agreements without a policy	Medium	Policy in place

Communications and Consultation Strategy

Feedback from the communities of Moorabool was sought on the draft Sponsorship and Naming Rights through Have your Say, Council's online community engagement portal; advertisements in newspapers; direct mail to community groups; Reserve and Hall Committees of Management; businesses and service groups; and information on Council's website.

The following community engagement was undertaken to seek feedback on the Sponsorship and Naming Rights Policy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community	Have your Say . Council's on line community engagement portable	Shire	November 2013	43 visits to the site Draft policy downloaded 40 times 2 submissions were received

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Council delegated Committees of Management (Halls and Recreation Reserves), Traders Group, Bacchus Marsh Community Consortium	Direct Mail	Shire	November 2013	

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 – Danny Colgan

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

Conclusion

The purpose of this report is to recommend that the Council adopt the Sponsorship and Naming Rights Policy. The policy relates to Council being the recipient of sponsorship and naming agreements and establishes guidelines by which sponsorship packages and agreements and/or philanthropic gifts will be negotiated.

The policy is not intended to outline the specific financial contributions associated with any individual sponsorship and naming rights arrangements and sees the dollars and scope of the sponsorship and naming rights being identified in a fundraising prospectus. The fundraising prospectus would need to be developed in accordance with the policy principles and parameters.

Having resolved on the 6 November that the policy lay on the table for further consideration and adoption at the next Ordinary Meeting of Council, the Sponsorship and Naming Rights Policy is presented to Council for adoption.

Resolution:


Crs. Sullivan/Edwards

That Council, in accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, now adopts the Sponsorship and Naming Rights Policy.

CARRIED.

Report Authorisation

Authorised by:



Name:

Danny Colgan

Title:

General Manager Community Services

Date:

Thursday 21 November, 2013

11.3.3 Rural Library Service Review

Introduction

File No.: 17/03/001
Author: Kate Diamond-Keith
General Manager: Danny Colgan

The purpose of this report is to present the findings and recommendations of the Rural Library Service Review to the Council for adoption.

Background

Following the wind up of the Central Highlands Regional Library Corporation in June 2011, Council entered into a Service Level Agreement with the City of Ballarat for the provision of library services. As part of the new agreement, the City of Ballarat advised that it would not continue to operate the Mobile Library vehicle beyond 30 June 2012. This meant that from 1 July 2012, former member Councils of the Corporation were required to deliver library services to rural areas through their own model.

A comprehensive review of library services to rural areas was subsequently undertaken by Council Officers and at the Ordinary Meeting of Council on 16 May 2012, Council resolved to implement the following model:

- Implement a small library depot in Ballan at a community location
- Provide an online ordering model with drop off/pick up at the following locations:
 - Bungaree . Internet kiosk with Regional Library Officer visiting once per week;
 - Elaine, Gordon, Dunnstown and Leigh Creek . visited by the Rural Library Officer once a week to drop off/pick up books and support library users
 - Visiting fortnightly van service to Blackwood (to be purchased from the City of Ballarat due to lack of internet access)
 - Co-location with other services i.e. Maternal and Child Health (Ballan and Wallace) and Home and Community Care visits

It was agreed to trial the above sites (to replace existing Mobile Library stops) for 12 months and to then complete a review of the new model in July 2013.

On 1 July 2012, Council commenced delivering Rural Library Services to Ballan, Bungaree, Elaine, Gordon, Dunnstown and Blackwood townships.

The current timetable for the Rural Library Service is as follows:

Rural Library Service Timetable		
Day	Location	Time
Tuesday	Dunnstown Recreation Reserve	10:00am - 11:00am
	Bungaree General Store	11:30am - 12:30pm
	Gordon Hall	2:00pm . 3:00pm
Wednesday	Ballan Mechanics Institute Library Depot	9.30am - 1.00 pm
	Blackwood, fortnightly	1.30pm . 2.30pm
Thursday	Leigh Creek (outside Leigh Creek Roadhouse)	11.30am - 12.30 pm
	Elaine Hall	2.00pm. 3.00pm
Saturday	Ballan Mechanics Institute Library Depot	1:30pm - 5:00pm

Library Strategic Plan 2012-15

At the 5 September 2012, Ordinary Meeting of Council, Council resolved to adopt the Moorabool Shire Library Strategic Plan 2012-2015 (and associated Action Plan). The strategic plan provides a vision for Library Services in Moorabool and outlines a set of key priority areas that seek to:

- Expand and improve library programs and activities available to Bacchus Marsh and rural communities;
- Promote and raise awareness of programs, services and activities delivered by Moorabool Library Services;
- Improve the collection;
- Improve services and opportunities through innovation and new technologies; and
- Investigate infrastructure requirements through a feasibility study for future library services in Ballan including a potential static library branch.

The delivery of Rural Library Services is being undertaken in accordance with the priorities, strategies and actions set out in the Moorabool Shire Library Strategic Plan.

Review of the Rural Library Service

A preliminary review of the Rural Library Service was conducted in May 2013. At the Ordinary Council meeting on the 15 May 2013 Council resolved to:

1. *Receive the findings of the preliminary review of the Rural Library Service*
2. *Continue the trial of the Rural Library Service to 30 June 2014*

3. *Conduct a full review of the Rural Library Service with a further report to be presented to the Council in November.*

Key Findings

Over the past 12 months the rural library service has generally been successful. The Ballan Library depot has been the most successful with community visits and loans exceeding expectations. Most of the other rural locations, whilst slower to be used, have also been successful with loans and visits steadily improving over the past 12 months. However there have been issues with the levels of visitation to the Leigh Creek and Elaine sites with continued efforts to improve these sites not having much impact.

The table below outlines the attendance figures for each location and the number of loans per location.

Location	Accrued total from July 2012 to June 2013	
	Visits	Issues (Loans)
Dunnstown	154	500
Bungaree	163	1,629
Gordon	307	846
Blackwood	133	279
Elaine	8	8
Leigh Creek	6	2
Ballan	10,580	16,155
Total	11,351	19,419

The following provides information about the review of each rural library location.

Ballan

The Ballan Library depot is by far the most successful site for the Rural Library Service, with the majority of visits and loans for the rural service. The Library is currently open seven hours per week and provides library programs and services including Baby Rhyme Time on a Wednesday morning and school holiday activities periodically.

In comparison to the Lerderderg Library in Bacchus Marsh, the Ballan Library receives 29 visits per hour and the Lerderderg Library receives 42 visits per hour. The Ballan Library has one staff member on a Wednesday and two staff on a Saturday (one is a junior casual) in comparison to the Lerderderg Library that has two qualified staff, a self-serve check-out and assistance from Customer Service staff when required. The majority of the loans to the Ballan Library on a Saturday are in the first hour of opening, which suggests that adjusting the opening hours may alleviate this congestion.

The Ballan Library depot is located in a small room at the Ballan Mechanics Institute and due to the high visitation, the room is often overcrowded which puts pressure on the Rural Library Services Officer and hampers the ability to provide high level customer service. A survey conducted of Library users highlighted the desire by the community for additional Library opening hours in Ballan; a larger space to deliver the service; and additional programs and services including book clubs and programs for children and young people.

Adjusting the opening hours on a Saturday to the morning instead of the afternoon will alleviate congestion. Increasing library opening hours in Ballan to include an additional four hours on a Friday will also alleviate the issues with overcrowding and enable Library staff to deliver a higher level of service to the community. It will also provide more opportunity to deliver additional programs and activities from the site in accordance with the Library Strategic Plan 2012-15.

The high visitation and demand for increased services supports the need to undertake a feasibility study into future library services in Ballan. The feasibility study is a key priority in the Library Strategic Plan 2012-15 and will seek to investigate:

- the viability of establishing a static library/community hub in Ballan;
- preferred models and the benefits of integrated service provision and multiuse community space;
- opportunities for the Library to be incorporated into a multi-use facility that would provide space for key service provision and community meeting space for use by recreation reserve users as well as other community groups and organisations; and
- potential funding opportunities and timeframes.

It is proposed that a budget bid be submitted for the 2014/2015 budget to undertake a feasibility study for a permanent Library presence in Ballan.

Bungaree, Gordon and Dunnstown

The Bungaree, Gordon and Dunnstown sites have had steady improvements, with each location experiencing gradual increases in visit and loan rates. Ongoing promotion and awareness raising activities are continuing to be undertaken by Council Officers to help build participation at each site. This includes seeking opportunities to promote rural library locations through other initiatives such as the Library Bag competition, poetry workshops and book clubs.

The internet kiosk and return bin at Bungaree General Store has been popular due to the ability of users to place holds online and to return items at any time (during Bungaree Store opening hours) in the absence of the Rural Library Officer. Although the internet kiosk is not suitable at all locations, rural library users at Gordon and Dunnstown have shown interest in having return bins available for use. Users have also shown interest in a small static collection being made available via a lockable book shelf that patrons can browse when the Rural Library Officer visits. This collection would be rotated regularly to avoid becoming stale.

Blackwood

Due to the unreliability of internet access in Blackwood, Council purchased a fortnightly van service from the City of Ballarat at a cost of \$7,839 per annum. The fortnightly library van service visits Blackwood Hall on a Wednesday afternoon and provides access a large collection on-site through the library van service.

Usage rates have remained low, despite continued marketing and awareness raising activities by officers. Feedback from the community suggests that the Blackwood Hall may not be the most appropriate site due to its location away from the main street; being perched on the top of a hill and may be inaccessible to some people.

It is proposed for Library Service Officers to investigate alternative locations for the delivery of the service including businesses in the main street.

Due to the participation rate at Blackwood and the cost associated with City of Ballarat providing library services to the township, it is proposed that library services be provided through the visiting Rural Library Services Officer. This will include:

- The establishment of a small static collection made available via a lockable bookshelf that users can browse when the Rural Library Officer visits weekly
- Holds made by phone prior to the rural Library Officer visit, or on-site by filling in a form that the Rural Library Services Officer will process

This service may be reviewed in the future as the National Broadband Network upgrade will also provide options for the delivery of library services to Blackwood which might include the installation of an internet kiosk in the future.

Leigh Creek & Elaine

Leigh Creek and Elaine locations have not been well utilised by the community despite ongoing promotion and awareness raising efforts by Library Service Officers. In the 2012/13 year Elaine received eight visits and Leigh Creek six visits, despite changes to locations and times to try to improve visitation. Since the change in times for Leigh Creek in early 2013, there have been no visits to this site. It should be noted that when the Mobile Library truck was still operating Elaine had very low visitation. In June 2011, Elaine had 14 active library members and in the 2010/11 financial year the Mobile Library did 479 loans, which is about 2-3 people visiting the Mobile Library in Elaine per week. It is therefore proposed to discontinue both the Elaine and Leigh Creek sites.

Child and Maternal Health Centres – Ballan and Wallace

The Child and Maternal Health Centres in Ballan and Wallace have a drop box that is serviced each week by the Rural Library Officer. Users can return items and pick up holds. The benefit of this option is that users can pick up holds during centre opening hours. Although this service has not experienced the uptake expected, by increasing promotional activities through mothers groups and the Centres themselves, it is anticipated that participation is likely to increase. This service does not require high staff resources to continue.

Proposal

It is proposed that the following changes be made to the Rural Library Service. The changes can be made immediately as they do not require extra funding from the Council.

1. Ballan Library

The informal face to face interview with patrons of the Ballan Library has indicated that members would like the library hours adjusted to Saturday morning, to coincide with shopping hours. Members have also provided feedback that the Ballan Library needs to be open for more hours and also available for after school times.

Proposed Changes

- Revise the opening hours of the Ballan Library on a Saturday to 9:30am . 1:00pm.
- Open the Ballan Library on a Friday for four hours from 1:30 - 5:30pm.
- A budget submission for the 2014/15 Budget is presented to undertake a feasibility study for a permanent Library presence in Ballan.

2. Rural Library Sites

All residents in the rural areas of the Shire received a flyer for the rural library survey with 14 responses received. One person wanted a site in Mt Egerton; one person wanted a site in either Yendon or Lal Lal; and one person wanted a site at Greendale. Given the low response rate to the survey, it is difficult to ascertain the level of interest in establishing any new sites. In Gordon, one person asked for the hours to be extended. Other respondents to the survey indicated that they were happy with the current service; wanted more hours in Ballan or different (morning) hours in Ballan, an external drop off box in Ballan or wanted a wider range of materials to browse at the rural sites.

Proposed Changes

- Discontinue the Leigh Creek and Elaine sites
- Reallocate the Officer time from discontinuing Leigh Creek and Elaine to open the Ballan Library for an additional four hours per week.
- Further investigate the feasibility of sites at Lal Lal, Mt Egerton or Yendon and provide a report back to the Council on the outcomes
- Discontinue the City of Ballarat Library van service to Blackwood and install a small static collection in an alternative location with the Rural Library Officer to visit once per week (instead of fortnightly).
- Provide return bins at all appropriate stops including Gordon, Dunnstown and Blackwood
- Provide a small static collection at Gordon, Dunnstown, Bungaree and Blackwood by installing a lockable bookshelf that users can browse while the Rural Library Officer visits (using existing shelving in storage)
- Promote drop off/pick up locations at Child and Maternal Health Centres in Ballan and Wallace via Mothers Groups, the Centres and other programs delivered by Maternal and Child Health Services.
- Extend the Gordon hours to 3:30pm (additional half hour)

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Community self reliance
Strategy	Pursue initiatives that promote lifelong learning, literacy and information needs of the community.

The proposal Rural Library Service Review is consistent with the 2013-2017 Council Plan.

Financial Implications

The following financial implications will result from the proposed changes.

Officer time for additional opening hours in Ballan can be funded from officer time previously used for Leigh Creek and Elaine.

It is proposed that the \$7,839 saving to the Library budget as a result of discontinuing the service provided to Blackwood by the City of Ballarat, be utilised to fund:

- an increase to the rental payments for the use of the Ballan Mechanics Institute for additional opening hours. Revised rental agreements are currently being negotiated.

- the lease of an area in a shop or another facility in Blackwood for the delivery of rural library service to Blackwood by the visiting Rural Library Officer. The Rural Library Officer will visit weekly instead of fortnightly, consistent with all other rural library sites.

The feasibility study into the future of library services in Ballan is a key priority in the Library Strategic Plan 2012-15. This critical piece of work will require additional funding from Council. A budget bid will be prepared for the 2014/15 budget to fund the preparation of a feasibility study.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
No changes to service	Continue library services without implementing review	Medium	Implement review outcomes

Communications and Consultation Strategy

The following community engagement was undertaken to inform the full review:

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Library members and non-members	Survey . Have Your Say and paper	Various	September 2013	14 surveys
Consult	Ballan Library members	Face to face interview question	Ballan	September 2013	57 people

Community Engagement undertaken for preliminary review

Consult	Community organisations	Discussions with stakeholders	Various	Nov 2012 to July 2013	Options for service improvements including ongoing co-location and partnerships
Consult	Other rural library services	Meetings Phone interviews	Various	Dec 2012 . Feb 2013	Phone interviews and meetings regarding alternative rural outreach models
Involve	Internal Library and Community Development Officers	Workshop	Bacchus Marsh	Feb 2013 and July 2013	Options for Service Improvements identified

If the Council approves the proposed changes, the community and rural library users will be informed of changes via:

- Flyers distributed to all rural library users through the Rural Library Service Officer
- Advertisements in newspaper
- Media Release
- Moorabool Matters article
- Central Highlands Libraries and Moorabool website

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

On 1 July 2012, Council resolved to implement the Rural Library Service model and intended that it be reviewed after 12 months to ensure it is meeting community need. Officers have completed a review of the Rural Library Service and recommended proposed improvements to the service.

Resolution:

Crs. Sullivan/Edwards

That Council:

- 1. *Concludes the trial period of the rural library service and approves the permanent operation of the service.***
- 2. *Revises the opening hours of the Ballan Library on a Saturday to 9:30am – 1:00pm and open the Ballan Library on a Friday for four hours from 1:30-5:30pm.***

3. ***Refers a budget submission to the 2014/15 Budget to undertake a feasibility study for a permanent Library presence in Ballan.***
4. ***Discontinues the Leigh Creek and Elaine sites and reallocate the Officer time from discontinuing Leigh Creek and Elaine to open the Ballan Library for an additional four hours per week.***
5. ***Requests that officers further investigate the feasibility of sites at Lal Lal, Mt Egerton or Yendon and provide a report back to the Council on the outcomes.***
6. ***Discontinues the City of Ballarat Library van service to Blackwood and install a small static collection in an alternative location with the Rural Library Officer to visit once per week (instead of fortnightly).***
7. ***Provides return bins at all appropriate stops including Gordon, Dunnstown and Blackwood.***
8. ***Provide a small static collection at Gordon, Dunnstown, Bungaree and Blackwood by installing a lockable bookshelf that users can browse while the Rural Library Officer visits (using existing shelving in storage).***
9. ***Promotes drop off/pick up locations at Child and Maternal Health Centres in Ballan and Wallace via Mothers Groups, the Centres and other programs delivered by Maternal and Child Health Services.***
10. ***Extend the Gordon site hours to 3:30pm (additional half hour).***

CARRIED.

Report Authorisation

Authorised by:

Name:

Title:

Date:



Danny Colgan

General Manager Community Services

Thursday 21 November, 2013

11.3.4 Draft Moorabool Hike and Bike Strategy

Introduction

File No.: 17/09/010
Author: Troy Scoble
General Manager: Danny Colgan

The purpose of this report is to seek endorsement of the draft Hike and Bike Strategy for the purposes of community engagement.

Background

Walking and cycling are two of the most popular activities undertaken by Australians and this is no different for Moorabool Shire residents and the provision of infrastructure and programs to support these activities significantly contributes to the health and wellbeing of the Moorabool Community.

The Council sought to develop a Hike and Bike Strategy (draft strategy) to gain a better understanding of the hike and bike network needs of the community.

Council faces significant challenges in providing for an ever expanding population; in meeting the increasing expectations about the standard to which paths and trails and associated infrastructure will be provided and constructed; as well as improving the connectivity of paths/trails to key destinations.

The draft strategy has been prepared to guide Council in its decision making for the future development; provision; management; maintenance; community education; and marketing of hike and bike networks to support both the recreation and transport needs of Moorabool Shire residents and visitors to the area.

Proposal

The vision for the Hike and Bike Network in Moorabool as articulated in the draft strategy is:

“To develop a safe and sustainable hike and bike network that provides for a wide range of users; provides safe local and regional connections between townships; and increases recreation and tourism opportunities within Moorabool Shire”.

The draft strategy recommends that priority be given to linking primary destinations such as schools, larger shopping centres, major parks and reserves, major public transport routes and significant community hubs and/facilities.

The recommendations in the draft strategy are presented under the following categories:

- Planning and policy development
- Management and maintenance of the existing Hike and Bike Network
- Pedestrian network
- Future trail/infrastructure and amenities
- Promotion and marketing
- Recreational paths/tracks/roads
- Funding and grant opportunities.

The draft strategy outlines a program of prioritised capital works and projects to support the growth and utilisation of the Moorabool Hike and Bike Network. Each action has been prioritised as High (1-3 years), Medium (4-6 years) and Low (7-10 years).

It is recognised that there are some actions that are a highly desirable but are likely to take between seven to ten years before they are realised due to the projected rate of development in Moorabool and when access to developer contribution funds are likely to be available to support the costs of these projects.

All nominated projects will need to be considered through Council's annual budget process and are subject to both internal and external funding opportunities.

It is proposed that the Council endorse the Draft Moorabool Hike and Bike for the purposes of public exhibition until the 28 February 2014. The extended period of public exhibition acknowledges the timing of the presentation of the draft strategy to the Council and community for feedback. Following the exhibition period and consideration of feedback, the draft strategy will then be presented to the Council for adoption.

Policy Implications

The 2013-2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Participation in diverse sport, recreation and leisure activities.
Strategy	Provide and promote walking and cycling trails for recreation and commuter use.

The draft Strategy is consistent with the 2013-2017 Council Plan.

Financial Implications

The Draft Strategy contains an action plan outlining key strategies and actions to be implemented. An indicative cost of the full implementation of the actions in the draft plan is outlined.

Funding for the projects identified in the draft strategy will need to be considered through Council's annual budget process and be subject to external funding. A range of potential funding options have been identified in Section Four of the strategy.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Increased community pressures on service provision if high priorities in strategy are not implemented	High	Future strategic planning for high priority recommendations identified in context of other capital priorities
Financial	Funding required to progress actions set out in strategy	Medium	Business cases will be prepared for consideration in future Council's budgets along with applications for external funding.

Communications and Consultation Strategy

Consultation was undertaken with residents and key stakeholders to inform the preparation of the draft Strategy. Further consultation will be undertaken to inform the preparation of Hike and Bike Strategy.

A range of community engagement and consultation was undertaken to identify community perspectives on current issues and priorities in relation to the development of a Hike and Bike Strategy and network for Moorabool Shire. The consultation involved:

- Resident Surveys
- Engagement at the Council's Health and Wellbeing Expo
- Consultation workshop and meetings with Bacchus Marsh and District Trails Advisory Committee
- Public Submissions process including an invitation to all Reserve Committees of Management to identify actions for the development of a Strategy
- Key Stakeholder Consultation

The community engagement will involve seeking comment on the draft strategy from the Bacchus Marsh and District Trails Advisory Committee; Council's Special Committees of Management; through placing it on Council's online engagement portal Have your Say and in key community facilities and points of interest across the Shire.

The process for submissions will be advertised through local newspapers and other communication processes i.e. email groups and Council's website.

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 sought to develop a Hike and Bike Strategy to gain a better understanding of the hike and bike network needs of the community.

Council faces significant challenges in providing for an ever expanding population; in meeting the increasing expectations about the standard to which paths and trails and associated infrastructure will be provided and constructed; as well as improving the connectivity of paths/trails to key destinations within areas.

The draft strategy has been prepared to guide Council in its decision making for the future development; provision; management; maintenance; community education; and marketing of hike and bike networks to support both the recreation and transport needs of Moorabool Shire residents and visitors to the area.

Recommendation:

That Council:

- 1. Endorses the Draft Hike and Bike Strategy for the purposes of community engagement until the 14 February 2014.**
- 2. Receives a further report on the adoption of the Hike and Bike Strategy at the conclusion of the community engagement period.**

Resolution:

Crs. Spain/Dudzik

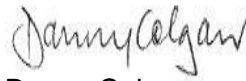
That Council:

- 1. *Endorses the Draft Hike and Bike Strategy for the purposes of community engagement until the 14 February 2014.***
- 2. *Receives a further report be presented at an Assembly of Council prior to the adoption of the Hike and Bike Strategy at the conclusion of the community engagement period.***

CARRIED.

Report Authorisation

Authorised by:



Name:

Danny Colgan

Title:

General Manager Community Services

Date:

Thursday 21 November, 2013

11.3.5 Community Grants Program Winter 2013

Introduction

File No.: 06/03/004
Author: Michelle Richards
General Manager: Danny Colgan

Background

The purpose of this report is to present the Council with an assessment of applications received under the %Winter 2013+ round of Community Grants. Community grants totalling \$140,000 per annum are available in two separate funding rounds of \$70,000 each. The Winter round of the Community Grants Program opened on the 9 September 2013 and closed on the 4 October 2013.

At the Ordinary Council Meeting on Wednesday 4 September 2013, the Council adopted the revised Community Grants Policy and Guidelines. The policy will be reviewed again in 2016. The Winter 2013 Community Grant Program represents the first round under the revised Community Grant Policy.

Council's Community Grants program enables not for profit community groups to apply for funding under the following three program categories:

- " Community Strengthening Grants: Community projects, programs and initiatives with a specific focus on connecting communities and building community capacity (\$50,000 available per round).
- " Events Grants: Non-recurrent, seed funding designed to encourage and promote the development of sustainable local events (\$10,000 available per round).
- " Arts Grants: Supporting local artists and organisations to use a creative approach to the development of community projects and initiatives (\$10,000 available per round).

Community groups and organisations can apply for up to \$5,000 for Community Strengthening Grants and up to \$3,000 for Arts and Events Grants. Groups also need to demonstrate a cash or in-kind contribution toward the cost of their project on a ratio of \$1 for \$1 (Council \$1: Group \$1). Small Community Strengthening Projects under \$1,000 are not required to demonstrate a contribution.

The categories under the Community Grants Program recognise the diverse range of activities that community groups in Moorabool are engaged in and the areas in need of financial support from Council.

The Community Grants Program Policy Guidelines state that applicant groups must demonstrate the support of the committee responsible for management of the proposed facility/service. This includes demonstrating that proposed projects are consistent with the service or facilitiesqMaster Plan, Strategic Plan or Business Plan.

Policy Assessment Criteria:

- a) Project Description and why the applicant wants to do the project . 10%
- b) What will this project achieve? . 20%
- c) Why is this project needed in your community? . 20%
- d) Who will be involved in the project? 15%
- e) How will you carry out your project? (including risk management) . 15%
- f) Project budget and explanation of how the group arrived at the costs? 20%

Each criterion is given a score between 0 and 10 and this score is weighted according to the criteria percentage. The maximum possible score for any application is 100.

Application Support

The Community Grants Program Policy specifies that applicant groups are encouraged to meet with a Community Development Officer prior to lodging an application. The majority of applicant groups for the Winter 2013 round of Community Grants received support and advice from Community Development Officers.

Number of applications and amount requested

In total, 17 applications were received across the three program categories:

Community Strengthening (10) Events (5) and Arts (2). A total of \$59,988 was requested with \$70,000 available. Therefore, in this round the grant program is under prescribed and this was due to the Community Grants review process and the grant program opening later than normal.

Category	Applications Received	Amount Requested	Amount recommended	Amount Available
Community Strengthening	10	\$41,988	\$41,988	\$50,000
Events	5	\$14,000	\$10,000	\$10,000
Arts	2	\$4,000	\$4,000	\$10,000
Total	17	\$59,988	\$55,988	\$70,000

Assessment

Assessment of applications was conducted by a panel of officers and ranked according to the extent to which the application addressed Council's policy assessment criteria.

Funding for emergency services projects:

Currently grants of up to \$100,000 are available through the Volunteer Emergency Services Equipment Program (VESEP). The VESEP is an ongoing program funded by the Victorian Government. The 2013/14 program includes funding offered on a \$2:\$1 ratio. Emergency Services volunteers are encouraged to apply, with applications opening early in 2014. The program is aimed at funding projects such as operational equipment, vehicles and appliances and minor facility improvements. There are no applications in this round from emergency services organisations.

Proposal

Based on the above process and funding criteria, it is proposed that the Council allocate the grants for the ~~W~~inter 2013+round of Community Grants as follows:

Community Strengthening Grants:

Groups demonstrating Council Policy criteria of, or better than, a score of 70.4 may be provided with funding if Council so determine.

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Recommended Amount	Project Total Value	Progressive Total	Policy Score	Previous Grant Awarded
Yendon History Group	Memorial Gates Project	Restoration of the Yendon State School memorial gates located at the recreation reserve in celebration of the 150 th anniversary of the schools opening.	\$1,000	\$1,000	\$3,042	\$1,000	88.1	Winter 2010 Display Boards
Gordon Football Netball Club	Improved food storage	Purchase of 2 new glass door refrigerators to upgrade the existing appliance that is currently faulty (leaking). Old refrigerator also displays alcohol signage that is not in line with current club policy.	\$2,816	\$2,816	\$6,032	\$3,816	84.3	NA
Bacchus Marsh Pony Club	Portable arena	Project to upgrade the facilities and safety of the Bacchus Marsh Pony Club by the purchase of two portable, UV resistant, strengthened plastic dressage arenas.	\$4,672	\$4,672	\$9,344	\$8,488	81.15	NA

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Recommended Amount	Project Total Value	Progressive Total	Policy Score	Previous Grant Awarded
Gordon Recreation Reserve	Upgrade community meeting facilities	The replacement and upgrade of community meeting facilities such as indoor community seating and tables.	\$3,500	\$3,500	\$7,370	\$11,988	80.2	Winter 2012
Dunnstown Community Centre	Bathroom Refurbishment	Refurbishment of the out dated toilets (men, ladies & disabled) to enhance functionality and usability of the centre.	\$5,000	\$5,000	\$25,335	\$16,998	79.64	Winter 2011
Highlands Support Service	Increasing employment opportunities for the disadvantaged through the upgrade of facilities at the Dunnstown tree farm	Installation of a shed to the Christmas Tree farm on Ti Tree Rd Dunnstown where disadvantaged people work to plant, maintain and harvest Christmas trees for sale. The building on site will primarily to provide shelter for the workers and storage for equipment and materials. It would also enable the sale of Christmas trees at the farm instead of having to take them offsite for sale.	\$5,000	\$5,000	\$10,000	\$21,998	78.12	NA

Parents and Friends Association St Brendans	Mountain of Fun Run	Implementation of Mountain of Fun Run to promote health, fitness and well-being, whilst also promoting the best of the community and environment to a wide range of people across the Moorabool Region and beyond. This event is open to runners and walkers of all ages and abilities including prams and wheelchair access.	\$5,000	\$5,000	\$45,600	\$26,998	76.33	Winter 2011
Blackwood Special Schools Outdoor Education Centre	Water tank	Installation of an 110,000 litre water tank for use by the special school.	\$5,000	\$5,000	\$12,406	\$31,998	74.01	NA
Bacchus Marsh Cricket Club	Extension of run-ups for cricket nets	Concreting of the run ups for the 5 cricket practice nets at Maddingley Park.	\$5,000	\$5,000	\$10,230	\$36,998	72.55	Summer 2011
Ballan Community Friendship Garden	Long term sustainability project	Installation of raised garden beds accessible for the disabled, erection of a greenhouse, garden shed and 2x 5,000 litre garden tanks with pressure pump achieving long term sustainability.	\$5,000	\$5,000	\$11,750	\$41,998	70.4	NA
Total:			\$41,988		\$141,109	\$41,998		

Events Grants:

Groups demonstrating Council Policy Criteria of, or better than a score of 70.75 may be provided with funding if Council so determine.

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Recommended Amount	Project Total Value	Progressive Total	Policy Score	Previous Grant Awarded
Great War Centenary Committee	World War One Centenary Commemorations	The aim of this project is to provide a range of commemoration events for the centenaries of Australia's involvement in World War One, with a focus on Bacchus Marsh and the Avenue of Honour.	\$3,000	\$3,000	\$6,000	\$3,000	87.5	NA
Djerriwarrh Health Services	The Longest Lunch	Event aimed at showcasing local produce for fundraising	\$3,000	\$3,000	\$16,000	\$6,000	80.63	Winter 2011 (different event)
Yendon History Group	Event for the restoration of the World War 1 Avenue	Event to celebrate the planting of seven additional trees to the Avenue of Honour to honour soldiers who were killed in action but were unknown previously	\$3,000	\$3,000	\$6,127	\$9,000	75.75	Winter 2011 (different event)
Gordon Community Spring Festival	Gordon's Back In Time Festival	The festival will provide entertainment for the members of the community of Gordon and surrounding districts, and opportunities for local people to display their talents in the fields of art, craft and music.	\$2,500	\$1,000	\$3,780	\$11,500	70.75	NA

Bacchus Marsh Good Friday Association	Good Friday Pageant	A religious, historical and educational event	\$2,500	\$0	\$21,000	\$14,000	48.75	NA
Total:			\$14,000	\$10,000	\$52,907			

Arts Grants:

Groups demonstrating Council Policy criteria of, or better than a score of 70.38 may be provided with funding if Council so determine.

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Recommended Amount	Project Total Value	Progressive Total	Policy Score	Previous Grant awarded
Blackwood and Barrys Reef Landcare Group	Public weed education project	Development of a float to be used in the Blackwood Annual Easter Carnival and Parade, to act as the focal point for weed education in Blackwood	\$3,000	\$3,000	\$6,000	\$3,000	80.25	NA
Ballan Life Drawing	Promoting Life Drawing in the Moorabool Shire	Project to undertake the promotion of life drawing classes to attract new participants	\$1,000	\$1,000	\$1,000	\$4,000	70.38	Winter 2011
Total:			\$4,000		\$7,000	\$4,000		

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

The proposed allocation of grants under the Community Grants Winter 2013 Program is consistent with the 2013-2017 Council Plan.

Financial Implications

Consistent with the Community Grants Policy and 2013/14 budget allocation, a total of \$70,000 is available for allocation in the Winter 2013 round. The total of grants being recommended for allocation in this round is \$55,988. In the Events Grants category, the Gordon Community Spring Festival has applied for \$2,500 and officers have recommended that due to the availability of funding in this round that a \$1,000 grant be offered to this group. This group have indicated that they would be open to Council allocating this amount, if they so determine.

There were considerably less applications than normal in this round and therefore the grant funds available will be under expended in Community Strengthening and Arts Grants. However, there is another round of Community Grants opening in February 2014, and it is expected that a larger number of applications will be received in this round and all grant funds available will be expended for this financial year.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk rating	Control/s
Project timelines	Grant recipients exceeding prescribed timelines	Medium	- Terms and conditions agreements required to be signed by grant recipients -Scheduled monitoring of projects
Financial	Grant recipients appropriate expenditure of Council funds	Medium	- Terms and conditions agreements required to be signed by grant recipients - Grant acquittal required upon completion of projects

Communications and Consultation Strategy

Applicants for the Winter 2013 round of Community Grants Program will be advised in writing that they will be notified of the outcomes of their grant applications in December 2013.

Community Development Officers will provide feedback to unsuccessful applicant groups via meetings or phone contact. Feedback will include:

- " Advice to applicant groups of the relative strengths and areas for improvement in their Community Grant applications
- " Options for alternative funding
- " Supporting a group to re-lodge their application in the next appropriate round of Community Grants Program

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 – Michelle Richards

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

Conclusion

Applications received under the %Winter 2013+ round of Community Grants are reflective of the diverse range of activities that community groups are engaged in and the areas in need of financial support from Council. In total, 17 applications were received across the three program categories: Community Strengthening (10), Events (5) and Arts (2).

This is the first round of Community Grants under the revised Community Grants Policy and Guidelines adopted by the Council on the 4th September 2013. There were considerably less applications than normal in this round, however, it is expected that a larger number of applications will be received in the Summer 2014 round in February 2014 and that all grant funds available will be expended this financial year. The majority of applications received in this round were of a high quality, which reflects the increasing skills of the community groups in the Shire.

Resolution:**Crs. Sullivan/Toohey**

- 1. That the Council Allocates the following grants in the Community Strengthening Grant category.**

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Recommended Amount
Yendon History Group	Memorial Gates Project	Restoration of the Yendon State School memorial gates located at the recreation reserve in celebration of the 150th anniversary of the schools opening.	\$1,000	\$1,000
Gordon Football Netball Club	Improved food storage	Purchase of 2 new glass door refrigerators to upgrade the existing appliance that is currently faulty (leaking). Old refrigerator also displays alcohol signage that is not in line with current club policy.	\$2,816	\$2,816
Bacchus Marsh Pony Club	Portable arena	Project to upgrade the facilities and safety of the Bacchus Marsh Pony Club by the purchase of two portable, UV resistant, strengthened plastic dressage arenas.	\$4,672	\$4,672
Gordon Recreation Reserve	Upgrade community meeting facilities	The replacement and upgrade of community meeting facilities such as indoor community seating and tables.	\$3,500	\$3,500
Dunnstown Community Centre	Bathroom Refurbishment	Refurbishment of the out dated toilets (men's, ladies & disabled) to enhance functionality and usability of the centre.	\$5,000	\$5,000
Highlands Support Service	Increasing employment opportunities for the disadvantaged through the upgrade of facilities at the Dunnstown tree farm	Installation of a shed to the Christmas Tree farm on Ti Tree Rd Dunnstown where disadvantaged people work to plant, maintain and harvest Christmas trees for sale. The building on site will primarily to provide shelter for the workers and storage for equipment and materials.	\$5,000	\$5,000

		It would also enable the sale of Christmas trees at the farm instead of having to take them offsite for sale.		
Parents and Friends Association St Brendans	Mountain of Fun Run	Implementation of Mountain of Fun Run to promote health, fitness and well-being, whilst also promoting the best of the community and environment to a wide range of people across the Moorabool Region and beyond. This event is open to runners and walkers of all ages and abilities including prams and wheelchair access.	\$5,000	\$5,000
Blackwood Special Schools Outdoor Education Centre	Water tank	Installation of an 110,000 litre water tank for use by the special school.	\$5,000	\$5,000
Bacchus Marsh Cricket Club	Extension of run-ups for cricket nets	Concreting of the run ups for the 5 cricket practice nets at Maddingley Park.	\$5,000	\$5,000
Ballan Community Friendship Garden	Long term sustainability project	Installation of raised garden beds accessible for the disabled, erection of a greenhouse, garden shed and 2x 5,000 litre garden tanks with pressure pump achieving long term sustainability.	\$5,000	\$5,000

2. That the Council allocates the following grants in the Community Events Grant category.

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Recommended Amount
Great War Centenary Committee	World War One Centenary Commemorations	The aim of this project is to provide a range of commemoration events for the centenaries of Australia's involvement in World War One, with a focus on Bacchus Marsh and the Avenue of Honour.	\$3,000	\$3,000

Djerriwarrh Health Services	The Longest Lunch	Event aimed at showcasing local produce for fundraising	\$3,000	\$3,000
Yendon History Group	Event for the restoration of the World War 1 Avenue	Event to celebrate the planting of seven additional trees to the Avenue of Honour to honour soldiers who were killed in action but were unknown previously	\$3,000	\$3,000
Gordon Community Spring Festival	Gordon's "Back In Time" Festival	The festival will provide entertainment for the members of the community of Gordon and surrounding districts, and opportunities for local people to display their talents in the fields of art, craft and music.	\$2,500	\$1,000

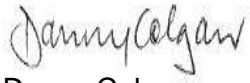
3. That the Council allocates the following grants in the Community Arts Grant category

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Recommended Amount
Blackwood and Barrys Reef Landcare Group	Public weed education project	Development of a float to be used in the Blackwood Annual Easter Carnival and Parade, to act as the focal point for weed education in Blackwood	\$3,000	\$3,000
Ballan Life Drawing	Promoting Life Drawing in the Moorabool Shire	Project to undertake the promotion of life drawing classes to attract new participants	\$1,000	\$1,000

- 4. That all applicants be notified in writing of the outcome of their application.**
- 5. That Council Staff provide feedback to unsuccessful groups and provide suggestions for alternative funding, or how the group may choose to improve and re-develop their application for submission to the next appropriate round of the Community Grants Program.**

CARRIED.

Report Authorisation

Authorised by: 
Name: Danny Colgan
Title: General Manager Community Services
Date: Thursday 21 November, 2013

11.4 INFRASTRUCTURE SERVICES

11.4.1 Adoption of the Capital Works Evaluation Guidelines

Introduction

File No.: 16/02/010
Author: Sam Romaszko
General Manager: Phil Jeffrey

Background

Each year Council allocates a significant portion of its budget towards the Capital Improvement Program (CIP) to enable the delivery of works to improve or replace Council's assets.

As the CIP comprises a substantial portion of Council's expenditure each year, it is imperative that significant consideration is given to the allocation of expenditure to priority projects within the asset classes defined within Council's Asset Management Plans.

Local Government makes investments in assets solely to provide services to communities. Investment in assets can be used for;

- Sustaining services (providing services from existing assets)
- Renewal of existing assets . capital renewal
- Growth (providing additional assets for improved and new services)
- Enhancing service levels . capital upgrade
- Expanding services . capital expansion
- Maintenance . recurrent expenditure

The Capital Works Evaluation Guidelines is an operational document that has been developed with reference to the Moorabool Shire Council Major Projects Framework & Principles (2011) and aims to support Council in making informed decisions regarding the evaluation and prioritisation of its capital investments.

The draft Capital Works Evaluation Guidelines was presented at the Ordinary Meeting of Council on Wednesday 6 November 2013. At that meeting the following was resolved:

That Council, in accordance with the Moorabool Shire Council Policy Protocol - Consideration of Items which Affect beyond the Current Year, the Capital Works Evaluation Guidelines now lay on the table for further consideration at the next Ordinary Meeting of Council.

Proposal

The proposal is to adopt the Capital Works Evaluation Guidelines as attached to this report.

Policy Implications

The 2013-2017 Council Plan provides as follows:

Key Result Area	Enhanced Natural and Built Environment
Objective	Ensure current and future infrastructure meets the needs of the community.
Strategy	Plan and maintain a long term and annual capital improvement program.

The proposal is consistent with the 2009-2013 Council Plan.

Financial Implications

There are no additional financial implications relating to this proposal outside the annual budget process.

Risk & Occupational Health & Safety Issues

There are no irregular Risk and Occupational Health and Safety issues identified in this report.

Communications and Consultation Strategy

Each year the development and adoption of the annual budget involves extensive consultation as per the communications strategy and the Capital Improvement Program is a component of that document. No external consultation is required as part of the development of the Capital Works Evaluation Guidelines.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Sam Romaszko

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

Conclusion

The Capital Works Evaluation Guidelines is an operational document that has been developed with reference to the Moorabool Shire Council Major Projects Framework & Principles (2011) and aims to support Council in making informed decisions regarding the evaluation and prioritisation of its capital investments.

Council should now formally adopt the Capital Works Evaluation Guidelines to support Council in the evaluation and prioritisation of its capital investment decisions.

Resolution:

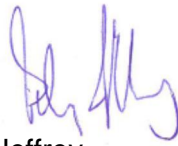
Crs. Sullivan/Comrie

That Council formally adopts the Capital Works Evaluation Guidelines October 2013.

CARRIED.

Report Authorisation

Authorised by:



Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Thursday 21 November 2013

11.4.2 Draft Special Rates and Charges Policy

Introduction

File No.: 02/06/007
Author: Phil Jeffrey
General Manager: Phil Jeffrey

Background

Under Section 163 of the Local Government Act 1989 Councils have the ability to declare a special rate or charge seeking property owner contribution for works or services schemes.

In general there are three main types of schemes:

- Works Schemes, that involve the construction of an item, or items of infrastructure such as roads, kerb and channel, footpaths, drains, carparks etc
- Service schemes that provide a particular service or bundle of related services, and
- Special purpose fund schemes, where the monies raised by the special rate or charge go into a fund for a specified purpose and may include a mixture of works and/or services.

Special charge schemes may be initiated by residents or by Council officers.

Such schemes are often infrastructure related and where it can be demonstrated that properties will receive a special benefit from implementation of infrastructure works Council may implement a special rate or charge process to provide some or all of the necessary funds. Although Moorabool has an existing policy, its application has been limited. The last major scheme that delivered improved infrastructure in Moorabool was Dales Creek estate where construction and sealing of the roads occurred.

The draft updated policy and procedure set out to provide consistency and guidance to officers in the implementation of such schemes in instances where a scheme was pursued. They also set out how a scheme would be calculated using special benefit and community benefit.

Proposal

It is acknowledged that Council does not have the financial resources to meet all of the demands within the municipality, with the pressures to deliver infrastructure for the growing community within the existing budget. Past requirements on developers to either construct or contribute toward the cost of infrastructure were also often less than current and as such there are gaps in existing infrastructure including footpath links, constructed walkways etc.

Special Charge Schemes present a mechanism and opportunity for Council to bring forward priority infrastructure projects that may otherwise not be achievable in the short to medium term, through the proactive initiation of schemes. This could include projects such as the construction of footpath links, drainage or upgrading of road pavement within specified areas.

Consideration

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

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Ensure current and future infrastructure meets the needs of the community
Strategy	Construct physical infrastructure to the appropriate standards

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

Financial Implications

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

Risk & Occupational Health & Safety Issues

There are no risk or OH&S implications for Council associated with the recommendation within this report.

Communications and Consultation Strategy

There is no communications and consultation strategy required as part of the development of the draft policy. The draft policy outlines the communications strategy relating to progressing individual special charge schemes.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

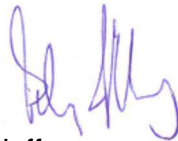
Author – Phil Jeffrey

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

Resolution:**Crs. Spain/Sullivan**

That, in accordance with the Moorabool Shire Council Policy Protocol - Consideration of Items which Affect beyond the Current Year, the Special Rates & Charges Policy (IS008 Version 002) now lay on the table for further consideration at the next Ordinary Meeting of Council.

CARRIED.

Report Authorisation**Authorised by:**

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Thursday 21 November 2013

11.5 CORPORATE SERVICES

11.5.1 Councillor and Members of Council Committees Expenses Entitlement and Resources Policy

Introduction

File No.: 01/03/001
Author: Shane Marr
Chief Executive Officer: Rob Croxford

Background

In accordance with section 75 of the Local Government Act 1989, a Council must reimburse a Councillor for expenses if the Councillor applies in writing to the Council for reimbursement of expenses. The Councillor must establish in the application to Council that the expenses were reasonable bona fide Councillor out-of-pocket expenses incurred while performing duties as a Councillor.

In accordance with section 75A of the Local Government Act 1989, a Council may reimburse members of Council Committees for necessary out-of-pocket expenses incurred while performing duties as a committee member.

For Council to apply sections 75 and 75A of the Local Government Act 1989, section 75B states that a Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.

This policy also serves to address section 75C of the Local Government Act 1989 whereby Council must make available for the Mayor and Councillors the minimum resources and facilities prescribed for the purposes of this section.

Whilst a review of a reimbursement of expenses policy is not a statutory requirement it is considered appropriate to conduct a review of the Councillor and Members of Council Committees Expenses Entitlement and Resources Policy post the general election of Council.

In March and October 2013, Assemblies of Councillors were held to review the current policy and to seek the views of Councillors in regards to their requirements whilst performing duties as a Councillor or Member of a Council Committee. Councillors considered and agreed upon the following additions to be incorporated into the Policy:

- Resources and facilities for Councillors
- Responsibility and Accountability
- Mayor and Councillor Allowance
- Carer Expenses
- Meeting Attendance
- Public Reporting
- Public Transport and Parking

- Expenses and Facilities for Councillors with Disabilities
- Legal costs

Council considered the proposed policy on 16 October, 2013 and resolved that the policy lay on the table for further consideration and adoption at the Ordinary Meeting of Council, 4 December, 2013.

Proposal

The Policy has been prepared according to the prescribed types of Councillor out-of-pocket expenses that must be reimbursed if the expenses are reasonable and bona fide and in accordance with prescribed procedures to be followed by Council in relation to the reimbursement of out-of-pocket expenses. The policy also identifies facilities, services and resources which are made available to Councillors to assist and support them in carrying out their roles and official duties in their capacity as Councillors

Consideration

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

Policy Implications

The 2013 . 2017 Council Plan provides as follows:

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

The proposal to implement an expenses entitlement and resources policy for Councillors and Members of Council Committees is consistent with the 2013-2017 Council Plan.

Financial Implications

The financial implications to Council are in accordance with budget allocations.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	Budget Allocation	Medium	Audit Control

Communications Strategy

The policy document has been presented to two Assembly of Councillors for review and also reviewed internally by Council's executive group prior to being presented to Council for adoption. The policy was presented to the 16 October ordinary meeting of Council to lay on the table.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Chief Executive Officer – Rob Croxford

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

Author – Shane Marr

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

Conclusion

In accordance with section 75 of the Local Government Act 1989, Council is required to adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees and to make available for the Mayor and Councillors the minimum resources and facilities to assist and support Councillors in carrying out their roles and official duties.

Having resolved that the policy lay on the table for further consideration and adoption at the next Ordinary Meeting of Council, the Councillor and Members of Council Committees Expenses Entitlement and Resources Policy . G008 Version 3 Policy is now placed before the Council for its endorsement.

Resolution:

Crs. Comrie/Sullivan

In accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, the Council now endorses the Councillor and Members of Council Committees Expenses Entitlement and Resources Policy – G008 Version 3 Policy.

CARRIED.

Report Authorisation



Authorised by:

Name: Shane Marr
Title: General Manager Corporate Services
Date: Thursday, 21 November 2013

12. OTHER REPORTS

12.1 Assembly of Councillors

File No.: 02/01/002

Section 76(AA) of the Local Government Act 1989 defines the following to be Assemblies of Councillors; an advisory committee of the Council that includes at least one Councillor; a planned or scheduled meeting of at least half the Councillors and one member of council staff which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a Council function, power or duty by a person or committee acting under Council delegation.

It should be noted, an assembly of Councillors does not include an Ordinary Council meeting, a special committee of the Council, meetings of the Council's audit committee, a club, association, peak body or political party.

Council must ensure that the written record of an assembly of Councillors is, as soon as practicable .

- a) reported to the next ordinary meeting of the Council; and
- b) incorporated in the minutes of that council meeting. (s. 80A(2))

Council also records each Assembly of Councillors on its website at www.moorabool.vic.gov.au

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

- Assembly of Councillors . Wednesday 23 October 2013 . Pre Statutory Meeting of Council
- Assembly of Councillors . Wednesday 6 November 2013 . Draft Special Rates and Charges Policy
- Assembly of Councillors . Wednesday 6 November 2013 . Domestic Wastewater Management Plan
- Assembly of Councillors . Wednesday 6 November 2013 . Darley Early Years Hub
- Assembly of Councillors . Wednesday 6 November 2013 . Waste Management Policy Development
- Assembly of Councillors . Wednesday 13 November 2013 . Recreation Reserve and Hall Management Review
- Assembly of Councillors . Wednesday 13 November 2013 . Civic Hub Paper
- Assembly of Councillors . Wednesday 13 November 2013 . Rural Library Review
- Assembly of Councillors . Wednesday 20 November 2013 . Planning Scheme Amendment Update
- Assembly of Councillors . Wednesday 20 November 2013 . Plan Melbourne Draft Submission
- Assembly of Councillors . Wednesday 20 November 2013 . Ballan Structure Plan Update

Resolution:**Crs. Toohey/Comrie*****That Council receives the record of Assemblies of Councillors as follows:***

- ***Assembly of Councillors – Wednesday 23 October 2013 – Pre Statutory Meeting of Council***
- ***Assembly of Councillors – Wednesday 6 November 2013 – Draft Special Rates and Charges Policy***
- ***Assembly of Councillors – Wednesday 6 November 2013 – Domestic Wastewater Management Plan***
- ***Assembly of Councillors – Wednesday 6 November 2013 – Darley Early Years Hub***
- ***Assembly of Councillors – Wednesday 6 November 2013 – Waste Management Policy Development***
- ***Assembly of Councillors – Wednesday 13 November 2013 – Recreation Reserve and Hall Management Review***
- ***Assembly of Councillors – Wednesday 13 November 2013 – Civic Hub Paper***
- ***Assembly of Councillors – Wednesday 13 November 2013 – Rural Library Review***
- ***Assembly of Councillors – Wednesday 20 November 2013 – Planning Scheme Amendment Update***
- ***Assembly of Councillors – Wednesday 20 November 2013 – Plan Melbourne Draft Submission***
- ***Assembly of Councillors – Wednesday 20 November 2013 – Ballan Structure Plan Update***

CARRIED.

12.2 Section 86 - Delegated Committees of Council - Reports

Section 86 Delegated Committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989. The Council cannot delegate certain powers as specifically indicated in Section 86(4) of the Act.

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

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

Committee	Meeting Date	Council Representative
Greendale Recreation Reserve Committee of Management	10 October 2013	Cr. Toohey

Resolution:

Crs. Toohey/Dudzik

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

- ***Greendale Recreation Reserve Committee meeting of Thursday 10 October 2013.***

CARRIED.

13. NOTICES OF MOTION

Nil.

14. URGENT BUSINESS

An item of Urgent Business was considered under Item 15 - Closed Session of the Meeting to the Public, pursuant to the provisions of section 89(2)(h) which states 'any other matter which the Council or special committee considers would prejudice the Council or any person'.

15. CLOSED SESSION OF THE MEETING TO THE PUBLIC**15.1 Confidential Report****15.2 Confidential Urgent Business****ADJOURNMENT OF MEETING 7.39PM**

Crs. Spain/Comrie

That the meeting now stand adjourned for a period of 11 minutes.

CARRIED.

RESUMPTION OF MEETING 7.50PM

Crs. Sullivan/Edwards

That the meeting now be resumed.

CARRIED.

CLOSURE OF THE MEETING TO THE PUBLIC – 7.51PM

Resolution:

Crs. Comrie/Spain

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

- (a) personnel matters;*
- (b) the personal hardship of any resident or ratepayer;*
- (c) industrial matters;*
- (d) contractual matters;*
- (e) proposed developments;*
- (f) legal advice;*
- (g) matters affecting the security of Council property;*
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;*
- (i) a resolution to close the meeting to members of the public.*

CARRIED.

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

**Item 15.2 is a confidential item
and therefore not included
as part of these Minutes.**

16. MEETING CLOSURE

The meeting closed at 8.02pm.

Confirmed.....Mayor.