

ORDINARY MEETING OF COUNCIL

Minutes of the
Ordinary Meeting of Council held at
Dunnstown Recreation Reserve, Old Melbourne Road, Dunnstown
on Wednesday 5 November 2014,
at 5:00 p.m.

Members:

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

Officers:

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

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

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

2. PRESENT

| | |
|--------------------------|---|
| <i>Cr. Paul Tatchell</i> | <i>Central Ward</i> |
| <i>Cr. Allan Comrie</i> | <i>East Moorabool Ward (arrived 5.14pm)</i> |
| <i>Cr. David Edwards</i> | <i>East Moorabool Ward</i> |
| <i>Cr. John Spain</i> | <i>East Moorabool Ward</i> |
| <i>Cr. Tonia Dudzik</i> | <i>East Moorabool Ward</i> |
| <i>Cr. Tom Sullivan</i> | <i>West Moorabool Ward</i> |
| <i>Cr. Pat Toohey</i> | <i>Woodlands Ward</i> |

Officers:

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| <i>Mr. Rob Croxford</i> | <i>Chief Executive Officer</i> |
| <i>Mr. Phil Jeffrey</i> | <i>General Manager Infrastructure</i> |
| <i>Mr. Satwinder Sandhu</i> | <i>General Manager Growth and Development</i> |
| <i>Mr. Danny Colgan</i> | <i>General Manager Community Services</i> |
| <i>Mr. Shane Marr</i> | <i>General Manager Corporate Services</i> |
| <i>Ms. Sian Smith</i> | <i>Manager Statutory Planning and Community Safety</i> |
| <i>Ms. Sam Romaszko</i> | <i>Manager Engineering Services</i> |
| <i>Ms. Melissa Hollitt</i> | <i>Minute Taker</i> |

3. APOLOGIES

Nil.

4. CONFIRMATION OF MINUTES**4.1 Ordinary Meeting of Council – Wednesday 1 October 2014****Resolution:**

Crs. Spain/Edwards

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday, 1 October 2014.

CARRIED.

With the consent of Council, Item 4.2 Special Meeting of Council – Wednesday 15 October 2014 and Item 4.3 Special Meeting of Council – Wednesday 29 October 2014, were considered as one motion.

4.2 Special Meeting of Council – Wednesday 15 October 2014

Recommendation:

That Council confirms the Minutes of the Special Meeting of Council held on Wednesday, 15 October 2014.

4.3 Special Meeting of Council – Wednesday 29 October 2014

Recommendation:

That Council confirms the Minutes of the Special Meeting of Council, Statutory and Annual Appointments meeting held on Wednesday, 29 October 2014.

Resolution:

Crs. Spain/Dudzik

That Council confirms the minutes of the Special Meeting of Council held on Wednesday 15 October 2014 and the Special Meeting of Council Statutory and Annual Appointments meeting held on Wednesday, 29 October 2014.

CARRIED.

5. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

Nil.

6. PUBLIC QUESTION TIME

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

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

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

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

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

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

Nil.

7. PETITIONS

Nil.

8. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

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 | Applicant/ Objector |
|----------------|---|-----------------------------|--------------------------------|
| 9.2.2 | <i>Planning Permit 2014-035; Use and Development of a Lamb Feedlot and Vegetation Removal on Crown Allotment 4A, Section 19, Parish of Bungaree, 114 Wilsons Road, Bullarook.</i> | Malcolm Conroy | Objector |
| 9.2.2 | <i>Planning Permit 2014-035; Use and Development of a Lamb Feedlot and Vegetation Removal on Crown Allotment 4A, Section 19, Parish of Bungaree, 114 Wilsons Road, Bullarook.</i> | Marilyn Hewitt | Objector |
| 9.2.2 | <i>Planning Permit 2014-035; Use and Development of a Lamb Feedlot and Vegetation Removal on Crown Allotment 4A, Section 19, Parish of Bungaree, 114 Wilsons Road, Bullarook.</i> | Andrew Miller- Schmetzer | Applicant |

9. OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CEO – Annual Leave

Introduction

File No.: Personnel File

Author: Rob Croxford

Background

This report requests approval of the Council for the CEO to take leave in November and December, 2014 and January, 2015.

Proposal

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

- 3 November, 2014 . 1 work day
- 25 December, 2014 to 2 January, 2015 . 7 work days inclusive (including 3 public holidays)
- 19 January, 2015 . 26 January, 2015 . 5 work days inclusive (including 1 public holiday)

The acting CEO for each of the above days will be Danny Colgan, General Manager Community Services.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Author – Rob Croxford

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

Conclusion

That the CEO be granted annual leave and that Danny Colgan be appointed Acting CEO for the period 3 November, 2014; 25 December, 2014 to 2 January, 2015; and for the period 19 January, 2015 to 26 January, 2015 inclusive.

Recommendation:**That:**

1. The CEO, Robert Croxford be granted annual leave for the periods:
 - a. 3 November, 2014
 - b. 25 December, 2014 to 2 January, 2015
 - c. 19 January, 2015 to 26 January, 2015
2. The Acting CEO for the each of the periods of leave will be Danny Colgan, General Manager Community Services.

Resolution:

Crs. Sullivan/Edwards


That:

1. *The CEO, Robert Croxford be granted annual leave for the periods:*
 - a. *16 January, 2015*
 - b. *25 December, 2014 to 2 January, 2015*
 - c. *19 January, 2015 to 26 January, 2015*
2. *The Acting CEO for the each of the periods of leave will be Danny Colgan, General Manager Community Services.*

CARRIED.

Report Authorisation**Authorised by:**

Name: Rob Croxford
Title: Chief Executive Officer
Date: Thursday, 23 October 2014



9.2 GROWTH AND DEVELOPMENT

9.2.1 Planning Application 2014-113; Development of 4 Dwellings on Lot 701 PS 627591C, 34 Lone Pine Square, Bacchus Marsh.

This application is coming before Council for a decision as the recommendation is to refuse the application.

| Application Summary: | |
|---|---|
| Permit No: | PA2014-113 |
| Lodgement Date: | 19 May 2014 |
| Planning Officer: | Tom Tonkin |
| Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine: | 6 November 2014 |
| Address of the land: | 34 Lone Pine Square, Bacchus Marsh |
| Proposal: | Development of Four (4) Dwellings |
| Lot size: | 1034sq m |
| Restrictive Covenant/173 Agreement: | No |
| Why is a permit required | Clause 32.08-4 . Construction of Two or More Dwellings on a Lot in the General Residential Zone |
| Public Consultation: | |
| Number of notices to properties: | Eight |
| Notices on site: | One |
| Notice in Moorabool Newspaper: | No |
| Number of Objections: | None |
| 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 four single storey dwellings on a lot, comprising one (1) two bedroom dwelling and three (3) 3 three bedroom dwellings, all with attached garages. The subject site is a newly established residential area of Bacchus Marsh with developed lots predominantly containing single dwellings. The site is 1034sq m, larger than average in the immediate area and considered suitable for more intensive development despite being encumbered by easements. The proposal responds to the site's capability to accommodate more than one dwelling and provides some diversity of housing choice in the surrounding area. | |

The application was reviewed against the provisions of the Moorabool Planning Scheme with particular attention paid to the objectives and standards of Clause 55 for the construction of two or more dwellings on a lot.

Overall, the proposal fails to respond to the site's constraints and the existing neighbourhood character, and compromises the safety and amenity of future occupants.

The proposed development is oriented so that the front entries of three of the dwellings would be obscured from the street, which is considered to be a poor outcome in terms of safety, urban design and neighbourhood character.

The layout of the development does not facilitate the safe and convenient manoeuvring of all vehicles to be able to exit the site in a forward direction.

The amenity of future occupants is unreasonably compromised by non-compliance with ResCode standards regarding private open space, energy efficiency, daylight to new windows and parking location.

This report recommends that Council issue a Refusal to Grant a Planning Permit for Development of Four Dwellings.

Summary Recommendation:

This application seeks approval for the development of four single storey dwellings on a lot.

The application was reviewed against the provisions of the Moorabool Planning Scheme with particular attention paid to the objectives and standards of Clause 55 for the construction of two or more dwellings on a lot.

The proposal responds to the site's capability to accommodate more than one dwelling and provides some diversity of housing choice in the surrounding area.

Whilst the proposal would not substantially affect the amenity of the surrounding neighbourhood the design does not contribute to the existing character of the area in terms of integration with the streetscape. Furthermore, the amenity of future occupants would be unreasonably compromised by several elements of the design. Fundamentally, the proposal is considered to be an overdevelopment of the site.

This report recommends that Council issue a Refusal to Grant a Planning Permit for the Development of Four Dwellings.

Background

The subject site has no planning history.

An application was lodged for 4 dwellings on 16 Lone Pine Square in Bacchus Marsh. The design of the dwellings is similar to what is being proposed in this application.

Council resolved to issue a Refusal for 16 Lone Pine Square at the OMC on the 7th May 2014.

Proposal

The application seeks approval for the development of 4 single storey dwellings.

Units 1, 3 and 4 would be attached or semi-detached, and Unit 2 detached. Vehicle access along a common accessway would be via an existing crossover off Lone Pine Square. Garages would be attached to each dwelling.

Unit 1 would comprise two (2) bedrooms, bathroom, toilet, laundry, and open plan kitchen, meals and lounge, leading to secluded private open space at the side of the dwelling. One (1) car space would be provided in an attached garage.

Units 2-4 would each comprise three (3) bedrooms, main with ensuite, laundry, bathroom, separate toilet, and open plan kitchen, meals and lounge, leading to secluded private open space at the side and/or rear of each dwelling. Each dwelling would have an attached double garage.

Side and rear setbacks would vary between 1.0-3.0m. No boundary walls are proposed.

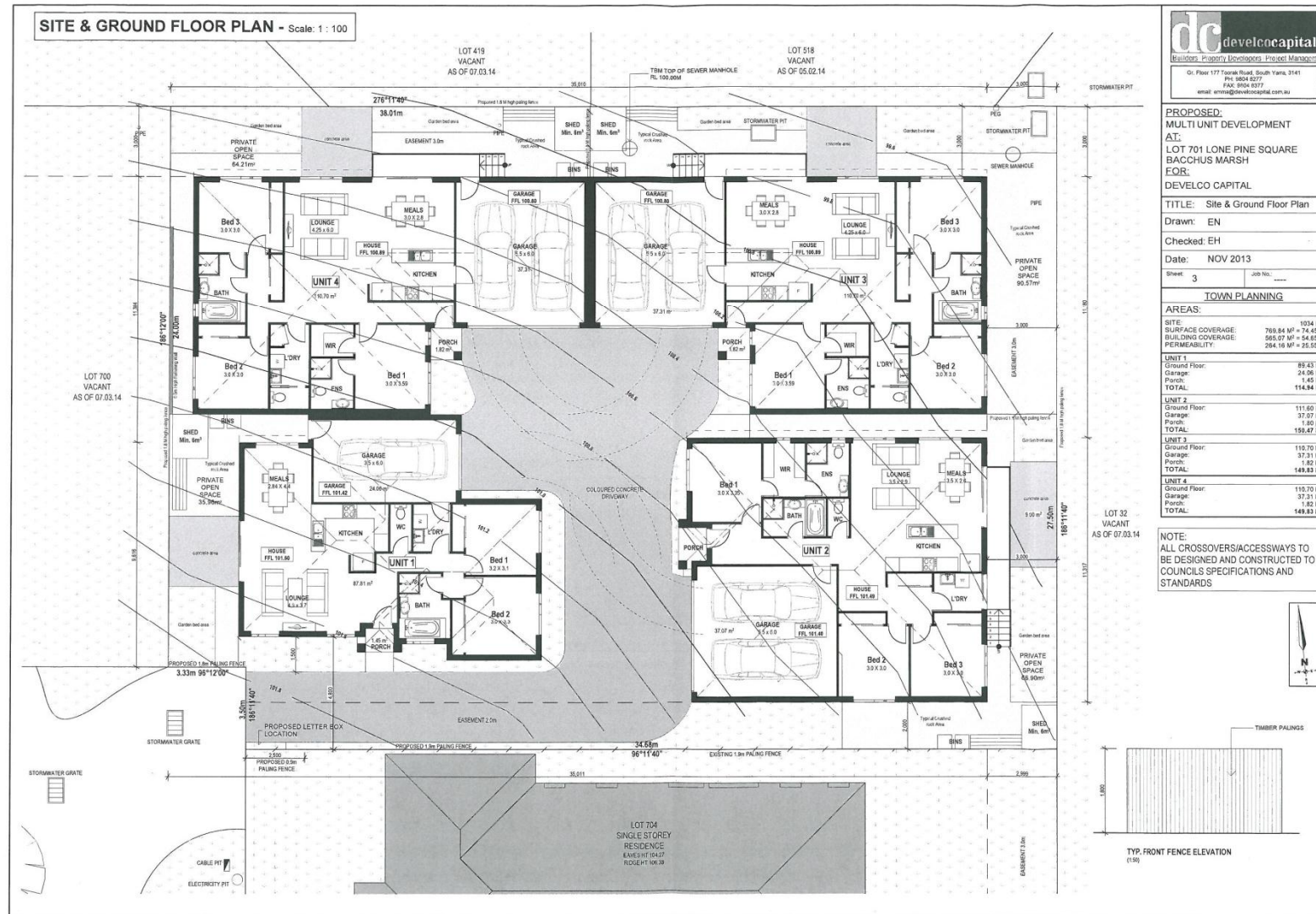
The maximum height of the development would be 6.3m above natural ground level; site coverage is stated to be 54.65% and permeability 25.55%.

1.8m high front, side and rear boundary fences are proposed.

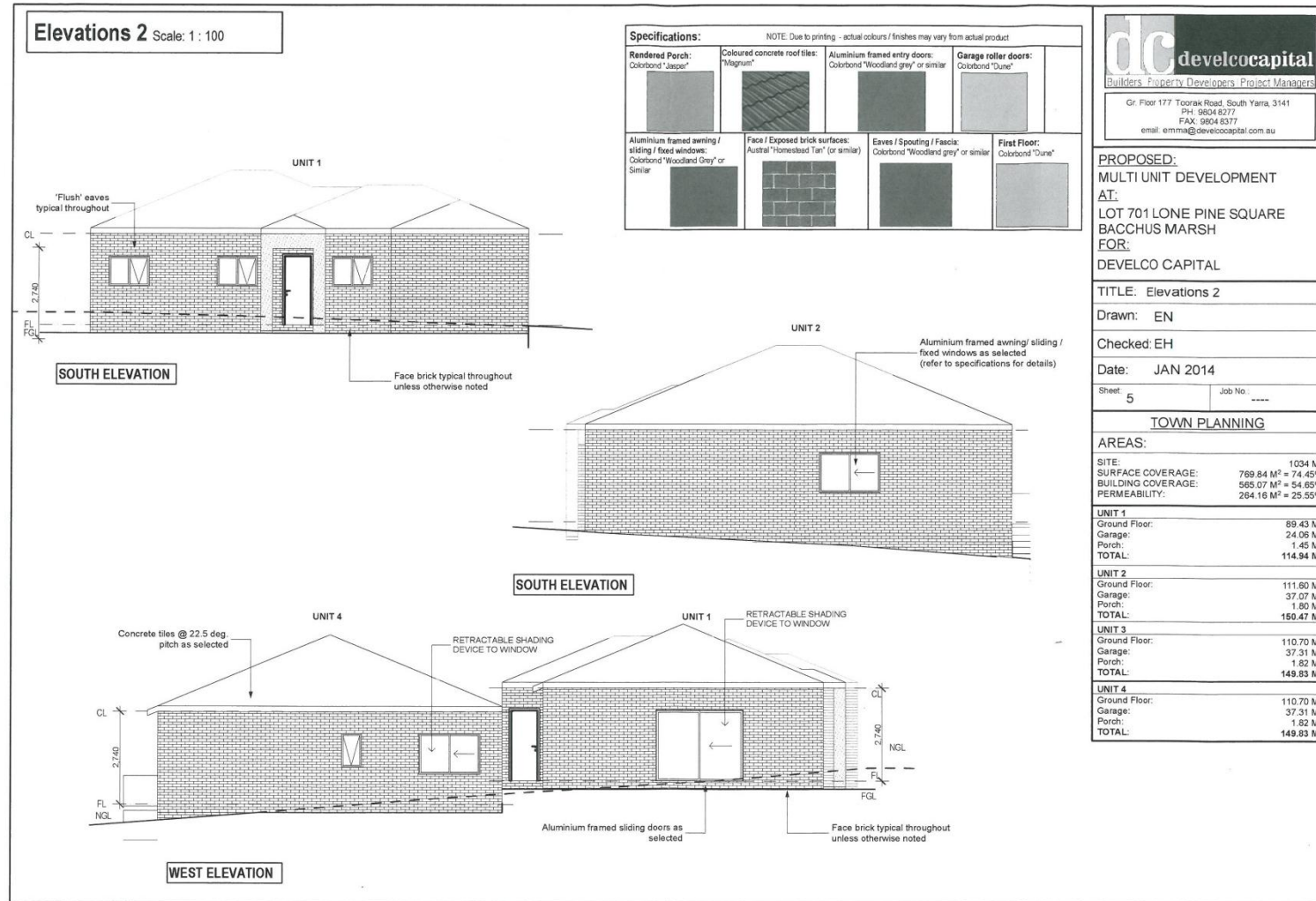
The dwellings would be of a standard contemporary design, constructed of brick. Low pitched tile roofs are proposed with no eaves.

All reticulated services are available to the site.

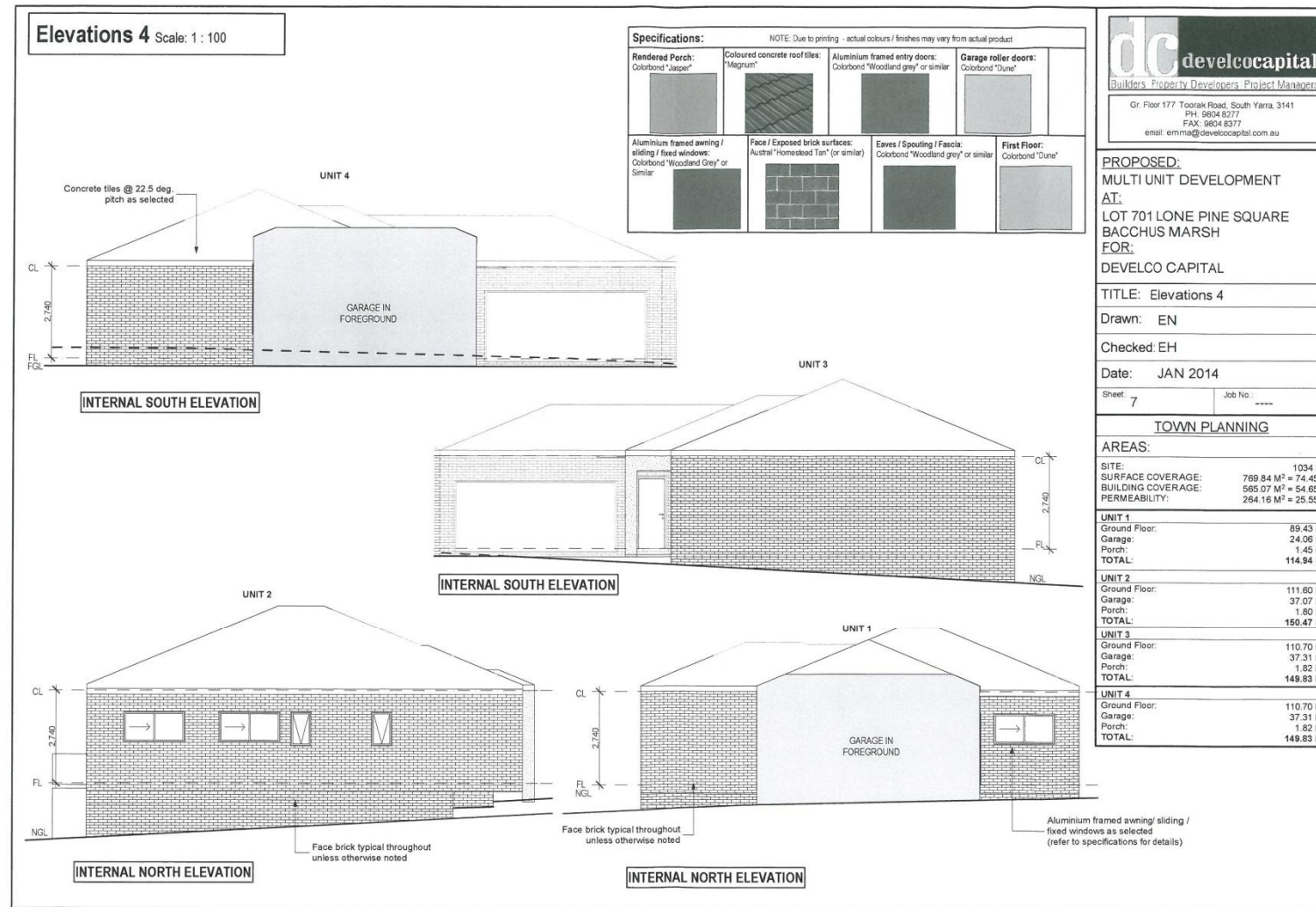


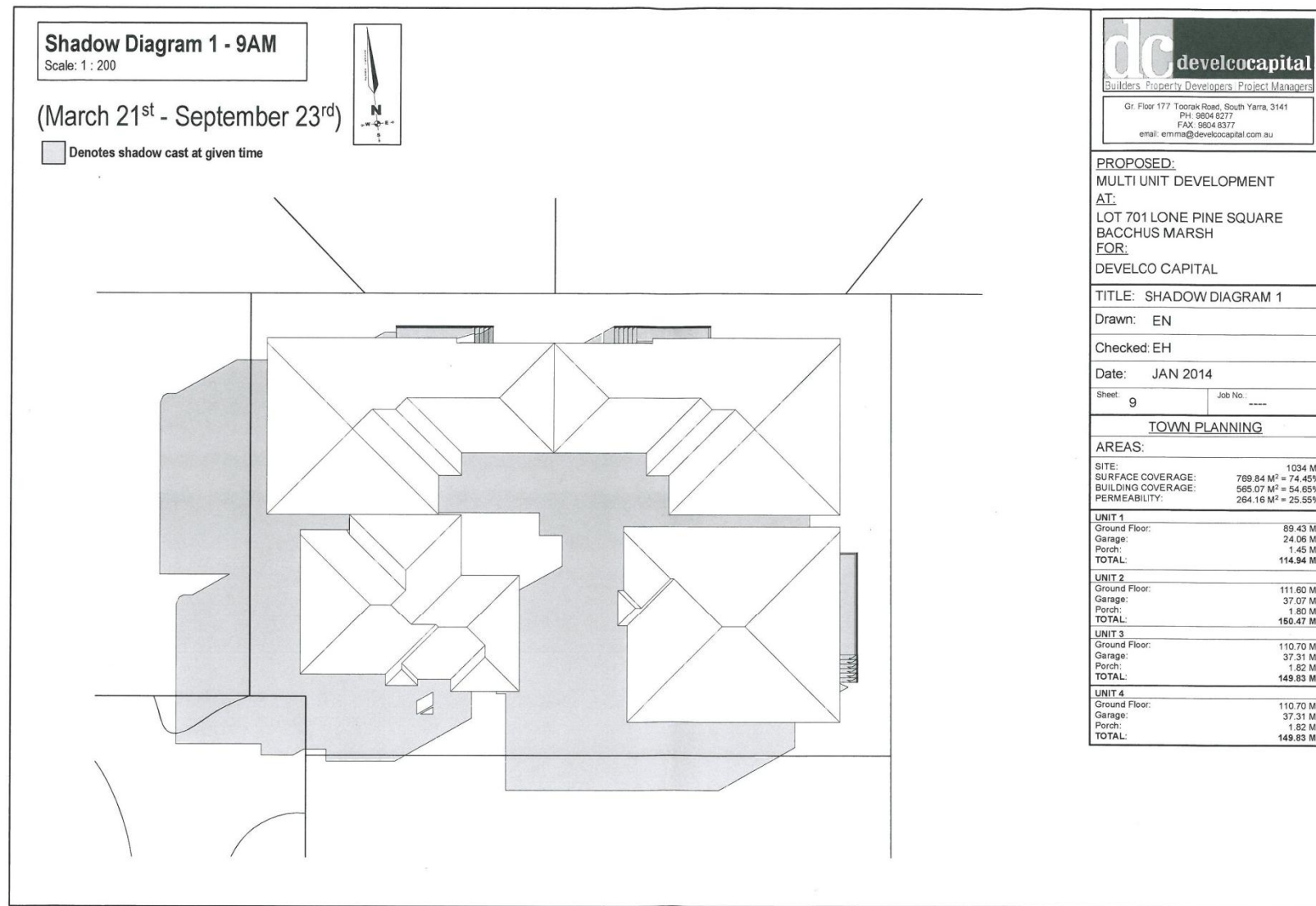


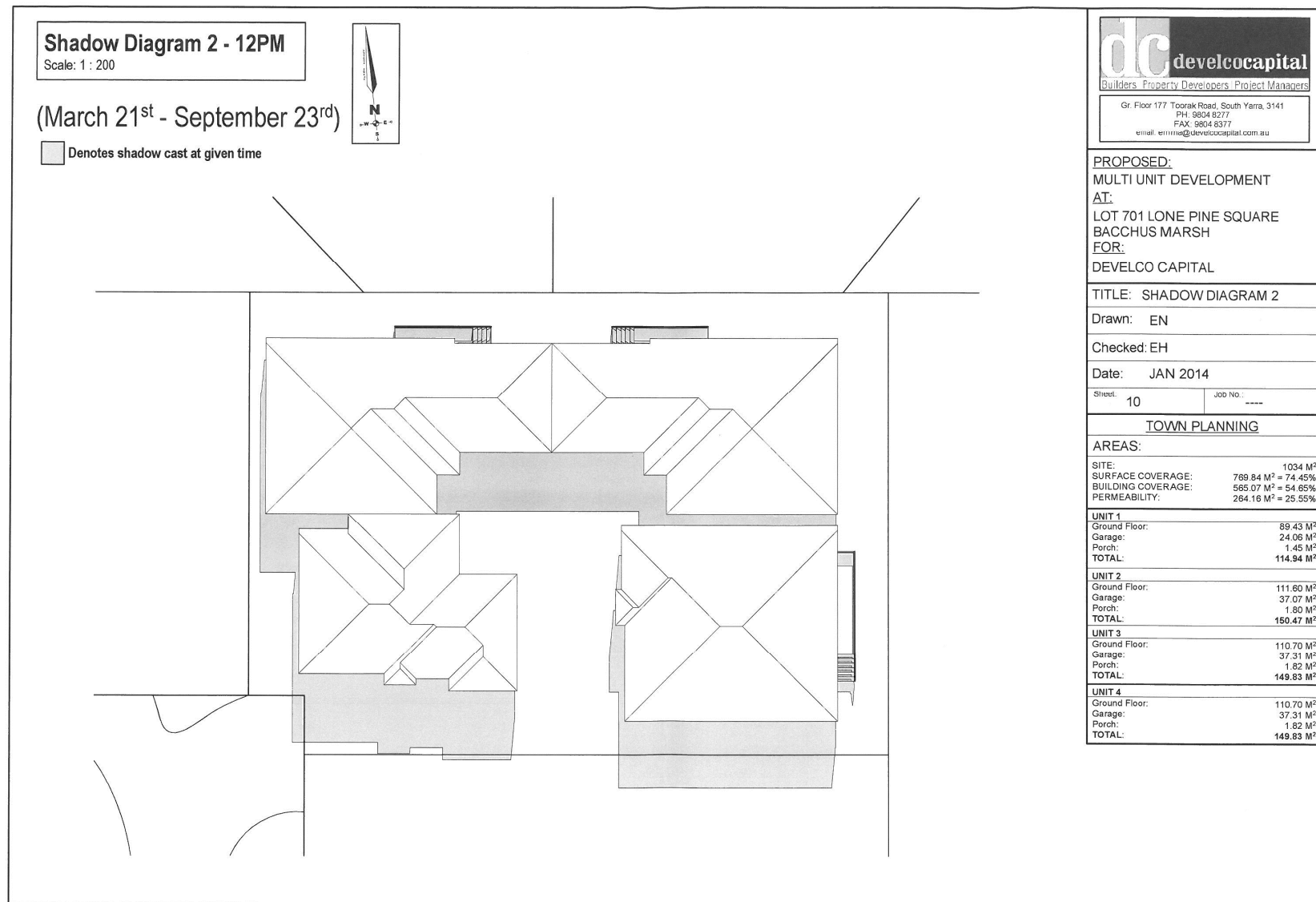


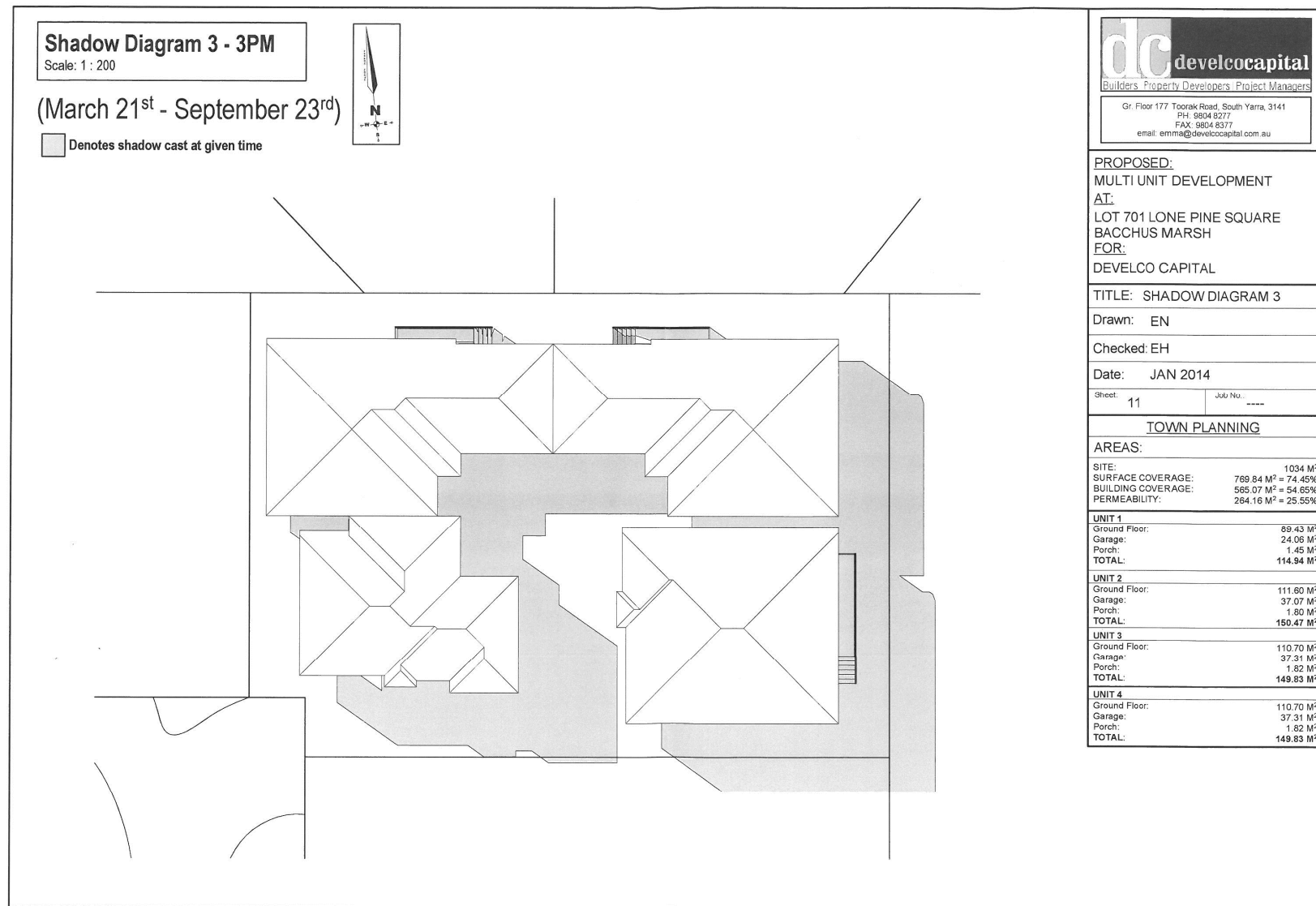


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Site Description

The subject site is at 34 Lone Pine Square, Bacchus Marsh. The street is a square circuit and the subject site is on the northeast corner of the circuit. The site is generally rectangular, with the following dimensions:

- North boundary of 38.01m
- East boundary of 27.5m
- South boundary of 34.68m
- West boundary of 24.0m
- Overall site area of 1034sqm.

The site has an L-shaped frontage to Lone Pine Square of 6.83m.

The site is encumbered by a drainage and sewerage easement parallel to the south, east and north boundaries and with a variable width of 2.0-3.0m.

The site is currently vacant, contains no significant vegetation and experiences a minimum 2.2m fall from the southwest to the northeast.

The subject site and surrounding land is in the General Residential Zone and in a recently established residential area that since late 2010 has been developed predominantly with single storey brick dwellings with low pitched hipped roofs finished with tiles or Colorbond. The average lot size in Lone Pine Square is approximately 590sqm.

To the north and east of the subject site are vacant lots fronting Farm Court and Forest Court, and to the west a vacant lot fronting Lone Pine Square. To the south is a single storey brick dwelling on a lot of 412sqm fronting Lone Pine Square.

Planning Scheme Provisions

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

| SPPF | | |
|----------------|---|---|
| Clause 11 | Settlement | The proposed development is broadly consistent with this policy, which advocates sustainable development that takes full advantage of existing settlement patterns. |
| Clause 11.05-2 | Melbourne's hinterland areas | The proposal facilitates residential development within the urban growth boundary of Bacchus Marsh township. |
| Clause 11.06-1 | Planning for growth | The proposal supports Bacchus Marsh's role as a regional growth location. |
| Clause 15.01-5 | Cultural identity and neighbourhood character | The proposal is not adequately responsive to the neighbourhood character of the area. |
| LPPF | | |
| Clause 21.03-2 | Urban Growth Management | The proposal supports the growth of Bacchus Marsh. |
| Clause 21.03-3 | Residential Development | The proposal would facilitate some diversity of housing choice in the area. |
| Clause 21.03-4 | Landscape and Neighbourhood Character Objective | The proposal does not respect neighbourhood character given the development's lack of integration with the street. |
| Clause 21.07 | Bacchus Marsh | The proposal supports consolidation and urban growth in the township but is a poor urban design outcome. |

Zone

General Residential Zone

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

The purpose of the zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*

- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.*

A permit is required to construct two or more dwellings on a lot under Clause 32.08-4 of the Moorabool Planning Scheme. Pursuant to this clause the development must meet the requirements of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings).

Before deciding on an application to develop two or more dwellings on a lot, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the following relevant decision guidelines:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of this zone.*
- *The objectives, standards and decision guidelines of Clause 55.*

Particular Provisions

Clause 52.06 . Car Parking

Clause 52.06 Car Parking requires that car parking be provided on the land before a new use commences. The number of spaces provided is to be in accordance with the table at Clause 52.06-5. The proposal includes the required number of resident car spaces, being one space for the two bedroom dwelling and two spaces for each three bedroom dwelling.

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

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

The overall assessment for each section is outlined below:

| Clause | Title | Detail | Compliance |
|---------|-------------------------|-------------|--|
| 55.02-1 | Neighbourhood Character | Standard B1 | Does not comply. The subject site is in a newly developed residential area mostly developed with single dwellings. The character of the area is typified by single storey brick dwellings of a design similar to the proposal, on compact lots with minimum side setbacks. Active frontages to the street are enhanced by small front setbacks. The design response fails to adequately integrate the development with the street. |
| 55.02-2 | Residential Policy | Standard B2 | Complies. A written statement has been provided which covers these requirements. |
| 55.02-3 | Dwelling Diversity | Standard B3 | Not applicable. |
| 55.02-4 | Infrastructure | Standard B4 | Complies. The proposal would not exceed the capacity of utilities. |
| 55.02-5 | Integration with street | Standard B5 | Does not comply. With the exception of Unit 1, the development is not oriented to front the street, with the dwelling entries of Units 2, 3 and 4 oriented to a section of the accessway not visible from the street. There are limited opportunities for passive surveillance to or from the development. The layout of the development would result in a 1.8m high front fence to protect views of Unit 1, secluded private open space. Whilst this would benefit the amenity of Unit 1 the development's integration with the street would be further compromised. The development does not adjoin any existing public open space. |
| 55.03-1 | Street setback | Standard B6 | Complies with objective. The proposed 1.3m minimum street setback is considered acceptable given the configuration of the lot in relation to the street and the narrow street frontage. |

| | | | |
|---------|-------------------|--------------|--|
| 55.03-2 | Building height | Standard B7 | Complies. The proposed maximum building height of 6.3m complies with the standard that specifies a maximum 9.0m height. |
| 55.03-3 | Site coverage | Standard B8 | Complies. Buildings would occupy 54.65% of the site, less than the maximum site coverage of 60%. |
| 55.03-4 | Permeability | Standard B9 | Complies. 25.5% of the site would have permeable surfaces which meets the minimum requirement for 20%. |
| 55.03-5 | Energy efficiency | Standard B10 | Does not comply. The layout of the dwellings generally provides acceptable solar access to indoor and outdoor living spaces. However, solar access to Unit 1 and 2's north-facing windows is compromised by their proximity to Units 3 and 4. There would be no unreasonable reduction in the energy efficiency of existing dwellings. |
| 55.03-6 | Public Open space | Standard B11 | Not applicable. |
| 55.03-7 | Safety | Standard B12 | Does not comply. The dwelling entries and garages of Units 3 and 4, and Unit 2's entry, are obscured from the street, with no opportunity for passive surveillance from outside the development. The private open space areas are protected from inappropriate use as public thoroughfares. |
| 55.03-8 | Landscaping | Standard B13 | Does not comply. There is sufficient space for low level landscaping of the site, however much of the open space available for landscaping is constrained by easements which substantially limits any canopy tree plantings. Any condition of approval should require a landscape plan to be submitted. |

| | | | |
|----------|------------------------------|--------------|--|
| 55.03-9 | Access | Standard B14 | Complies with objective. The existing 3.0m wide crossover occupies 43.9% of the 6.83m frontage which exceeds the maximum requirement of 40%. However, given the site characteristics the design response is considered acceptable. |
| 55.03-10 | Parking location | Standard B15 | Does not comply. The garages are in close proximity to the respective dwellings. Unit 2's bedroom 1 window does not comply with the requirement for a minimum 1.0m setback from the common accessway. All other windows meet the standard. |
| 55.04-1 | Side and rear setbacks | Standard B17 | Complies. Walls of up to 3.6m height with a minimum setback of 1.0, and walls of 3.6-4.7m height with setbacks of up to 3.0m from side and rear boundaries comply with the standard. |
| 55.04-2 | Walls on boundaries | Standard B18 | Complies. No boundary walls are proposed. |
| 55.04-3 | Daylight to existing windows | Standard B19 | Complies. All existing habitable room windows would be provided with a minimum area of 3sqm with a minimum dimension of 1m clear to the sky. |
| 55.04-4 | North-facing windows | Standard B20 | Complies. Unit 2's 2.0m setback from the south boundary complies with the standard which requires a minimum 1.0m setback. |
| 55.04-5 | Overshadowing open space | Standard B21 | Complies. There would be no significant overshadowing of adjacent secluded private open spaces. |
| 55.04-6 | Overlooking | Standard B22 | Complies. Proposed 1.8m high south and west boundary fences meet the standard. Residential lots to the north and east are currently vacant, however once these are developed the proposed fence heights on these common boundaries appear insufficient to adequately limit overlooking. |

| | | | |
|---------|----------------------------|--------------|---|
| 55.04-7 | Internal views | Standard B23 | Complies. Proposed 1.8m high internal fences would adequately limit overlooking within the development. |
| 55.04-8 | Noise impacts | Standard B24 | Complies. The development generally protects adjoining properties from any unreasonable noise and protects future residents from potential noise sources on adjoining properties. |
| 55.05-1 | Accessibility | Standard B25 | Complies. All dwellings may be made accessible for people with limited mobility by construction of a ramp, if required. |
| 55.05-2 | Dwelling entry | Standard B26 | Does not comply. All dwellings front entries provide shelter and a sense of address, however the entries of Units 2, 3 and 4 are not visible from the street. |
| 55.05-3 | Daylight to new windows | Standard B27 | Does not comply. Habitable room windows must face an outdoor space of at least 3sqm with a minimum dimension of 1m clear to the sky. Unit 1 and 2's north-facing habitable room windows do not meet the minimum dimension. |
| 55.05-4 | Private open space | Standard B28 | Does not comply. Each dwelling would be provided with at least 25.0sqm of secluded private open space (POS) with a minimum dimension of 3.0m. Units 2-4 would all have >40sqm of secluded POS overall, however Unit 2's POS is compromised to a large extent by the proposed landing giving access from the living area but which reduces the width of much of the POS to 2.0m and detrimentally affects its useability. Unit 1 would have 36.0sqm overall which does not meet the minimum requirement of 40sqm but is considered to satisfy the objective. |
| | Solar access to open space | Standard B29 | Complies The secluded private open space of each dwelling would receive sufficient solar access to meet this standard. |

| | | | |
|---------|-----------------|--------------|--|
| 55.05-6 | Storage | Standard B30 | Complies. All dwellings are provided with 6 cubic metres of secure externally accessible storage space. |
| 55.06-1 | Design detail | Standard B31 | Complies The façade articulation and detailing, roof form and construction materials would generally accord with the surrounding neighbourhood character. |
| 55.06-2 | Front fences | Standard B32 | Does not comply. The proposed 1.8m high front fence does not meet the standard for a maximum 1.5m height and does not respect the character of the area. |
| 55.06-3 | Common property | Standard B33 | Complies. Common property is clearly defined, functional and capable of efficient management. |
| 55.06-4 | Site services | Standard B34 | Does no comply. Mailboxes would be easily accessible for Australia Post. Unit 3 & 4 bin storage, provided in each dwellingsq POS, would only be accessible via a staircase. |

Clause 65 – Decision Guidelines

This report has considered the decision guidelines at Clause 65.01.

Referrals

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

| Authority | Response |
|---------------|-------------------------------------|
| Western Water | No objection, subject to conditions |

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

| Authority | Response |
|------------------|-------------------------------------|
| Infrastructure | No objection, subject to conditions |
| Waste management | No objection |

Public Notice

The application was advertised to adjoining owners and occupiers by sending individual notices on 28 August 2014 and a sign placed on the site from 9 to 24 September 2014. No objections were received.

Discussion

In principle, the proposed development of the subject site for more than one dwelling is reasonable. The site is >1000sq m and substantially larger than most other lots in the street, which are burdened by single dwelling covenants. The site is therefore considered capable of a more intensive form of development. However, development of the site is constrained by its location on a corner of Lone Pine Square, with an L-shaped frontage of 6.83 metres, and easements parallel to the south, east and north boundaries. The proposed development does not adequately respond to these constraints, and the design presents issues regarding on-site amenity, safety and integration with the street.

The layout of the development prioritises a compact built form at a density substantially greater than nearby lots. The layout of the development, and in particular most of the dwelling and garage entries, is oriented internally to the site so that these features would not be visible from the street, and indeed would not be readily visible until having entered well into the site. This aspect of the design is problematic for the following reasons.

The lack of integration with the street, whereby dwelling entries are completely obscured from the street and only Unit 1's entry and Unit 2's garage visible from the accessway on the approach from the street, is a poor urban design outcome. Passive surveillance opportunities to and from the development are limited and the risk to personal safety, whether actual or perceived, is considered to be compromised.

The design does not respond to the neighbourhood character which is typified by dwellings with small landscaped front setbacks, no front fencing and a strong sense of address to the street. The front of Unit 1, and Unit 2's garage would be visible from the street. However, the other dwelling entries and garages are fully obscured from view until a driver or pedestrian has proceeded some distance along the accessway. Although the site's frontage is narrow, it is considered that the development should be redesigned to give greater priority to the accessway and dwelling entries being visible for safety and neighbourhood character benefits. Also, a front fence height of 1.8m is proposed, designed to protect the privacy of Unit 1's private open space. However, this further compromises the development's integration with the street, particularly given the narrow frontage width which limits views into the development.

The proposed design also presents issues regarding on-site amenity. Unit 2's west-facing bedroom window requires a minimum 1.0m setback from the common accessway. The proposed setback of between 0.4-0.7m does not provide sufficient separation to protect the amenity of Unit 2's occupants. Daylight to Unit 1 and 2's north-facing habitable room windows does not meet the standard requirement for a light court with a minimum dimension of 1.0m. Furthermore, the design does not maximise solar access to these windows. Retention of the proposed eave is encouraged for passive energy efficiency, and it is suggested that a redesign of the development is needed to resolve this and other issues discussed herein.

It is considered that given the narrow frontage of the site, the fortnightly collection of waste and recycling bins would probably necessitate some bins being collected from the front of the adjoining lot to the west. It is considered that on-site bin storage and collection by a private contractor would allow for appropriate management of waste collection without unreasonable impacts on the amenity of neighbouring properties. There is considered to be sufficient space adjoining Unit 2 for the storage and collection of bins.

The layout of the accessway and garages poses an issue regarding safety and convenience for future residents. The proposed design would not allow all vehicles to conveniently manoeuvre to exit the site easily, with some vehicles required to perform several turns to exit in a forward direction which is considered unacceptable.

Financial Implications

The recommendation to refuse a permit for the Development of Four Dwellings will not represent any financial implications for Council.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Conclusion

Overall, although the proposal is consistent with State and local policy which supports the growth of established urban areas and diversity of housing choice, the design fails to adequately respond to the site's constraints and would result in a poor urban design outcome where personal safety is compromised, and there is poor integration with the street. Other elements of the design would also compromise the amenity of future occupants regarding vehicle manoeuvrability, provision of secluded private open space, and internal amenity.

Overall, it is not considered that the proposal would unreasonably impact on the amenity of adjoining landowners.

The site is considered capable of accommodating more than one dwelling, however the design must respond appropriately to the site's characteristics as described in this report. In its current form the proposal is considered to be an overdevelopment of the site.

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

Resolution:**Crs. Edwards/Spain**

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Refusal to Grant a Permit for application PA2014-113 for Development of Four Dwellings on 701 PS 627591C, 34 Lone Pine Square, Bacchus Marsh on the following grounds:

- 1. The proposal is not supported by the State Planning Policy Framework or Local Planning Policy Framework, including the Municipal Strategic Statement, in relation to neighbourhood character and safety.***
- 2. The proposal is not consistent with the objectives of Clause 55.02-1 and Clause 55.02-5 (ResCode Standard B1 and B5) as the development is poorly integrated with the street which compromises personal safety and neighbourhood character.***
- 3. The layout of the development does not comply with Clause 55.05-3 as it unreasonably limits daylight and solar access to Unit 1 and 2's north-facing habitable room windows. (ResCode Standard B3)***
- 4. The proposal does not comply with Clause 55.03-7 and Clause 55.05-2 (ResCode Standards B12 and B26) as dwelling entries are visually obscured from the street and there is no opportunity for passive surveillance.***
- 5. The setback of Unit 2's west-facing window does not comply with Clause 55.03-10 (ResCode Standard B15).***
- 6. The proposal does not comply with Clause 55.05-3 (ResCode Standard B28) as the design of Unit 2's secluded private open space unreasonably limits its useability.***
- 7. Vehicles would be unable to easily and safely manoeuvre and circulate within the site which is inconsistent with the purpose of Clause 52.06.***

CARRIED.

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Tuesday, 28 October 2014



9.2.2 Planning Permit 2014-035; Use and Development of a Lamb Feedlot and Vegetation Removal on Crown Allotment 4A, Section 19 Parish of Bungaree, 114 Wilsons Road, Bullarook

This application was on the Development Assessment Committee (DAC) Agenda and has been called to an Ordinary Meeting of Council for a decision as per the Terms of Reference for the DAC Meeting.

| Application Summary: | |
|---|--|
| Permit No: | PA2014-035 |
| Lodgement Date: | 11 February 2014 |
| Planning Officer: | Tom Tonkin |
| Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine: | 14 April 2014 |
| Address of the land: | 114 Wilsons Road, Bullarook |
| Proposal: | Use and Development for a Lamb Feedlot and Vegetation Removal |
| Lot size: | 21.17ha |
| Restrictive Covenant/173 Agreement: | Yes, however the proposal does not breach the restriction. |
| Why is a permit required | <p>Clause 35.07 . Use and development of land in the Farming Zone</p> <p>Clause 42.01-2 . Construction of works and vegetation removal on land affected by an Environmental Significance Overlay</p> |
| Public Consultation: | |
| Number of notices to properties: | 2 |
| Notices on site: | One |
| Notice in Moorabool Newspaper: | No |
| Number of Objections: | One (1) |
| Consultation meeting: | The objectors were invited to consult with the applicant but declined the offer. |

| | |
|---|---|
| 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 use and development for a lamb feedlot and removal of non-native vegetation. The application was reviewed against the provisions of the Moorabool Planning Scheme, with particular attention paid to the requirements of Clause 35.07 for the use of land for intensive animal husbandry in the Farming Zone, and Clause 42.01 for development and vegetation removal on land affected by Environmental Significance Overlay, Schedule 1. The site is on a lot of 21.17ha occupied by a single dwelling and ancillary outbuildings with the balance being mostly vacant land. Surrounding land is either for agricultural use or reserved in a closed potable water supply catchment. Overall, the proposal would be a suitable use of agricultural | |

land having regard for the proposed layout and operation of the feedlot, potential amenity impacts and the rural context of the site, subject to conditions.

The objection to the proposal relates to its potential amenity and environmental impacts, effect on property value, the capacity of the adjoining road to accommodate associated traffic and the subject site's capability of supporting the proposed use.

This report recommends that Council issue a Notice of Decision to Grant a Planning Permit for Use and Development of a Lamb Feedlot and Vegetation Removal subject to conditions.

Summary Recommendation:

The proposal has been assessed against the relevant provisions of the Moorabool Planning Scheme, particularly those set out in Clause 35.07 . Farming Zone, Clause 42.01 . Environmental Significance Overlay and Clause 65 Decision Guidelines.

It is considered that the proposed Lamb Feedlot is, overall, consistent with the State and Local Planning Policies, Farming Zone, Environmental Significance Overlay and Decision Guidelines of the Moorabool Planning Scheme.

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

Background

Planning permit PA2003-432 for the Development and Use of a Dwelling was issued by Council.

Proposal

The applicant seeks approval for the development and use of the land for a lamb feedlot, and the removal of one (1) non-native tree.

Prior to lodging the application, the applicant met with Council planning officers on the 9th October and with Central Highlands Water on 11th October 2013 to discuss the proposal and seek preliminary advice.

The applicant proposes to buy weaned locally bred prime lambs and grow them for a period of 35-60 days, depending on the initial live weight at the time of induction to the feedlot and the end market's requirements. The feedlot is intended to operate between August and late June based on favourable weather and market conditions.

All lambs would be inducted onto the property in the onsite stockyard for tagging, drenching, vaccinations and health inspections. Daily pen inspections would be done to identify any health issues, with lambs removed as required to a separate pen near the stockyard. Each pen would have two water sprinklers to help reduce dust levels as needed. The applicant has provided a risk management strategy to control potential disease outbreaks.

The southernmost section of the land would be developed with five (5) pens, four of an area of 2592sq m each, and one of 2601sq m proposed to accommodate up to 500 lambs each. An adjacent 1680sq m yard would be used as a manure drying pad. Each pen would comprise a 44.0m long x 0.5m wide feed trough on the north side and 25.0m long x 0.5m wide water trough on the south side. A 2.0m wide section of shade cloth would be erected along the west boundary of each pen at a height of 1.5m above ground level for shelter from the sun. Establishment of a 12.0m wide indigenous plantation on all sides of the feedlot would give protection from prevailing weather conditions and screen views to the feedlot.

Access to each pen would be via a 10.0m wide laneway along the west, south and east perimeter of the pens, leading to the stockyard adjoining the west boundary adjacent to McKee Lane.

Feed would be a combination of purchased pellets and silage or hay, the majority of the latter produced from onsite pasture, and supplemented by locally grown product as needed. Portable self-feeder troughs would be provided in each pen.

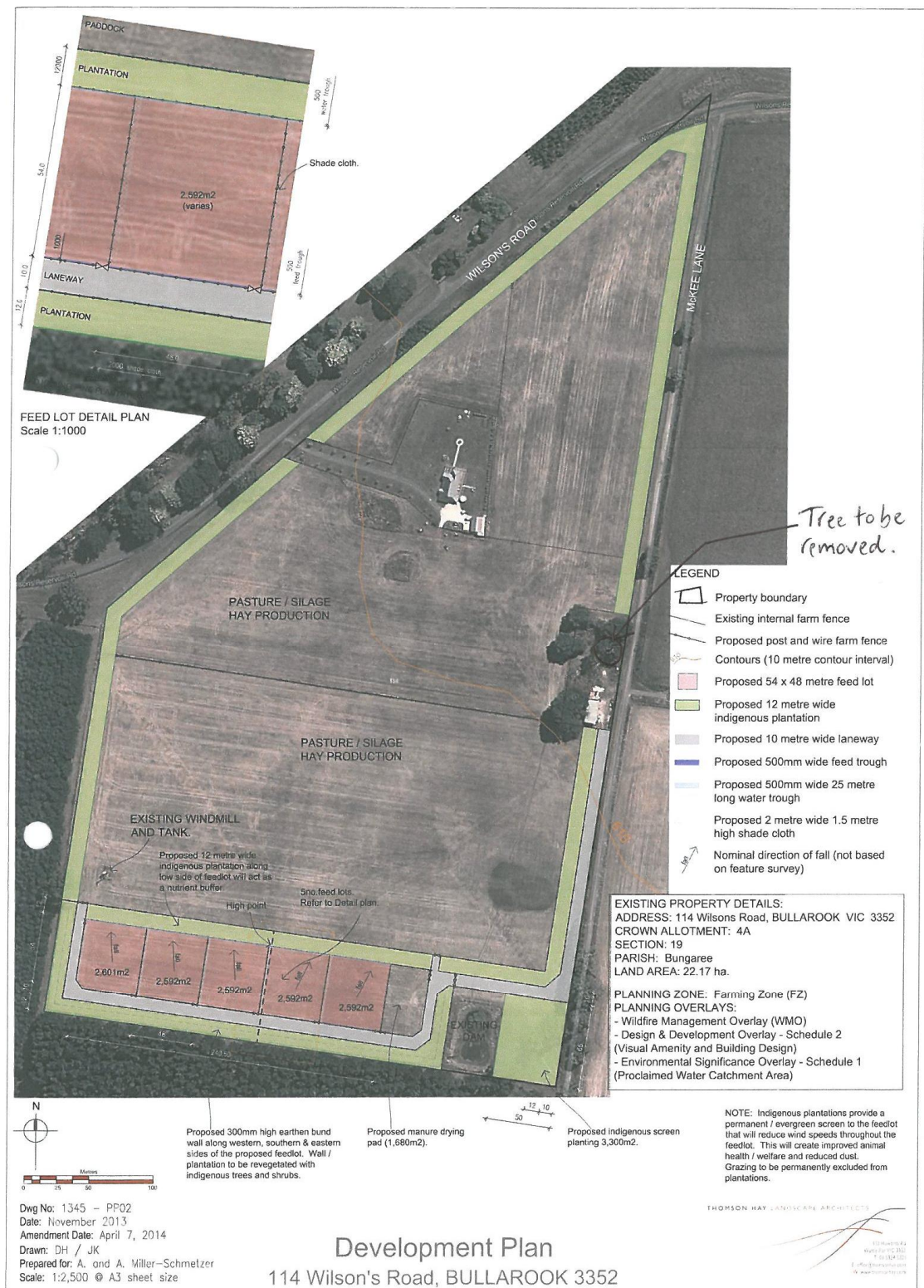
Lamb faeces would be collected at the end of the growing period (35-60 days) and removed to the drying pen for later use as organic fertilizer. A drying out period of 10 days, or as required, for each pen after each growing period would assist in managing any odours.

Stormwater and nutrient runoff would be to the proposed plantations on the feedlot perimeter and contained within the site by provision of a 300mm high earthen bund within the plantation.

Any lamb carcasses would be disposed of at the nearest rendering plant in Melbourne.

The proposal would not require the removal of any native vegetation. Retrospective approval is sought for the removal of one (1) non-native tree from the existing stockyard.

The layout of the proposed feedlot was amended after advertising and referral of the application to address concerns raised by the relevant parties. A plan of the current proposal is provided below.



Site Description

The site is irregular in shape with the following dimensions:

- An east boundary to McKee Lane of 784.55m.
- A south boundary of 402.33m.
- A west boundary of 301.75m.
- A northwest boundary to Wilsons Road of 628.44m.
- A total site area of 21.17ha.

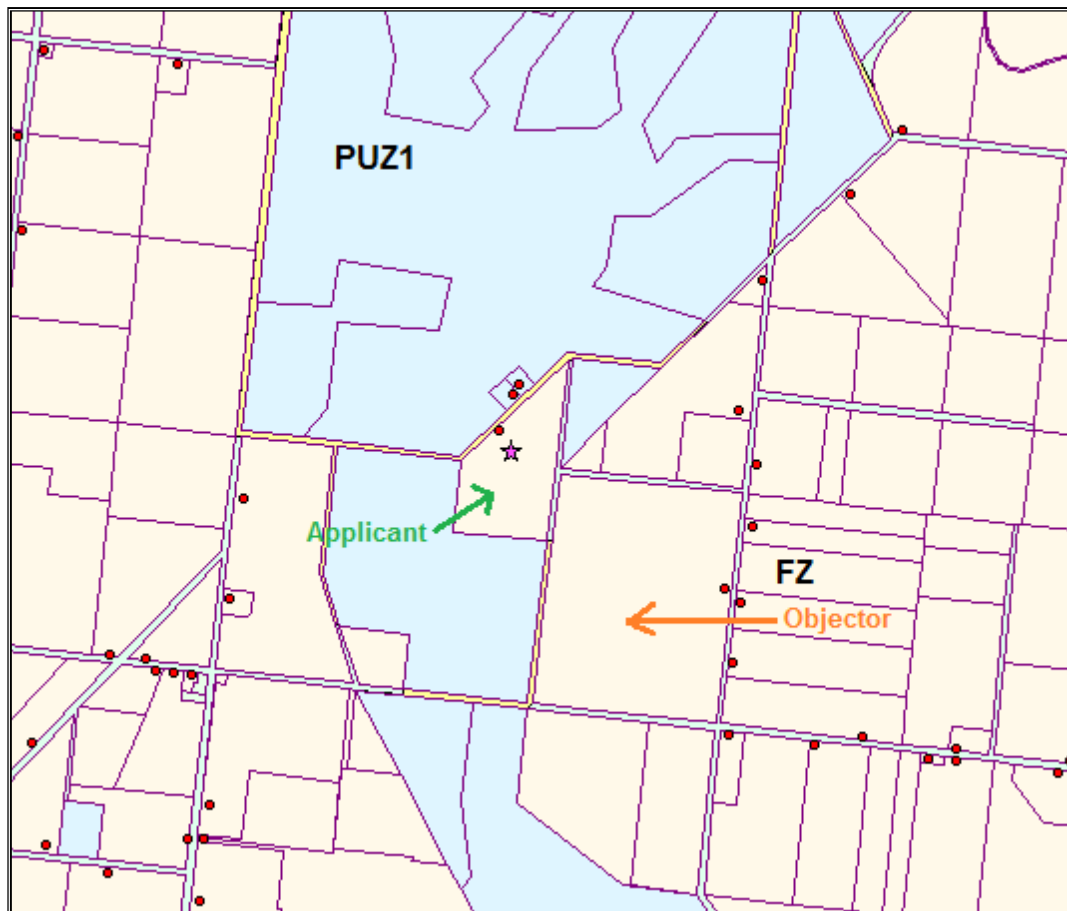
The site has a gently undulating topography and is occupied by a single storey brick dwelling and ancillary outbuildings sited towards the north end of the site and roughly equidistant from the east and northwest boundaries. Vehicle access to the dwelling is gained via an accessway from Wilsons Road. Vehicle access to an existing stockyard is available from McKee Lane. An existing windmill and tank are located towards the southwest corner of the site. The balance of the land is currently pasture that has previously been used for potato growing. The site is largely cleared of vegetation, apart from a stand of non-native pines in the stockyard, a stand of trees near the southeast boundary and low level planted vegetation around the dwelling.

The surrounding area is rural in character, comprising cropping and grazing land and heavily forested land generally contained in closed water catchments. Although dwellings are not uncommon in the area, they are not a dominant land use, typically present to support the local agricultural base. The subject site is approximately 7.0km northeast of Bungaree township.

To the east of the subject site, across McKee Lane, is land in the Public Use Zone (Service and Utility) associated with the nearby Wilson Reservoir and, in the Farming Zone, agricultural landholdings supported by dwellings, the nearest of which is set back approximately 360m from McKee Lane on a 78ha parcel and positioned close to the centre of the property. To the south and west is forested land in a closed water catchment containing an aqueduct between Wilson Reservoir to the north and Beales Reservoir to the southeast. To the northwest, across Wilsons Road, is Wilson Reservoir and surrounding forested land. The reservoir is set back a minimum 140m from the road opposite the subject site. The abovementioned land in the closed water catchment is in the Public Use Zone (Service and Utility).

Locality Map

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



Planning Scheme Provisions

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

| SPPF | | |
|----------------|-----------------------------------|---|
| Clause 11.06 | Central Highlands regional growth | The proposal broadly supports economic self-sufficiency for the region, and viable and sustainable agriculture, without any detrimental impacts on the water supply catchment, subject to conditions. |
| Clause 14.01-2 | Sustainable agricultural land use | The proposal would facilitate a generally sustainable agricultural land use. The proposal adequately responds to proper and orderly planning and protection of environmental assets, subject to conditions. |
| Clause 14.02 | Water | The proposal makes acceptable provision for the protection of water quality in the catchment, subject to conditions. |

| LPPF | | |
|----------------|---------------------------------|--|
| Clause 21.02-3 | Water and Catchment Management | The proposal makes acceptable provision for the protection of water quality in the catchment, subject to conditions. |
| Clause 21.04-2 | Agriculture | The proposal is for an agricultural use in an established farming area, and is not expected to detrimentally affect nearby agricultural land uses. |
| Clause 22.02 | Special Water Supply Catchments | The proposal makes adequate provision for the protection of water quality in the catchment, subject to conditions. |

Zone

Farming Zone

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

The proposed lamb feedlot is classified as intensive animal husbandry, a Section 2 Use under the Zone which requires a planning permit. Associated works also require a planning permit.

Overlays

Environmental Significance Overlay . Schedule 1

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

- Construct a building or construct or carry out works.
- Remove, destroy or lop any vegetation, including dead vegetation.

There are no applicable exemptions under Clause 42.01-3 or Schedule 1, therefore a permit is required.

Design and Development Overlay . Schedule 2

Pursuant to Schedule 2 of Clause 43.02 of the Moorabool Planning Scheme a permit is required to construct a building using reflective materials. The applicant has not proposed any use of reflective materials.

Bushfire Management Overlay

Pursuant to Clause 44.06 a permit is required for buildings and works associated with particular uses. The proposed use of the land for intensive animal husbandry does not trigger a permit under this Clause.

Particular Provisions

None applicable.

Clause 65 – Decision Guidelines

This report has considered the decision guidelines at Clause 65.01.

Referrals

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

| Authority | Response |
|---|-------------------------------------|
| Central Highlands Water | No objection, subject to conditions |
| Department of Environment and Primary Industries (DEPI) | No objection, subject to conditions |

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

| Authority | Response |
|---------------------------------------|-------------------------------------|
| Infrastructure | No objection, subject to conditions |
| Environmental Health | No objection, subject to conditions |
| Strategic and Sustainable Development | No objection |

Public Notice

The application was advertised to adjoining owners and occupiers by sending individual notices on 26 February 2014 and a sign placed on the site from 28 February to 14 March 2014. One objection was received.

Summary of Objection

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

| Objection | Officer's response |
|--|---|
| The proposed feedlot is less than 500m from our home, and within sight of indoor and outdoor living areas. | The proposed feedlot is approximately 500m from the objector's dwelling. It is agreed that the feedlot location is visible from the indoor and outdoor living areas. The permit applicant proposes to plant an indigenous plantation which would in future screen the views from the objector's property. |
| The proposal presents a potential health hazard due to pollution and the spread of disease. | The proposal is not considered to present an unreasonable health or environmental hazard. Information provided by the applicant indicates that such matters can be adequately dealt with, discussed in more detail below. |
| The feedlot would create visual pollution until the proposed plantation is established. | Whilst in the relative short term there may be visual pollution associated with the feedlot, the permit applicant advises that the proposed plantation would provide screening from the objector's property within 12-18 months of planting. |

| | |
|---|---|
| Dust and odour emissions due to the prevailing wind direction. | Bureau of Meteorology data indicates that prevailing winds throughout the year in this area are from the north or south, and discussed in more detail below. The existing plantation on adjoining land to the south and west, and the proposed plantations around the feedlot would be expected to substantially reduce wind velocity. Additionally, the pasture on the land is currently in a green vegetative stage of growth with no dust evident. Emissions from the site are discussed in more detail below. |
| The proposal could reduce the value of our land. | Consideration of property values is outside the realm of determining a planning application. The suitability of the proposal in relation to surrounding land uses is discussed below. |
| Weather conditions in winter and spring would limit the usable area for the feedlot and increase visual pollution and soil degradation. | The applicant intends to operate between August and late June based on favourable weather and market conditions. Additionally, because the feedlot areas would not be rotated and used for cropping or pasture, soil degradation would not be an issue. Consequently, increased visual pollution would not be an issue. |
| The land size may be too small to support the proposed stock numbers. | The proposal is consistent with the guidelines and recommendations of the Victorian Department of Environment and Primary Industries. |
| Increased heavy traffic on McKee Lane and noise from stock loading and unloading. | The proposal would increase the amount of traffic using McKee Lane; however this is not considered to be unreasonable. Council's Infrastructure department has no objection to the proposal. Noise normally associated with agricultural activity in the Farming Zone is not considered unreasonable. |
| Proximity to the nearby aqueduct and associated nutrient runoff and contamination. | The feedlot would be a minimum 140m from the aqueduct. The design of the bund wall around the feedlot would restrict nutrient runoff and contamination of any waterways. Central Highlands Water and DEPI have consented to the proposal, subject to conditions. |
| The adjoining plantation may not provide shelter from prevailing weather conditions in the long term given it is being clear felled. | The applicant advises that the adjoining plantation is being selectively thinned. In any case, the proposed plantation on the subject site would provide a buffer. |

Discussion

The proposed use of the subject site for a lamb feedlot is categorised as intensive animal husbandry, which requires a planning permit under the provisions of the Farming Zone and the Environmental Significance Overlay. Unlike other forms of intensive animal husbandry such as broiler farms and cattle feedlots, there is no Code of Practice for lamb feedlots. Thus the assessment of a lamb feedlot proposal relies on the relevant planning scheme provisions, the requirements and guidance of relevant statutory authorities, information from the permit applicant and the grounds of any formal objection.

The original application included a plan and supporting documentation for how the site would be developed and used for the proposed feedlot. The applicant later provided additional information and amendments to the original plan in response to the objectors' concerns and requests by Council's Environmental Health officer and Central Highlands Water for further information about the proposal. The applicant has provided sufficient evidence to demonstrate that the proposal is, overall, acceptable in addressing the relevant provisions of the Moorabool Planning Scheme for the following reasons.

The Farming Zone has the following purposes:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The subject site is 21.17ha in size and improved with a single dwelling in the past 10 years. The land was used for crop raising by a previous owner. The current owner lives onsite and proposes to operate a lamb feedlot capable of accommodating up to 2500 lambs on part of the site, with the balance of the land producing pasture for stock feed. The applicant has provided information in support of the proposal consistent with best practice guidelines of the Victorian Department of Environment and Primary Industries. A condition of any approval would require the applicant to submit a management plan for the feedlot which demonstrates best practice principles for stock containment and lamb feed-lotting, and include a clear demonstration of animal waste management practices, including pen cleaning and waste disposal strategies to be implemented to prevent offsite discharge of effluent in surface and groundwater. A condition of any approval would also require a landscape plan to be submitted. The plans must be to the satisfaction of DEPI and Central Highlands Water.

The subject site is in a rural area largely used for agricultural purposes apart from nearby potable water storage facilities managed by Central Highlands Water. Nearby dwellings mostly support genuine agricultural activities, predominantly crop raising and grazing, as opposed to hobby farms or rural lifestyle-type allotments. The proposed use of the subject site for an agricultural enterprise is generally consistent with surrounding land uses.

The objector lives east of the subject site across McKee Lane and has raised concerns about the potential amenity impacts of the proposed feedlot (see aerial photo below).



The objector's farming property is 78ha with a dwelling set back approximately 360m from McKee Lane. The objector's concerns include the potential health hazards of the proposal from pollution of groundwater, odour and dust emissions, increased flies and the spread of disease. The proposal includes the following measures to address potential health and environmental impacts:

- A management plan based on best practice guidelines including animal health checks both before purchase and as part of induction into the feedlot, and daily pen inspections.
- Water sprinklers in each pen to reduce dust emissions and the incidence of pink eye disease.
- Any carcasses identified and inspected for cause of death in consultation with a local DEPI vet or animal health officer. Carcasses would be disposed of at the nearest rendering plant.
- A risk management plan for disease outbreaks.
- Removal of lamb faeces at the end of each feeding period (35-60 days) and pens allowed to dry out for 10 days or as required. Faeces would be removed to a drying pen and later used as organic fertilizer.
- Storm water and nutrient runoff would be filtered by the 12.0m wide proposed indigenous plantation along the perimeter of the feedlot, incorporating a bund wall on the south, east and west sides to restrict any runoff and contamination of the adjacent closed water catchment.
- Additionally, a feedlot management plan and landscape plan would be required as a condition of any approval, prepared to the satisfaction of DEPI and Central Highlands Water.

Data sourced from the Bureau of Meteorology (BoM) provides information about wind speed and direction at Creswick, approximately 9km northwest of the subject site. The Bureau's Creswick site is the nearest location to the subject site where data is collected. The recorded data is from 1965 to 1975 and based on 3668 observations at 9:00am or 3:00pm of a day. The data reveals that:

- Throughout the year, the most frequent wind directions recorded are southerly and northerly winds.
- Calm conditions were recorded as most frequent during the winter months and least frequent during the summer months.
- The frequency of westerly winds was recorded as greatest in November (9% of all winds) and least frequent in February, March and June (3% of all winds).
- The frequency of northwesterly winds was recorded as greatest in October (9% of all winds) and least frequent in January (2% of all winds).
- Northwesterly winds were only recorded as greater than 40km/h in July.
- Westerly winds were only recorded as greater than 40km/h in November.

Bullarook is approximately 9km from Creswick and it is considered reasonable to conclude that climatic conditions would be generally consistent. The objector's dwelling is sited east-southeast of the proposed feedlot, hence westerly and northwesterly wind data is relevant. The BoM data indicates that the prevalent wind directions are northerly and southerly, with westerly and northwesterly winds less prevalent during any given year. The variation in frequency of westerly winds from 3% to 9% and northwesterly winds from 2% to 9% suggests that in considering wind directions overall there is not a substantial difference throughout the year. Westerly winds were recorded as most frequent in November, when westerly winds greater than 40km/h were recorded. Nevertheless, winds greater than 40km/h only accounted for 1% of westerly winds recorded.

It is not considered that the data necessarily gives a definitive picture of climatic conditions in Bullarook; the particular microclimate of the area may indeed produce different conditions. Nevertheless, the BoM data guides our understanding of how the proposed feedlot may affect the amenity of the area. Regardless of local variations to the BoM data, it is considered that heavily forested land in the closed water catchment to the south and west, and the proposed plantation buffer around the feedlot, would create a windbreak to mitigate amenity impacts associated with odour emissions. Additionally, good solar access to the feedlot site would assist in solar radiation and evaporation rates which would be expected to reduce odour.

The objector has raised concerns about the potential impact of the proposal on the value of their property. As previously mentioned, the consideration of property values is beyond the scope of assessing a planning permit application. Instead, the application must be assessed on its merits under current planning policy which includes consideration of the proposal's effect on the amenity of the area. Overall, it is considered that the feedlot is acceptable, given the context of the proposed use in a long established agricultural area, the layout of the proposal including measures proposed by the applicant to reduce amenity impacts, and the measures required by DEPI and Central Highlands Water as a condition of any approval. The minimum 500m setback from the nearest dwelling, proposed plantation buffers to mitigate emissions from the feedlot, and implementation of an approved management plan would prevent any detrimental amenity impacts on the area. Notwithstanding these measures, it is considered reasonable to expect that the amenity of the area may be affected by the proposal. It is acknowledged that the use of McKee Lane for access to the stockyard would increase traffic and noise. However, the anticipated traffic movements and noise associated with an agricultural use in a farming area is deemed to be reasonable, particularly given the location of the objector's dwelling approximately 480m from the stockyard. The proposal is not expected to have any detrimental effect on adjoining agricultural uses.

The subject site is improved with a single dwelling, a resource which would allow the landowner to be present on the site as needed to manage the feedlot. The proposal makes optimum use of agricultural land which might otherwise be used as a hobby farm or rural lifestyle property with the potential to conflict with established agricultural uses on surrounding land and not make use of the land to its best potential.

The applicant has satisfactorily addressed the constraints of the site's location in an open water catchment and in close proximity to a closed water catchment. Central Highlands Water and DEPI have consented to the proposal, subject to the preparation of a feedlot management plan and landscape plan to their satisfaction. The planting of indigenous vegetation provides habitat for native fauna and would enhance the overall appearance of the site and support biodiversity in the area. Council's Environmental Health officer has also consented to the proposal, subject to conditions.

The removal of one (1) non-native tree from the stockyard would have a negligible impact on water quantity and quality in the catchment and is considered acceptable.

Financial Implications

The recommendation to approve a permit for use and development of the land for a lamb feedlot and vegetation removal will not represent any financial implications for Council.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Conclusion

Overall, the proposal is consistent with the relevant policies in the Moorabool Planning Scheme. The proposed lamb feedlot is considered to be an acceptable use of productive agricultural land in Bullarook. The proposal takes advantage of existing infrastructure and the competitive advantages of the district more generally. The applicant has provided information which indicates the land's capability to accommodate the proposal and adequately mitigate potential amenity impacts associated with the feedlot. A condition of approval would require that a feedlot management plan be prepared, addressing best practice principles for stock containment and feed-lotting to the satisfaction of both DEPI and Central Highlands Water.

Furthermore, the proposal adequately addresses the site's environmental constraints with regard to its location in a potable water supply catchment, whilst the planting of indigenous vegetation as part of the feedlot design would enhance the environmental values of the site.

Whilst the proposal may affect the amenity of the area, it is considered reasonable that the subject site, in the Farming Zone, be used for a lamb feedlot given the setbacks from other dwellings combined with the proposed measures to mitigate offsite amenity impacts.

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

Consideration of Deputations – Planning Permit Application No. PA2014-035

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

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

Cr. Comrie entered the meeting at 5.14pm.

Ms. Hewitt tabled a petition addressed to Council in relation to the proposed lamb feedlot. The Mayor advised that the Meeting Procedure Local Law could only provide for the petition to be received and not considered until the next meeting. As the matter was before Council for decision at this meeting the Mayor requested that the CEO read out the submission signed by 11 signatories as an input to Item 9.2.2 on the agenda.

Mr. Andrew Miller-Schmetzer addressed Council as the applicant in favour of the granting of a planning permit for the application.

The business of the meeting then returned to the Agenda.

Recommendation:

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant a Permit for application PA2014-035 for Use and Development of a Lamb Feedlot and Vegetation Removal on Crown Allotment 4A, Section 19 Parish of Bungaree, 114 Wilsons Road, Bullarook, subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans identified as Development Plan, Drawing No. 1345-PP02, dated November 2013 and amended 7 April 2014 but modified to show:
 - a. Details in accordance with Condition No. 11 of this permit.
 - b. A Landscape Plan in accordance with Condition No. 17 and 18 of this permit herein.
2. Before the use and development starts, a lamb feedlot management plan to the satisfaction of the responsible authority, must be submitted to and approved by the responsible and relevant authorities. When approved, the management plan will be endorsed and will then form part of the permit. The management plan must be in accordance Department of Environment and Primary Industries and

Central Highlands Water Conditions 15 and 16 herein and additional address:

- a. **Animal welfare during climatic fluctuations such as hot, dry spells and rain events;**
 - b. **Control, prevention and management of diseases (including exotic animal diseases);**
 - c. **Control of odour and complaint handling processes;**
 - d. **Methods for drying, storing and spreading the compost.**
3. **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 use and development must be sited and constructed in accordance with the endorsed plans.**
 4. **The exterior colour and cladding of any buildings must be non-reflective to the satisfaction of the Responsible Authority.**
 5. **Before the use starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
 6. **The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.**

Environmental Health Condition:

7. **Stormwater run-off from sheep pens must be contained on the property.**

Infrastructure Conditions:

8. **Storm water drainage from the 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.**
9. **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).**
10. **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.**
11. **Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**
12. **All livestock handling facilities and operations associated with the development must be located within the boundaries of the subject land, to the satisfaction of the Responsible Authority.**

13. The stockyards facilities must be designed and constructed to ensure that all vehicles enter and leave the site in a forward direction only, to the satisfaction of the Responsible Authority.
14. The vehicle crossings servicing the property must be designed and constructed to accommodate the largest vehicle likely to use the facility. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.

Department of Environment and Primary Industries and Central Highlands Water Conditions:

15. Prior to the use or any associated development commencing, a lamb feedlot management plan, prepared to the satisfaction of the Department of Environment and Primary Industries and Central Highlands Water, must be submitted to and approved by the Responsible Authority. When approved, the lamb feedlot management plan will be endorsed and will form part of this permit.
16. The lamb feedlot management plan must demonstrate best practice principles for stock containment and lamb feed-lotting, and include a clear demonstration of animal waste management practices, including pen cleaning and waste disposal strategies to be implemented to prevent offsite discharge of effluent in surface and groundwater.
17. Prior to the use or any associated development commencing, a landscape plan, prepared to the satisfaction of the Department of Environment and Primary Industries and Central Highlands Water, must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will form part of this permit.
18. The landscape plan must include details of:
 - a. A vegetation buffer on the southern and western perimeter of the feedlot area and performance information in relation to the uptake of nutrients from the feedlot works area, and
 - b. Bunding and a catchment pond to contain and hold surface water run-off from the entire feedlot area.

Expiry condition:

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

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

Resolution:**Crs. Toohey/Spain**

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant a Permit for application PA2014-035 for Use and Development of a Lamb Feedlot and Vegetation Removal on Crown Allotment 4A, Section 19 Parish of Bungaree, 114 Wilsons Road, Bullarook, subject to the following conditions:

- 1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans identified as Development Plan, Drawing No. 1345-PP02, dated November 2013 and amended 7 April 2014 but modified to show:***
 - (a) Each pen to be increased to a minimum size of 2 hectares for every 500 lambs.***
 - (b) Each pen to contain a sufficient number of feeders and water troughs to accommodate shy feeders and the number of head of sheep being fed.***
 - (c) An area of shade in each pen that will provide shade for all 500 sheep during hot weather.***
 - (d) An isolation, veterinary care and recovery pen which is separate to the feed pens. This must be a covered facility to allow for the adequate provision of veterinary care, treatment and recovery of lambs and provide adequate water and feeder facilities.***
 - (e) A foot-bathing and jetting facility for the prevention and treatment of footrot and fly strike/maggot infestation.***
 - (f) A crutching and shearing facility***
 - (g) A chemical storage facility, in accordance with the relevant legislation, including the provision of a hand-washing and showering facility in the event of an accidental spill/spray.***
 - (h) A Landscape Plan in accordance with Condition No. 21 and 22 of this permit herein. This must also include the management of weeds and vermin and how the landscaped areas will be maintained to reduce fire risk.***
 - (i) The provision of a hard surface laneway to provide access to all pens during wet weather events.***
- 2. Before the use and development starts, a lamb feedlot management plan to the satisfaction of the responsible authority, must be submitted to and approved by the responsible and relevant authorities. When approved, the management plan will be endorsed and will then form part of the permit. The management plan must be in accordance Department of Environment and Primary Industries and Central Highlands Water Conditions 19 and 20 herein and additionally address:***

- (a) *Animal welfare during climatic fluctuations such as hot, dry spells and rain events;*
 - (b) *Control, prevention and management of diseases (including exotic animal diseases);*
 - (c) *Control of odour and complaint handling processes;*
 - (d) *Methods for drying, storing and spreading the compost.*
 - (e) *A dust suppression method which identifies the fresh water source being relied upon for this purpose. The water source must not be a dam or retention basin which captures runoff from the feedlot as this will contain contagions and chemicals used for the treatment of sheep and the land.*
 - (f) *The procedures for the management of sheep during emergency events such as flood, fire or the outbreak of disease.*
 - (g) *Wild dog and fox management*
 - (h) *The storage of feed in a vermin proof containers*
3. *All infrastructure and works approved in this permit, must be completed prior to the use commencing.*
4. *Access to the feedlot must only occur from Wilsons Road. The cost of any improvements or works required to accommodate large vehicles must be borne by the permit holder and to the satisfaction of the responsible authority.*
5. *The use of water for consumptive uses must be to the satisfaction of Southern Rural Water. Approval from Southern Rural Water must be provided to the responsible authority prior to the use commencing demonstrating that the proposal does not adversely affect groundwater quality.*
6. *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 use and development must be sited and constructed in accordance with the endorsed plans.*
7. *The exterior colour and cladding of any buildings must be non-reflective to the satisfaction of the Responsible Authority.*
8. *Before the use starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.*
9. *The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.*

Environmental Health Condition:

10. *Stormwater run-off from sheep pens must be contained on the property.*

Infrastructure Conditions:

11. *Storm water drainage from the 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.*
12. *Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).*
13. *Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.*
14. *Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.*
15. *All livestock handling facilities and operations associated with the development must be located within the boundaries of the subject land, to the satisfaction of the Responsible Authority.*
16. *The stockyards facilities must be designed and constructed to ensure that all vehicles enter and leave the site in a forward direction only, to the satisfaction of the Responsible Authority.*
17. *Access to the site for the feedlot must only occur from Wilsons Road via a sealed vehicle crossover at the cost of the permit holder and to the satisfaction of the responsible authority. The vehicle crossings servicing the property must be designed and constructed to accommodate the largest vehicle likely to use the facility. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.*
18. *Wilsons Road, Black Swamp Road and Springbank Road are NOT approved routes for the operation of B-Doubles. Any B-Double operating on these roads must obtain the appropriate permit from the relevant authority prior to any operation on these roads.*

Department of Environment and Primary Industries and Central Highlands Water Conditions:

19. *Prior to the use or any associated development commencing, a lamb feedlot management plan, prepared to the satisfaction of the Department of Environment and Primary Industries and Central Highlands Water, must be submitted to and approved by the Responsible Authority. When approved, the lamb feedlot management plan will be endorsed and will form part of this permit.*

20. ***The lamb feedlot management plan must demonstrate best practice principles for stock containment and lamb feed-lotting, and include a clear demonstration of animal waste management practices, including pen cleaning and waste disposal strategies to be implemented to prevent offsite discharge of effluent in surface and groundwater.***
21. ***Prior to the use or any associated development commencing, a landscape plan, prepared to the satisfaction of the Department of Environment and Primary Industries and Central Highlands Water, must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will form part of this permit.***
22. ***The landscape plan must include details of:***
 - (a) ***A vegetation buffer on the southern and western perimeter of the feedlot area and performance information in relation to the uptake of nutrients from the feedlot works area, and***
 - (b) ***Bunding and a catchment pond to contain and hold surface water run-off from the entire feedlot area.***

Expiry condition:

23. ***This permit will expire if one of the following circumstances applies:***
 - (a) ***The use and 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.***
24. ***That no more than 2,500 lambs can be accommodated in the feedlot at any given time.***

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

NOTE: ***Further approval may be required for any lighting proposed to be installed on the property.***

NOTE: ***Council officers reserve the right to attend the property to determine compliance with any of the conditions of this permit.***

Councillor Dudzik called for a Division.

Councillors voting for the resolution:

Cr. Edwards, Cr. Toohey, Cr. Spain, Cr. Comrie

Councillors voting against the resolution:

Cr. Tatchell, Cr. Dudzik.

The resolution was determined to be CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Tuesday, 28 October 2014



PETITION TO MOORABOOL SHIRE COUNCIL

We the undersigned are landholders, ratepayers or adult family members, living and farming in close proximity to 114 Wilsons Road, Bullarook.

We strongly object to the Application for a Planning Permit 2014-035; Use and Development of a Lamb Feedlot and Vegetation Removal on Crown Allotment 4A, Section 19 Parish of Bungaree, 114 Wilsons Road, Bullarook.

The proven method of raising lambs in this area is pasture grazing. We are not averse to innovation and development of new farming systems but they must be an appropriate farming land use of the area.

Climatically, the annual rainfall can vary between 500mm and 1218mm with an average of 699mm. Temperatures are often extreme with snow recorded as late as December.

The Health and Welfare of lambs is jeopardised with deaths from disease and infections increased when lambs are in closed close proximity.

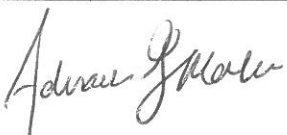
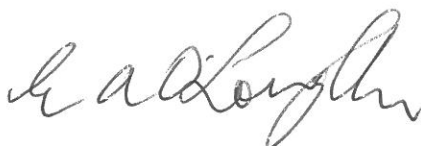





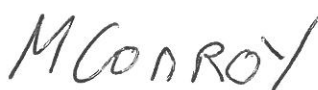

Our Health and well-being are at risk from offensive odours and air-borne bacteria from prevailing winds.

The weed seeds transported by wind are potential hazards to our farming operations as many of us are potato growers.

We are astounded that Central Highlands Water is allowing the natural flow of rainfall runoff to be altered in a water catchment area to accommodate a Lamb Feedlot.

This is NOT an appropriate farming practice for this area.

11 - Signature -

| NAME and ADDRESS | SIGNATURE | DATE |
|---|--|----------|
| ADRIAN MAHER 1034 BARKSTEAD ROAD SPRINGBANK 3352. |  | 2-11-14 |
| ELIZABETH O'LOUGHLIN 652 BARKSTEAD RD 3352 CLARETOWN |  | 2/11/14 |
| THOMAS O'LOUGHLIN 652 BARKSTEAD RD CLARETOWN 3352 |  | 2/11/14 |
| GRACE O'LOUGHLIN 652 BARKSTEAD ROAD CLARETOWN. 3352. |  | 02/11/14 |
| JANE WHITE 162 MALLONGSHIP RD CLARETOWN 3352 |  | 2.11.14 |
| Tess White 162 mollongship Rd Claretown 3352 |  | 2.11.14. |
| Anita Maher 90 Kanes Lane Springbank 3352 |  | 2.11.14 |
| MALCOLM CONROY CLARETOWN 3352 |  | 2-11-14 |
| Xavier Toohey 91 Kane 91 Kane Lane Springbank 3352 |  | 2-11-14 |

[illegible]

Living and Eating Aspect of our home



6th March 2014

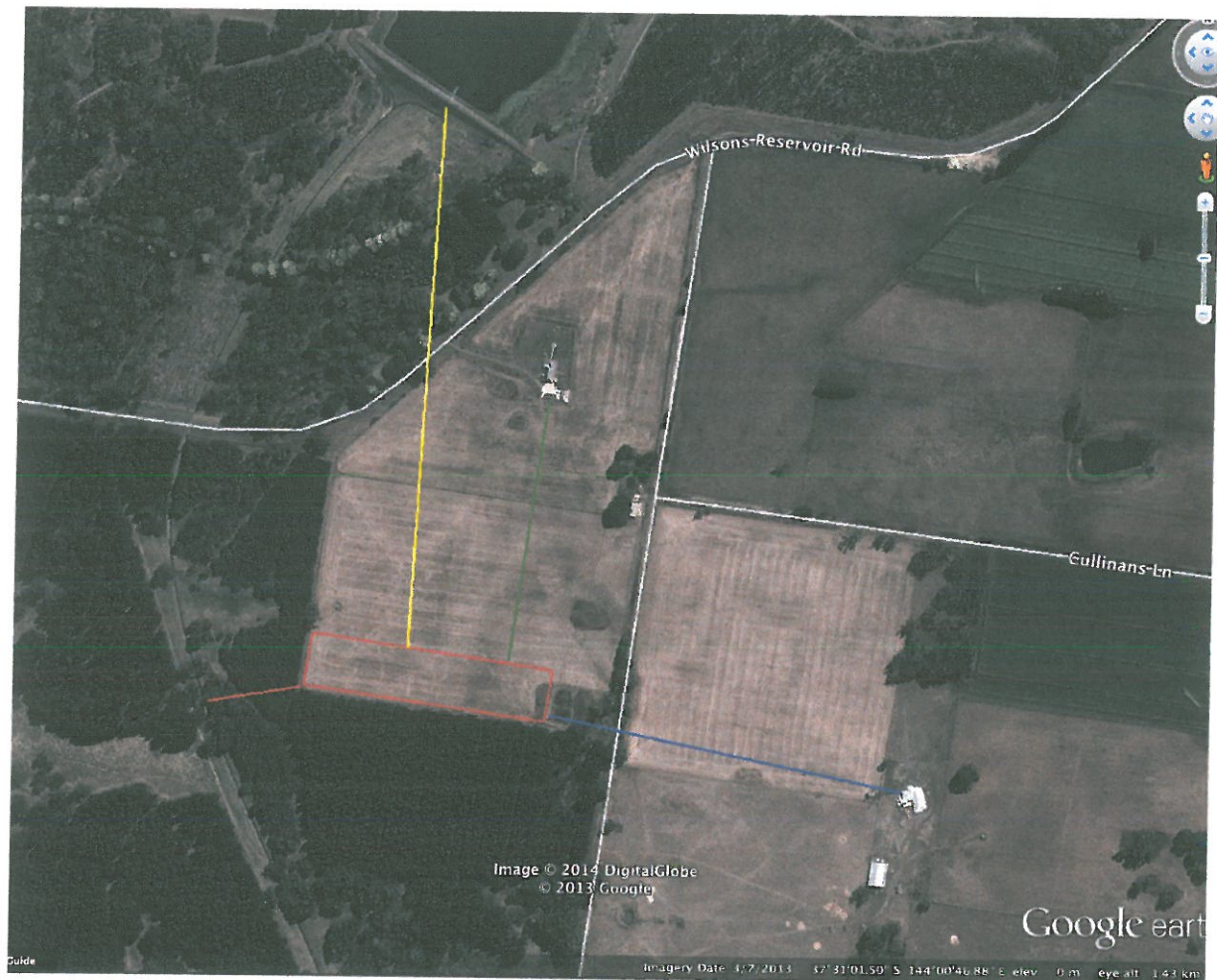
Tree Removal 114 Wilsons Road, Bullarook



Photograph taken from front outdoor living space 15th March 2014

Location and Proximity Map

| | | | |
|-------------|------------------|------------|-----------------------|
| Red Box | Proposed Feedlot | Blue Line | Our Home |
| Red Line | Aqueduct | Green Line | Applicant's Home |
| Yellow Line | Wisons Reservoir | | downloaded March 2014 |



View of Proposed Feedlot from Outdoor Eating Area to the West

6th March 2014



VICTORIA 1:25 000

SCALE FACTOR
1:00047

MOLLONGHIP 3 km



LOCATION PLAN

SCALE 1:25000



T. B. White & Sons
Pty. Ltd.

A.C.N. 006 535 182 ABN 81 006 535 182

AUCTIONEERS, STOCK & STATION AGENTS

12th October 2014

Best practice for the raising of fat lambs in the Ballarat regional farming areas is pasture grazing incorporating lucerne, clover, rye grass and natural grasses.

Feedlotting of lambs is not undertaken in this area due to the seasonal weather conditions. Lamb feedlotting is predominantly carried out in the north west of the State.

When it rains in this area the soils break-up and then compact, preventing pens from draining. Intensive lamb farming on these soils creates 'slush'. Examples of short-term adjustment of 1-2 weeks of fat lambs in small holding paddocks after rain has resulted in muddied pastures and stock. Intensive farming of animals greatly compounds the number of diseases, infections and foot problems.

Deaths are common and removal of carcasses an issue with companies from Melbourne only coming for carcasses when there are significant numbers to collect.

Leo White

BSB 083 526 Acc. No. 579 435 694

1115 Latrobe Street, Ballarat. P.O. Box 1244, Ballarat Mail Centre 3354
Ph. (03) 5335 9832 Fax (03) 5335 9979 Email: tbwhite@vic.chariot.net.au

K.P. Maher & Sons
90 Kanes Road
Springbank Vic 3352

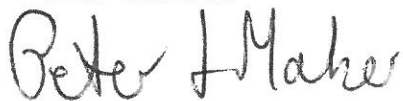
16th October 2014

We are Certified AQA1 Potato Producers for McCains, Ballarat. This means we produce the highest quality potatoes, free of contamination. Our product is constantly assessed by McCains. Any contamination through dust or water is a direct threat to our AQA1 Certification.

We have a Lease Agreement with QS & MJ Hewitt for the growing of potatoes for McCains. A proposed lamb feedlot some 30metres from our leased land would jeopardise our reputation for growing the highest quality product.

We also run cattle and sheep, including fat lambs. In over 40 years of farming the only successful management is paddock grazing supplemented by oaten and lucerne hay through the winter/spring seasons.

Peter Maher

A handwritten signature in cursive script that reads "Peter Maher". The signature is written in dark ink and is positioned below the printed name.

9.2.3 Planning Scheme Amendment C74 and combined Planning Permit Proposal Rezoning Land and Planning Permit to Facilitate the Use and Development of the land for the purpose of a car park, construction of a crossover, extension to the Existing Retail Shopping Centre (Darley Plaza) and reduction in car parking of twenty three spaces at 8 Jonathan Drive, Darley and 151 Gisborne Road, Darley

Introduction

File No.: 323800
Author: Natalie Robertson
General Manager: Satwinder Sandhu

Background

Brown Consulting (Vic) Pty Ltd on behalf of Verlado Trading P/L have lodged an application to develop 8 Jonathan Drive, Darley and 151 Gisborne Road, Darley. The sites are identified as 8 Jonathan Drive and 151 Gisborne Road, Darley (Lot 29 on LP111887 and Lot 2 on LP147736).

8 Jonathan Drive is vacant General Residential zoned land adjoining 151 Gisborne Road, Darley which is located within the Commercial 1 Zone. 151 Gisborne Road contains the Darley Plaza shopping centre.

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

Proposal

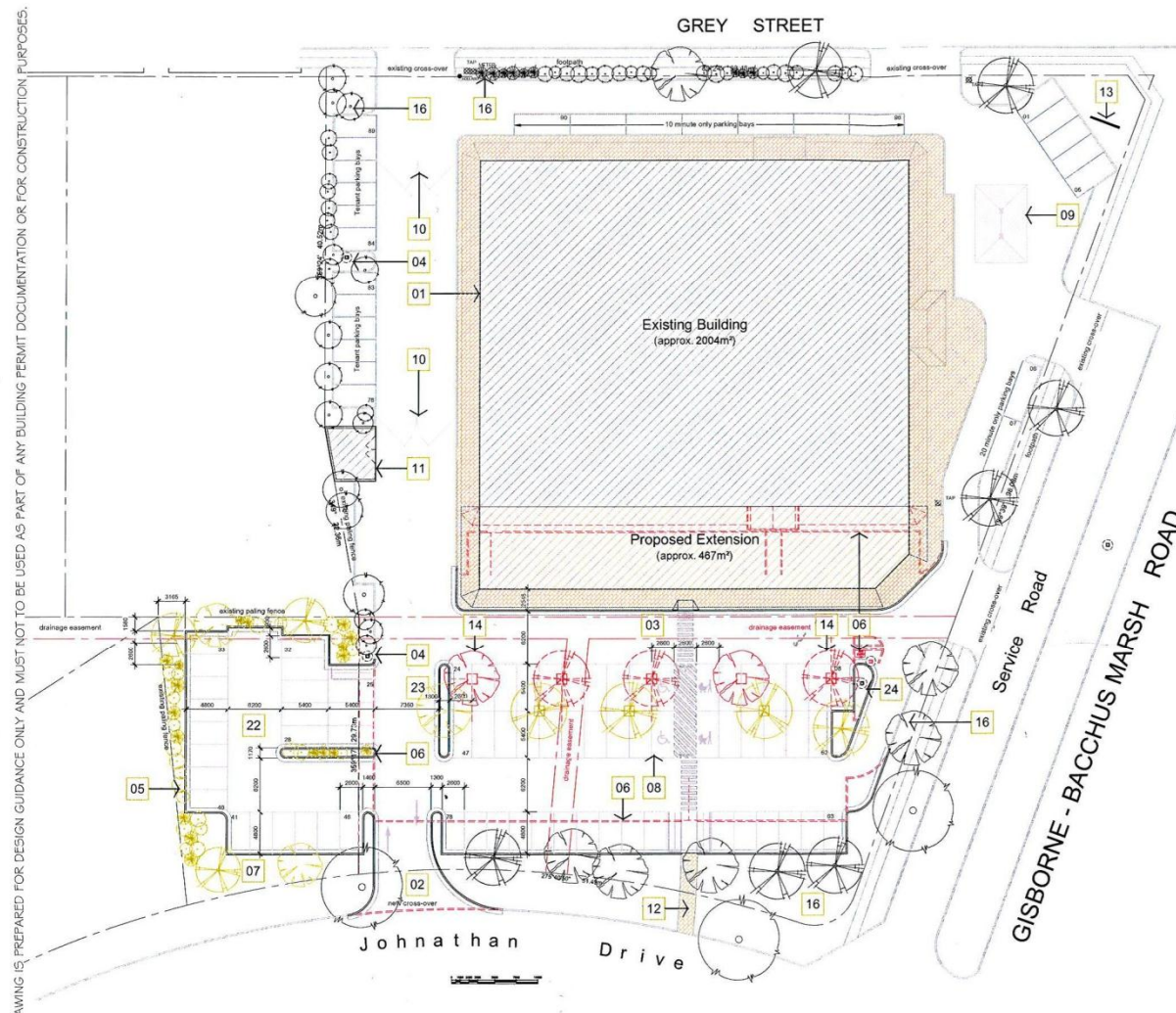
The Planning Scheme Amendment proposes to rezone the vacant land at 8 Jonathan Drive from General Residential Zone to Commercial 1 Zone to facilitate its redevelopment as a car park. The car park would form an extension to the existing car park and would create 22 new car parking spaces and landscaping.

The planning permit application seeks the use and development of the land for a car park, the construction of a new crossover from Jonathan Drive and would also incorporate an extension to the existing Darley Plaza Shopping Centre and a reduction in the car parking requirement of twenty three (23) spaces.

The existing centre seeks an extension of 467sqm in floor area which would include an extension to the existing supermarket of 301.59sqm in area, an additional retail tenancy of 110.98sqm and expansion of the common arcade area. Overall changes may be summarised as follows:

- New dedicated entry into site for supermarket for delivery vehicles on the northern side of Gisborne Road;
- New customer car parking area and new parking configuration allowing for 96 spaces including 2 disabled spaces and two pusher/pram spaces;
- New customer access ramp at rear of the building;
- New trolley bays;

- Additional landscaping;
- Raised traffic island to separate car parking bays from truck access laneway;
- Replace existing internally illuminated pylon sign;
- Install new automatic doors and shopfront on southern elevation;
- New backlight signage to new render finished parapet wall on the southern elevation;
- Existing mature trees to be relocated; and
- Existing paling fence, kerb and channel to be demolished.



design response

- | | | | |
|----|--|---|--------|
| 01 | EXISTING BUILDING ENVELOPE - ALL BUILDING FINISHES TO BE RETAINED. | F | NO. 10 |
| 02 | NEW DELIVERED ENTRY POINT FOR SUPERMARKET DELIVERY VEHICLES TO ADDRESS ISSUES. | | |
| 03 | NEW CUSTOMER "NO STEP" ACCESS RAMP TO MATCH EXISTING PAVING WITH PROTECTIVE BOLLARDS | | |
| 04 | EXISTING CAR PARK LIGHTING ON 15m POLE TO BE RETAINED. | | |
| 05 | NEW LANDSCAPING TO CAR PARK PERIMETER - PLANT SPECIES TO COMPLIMENT EXISTING. | | |
| 06 | EXISTING INFRASTRUCTURE (FENCES, KERB AND CHANNEL, LIGHTING etc.) TO BE DEMOLISHED. | | |
| 07 | EXISTING AUTOMATIC IRRIGATION SYSTEM TO BE EXTENDED TO NATIVE STRIP AND GARDEN BEDS. | | |
| 08 | NEW AS 2860 (2009) COMPLIANT DISABLED / PUSHER PARKING BAYS WITH SHARED AREA LINE MARKED AND DEFINED WITH TACTICAL INDICATORS. | | |
| 09 | EXISTING FUEL SALES PUMPS AND TANKS TO BE RETAINED. | | |
| 10 | CHAIN-WIRE GATES TO EXISTING LOADING AREA FOR USE DURING DELIVERY OPERATIONS. | | |
| 11 | EXISTING ENCLOSED WASTE AREA. | | |
| 12 | PEDESTRIAN FOOTPATH FOR ACCESS TO MEDICAL CENTRE OPPOSITE. | | |
| 13 | EXISTING INTERNALLY ILLUMINATED PYLON SIGN TO BE REPLACED - GRAPHICS TO FUTURE DETAIL. | | |
| 14 | EXISTING MATURE TREES TO BE RELOCATED. | | |
| 15 | NEW CAR PARK CONFIGURATION PROVIDING A TOTAL OF 96 ON-SITE BAYS. | | |
| 16 | EXISTING LANDSCAPING WITH UNDERGROUND AUTOMATIC SPRINKLER SYSTEM OR PAVING AS APPLICABLE. | | |
| 17 | NEW TROLLEY BAYS FOR CUSTOMER CONVENIENCE | | |
| 18 | NEW "GIVE WAY" SIGN ON 500 GALVANISE FINISHED POST WITH CAP | | |
| 19 | NEW "NO RIGHT TURN" SIGN ON 500 GALVANISE FINISHED POST WITH CAP. | | |
| 20 | NEW "SHARED ZONE" SIGN ON 500 GALVANISE FINISHED POST WITH CAP. | | |
| 21 | NEW "NO LEFT TURN" SIGN ON 500 GALVANISE FINISHED POST WITH CAP. | | |
| 22 | NEW CUSTOMER CAR PARKING AREA | | |
| 23 | NEW RAISED TRAFFIC ISLAND TO SEPARATE CAR PARKING BAYS FROM TRUCK ACCESS LANEWAY. | | |
| 24 | RELOCATED CAR PARK LIGHTING ON 15m POLE. | | |
| 25 | | | |

drawing register

- | | |
|--------|---------------------|
| T0-01f | Proposed Site Plan |
| TP-02b | Proposed Floor Plan |
| TP-03Ø | Existing Floor Plan |
| TP-04Ø | Existing Elevations |
| TP-05Ø | Existing Site Plan |
| TP-06Ø | Proposed Elevations |

[illegible]

cuedesign
• SITE PLANNING • DESIGN • IMPLEMENTATION



Site Description

8 Jonathan Drive is vacant General Residential zoned land with an area of 673sqm. The site is irregular in shape, contains no significant vegetation and has a frontage to Jonathon Drive of approximately 20m.

151 Gisborne Road, Darley is Commercial 1 Zoned and comprises the Darley Plaza Shopping Centre. The centre has an existing floor area of 2004sqm made up of four specialty stores, including a bakery, hairdresser, pharmacy and general store/petrol station together with a supermarket. This site is irregular in shape and has a frontage to Gisborne Road of 93.3m, frontage to Grey Street of 96.3m and frontage to Jonathan Drive of 60.4m and has a total area of 6981sqm.

The site provides 108 car parking spaces. 93 line marked spaces, 15 unmarked kerbside spaces along the northern building line adjacent Grey Street and 7 spaces along the northern kerb and 8 spaces along the southern kerb. Bicycle facilities are provided on site.

The surrounding area is predominately residential, developed with single conventional dwellings.

To the north is Grey Street which is classified as a Road Zone Category 2 with angled parking along both sides of the section immediately north of the Darley Plaza. Directly opposite on Grey Street is Darley Park Recreation Reserve which consists of football/cricket oval, tennis and netball courts and associated buildings. Vehicle access to Darley Park is via Dundas Street, approximately 100m to the west

To the east is Gisborne Road which is classified as a Road Zone Category 1 and consists of a single lane in each direction and a service road on both sides. The service roads are separated from the main road by a wide median strip and land is zoned General Residential.

To the south is Jonathan Drive which is zoned General Residential and travels in an east west direction. Single residential dwellings define the area and a medical centre comprising two practitioners is located at corner Gisborne Road and Jonathan Drive (147 Gisborne Road).

To the west the land is zoned General Residential and comprises predominately residential dwellings providing a mixture of single dwellings and multi dwelling development on varying lot sizes.

In close proximity there is the Darley Primary School, a learn to swim centre, car wash, places of worship and community emergency facilities (CFA).

Proposed Area to be Rezoned



Discussion

Traffic Issues

The existing shopping centre is situated in an area that currently experiences high traffic volumes during peak times. Gisborne Road is a major road managed by VicRoads. Jonathan Street and Grey Street are local service roads, managed by Council.

A traffic study by O'Brien Traffic states:

- There were a minimum of 15 vacant parking spaces within the shopping centre car park and 57 vacant unrestricted parking spaces within 100m walk of the shopping centre on a weekday between 10 am and 5 pm.
- On the surveyed Saturday, there were a minimum of 32 vacant parking spaces within the shopping centre car park between 10 am and 5 pm and 67 vacant unrestricted parking spaces within 100m walk of the shopping centre.
- At all times, except one, there were at least 24 vacant spaces within the shopping centre.

The O'Brien Traffic report recommends:

- Based on Clause 52.06 of the Moorabool Planning Scheme, the proposed shopping centre expansion has a parking requirement of 19 spaces;
- The proposed net loss of four on-site car spaces represents a shortfall of 23 spaces overall.
- The parking surveys carried out as part of this project have confirmed that the shopping centre car park will meet the likely parking needs of this proposal in the vast majority of circumstances. Any occasional overflow parking demands which may exceed the spaces provided on-site could readily be accommodated on-street.
- The proposed car park layout and vehicle access arrangements are in accordance with the requirements of the Moorabool Planning Scheme;
- The proposed development does not make any bicycle parking requirement (existing centre already makes provision for bicycle parking);
- The proposed development would not impose significant unreasonable impact on the safety and operation of the surrounding road network.
- There is no traffic or parking related reason to inhibit the granting of a permit for this development.

Growing Moorabool

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

- Retail is a critical component of servicing the needs of the Moorabool resident population.
- Retail is the second largest employing industry sector in Moorabool (behind manufacturing).

Commercial 1 Zone

Under the General Residential Zone, a car park associated with a retail premises is prohibited. The amendment to change the zone to Commercial 1 will facilitate the extension of the existing car park and facilitate the additions to the existing centre.

Combined Planning Permit

A draft planning permit is required to be provided as part of the public notice component of the proposed amendment. A copy of the proposed permit must be placed on exhibition with the amendment. Prior to exhibition Council will require all referral authority conditions to be placed on the permit for exhibition. This will require an exemption from Direction 4 (1)(a) of Ministerial Direction 15 which requires exhibition of the amendment to occur within 40 business from authorisation.

Strategic Assessment of the amendment

Why is an amendment required?

A planning scheme amendment is required to rezone the land at 8 Jonathan Drive from General Residential to Commercial 1 Zone to allow for the land to be used for the purposes of a car park associated with the existing Darley Plaza Shopping Centre. Under the General Residential Zone, a car park associated with a retail premises is prohibited. The amendment is sought to facilitate the extension of the existing shopping centre which would impact some of the existing car parking and therefore, further car parking is required to meet anticipated demand.

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

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

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

The proposed amendment seeks to implement the objectives of planning in Victoria. The loss of one residential land parcel is considered reasonable compensation if the use of the land as a car park allows for the expansion of the existing shopping centre resulting in economic benefits for the Darley community.

The proposed amendment will have no perceived environmental impacts.

Does the amendment address relevant bushfire risk?

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

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

No other Minister Directions apply to the proposal

Does the amendment support or implement the SPPF?

It is considered that the amendment would implement the State Planning Policy Framework by allowing the development of a car park which is required to meet the parking needs of the Darley Plaza Shopping Centre. This is consistent with Clause 18.02-5 (car parking) which aims to ensure an adequate supply of car parking that is appropriately designed and located.

There are no other state policies which are of particular relevance to this type of amendment which proposed the rezoning a relatively small parcel of land for a specific purpose.

Does the amendment support or implement the LPPF?

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

Does the amendment make proper use of the VPP?

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

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

The amendment includes the views of the authorities who would be considered appropriate as Section 55 referral authorities as part of the planning permit considerations.

Comments were provided demonstrating no objection to the proposal. An indication of conditions required by the relevant agencies has been provided but could change once the proposal is formally referred under Section 55 of the *Planning and Environment Act 1987*. Attached to this report is a draft planning permit.

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

The amendment is not required to consider the Transport Integration Act 2010.

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

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

Policy Implications

The 2013- 2017 Council Plan provides as follows:

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

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

Financial Implications

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

Given this proposal is a one off combined planning permit and amendment the resources are to assess the application only. There are no ongoing financial implications for the proposal.

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

Communications and Consultation Strategy

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

The steps relating to the Planning Scheme Amendment process is appended as Attachment 9.2.3(a).

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 – Sian Smith

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

Author – Natalie Robertson

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

Conclusion

The amendment proposal to rezone 8 Jonathan Drive from General Residential to Commercial 1 Zone is to facilitate the development of a car park which is to be used in conjunction with the existing shopping centre. Rezoning of the land compliments the proposed extension to the existing facility and compensates the loss of some on site car parks as a result of the proposed works.

It is considered that overall the planning scheme amendment and proposed centre extension would benefit the local community and enhance the role of the shopping centre to the local neighbourhood whilst also improving safety and traffic movement.

Recommendation:

That Council resolve to:

- 1. In accordance with Section 8A (2) of the Planning and Environment Act 1987, request authorisation to prepare Amendment C74 to the Moorabool Planning Scheme.**
- 2. Subject to authorisation, in accordance with Section 96A of the Planning and Environment Act 1987, prepare planning scheme amendment C74 to the Moorabool Planning Scheme to zone land at 8 Jonathan Drive, Darley to Commercial 1 Zone and to issue a planning permit to allow for the Use and Development of the land for the purpose of a car park, construction of a crossover, extension to the existing retail Shopping Centre (Darley Plaza) and reduction in car parking of twenty three spaces.**
- 3. Write to the Minister for Planning seeking an exemption from Direction 4(1) (a) of Ministerial Direction No 15 to allow for consultation with referral authorities in regard to conditions for the draft permit.**
- 4. Exhibit Amendment C74 in accordance with Section 96C of the Planning and Environment Act 1987, subject to authorisation and receipt of referral authority permit conditions,**
- 5. Advise the applicant that they are required to pay any costs incurred by Council under sections 96C (Notice of the amendment, application and permit) and 96D (Hearing by panel) of the Planning and Environment Act 1987.**

Resolution:**Crs. Edwards/Spain**

1. *In accordance with Section 8A (2) of the Planning and Environment Act 1987, request authorisation to prepare Amendment C74 to the Moorabool Planning Scheme.*
2. *Subject to authorisation, in accordance with Section 9 (2) of the Planning and Environment Act 1987, prepare and exhibit planning scheme amendment C74 to the Moorabool Planning Scheme to zone land at 8 Jonathan Drive, Darley to Commercial 1 Zone.*
3. *Advise the applicant that they are required to pay any exhibition or panel costs incurred by Council.*

CARRIED.

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Tuesday, 28 October 2014



9.2.4 Community Alert Sirens

Introduction

File No.: 12/13/028
Author: Cherie Graham
General Manager: Satwinder Sandhu

Background

In December 2011, Moorabool was advised of successful funding for the community Alert Sirens for both Blackwood and Dales Creek. The funding provided did not allow for the full cost of the infrastructure. A meeting was scheduled with representatives from Grampians Regional CFA, Local Government Councillors and the then DPCD to see if the project could be rescope to ensure the project continued.

After the meeting the State Government through the Fire Services Commissioner, announced the guidelines and policy for using CFA Infrastructure for Community Alerting.

From this policy a media release was provided by the State announcing the locations for CFA Infrastructure (Sirens) to be used for community alerting and the stand alone sirens for Blackwood and Dales Creek.

A Community Working Group was formed and extensive community engagement and consultation has occurred including trialling the CFA Siren at the Greendale and Blackwood CFA Stations during the December 2012 Blackwood and Surrounds Evacuation Exercise.

Community engagement occurred in the townships and the community assisted with siren trials and testing locations by providing feedback to the Council and Working Group. The local CFA Brigade members also assisted in this process.

During the construction of the Community Fire Refuge Pilot Project at the Blackwood CFA Fire Station new technology was commissioned that directly links into the Emergency Alert System and State Control Centre and this was determined as being required for the Community Alert Sirens to ensure they were activated when an emergency alert was issued in the areas.

The State Government through the Fire Services Commissioners Office agreed to fund the shortfall for this new technology and additional costs associated for the Community Alert Siren to be installed in Barrys Reef just outside of Blackwood ensuring that the Blackwood community now has two sirens that will be in operation for the 2014 fire season being the one at the new CFA Fire Station and at the Water Compound in Barrys Reef.

Ongoing negotiations to find a suitable location and additional funding for the Dales Creek Community Alert Siren have been ongoing since that time. A letter has been received from the Minister for Police and Emergency Services and Minister for Bushfire Response (see attached) advising that there is no further current funding available to assist with this project.

The Fire Ready Community Grant for the \$30,000 infrastructure component was extended until May 2015 to help with the sourcing of additional funds but this recent correspondence from the State Government has advised there are no further budgets available.

Community Alert Sirens were agreed to be a good option for these high risk areas as they would add to the suite of options for community members to use in their individual emergency planning.

It is also a provision that the State need to take ownership of the Siren as they have for the Barrys Reef Siren as local government does not manage these community alert systems.

Proposal

It is proposed that the Council undertake further advocacy with the State Government and Emergency Management Victoria on behalf of the Dales Creek Community to source the additional funds and suitable location for the installation of this community alert siren.

Council officers will continue to monitor additional funding and grant options to ascertain whether a second source of funding can be obtained for the project.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

| | |
|------------------------|--|
| Key Result Area | Community Wellbeing |
| Objective | A safe community |
| Strategy | Support the community in emergency management planning, response, recovery and in the prevention and mitigation of fire risks. |

The proposal regarding community alert sirens in high risk areas is consistent with the 2013-2017 Council Plan.

Financial Implications

A Fire Ready Community Grant for the infrastructure component of the siren at Dales Creek is still available for \$30,000. At this stage the additional component for the infrastructure required is not available from the State Government or any other source. This component for the technology to link into the early warning system would be approx. \$40,000 similar to the Barrys Reef Siren. Depending on the location which still needs further negotiation there may be additional installation costs i.e. foundation works etc.

The shortfall is estimated at \$40,000.

Risk & Occupational Health & Safety Issues

The areas of Blackwood and Dales Creek have been identified by the State Government as high risk fire danger areas. This is accentuated by the lack of any mobile phone coverage. Moorabool Shire has continued advocacy for telephone blackspot funding for this area but to date no announcement has been made.

It was agreed by the State and the Community Alert Siren Working Group and local CFA brigades and Regional CFA that sirens would be ideal for the area to assist with alerting residents to imminent danger and to allow them to seek further information.

| Risk Identifier | Detail of Risk | Risk Rating | Control/s |
|------------------------------------|--|--------------------|------------------|
| Emergency Alert to imminent danger | The community unable to receive any alert or warning | High | Siren Installed |

Community Engagement Strategy

| Level of Engagement | Stakeholder | Activities | Location | Date | Outcome |
|----------------------------|---------------------------------------|--|--------------------------------------|---------------|---|
| Collaborate | Community and Community Working Group | Meetings, Forums, Testing Session, Feedback Session, Public Meetings | Blackwood, Greendale and Dales Creek | 2012 & 2013 | Possible siren locations identified and community education on sirens provided. |
| Consult | Community | Media Release advising outcome on Dales Creek Siren | Newspapers | Nov/ Dec 2014 | Community and Working Group provided with outcome of project and lack of funding. |

Communications Strategy

The community will be advised of Councils ongoing advocacy for this important project but if funding and ownership options cannot be agreed then a media release will be provided to advise the community regarding Dales Creek not being provided with a Community Alert Siren due to lack of available funding and a suitable location on State land.

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 – Cherie Graham

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

Conclusion

It is important for the community of Dales Creek to be provided with an alert siren that can assist them in identifying emergencies that may impact upon them.

As the Government has not yet announced whether Telephone Black Spot funding for the Blackwood area has been successful, Blackwood and the surrounding districts will have to go through another fire danger period without mobile phone coverage or a community alert siren in the area.

Council will continue to seek a commitment from the State Government and Emergency Management Victoria for additional funding after they announced a community alert siren for the Blackwood and Dales Creek areas would be forthcoming.

If all additional avenues of advocacy and funding and location are unsuccessful the Fire Ready Community Grant for the Infrastructure component totalling \$30,000 which has been extended until May 2015 will need to be returned to the State.

Recommendation:

That Council:

- 1. Writes to Minister for Police and Emergency Services and Minister for Bushfire Response inviting him to Moorabool Shire Council and the Dales Creek Community to view first-hand the high fire danger area that would benefit from the Community Alert Siren.**
- 2. Continues to advocate for additional funding for the infrastructure required to meet the State Policy for Community Alert Sirens.**
- 3. Ensures that if installation proceeds that ownership is transferred to the State.**

4. **Continues liaison with Regional CFA and the local community on the Community Alert Siren Proposal.**
5. **Authorises Officers to return the \$30,000 Fire Ready Communities Grant Infrastructure component if all avenues fail by the extension date of May 2015.**

Resolution:

Crs. Dudzik/Edwards

That Council:

1. ***Writes to Minister for Police and Emergency Services and Minister for Bushfire Response inviting him to Moorabool Shire Council and the Dales Creek Community to view first-hand the high fire danger area that would benefit from the Community Alert Siren.***
2. ***Continues to advocate for additional funding for the infrastructure required to meet the State Policy for Community Alert Sirens.***
3. ***Ensures that if installation proceeds that ownership is transferred to the State.***
4. ***Continues liaison with Regional CFA and the local community on the Community Alert Siren Proposal.***
5. ***Requests officers to investigate all funding opportunities available to assist the Dales Creek Community Alert Siren project and report back to Council prior to May 2015.***
6. ***Any shortfall in funds for the community alert sirens, should be taken from the Woodlands Development Works Fund.***

Councillor Edwards called for a Division.

Councillors voting for the resolution:

Cr. Dudzik, Cr. Edwards, Cr. Comrie.

Councillors voting against the resolution:

Cr. Toohey, Cr. Spain, Cr. Sullivan, Cr. Tatchell.

The resolution was determined to be LOST.

Resolution:

Crs. Sullivan/Toohey

That Council:

1. ***Writes to Minister for Police and Emergency Services and Minister for Bushfire Response inviting him to Moorabool Shire Council and the Dales Creek Community to view first-hand the high fire danger area that would benefit from the Community Alert Siren.***

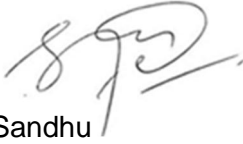
2. ***Continues to advocate for additional funding for the infrastructure required to meet the State Policy for Community Alert Sirens.***
3. ***Ensures that if installation proceeds that ownership is transferred to the State.***
4. ***Continues liaison with Regional CFA and the local community on the Community Alert Siren Proposal.***
5. ***Authorises Officers to return the \$30,000 Fire Ready Communities Grant Infrastructure component if all avenues fail by the extension date of May 2015 via public advertisement.***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth & Development
Date: Tuesday, 28 October 2014



9.2.5 Existing Major Tourism Event Grants

Introduction

File No.: 02/02/002
Author: Peter Forbes
General Manager: Satwinder Sandhu

Background

The purpose of this report is to present Council with an assessment of applications received under the recently implemented Existing Major Tourism Event Grants Program. This Grant Program has a specific focus on supporting events that are significant generators of visitation from outside the region.

This initiative, combined with the New Tourism Event Grant Program represents an \$112,200 direct investment by Council to organisers of local tourism events over three financial years.

In addition, Council co-ordinates significant in-kind support and technical advice on permit requirements to local tourism events, mostly via council's new internal events reference group. Council's engineering department often aligns the maintenance schedule (e.g. grass cutting, road patching, and waste collection) to assist events and on occasion have provided Traffic Management and Public Liability Insurance.

Additional marketing and promotional channels are available via the Visitor Information Centre and the annual Moorabool365 event calendar (brochure, social media and online).

At the OMC in Blackwood on September 3 2014, Council chose to provide the option of two rounds.

The following phrase was added to page two of the grant application guidelines for this program and the new event program

Any funds remaining in either grant pool after the initial funding round will be offered in a subsequent round or rounds, depending on demand.+

As outlined in the table below, sufficient valid applications were received to fully expend the grant program pool in this round. The level of enquiry to date for the other program (New Tourism Event Grant program) has been substantially lower. If demand does not increase by the time applications close on November 25, this program may require an additional round to fully distribute the funding.

Applications for the Existing Major Tourism Event Grants totalling \$17,500 were open for organisers of existing major tourism Events to apply from September 3 until September 30 2014.

The Program's key objectives are to:

- Support existing ~~Marquee~~ tourism events;
- Attract visitation and increased economic activity into Moorabool Shire;

- Increase yield per visitor;
- Encourage events to have a greater brand match (alignment with the Shire's key tourism themes e.g. food and wine, natural produce, heritage, nature and townships);
- Build capacity and sustainability of local tourism event via better planning new skill development; and
- Support event organisers to leverage grants funds by applying to external funding programs such as state and federal government;

Application Assessment Criteria:

- a) Event elements and motivations for conducting it (10%)
- b) What the event's trying to achieve (20%)
- c) Why the event's important to the local community and target audience (20%)
- d) Who's involved in the event (15%)
- e) How the event is conducted (including risk management) (15%)
- f) Project budget and explanation (financial management, sustainability) (20%)

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

Application Support

The Existing Major Tourism Event Grants guidelines and application form both encouraged applicants to meet with the Manager of Economic Development and Marketing prior to lodging an application. All but one applicant group requested and received support and advice from either the Manager of Economic Development and Marketing or the Tourism and Events officer.

Level of Inquiry, applications and funding requested

In total, 6 applications were received for this program category, In addition to the six that decided to proceed through to application stage, another four event organisers contacted council (two Blackwood events, and one each from Greendale and Bacchus Marsh). All were encouraged to apply, sent application forms and reminded of application closing dates when the information was sent.

Overall most inquiries were prompted by the advertising in the Moorabool news during September and downloading of the guidelines via the Council website homepage which also advised discussing applications with Council staff. Others were alerted to the opportunity via other stakeholders.

A total of \$ 25,000 was requested with a total pool of \$17,500 available.

Assessment

Assessment of applications was conducted by a panel of officers and supplemented by the former Manager of Events at Tourism Victoria. Applications were initially assessed as to the actual and potential tourism capacity and focus as to their relevance and compliance to the intent of the program and then ranked according to the extent to which the application addressed Council's policy assessment criteria.

Proposal

Based on the above process and criteria and the expert panel's deliberations, it is proposed that Council allocate the funds for the Existing Major Tourism Event Grants to applicants demonstrating a score of 65 or more - if Council so determine.

| Event | Organisation | Brief Description of Event | Requested Amount | Event Total Value | Assessment Score |
|--|------------------------------------|---|------------------|-------------------|---|
| Ballan Autumn Festival | Ballan Autumn Festival Association | Marketing and promotion Expert committee & event management assistance | \$7,000 | \$19,900 | 72 |
| Strawberries and Cherries Weekend | Bacchus Marsh Tourism Association | Improve event sustainability & management by commissioning an outside expert to assist existing event organising Committee | \$5,000 | \$28,700 | 68 |
| David Calleja Memorial Car Show | Djerriwarrh Health Services | Marketing and Promotion | \$5,000 | \$80,000 | 65 |
| Harvest Festival | Bacchus Marsh Tourism Association | Improve the sustainability and effective management of the event by commissioning an outside expert to assist the existing event organising Committee | \$4,000 | \$44,400 | 67 |
| Djerriwarrh Health services Ladies High Tea Doubles Tournament | Djerriwarrh Health Services | Assist with cost of running and marketing the event | \$2,000 | \$10,500 | non-confirming on scope and capacity issues |
| Djerriwarrh Health Services Longest Lunch | Djerriwarrh Health Services | Assist with cost of running and marketing the event | \$2,000 | \$17,000 | non-confirming on scope and capacity issues |

| Event | Organisation | Brief Description of Event | Requested Amount | Event Total Value | Assessment Score |
|--------------|--------------|----------------------------|------------------|-------------------|------------------|
| TOTAL | | | \$25,000 | \$200,500 | |

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

| | |
|------------------------|---|
| Key Result Area | Community Wellbeing |
| Objective | A strong and diverse local economy |
| Strategy | Encourage tourism Initiatives through local and regional groups |

The proposed allocation of grants under the Existing Major Tourism Event Grants Program is consistent with the 2013-2017 Council Plan.

Financial Implications

Consistent with the Existing Major Tourism Event Grants Guidelines, Application Form and 2014/2015 budget allocation, a total of \$17,500 is available for allocation in 2014/15 financial year. The total of grants being recommended for allocation in this round is \$17,500. Therefore a second round is redundant.

The grants apply to the 2014/15, 2015/16 and 2016/17 financial years, providing the successful applicants post-event reports provide adequate information consistent with the grant application guideline requirements.

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 |

Community Engagement Strategy

| Level of Engagement | Stakeholder | Activities | Location | Date | Outcome |
|---------------------|------------------|--------------------------------|----------|-----------|--|
| Consult | Community Groups | Meetings with applicant groups | Various | Sept 2014 | Applicants groups supported to submit applications |

Communications and Consultation Strategy

All applicants for the Existing Major Tourism Event Grants Program will be advised in writing of the outcomes of their grant applications in the week after the OMC on 5 November 2014.

As one of the Events is scheduled to take place in November, the event organisers will be contacted by phone once the minutes of the OMC are confirmed.

The Manager, Economic Development and Marketing 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 applications.
- “ Options for alternative funding.
- “ Supporting a group to re-lodge their application in the next appropriate round.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Peter Forbes

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

Conclusion

In total, six applications were received and four recommended for funding in the inaugural round of the Existing Major Tourism Event Grants program.

Those recommended for funding are considered key events in the Shire's tourism calendar stimulate significant economic activity within the communities in which they operate and have the capacity to increase visitation even further.

Resolution:

Crs. Edwards/Dudzik

1. ***That the Council allocates the following grants in the Existing Major Tourism Event Grants category for the 2014/15, 2015/16 and 2016/17 financial years.***

| Event | Organisation | Recommended Amount |
|---|--|------------------------|
| <i>Ballan Autumn Festival</i> | <i>Ballan Autumn Festival Association</i> | <i>\$6000</i> |
| <i>Strawberries and Cherries Weekend</i> | <i>Bacchus Marsh Tourism Association</i> | <i>\$5,000</i> |
| <i>David Calleja Memorial Car Show</i> | <i>Djerriwarrh Health Services</i> | <i>\$2,500</i> |
| <i>Bacchus Marsh Harvest Festival</i> | <i>Bacchus Marsh Tourism Association</i> | <i>\$4,000</i> |
| <i>TOTAL</i> | | <i>\$17,500</i> |

2. ***That all applicants be notified in writing of the outcome of their application.***

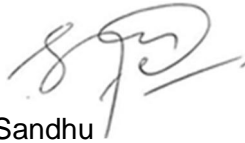
3. *That Council Staff provide feedback to unsuccessful groups and provide suggestions for alternative funding, or how the group may choose to improve and re-develop their application for submission to the next appropriate round of the Community Grants Program.*

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth & Development
Date: Tuesday, 28 October 2014



9.2.6 Moorabool Heritage Advisory Committee Update – Membership and 2014 activities

Introduction

File No.: 13/01/001
Author: Lisa Gervasoni
General Manager: Satwinder Sandhu

Background

Terms of Reference

Duties of the Moorabool Heritage Advisory Committee (MHAC) are outlined in the Terms of Reference (Attachment 9.2.6(a)).

The Committee will advise Council on the:

- Development and maintenance of a Cultural and Historic Artefacts register.
- Preservation of these artefacts.
- Development and display opportunities for Council with regard to these artefacts.
- Education opportunity that the artefacts and the register provide to the community.
- Provide voluntary support to the updating and maintenance of the register.
- Identify and advise on strategies to preserve and protect places and assets of heritage significance including:
 - Archaeological sites;
 - Ancient landscapes of significance;
 - Heritage buildings;
 - Heritage artefacts and natural areas of cultural and environment significance;
- Support and assist individuals and organisations in obtaining funding for the registration and funding of heritage-significant assets.
- Advise on policy development and strategic planning initiatives that could/should be implemented to protect heritage-significant places buildings and objects;
- Advise on education initiatives that would inform and celebrate the wealth of heritage assets in the Shire and the social, economic and environmental benefits of heritage preservation;
- Advise on the resourcing required for Council to facilitate its role in preserving places of heritage significance and supporting the activities of Council.
- Comment and advise on development applications and major projects in relations to heritage issues where referred to the Committee by the General Manager of Growth and Development or his/her delegate.

Membership

At the 19 September 2012 Ordinary Meeting of Council, Moorabool Shire adopted a new terms of reference for the Moorabool Heritage Advisory Committee and appointed voting and non-voting members. The terms of Reference envisaged that new groups may establish over time and that groups who have been inactive in regards to attending meetings may wish to become voting members in the future.

This was reflected in Clause 2.4 of the Terms of Reference

2.4 Co-option/Secondment .

- **The Committee may from time to time, with the permission of the General Manager of Growth & Development where expenditure may be incurred, call on expert advice and second persons in order to supplement the Committee's expertise. Seconded members have no voting rights.**
- **The Committee may also recommend to Council the mid-term co- option of additional representatives of a community group or Historical Society when that representative demonstrates a particular level of interest and expertise that will assist the Heritage Advisory Committee in its business. Co-opted members will become full members of the Committee with full voting rights.**

At the February 2013 Ordinary Meeting of Council Resolved "to endorse the revised Table 1 – Delegated members from historical societies/ heritage groups for the remainder of the three (3) year period.'

Activities

During 2014 MHAC have been involved with a range of projects including:

- assisting with the implementation of the Bacchus Marsh Heritage Study;
- providing guidance and assistance to the consultants undertaking the West Moorabool Heritage Study;
- establishing the criteria for the Margaret Moritz Award;
- judging entries to the Margaret Moritz Award;
- investigating ways to better promote Moorabool's heritage resources listed in the ~~Our Community~~ Section of the Council Plan by utilising existing resources and materials; and
- assisting in drafting a Heritage Strategy utilising the toolkit (Attachment 9.2.6(b)) format for review and revision by Council at a later date.

Proposal

Membership

To recommend that Council Co-opts Mal Rogers of the Lady Northcote Museum to the Moorabool Heritage Advisory Committee, and as a full voting member, this position be included in consideration of quorum.

That Council accepts the resignation of Tina Seirlis and Michael Allen as community representatives and that these positions no longer be included in consideration of quorum.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

| | |
|------------------------|---|
| Key Result Area | Representation and Leadership of our Community. |
| Objective | Leadership through best practice community engagement . |
| Strategy | <p>To make well-informed decisions based on input from the community and other key stakeholders through effective community engagement.</p> <p>Pursue strategic alliances, stakeholder forums and advisory committees that assist Council in policy development and service planning.</p> |
| Key Result Area | Community Wellbeing |
| Objective | A strong and diverse local economy. |
| Strategy | Encourage tourism initiatives through local and regional groups. |
| Key Result Area | Enhanced Infrastructure and Natural and Built Environment. |
| Objective | Promote, and enhance places of heritage, landscape and environmental significance. |
| Strategy | <p>Develop future planning policy to ensure it:</p> <ul style="list-style-type: none"> • Preserves the unique character and sense of place • Maintains the rural setting of the Shire. • Provides a sense of connection with the towns origins and familiarity with the country town feel. <p>Ensures environmentally sensitive areas such as Lerderderg State Park and remnant vegetation are protected and enhanced.</p> <p>Manage the Bacchus Marsh Avenue of Honour.</p> |

The proposals listed and the activities of the MHAC are consistent with the 2013 - 2017 Council Plan.

Financial Implications

Unlike many other Advisory Committees, MHAC has no seed funding available. A small annual budget would allow for the operation of the Margaret Moritz Award, the desktop publishing/ online delivery of heritage trails brochures and other information that utilises heritage studies and the Victorian Framework of Historical Themes.

For the past 18 months, MHAC has made suggestions regarding improvements to heritage content on visitmoorabool.com, including populating the township information under villages with the information in the %isit Villages+ brochures and including other information and brochures. Many of the changes have been undertaken with other suggestions and information with Council officers for factoring (due diligence).

There is no separate budget allocation to support the activities of the MHAC. Accordingly its activities are limited to actions that have no cost and by providing input to already funded projects. This report foreshadows the consideration of a future annual budget allocation of \$5000 to \$10,000 support the activities of MHAC.

Risk & Occupational Health & Safety Issues

There is minimal risk from the operation of MHAC as they are an Advisory Committee of Council. There is some reputational risk to Council in appointing a committee of skilled volunteers without adequate resources to allow them to meet deliver key activities within their terms of reference.

Community Engagement Strategy

MHAC is an Advisory Committee of Council. Its membership represents a range of history and heritage organisations and community members that can provide general advice to Council on its wide range of heritage functions (owner/manager; decision maker; promoter) and in responding to matters referred to it by Council.

Victorian Charter of Human Rights and Responsibilities Act 2006

The lawful operation of MHAC as an Advisory Committee does not trigger 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 – Lisa Gervasoni

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

Conclusion

MHAC will benefit from the co-option of Mal Rogers onto the Moorabool Heritage Advisory Committee.

That Council continue to support MHAC members in their efforts to meet the Terms of Reference as well as with their efforts to identify options for the better utilisation of digital sources to promote Moorabool's heritage.

That a letter of appreciation be sent to MHAC members for their achievements during 2014.

Recommendation:

That Council:

- 1. Resolves to Co-opt Mr Mal Rogers to the Moorabool Heritage Advisory Committee as a full voting member and that this position be included in consideration of quorum.**
- 2. Accepts the resignation of Tina Seirlis and Michael Allen as community representatives on the Moorabool Heritage Advisory Committee.**
- 3. Resolves that, for the remainder of its term, only one community position be counted for purposes of quorum of the Moorabool Heritage Advisory Committee.**
- 4. Writes to the Moorabool Heritage Advisory Committee to:**
 - a. Thank the members for their ongoing dedication and commitment to promoting the development of heritage knowledge through the West Moorabool Heritage Study and their willingness to identify opportunities to share this knowledge with the wider community;**
 - b. Request that the Committee provides an implementation plan response to the Victoria Inquiry into Heritage Tourism and Ecotourism in Victoria Final Report for consideration by Council in the 2015-16 budget process.**

Resolution:

Crs. Sullivan/Comrie

That Council:

- 1. Resolves to Co-opt Mr Mal Rogers to the Moorabool Heritage Advisory Committee as a full voting member and that this position be included in consideration of quorum.***
- 2. Accepts the resignation of Tina Seirlis and Michael Allen as community representatives on the Moorabool Heritage Advisory Committee.***

3. ***Resolves that, for the remainder of its term, only one community position be counted for purposes of quorum of the Moorabool Heritage Advisory Committee.***
4. ***Writes to the Moorabool Heritage Advisory Committee to:***
 - a. ***Thank the members for their ongoing dedication and commitment to promoting the development of heritage knowledge through the West Moorabool Heritage Study and their willingness to identify opportunities to share this knowledge with the wider community;***
 - b. ***Request that the Committee provides an implementation plan response to the Victoria Inquiry into Heritage Tourism and Ecotourism in Victoria Final Report for consideration by Council.***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth & Development
Date: Tuesday, 28 October 2014



9.2.7 Active Sports Precinct at the Bacchus Marsh Racecourse Recreation Reserve (BMRRR)

Introduction

File No.: 471850
Author: Peter Grose
General Manager: Satwinder Sandhu

Background

The purpose of this report is to resolve the location of the proposed active sports precinct at the Bacchus Marsh Racecourse Recreation Reserve to enable progression of the reserve Masterplan and design of the active sports precinct. However in order to increase the chance of being successful, functional design and costings will be required.

There will be opportunities to apply for major grants in the next six months which are outlined within this report.

For the past eight months Council staff have been reviewing the current (but not formally adopted) 2009 Masterplan for the Bacchus Marsh Racecourse and Recreation Reserve (BMRRR). The redevelopment of the BMRRR is a project identified in the 2013 - 2017 Council Plan.

Ongoing housing developments in this area of West Maddingley along with an identified shortfall in sports facilities make the need for finalising the BMRRR Masterplan more pressing. Work to date has examined the most cost-effective and efficient solution for delivery of much needed sporting, community and other infrastructure for the district.

New facilities required here will be important regionally - easing congestion at existing Bacchus Marsh, Maddingley and Darley facilities. Significantly, this project could attract opportunities for major state and federal grants which will become available in 2015. Further, the first budget of an incoming state government in the early part of 2015 is a further opportunity.

The preferred option presented below is a solid foundation for further work. It resolves a number of specific issues. It is the result of design and consultation work with the major user-groups. It aims to locate recreational facilities as close to the expanding residential estates as practical - without loss of current amenity.

Proposal

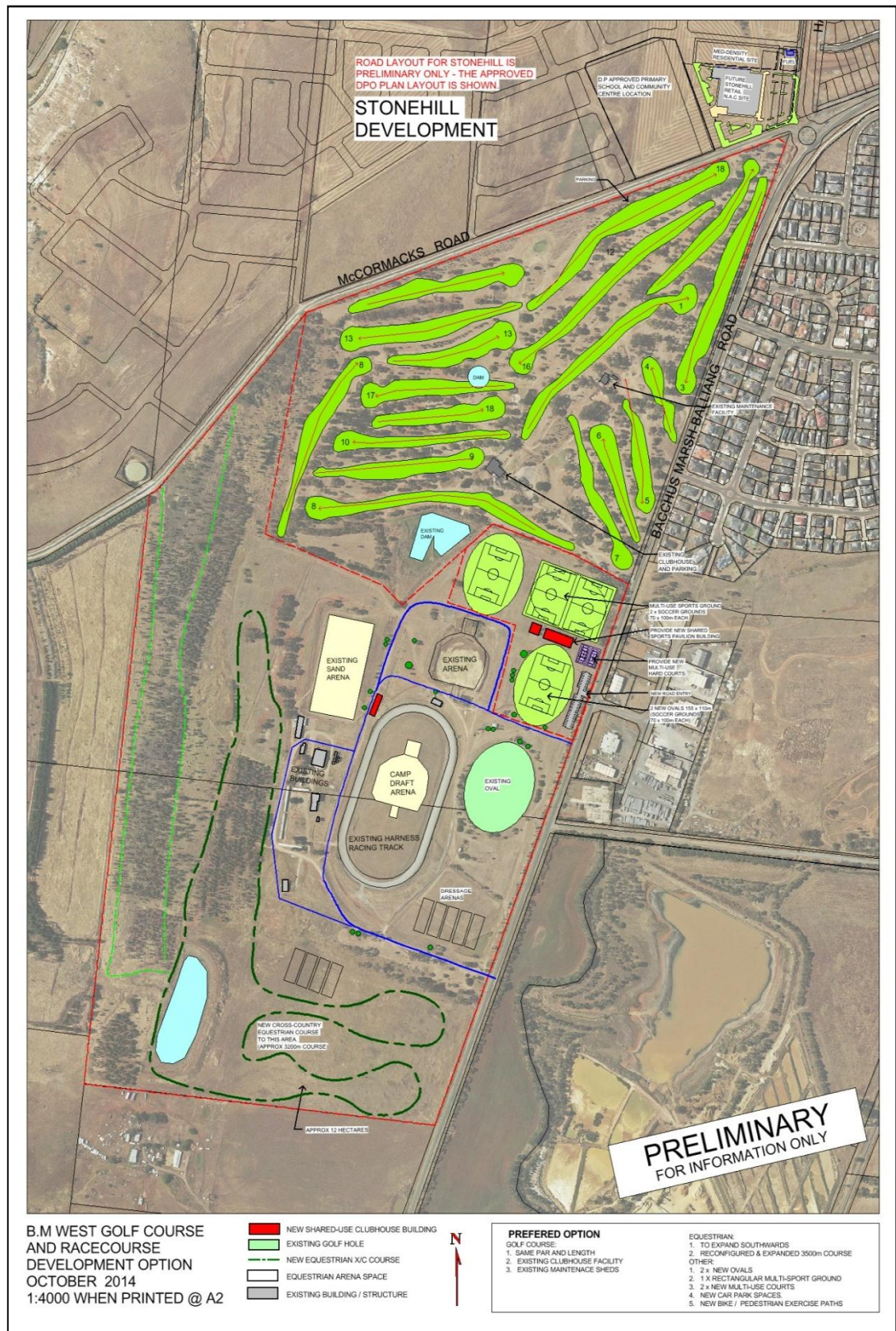


Figure 1. Preliminary layout by MSC. New active-sports precinct at the centre of the BMRRR.

Three feasible options have been developed as part of the consultation to position the active sports precinct in the reserve being at the north end, in the centre and to the south (see appendix). Whilst the northern proposal would be ideal in that it would be adjacent to future residences, the practicality of placing it at this location is difficult. Therefore, for cost, constructability and timing reasons, the centre option is being recommended to move forward with.

Generally, the precinct would contain sports ovals, soccer pitches, multi-purpose tennis/netball courts, buildings and pavilions, carparking and ancillary services and items. An outline of this proposal is provided below:

- This is the most cost effective proposal to date and will be less disruptive and can be easily accommodated in the terms of establishing the sports precinct.
- This proposal provides new active sports facilities in the centre of the Racecourse area, and involves minimal changes to the Bacchus Marsh West Golf Course.
- The Pony Club is to relocate its cross-country course into 11 Hectares of unused grassland in the south of the reserve. This is in lieu of the 7 Hectares utilised by development of the new sporting ovals (See figure 2 below)
- A new shared-use clubhouse building is to be located between the sporting ovals, and prominent from the street. It will include amenities, club rooms, and may be multi-level and feature spectator viewing areas.
- The existing Camp Draft arena to be located in the centre of the Harness racing Track - or through further negotiation to the Ballan Racecourse Reserve. This will ensure extra land is available for the sports precinct separate from equestrian uses.
- Access to the site will be improved by the addition of a second vehicle entry off Bacchus Marsh . Balliang Road. Additional parking is also provided here.
- The existing cricket oval along B.M . Balliang Road is to be restored to playable condition.
- This proposal can be developed in distinct stages.

As mentioned there are three grant programs plus the state budget process that could be targeted to source major funding to help implement the active sports precinct at the reserve.

These are:

- State Sport and Recreation Victoria Majors;
- State Community Infrastructure Fund; and
- Federal National Stronger Regions Fund.

To maximise the chance of being successful for any of these grant programs, design of the active sports precinct will need to progress and at a minimum include functional and schematic design, engineering design, services study, quantity surveyor cost plans, major projects business case, asset management plan, cost benefit analysis. There will be multiple design elements across a number of professional disciplines. Given the timeframes of grant programs and the time required to progress the design sufficiently, an immediate commencement of design will be required.



Figure 2. Land allocation diagram. 7 Hectares is occupied for new active sports facilities. In exchange, the Pony Club to expand to occupy 11 Hectares in the south.

Master Plan

As mentioned above, the 2009 Master Plan has been received by council and has been the basis for further planning of active spaces and engagement with user groups.

The functional design process will significantly inform the final master plan for the site with the addition of passive, Soccer and BMX users that have expressed interest in relocating to the Reserve. Importantly the master plan will need to reflect the important regional significance of the whole reserve.

It is intended to further develop the Masterplan in parallel with the functional design and present to Council in April 2015 for endorsement for consultation with the broader community.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

| | |
|------------------------------|--|
| Key Result Area | Enhanced Infrastructure and Natural and Built Environment |
| Strategic Objective - | Effective and efficient land use planning and building controls. |
| Strategy - | Ensure that development is sustainable, resilient to change and respects the existing character. |

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

Financial Implications

As detailed in the current Section 173 Agreement with the developer of *Stonehill* (West Maddingley) the developer is obliged to pay development contributions in the order of \$2.1M towards the cost of building the active recreation components in the West Maddingley precinct. High level costs for the centre option based on preliminary work completed to date is in the region of \$6.7M. This amount would be firmed up during the design process.

To undertake the design and documentation of a facility of this size could cost in the order of \$600,000 based on a 9% fee. To progress the functional and schematic design to a point where grant application could be made, it is estimated that \$100k to \$150k would be required.

Risk & Occupational Health & Safety Issues

Risks associated with this project are identified as follows:

| Risk Identifier | Detail of Risk | Risk Rating | Control/s |
|---|--|---------------------|--|
| Financial . Budget blowout | <ul style="list-style-type: none"> Masterplan costs exceed current budget. Infrastructure cannot be funded. | Low Moderate | Fixed price budget can be provided in EOI. Review costs for infrastructure, monitor and likely plan for funding from range of sources (S173 Agreements, grants, and borrowings). Stage works. |
| Reputational. Inadequate consultation, adverse unplanned impact on existing stakeholders | <ul style="list-style-type: none"> Inadequate consultation Inadequate review of impacts of proposed changes to BMRRR Masterplan. | Moderate | Appoint Project Manager Close supervision |
| Infrastructure, building | <ul style="list-style-type: none"> Unforeseen site costs such as water retention/ drainage, sewer issues | Moderate | Contingency sum, Site investigations |
| Golf Course | <ul style="list-style-type: none"> Golf holes in close proximity to other sporting infrastructure. | Low | Ensure compliance with relevant standards (design fences etc.) |

Communications Strategy

Between February and October 2014, there has been significant work with internal and external stakeholders on development options for the BMRRR.

After initial work, an Assembly of Councillors was held to present six options for development. Some were identified for further work. Subsequent Masterplan layout options were presented to Councillors on two subsequent occasions.

All major BMRRR user groups have been involved in several rounds of meetings and workshops (both on site and at Council). The Bacchus Marsh Pony Club and the Bacchus Marsh West Golf Club have attended several meetings with Council officers. The Camp Draft Association has also been involved in three such meetings.

The Golf Club has also utilised the services of a golf course designer to provide options for alternative course layouts. This consultant was briefed by Council officers, and layouts produced have been included in the golf course options presented.

The president of the BMRRR Committee has also been made aware of proposal. However there has been no formal presentation to the Committee as Council officers have been dealing directly with potentially impacted user groups.

The next stage of consultation should include discussions with passive users of the reserve, local soccer clubs, and possibly the Bacchus Marsh BMX Club (who are currently without a venue)

Subsequently, a sign-off of Memorandums of Understanding (MoU) should occur. These will set out land allotments and responsibilities for each stakeholder group during and after development.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Author – Peter Grose

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

Manager – Satwinder Sandhu

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

Conclusion

To provide much needed sporting infrastructure for the Bacchus Marsh region, several sites for development were evaluated within the BMRRR (See appendix 2).

Cost considerations, logistics, and possible disruption to existing sporting clubs favour developing in the middle of the reserve - and for this reason, this site is recommended.

Production of a resolved and adopted functional and schematic design of an active sports precinct area is imperative. This will assist council in pursuing grant and other funding in order to realise this important project.

Finalisation of the Masterplan and consultation with the broader community will be undertaken in parallel with functional design process.

There is also an opportunity to apply for major funding programs in the next six months and to maximise Council's chance of success, a design process should commence as soon as practicable.

Recommendation:

That Council;

- 1. Endorse the centre of the reserve for the active sports facilities and associated components generally based on Option 1 including making provision for the pony club to relocate south.**
- 2. Requests officers to finalise the masterplan based on combining the 2009 plan with active sports precinct at the centre of the reserve with a further report to Council for endorsement and consultation with the broader community.**
- 3. Requests officers to urgently progress functional and schematic design of the active sports precinct area, develop business case and detailed costings using up to \$150,000 of the existing \$200,000 allocation for the reserve in the Capital Program.**
- 4. Authorises officers to make application for major grants for the active sports precinct at the reserve as opportunities arise within budget and strategic financial plan parameters.**

Resolution:

Crs. Edwards/Comrie

That Council;

- 1. Endorse the centre of the reserve for the active sports facilities and associated components generally based on Option 1 including consideration for:***
 - The Pony Club to relocate south***
 - The campdrafters to relocate***
 - Adequate fencing and segregation of equestrian events***
 - Future indoor equestrian centre***
 - Adequate toilets and change rooms***
 - Sports ground lighting***
 - New activities and groups; such as BMX***
 - Passive recreation activities including walking tracks***
 - Improved access.***
 - Storm water harvesting and reuse***
- 2. Requests officers to finalise the masterplan based on combining the 2009 plan with active sports precinct at the centre of the reserve with a further report to Council for endorsement and consultation with the broader community.***

3. ***Requests officers to urgently progress functional and schematic design of the active sports precinct area, develop business case and detailed costings using up to \$150,000 of the existing \$200,000 allocation for the reserve in the Capital Program.***
4. ***Authorises officers to make application for major grants for the active sports precinct at the reserve as opportunities arise within budget and strategic financial plan parameters.***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth & Development

Date: Friday, 31 October 2014



9.3 COMMUNITY SERVICES

9.3.1 Community Development Fund Review

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

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

Background

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

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

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

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

A detailed review into the Community Development Fund has been undertaken and the findings and recommendations are detailed in the final report contained in Attachment 9.3.1.

The review involved:

- Evaluation of the existing Community Development Fund model including background, program aims, objectives and key outcomes
- Investigation of other models or trends in identifying and funding community capital projects
- Assessment of community need/expectation and benefit

- Identification of the most appropriate model for Council to identify and allocate funding for community capital projects, specifically the \$100,000 currently allocated through the existing mechanism
- Development of recommendations to the Council on the future framework for identifying and guiding decision making for the provision of funding for community capital projects.

Analysis of review outcomes

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

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

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

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

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

Proposal

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

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

Policy Implications

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

The 2013 - 2017 Council Plan provides as follows:

| | |
|------------------------|---|
| Key Result Area | Community Wellbeing |
| Objective | Inclusive, responsive and accessible community services |

Strategy

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

Financial Implications

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

Community Engagement

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

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

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

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

Risk & Occupational Health & Safety Issues

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager –Danny Colgan

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

Author –Dawn Tschujasehenko

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

Conclusion

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

Recommendation:

That the Council:

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

Resolution:

Crs. Edwards/Dudzik

That the Community Development Fund Review lay on the table for a period of one month.

CARRIED.

Report Authorisation

Authorised by:



Name:

Danny Colgan

Title:

General Manager Community Services

Date:

Thursday, 16 October 2014

9.4 INFRASTRUCTURE SERVICES

9.4.1 Capital Improvement Program Quarterly Report – September 2014

Introduction

File No.: 16/01/001
Author: Sam Romaszko
General Manager: Phil Jeffrey

Background

The delivery of the Capital Improvement Program (CIP) is an important function of Council's operations and represents a significant portion of Council's overall expenditure. Accordingly, the status of the overall program is reported to Council every quarter.

Proposal

This quarterly report provides Council with an overview of the progress of Council's 2014/2015 Capital Improvement Program to 30 September 2014.

Implementation of the 2014/2015 Capital Improvement Program

The 2014/2015 Capital Improvement Program currently consists of 74 projects, of which 17 are inactive and cannot commence. Therefore the table below reports on the 57 active projects in terms of percentage. This number will be adjusted throughout the year as other projects become active.

This list incorporates projects from various sources including but not limited to the following:

- Projects carried forward from 2013/2014 program
- 2014/2015 Council budgeted projects
- Grant funded projects

Also for simplicity sake the reseal, final seal, gravel road resheet and shoulder resheet programs have been listed as 4 projects in total rather than listing each individual road under each respective program.

The Engineering Services Unit nominates 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status. The table below summarises the overall program status as at 30 September 2014:

| CIP Program Delivery Stage | Actual as of 30 September 2014 | |
|--|-----------------------------------|---------------|
| | No. of Projects | % |
| Not Commenced (inactive) | 17 | - |
| Not Commenced | 8 | 14 |
| Documentation/Design Preparation | 16 | 28.1 |
| Tender/Quote Stage | 12 | 21.1 |
| Project Awarded . Waiting Commencement | 3 | 8.8 |
| In Progress/Under Construction | 13 | 22.8 |
| Complete | 3 | 5.3 |
| TOTAL | 57 | 100.00 |

The attached report details the proposed timeframe and progress of each individual project. In addition the report also provides specific comments in relation to each project and its status.

Program Status

At this stage of the financial year the program is generally tracking well. Although only 5% of the program is complete the majority of projects in the tender/quote stage and in progress/under construction phases.

Inactive Projects

Of the 74 projects identified in this year's program there are 17 inactive projects. An overview is provided below and each is listed individually under one heading in the attached report;

- 10 projects are subject to external funding and cannot commence until successful matching grants are obtained.
- 2 projects (funded via Notice of Motion) is currently on hold pending finalisation of the scope of each project.
- 4 projects have been funded but are currently on hold until the funding application is signed.
- 1 project is currently on hold pending further investigation or finalisation of the scope the project.

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 | Construct physical infrastructure to appropriate standards. |

The Capital Improvement Program reporting is consistent with the 2013-2017 Council Plan.

Financial Implications

Reporting of the Capital Improvement Program has been resourced as part of Council's budget; accordingly there are no additional financial implications. At this point in time, the program is within budget parameters.

Risk & Occupational Health & Safety Issues

There are no irregular Risk and Occupational Health and Safety issues identified in this report. Specific risk elements are analysed and dealt with as part of the delivery of each individual project.

Communications Strategy

Progress on the Capital Improvement Program will be reported in the following formats:

- | | |
|--|-------------|
| • Infrastructure update on active projects | Weekly |
| • Update on major projects | Monthly |
| • Moorabool Matters | Bi Monthly |
| • Moorabool News | As required |
| • Report to Council | Quarterly |

Specific projects are communicated to the community and affected residents as required through a range of methods including but not limited to advertisements, mail outs and letter drops.

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 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

This report provides a summary of the progress of the Capital Improvement Program for the first quarter of the 2014/2015 period for the information of Councillors.

Resolution:

Crs. Dudzik/Edwards

That Council receives the Capital Improvement Program quarterly report to 30 September 2014.

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Friday, 17 October 2014

9.5 CORPORATE SERVICES

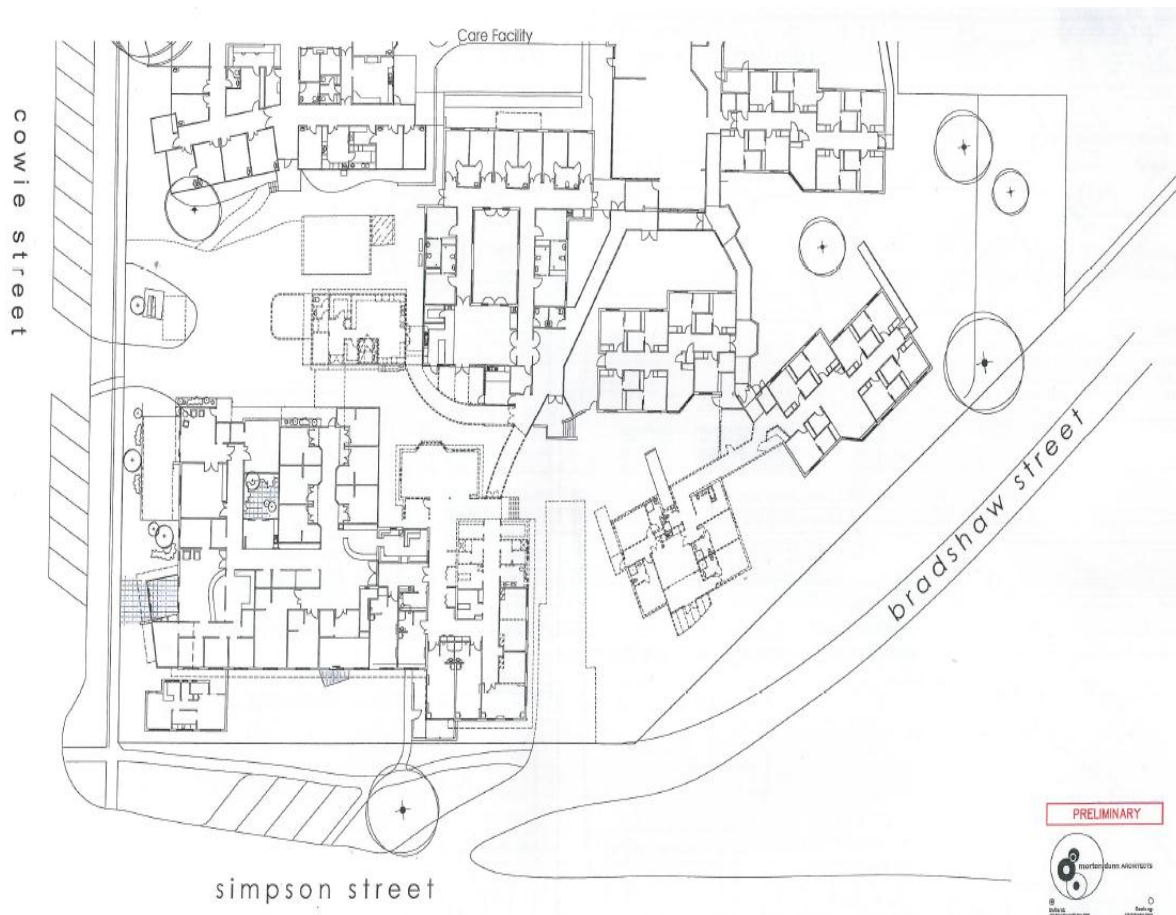
9.5.1 Proposed Discontinuation of a Portion of Government Road (Bradshaw Street) Ballan, north of PC352995 and TP122251

Introduction

File No.: 1027
Author: Shane Marr
Chief Executive Officer: Rob Croxford

Background

Ballan District Health and Care have a proposal to expand their aged care facilities. A plan of this proposal is shown below.



In order to facilitate this development, Ballan District Health and Care request Council to discontinue a portion of government road reserve identified as Bradshaw Street, Ballan which abuts both of these land parcels to the north. It is proposed that should the discontinued road be approved by Council that negotiations be undertaken between all relevant stakeholders.

The area as highlighted on the plan provided below extends from the eastern boundary of the Victoria Police facility though to the bollards at the intersection of Simpson Street and Bradshaw Street. The width of the road reserve is approximately 30m with the length being approximately 100m.



This portion of road reserve abuts a public park and recreation reserve situated to the south of the road reserve down to the Werribee River and does not serve any residential properties. Access to a property located adjacent to the public park and recreation reserve and to the rear of the Victoria Police facility would not be impacted and these properties would continue to have access into Bradshaw Street off Inglis Street.

Currently the main users of this portion of Bradshaw Street are those associated with the properties being PC352995 and TP122251 for access to the rear of the premises and it is proposed by the proprietor that the land continue to be used for this purpose in addition to creating required open space.

Council Service Units have been consulted in respect to the proposed discontinuance of a portion of Bradshaw Street and no objections have been received. It is considered that with the bollards at the eastern end of Bradshaw Street having been in place for many years now that this portion of Bradshaw Street is no longer reasonably required for general public use or for the purpose it was originally set aside for and that the land be better utilised by the adjoining property owner.

Proposal

Council, in accordance with Section 206 and Schedule 10 Clause 3 of *Local Government Act 1989* (the Act) has the power to discontinue a road, or part of a road, by a notice published in the Government Gazette.

Prior to making a decision to discontinue a road or part of a road, section 207A of the Act provides that a person may make a submission under section 223 on the proposed portion of road discontinuance being considered under schedule 10 clause 3 of the Act.

This report proposes that Council formally authorise officers to give public notice in accordance with section 297A of the Act of the intention to discontinue the portion of road under section 206 and Schedule 10 clause 3 of the *Local Government Act 1989*.

Policy Implications

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

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

The proposal for Council to discontinue a portion of Government Road (Bradshaw Street), Ballan in order for the sale of land to transpire to extend existing premises is consistent with the 2013-2017 Council Plan (Revised 2014).

Financial Implications

The cost in seeking public submissions at this stage of the process will be met by Council from the 2014-15 operational budget.

Risk & Occupational Health & Safety Issues

There are no perceived risks or occupational health and safety issues related to this proposal.

Communications Strategy

Under section 207(A) of the Act, a person has the right to make a submission under section 223 of the Act in respect of Council proposing to discontinue a road within its municipality.

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

Preliminary consultation with abutting property owners prior to the formal exhibition period has been undertaken seeking approval of the proposal to discontinue a portion of Bradshaw Street.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Chief Executive Officer – Rob Croxford

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

Author – Shane Marr

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

Conclusion

In view of the limited use of the portion of road reserve by those associated with the properties being PC352995 and TP122251 for access to the rear of the premises and the benefit that extended open space will provide to the existing premises, it is recommended that Council consider formally authorising officers to give public notice in accordance with section 207A of the Act of its intention to discontinue the portion of road under section 206 and Schedule 10 clause 3 of the Act 1989 and seek public submissions.

Resolution:

Crs. Sullivan/Spain

That Council:

- 1. under Schedule 10 clause 3(a) of the Local Government Act 1989, authorises officers to give public notice in local and regional newspapers circulating generally throughout the municipality, of its intention to discontinue a portion of road reserve known as Bradshaw Street, Ballan seeking public submissions under section 207A of the Local Government Act 1989 on the proposal of road discontinuance.***

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

CARRIED.

Report Authorisation

Authorised by:

Name: Shane Marr 
Title: General Manager Corporate Services
Date: Thursday, 16 October 2014

9.5.2 Office Arrangements - Christmas / New Year Period 2014/15

Introduction

File No.: 02/08/004
Author: Shane Marr
General Manager: Shane Marr

The following report proposes closure arrangements for the Christmas/New Year period 2013/14 for the Council offices, Works Depots, Library Services, Maternal & Child Health Centres, Lerderderg Children Centre and Aged & Disability Services.

Background

Officers have reviewed arrangements for the forthcoming Christmas/New Year period. In previous years the practise is to close the office during the Christmas/New Year period and have in place emergency and basic maintenance operations.

Proposal

Public holidays provided to staff are to be in accordance with gazetted public holidays provided for by the State Government. Public Holidays for 2014/15 are as per the information released by Information Victoria . For Information on State Government.

With respect to the upcoming Christmas period the public holidays\$ arrangements are:

| | |
|------|---|
| 2014 | The Christmas Day Public Holiday will be held on Thursday 25 December 2014 Boxing Day 2014 Public Holiday will be held on Friday 26 December, 2014 |
| 2015 | New Year\$ Day Public Holiday will be held on Thursday 1 January 2015 |

Subject to Council approval, it is proposed that Council\$ offices will be closed to the public for the period commencing on the afternoon from 12.30pm, **Wednesday 24 December 2014**, with the offices reopening on Friday 2 January, 2015 as in previous years.

In accordance with the proposal to close the Council Offices for the Christmas period, it is also proposed to align the Library Services and Council closure period for Christmas 2014/15.

Waste and recycling collection on Thursday 25 December 2014 will now be collected on Friday 26 December 2014 and collections scheduled for Thursday 1 January 2015 will be collected on Friday 2 January 2015.

Incorporating public holidays, it is proposed the offices would be closed on the following days:

- Wednesday 24 December 2014 from 12.30pm
- Thursday 25 December 2014 (Public Holiday)
- Friday 26 December 2014 (Public Holiday)
- Monday 29 December 2014
- Tuesday 30 December 2014
- Wednesday 31 December 2014, and
- Thursday 1 January 2015 (Public Holiday)

Offices will re-open at 8.30am on Friday 2 January 2015.

Staff rosters will be initiated during this period to ensure that emergency staffing and basic maintenance operations are not impacted by the Christmas closure.

Policy Implications

The 2013 . 2017 Council Plan provides as follows;

| | |
|------------------------|--|
| Key Result Area | Representation and Leadership of our Community |
| Objective | Gppd 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. |

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

Financial Implications

Leave and absences will be taken via normal annual leave or rostered day off entitlements which are budgeted for. The holidays will only be undertaken in lieu as they are gazetted or they will be taken as annual leave.

Communications Strategy

Closure will be communicated via public notice in the local media, and appropriate signage at Council offices.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Shane Marr

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

Author – Shane Marr

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

Conclusion

Council approval is sought to close Council offices, Works Depots, Library Services, Maternal & Child Health, Lerderderg Children Centre and Aged & Disability between the Christmas and New Year period.

Emergency arrangements are put in place in areas such as Works, Maternal & Child Health and the Aged & Disability Services.

Occasional Care sessions will recommence on Monday 2 February 2015.

The Ballan Transfer Station, Mt. Egerton Transfer Station and Bacchus Marsh Transfer Station are closed on:

- Christmas Day - Thursday 25th December, 2014
- New Years Day - Thursday 1st January, 2015

All Garbage/Recycling services within the Shire over the Christmas/New Year 2014/2015 period will be collected as below:

| Collection Due Date | Collection Pick-up Date |
|---------------------------|-------------------------|
| Thursday 25 December 2014 | Friday 26 December 2014 |
| Thursday 1 January 2015 | Friday 2 December 2015 |

Recommendation:

That:

1. Council approve the closure of Council Offices, Works Depots, Library Services, Maternal & Child Health, Lerderderg Children Centre and Aged & Disability for the period from 12.30pm on the afternoon of Wednesday 24 December 2014 with the offices reopening on Friday 2 January, 2015.

2. appropriate Public Notices be placed in the local media to inform the public of the closure, emergency and after hours telephone numbers and contacts available during the closure.

Resolution:

Crs. Toohey/Comrie

That:

1. ***Council approve the closure of Council Offices, Works Depots, Library Services, Maternal & Child Health, Lerderderg Children Centre and Aged & Disability for the period from 12.30pm on the afternoon of Wednesday 24 December 2014 with the offices reopening on Monday 5 January, 2015.***
2. ***appropriate Public Notices be placed in the local media to inform the public of the closure, emergency and after hours telephone numbers and contacts available during the closure.***

CARRIED.

Report Authorisation

Authorised by:

Name: Shane Marr

Title: General Manager Corporate Services

Date: Thursday, 16 October 2014



9.5.3 Quarterly Financial Report September 2014

Introduction

File No.: 07/01/004
Author: Steve Ivelja
General Manager: Shane Marr

This Quarterly Report covers the period of 1 July 2014 to 30 September 2014. The report outlines the year to date financial position of Council and forecast projections for the full year results.

The forecast result at the end of the financial year is an increase in the surplus by \$0.201m. Please refer to the attached report for a detailed review of the financials.

Background

Under section 138 . Quarterly Statements, of the Local Government Act (1989), Council is to receive a quarterly report on progress against the adopted budget.

Proposal

That Council receives the Quarterly Report . September 2014.

Policy Implications

The adoption of the Quarterly Report . September 2014 meets Council's statutory obligations under section 138 . Quarterly Statements of the Local Government Act (1989).

The 2014-2018 Council Plan provides as follows:

| | |
|------------------------|--|
| Key Result Area | Representation and Leadership of our Community |
| Objective | Sound, long term financial management |
| Strategy | Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets. |

Amended Budget

Generally, at the end of the financial year it is not uncommon for projects (both Capital projects and Operating projects) to be incomplete at the end of the financial year. This can happen for a number of reasons such as delays in construction due to weather or other events, deferral of projects due to operational matters, late receipt of government funding for one off projects, lack of internal resources to complete one off new initiatives due to staff turnover etc.

Throughout this report Council will be reporting on the Amended Budget rather than the Adopted Budget. The Amended Budget contains items approved as carry forwards from the 2013/14 financial year. These include grant funded one off projects, Council approved New initiatives from prior years that are not yet complete, Flood recovery funds, and incomplete/deferred capital projects. The following schedule provides an overview at a high level of the items that have been added to the Adopted Budget to arrive at the Amended Budget.

A detailed summary of the Amended Budget has been included in **Section 1** of the attached Quarterly Financial Report.

The attached Quarterly Financial Report, **Attachment 9.5.3**, provides an explanation of the Income Statement, Balance Sheet, Cash Flow Statement and Capital Works Statement with the year-to-date actuals compared to the year-to-date amended budget, and the amended annual budgets compared to the annual forecasts.

Income Statement

The main changes within the Income Statement are as follows:

- Increase in %Other Revenue+ mainly due to some unbudgeted Insurance Claims (\$0.105m);
- Increased %Materials and Consumables+ expenditure mainly due to an increase in the Leisure Services contract and unbudgeted costs for Swimming Pool Checks (\$0.129m);
- Increase in %Capital Grants and Contributions+ mainly due to new funding identified since the adoption of the budget (\$0.151m).

The net effect of these changes and other minor variances causes the total surplus for the year to increase by \$0.201m to \$7.389m.

Cash

The forecasted cash balance at 30 June 2015 has decreased by \$0.521m to \$6.743m in comparison to the amended budget. This is mainly due to Council funding part of the Halletts Way project with borrowings from a prior year.

Capital Improvement Program (CIP)

The total cash expenditure forecast for the CIP has increased by \$0.722m, from the amended budget of \$14.159m to \$14.881m. This is due to:

- Prior year borrowings for Halletts Way Project \$ 0.500m
- New funding received:
 - Yankee Flat Road / Navigators Road \$ 0.052m
 - Elaine-Morrison's Road \$ 0.040m
 - Hike and Bike \$ 0.040m
 - Yendon Recreation Reserve Project \$ 0.034m
- Other \$ 0.056m
- \$ 0.722m**

Risk & Occupational Health & Safety Issues

There are no identified risks associated with this process.

Communications Strategy

To Council, through the Ordinary Meeting of Council on 5 November 2014, and to the Audit Committee meeting on 26 November 2014.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Shane Marr

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

Author – Steve Ivelja

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

Conclusion

The Quarterly Report . September 2014 has been prepared in accordance with Section 138 . Quarterly Statements of the Local Government Act (1989) for review and receiving by Council.

Resolution:

Crs. Sullivan/Comrie

That Council receives the Quarterly Financial Report – September 2014.

CARRIED.

Report Authorisation

Authorised by:

Name: Shane Marr

Title: General Manager Corporate Services

Date: Wednesday, 29 October 2014.



9.5.4 First Quarter (July – September) Report – 2014/15 Council Plan Actions

Introduction

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

Background

The 2013-2017 Council Plan was revised and adopted by Council in July 2014. As part of the development of the framework of the Council Plan, Council determines appropriate actions which will support the framework, delivering agreed outcomes for the Community.

The Council Plan outlines three key result areas (KRA) or main themes that guide new initiatives and continuing services these being:

- Representation and leadership of our community;
- Community Wellbeing; and
- Enhanced infrastructure and Natural and Built Environment.

Each KRA has a set of strategic objectives or desired outcomes with sets of strategies to be undertaken over the planned 4 years to achieve the objectives.

All Council actions aligned with the strategies are linked back to the Council Plan. The Council Plan is reviewed annually

Discussion

The attached 2014/15 Council Plan Actions First Quarter Progress Report indicates each of the actions and the progress comments for the 2014/15 Financial Year. Overall there are 30 actions with 23 actions having reached 90% of the action target achieved for the July . September period. Three actions have achieved between 60 and 90% of the action target achieved. Only four actions are under less than 60% due to the majority of work to be undertaken on these actions in the later quarters.

Proposal

This report is to inform Council and the community on the progress of key Council Plan actions for the 2014/15 Financial Year.

Policy Implications

The 2014. 2015 Council Plan provides as follows:

| | |
|------------------------|---|
| Key Result Area | Representation and Leadership of our community |
| Objective | Effective strategic and business planning for a growing community |

Strategy

Development of service plans that link service delivery, asset management and business excellence.

Financial Implications

There are no financial implications from this report. All projects being delivered have been allocated a budget.

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

Specific projects may have their own communications strategy nevertheless this report will be displayed on Council's website and the annual progress will be reported in Council's Annual Report.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Shane Marr

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

Author – Michelle Morrow

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

Conclusion

Council is making progress in all areas of the Council Plan for this first quarter. Overall there are 30 actions with 23 actions having reached 90% of the action target achieved for the July . September period. Three actions have achieved between 60 and 90% of the action target achieved. Only four actions are under less than 60% due to the majority of work to be undertaken on these actions in the later quarters.

Resolution:

Crs. Edwards/Spain

That Council receives the First Quarter (July – September) 2014/15 Council Plan Actions Progress Report.

CARRIED.

Report Authorisation

Authorised by:

Name: Shane Marr

Title: General Manager Corporate Services

Date: Thursday, 16 October 2014.



9.5.5 Local Government Electoral Review submission

Introduction

File No.: 01/02/003
Author: Shane Marr
General Manager: Shane Marr

Background

In 2013-14, the independent Local Government Electoral Review Panel carried out a comprehensive review of Victoria's local government electoral system, making 55 recommendations. The Victorian Government is seeking feedback on the recommendations.

Proposal

The recommendations relate to:

- Voters
- Candidates
- Caretaker period
- Elections
- After the elections
- Electoral structures
- Voting and ballot counting
- Filling casual vacancies
- Councillor allowances

A Moorabool Shire Council submission on the recommendations is attached.

The submission agrees with most of the recommendations in the report with the exception of the recommendation to discontinue the current practice of having mixed wards.

The submission states that the current electoral structure works well in that it provides local representation for the diverse communities in Moorabool and supports the strong councillor links with their local communities. The current structure also complies well with communities of interest, which is one of the basic principles under which the VEC conducts representation reviews.

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 Electoral Review is consistent with the 2013-2017 Council Plan.

Financial Implications

There are no financial implications in preparing this report.

Risk & Occupational Health & Safety Issues

There are no risk or OH&S implications in preparing this report.

Communications Strategy

The Electoral Review Panel is seeking feedback on the panels 55 recommendations.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Shane Marr

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

Author – Shane Marr

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

Conclusion

The report recommends that Council lodge a submission in relation to the Local Government Electoral Review process, generally agreeing with the recommendations contained in the report, with the exception of the recommendation to discontinue the current practice of having mixed wards.

Recommendation:

That the attached submission from Moorabool Shire Council into the 55 recommendations of the Local Government (Electoral Review) Panel be lodged with the Victorian Government.

Resolution:

Crs. Edwards/Spain

That Council does not lodge any recommendations to the Victorian Government for the Local Government Electoral Review.

AMENDMENT

Crs. Dudzik/Comrie proposed the following Amendment:

That Council does not lodge any recommendations due to lack of consultation with Councillors and the community by the Victorian Government regarding the Local Government Electoral Review.

The Amendment was voted upon and was LOST.

Councillor Toohey called for a Division.

Councillors voting for the original resolution:

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

Councillors voting against the original resolution:

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

The resolution was determined to be CARRIED.

Report Authorisation

Authorised by:

Name: Shane Marr

Title: General Manager Corporate Services

Date: Thursday, 30 October 2014.



10. OTHER REPORTS

10.1 Assembly of Councillors

File No.: 02/01/002

Section 76(AA) of the Local Government Act 1989 defines the following to be Assemblies of Councillors; an advisory committee of the Council that includes at least one Councillor; a planned or scheduled meeting of at least half the Councillors and one member of council staff which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a Council function, power or duty by a person or committee acting under Council delegation.

It should be noted, an assembly of Councillors does not include an Ordinary Council meeting, a special committee of the Council, meetings of the Council's audit committee, a club, association, peak body or political party.

Council must ensure that the written record of an assembly of Councillors is, as soon as practicable .

- a) reported to the next ordinary meeting of the Council; and
- b) incorporated in the minutes of that council meeting. (s. 80A(2))

Council also records each Assembly of Councillors on its website at www.moorabool.vic.gov.au

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

- Assembly of Councillors . Wednesday 15 October 2014 . Pre-Statutory and Annual Appointments meeting

Resolution:

Crs. Sullivan/Toohey

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

- ***Assembly of Councillors – Wednesday 15 October 2014 – Pre-Statutory and Annual Appointments meeting.***

CARRIED.

10.2 Section 86 - Delegated Committees of Council - Reports

Section 86 Delegated Committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989. The Council cannot delegate certain powers as specifically indicated in Section 86(4) of the Act.

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

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

| Committee | Meeting Date | Council Representative |
|--|---------------------|---------------------------------|
| Navigators Community Centre | 21 August 2014 | Community Members |
| Masons Lane Recreation Reserve Committee of Management | 6 October 2014 | Cr. Dudzik Community Members |

Resolution:

Crs. Edwards/Sullivan

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

- ***Navigators Community Centre meeting of Thursday, 21 August 2014***
- ***Navigators Community Centre Annual General meeting of Thursday, 21 August 2014.***
- ***Masons Lane Recreation Reserve Committee of Management meeting of Monday, 6 October 2014.***

CARRIED.

10.3 Section 86 - Advisory Committees of Council - Reports

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

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

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

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

| Committee | Meeting Date | Council Representative |
|----------------------------------|--------------|--|
| Social Development Committee | 8 October | Cr. Comrie Cr. Dudzik Cr. Edwards. |
| Finance and Governance Committee | 22 October | Cr. Dudzik Cr. Spain Cr. Tatchell |

Resolution:

Crs. Edwards/ Comrie

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

- ***Social Development Committee meeting of Wednesday 8 October 2014***
- ***Finance and Governance Committee meeting of Wednesday 22 October 2014.***

CARRIED.

11. NOTICES OF MOTION

Nil.

12. MAYOR'S REPORT

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

| Cr. Tatchell - Mayor | |
|-----------------------------|--|
| October 2014 | |
| 3 October, 2014 | Moorabool Community Leadership Program Launch CFA Graduation Ceremony of CFA Recruit Firefighter Course |
| 14 October, 2014 | Meeting with Tim Pallas, Don Nardella and Geoff Howard |
| 15 October | S86 Urban Growth Strategy Committee Meeting Assembly of Councillors . Pre-Statutory Meeting of Council Assembly of Councillors . Councillor Update on Current Issues Special Meeting of Council |
| 16 October | Meet Your Candidates . Buninyong Electorate Q&A Session |
| 17 October | Central Highlands Mayors and CEOs Forum |
| 20 October | ACTIVE8 Celebration Day Meeting with the Hon Tim Bull, Minister for Local Government and Minister for Aboriginal Affairs |
| 21 October | White Ribbon Day Committee Meeting |
| 22 October | Funding Announcement by Simon Ramsay, Member for Western Victoria "Bacchus Marsh Public Hall Rejuvenation Program" Funding Announcement by Simon Ramsay, Member for Western Victoria "Gordon Public Park Tennis Court Reconstruction" S86 Finance & Governance Committee Meeting |
| 23 October | Project Presentation . Margaret Moritz Heritage Award Heritage Advisory Committee Meeting MAV Annual Conference Dinner |
| 24 October | Moorabool LandCare Network Recognition Evening |
| 27 October | Community Grants Winter Presentation Ceremony |

| | |
|------------|---|
| 28 October | Meeting with Daryl Lang, Liberal Candidate for Melton Meeting with Monika Thomas, Candidate for Melton |
| 29 October | Statutory Meeting of Council |
| 30 October | Official Opening of the Bacchus Marsh Community Bank |

Crs. Sullivan/Edwards

That the Mayor's report be received.

CARRIED.

13. COUNCILLORS' REPORTS

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

| Cr. Edwards | |
|----------------------|---|
| November 2014 | |
| 3 November | Meeting with Senator Bridget McKenzie, CEO and Mayor |

| Cr. Dudzik | |
|---------------------|--|
| October 2014 | |
| 16 October | Meet your Candidates – Buninyong Electorate Q&A |
| 20 October | Health and Wellbeing Committee Central Highlands Local Learning and Employment Board Meeting |
| 22 October | Funding Announcement Simon Ramsay MP, Member for Western Victoria – Bacchus Marsh Hall Rejuvenation Program S86 Finance and Governance Committee Meeting |
| 23 October | Project Presentation Margaret Moritz Heritage Award – Bacchus Marsh Primary School. Community Information Night – Windfarm Facilities |
| 30 October | Official Opening Bacchus Marsh Bendigo Bank |

| Cr. Sullivan | |
|---------------------|--|
| October 2014 | |
| 20 October | MAV Rural South Central Region Forum Bungaree |
| 24 October | Chaired Community Forum Lal Lal Windfarms |
| 25 October | MAV State Council Meeting |

Resolution:**Crs. Comrie/Edwards*****That the Councillors' reports be received.*****CARRIED.**

14. URGENT BUSINESS

Resolution:

Crs. Sullivan/Edwards

That Council write to the Department of Environment and Primary Industries requesting that a Code of Practice for Lamb/Sheep feedlots be developed.

CARRIED.

15. CLOSED SESSION OF THE MEETING TO THE PUBLIC**15.1 Confidential Report****15.2 Confidential Report****15.3 Confidential Report****15.4 Confidential Report****ADJOURNMENT OF MEETING 7.07PM****Crs. Edwards/Dudzik***That the meeting now stand adjourned for a period of 17 minutes.***CARRIED.****RESUMPTION OF MEETING 7.24PM****Crs. Comrie/Sullivan***That the meeting now be resumed.***CARRIED.****CLOSURE OF THE MEETING TO THE PUBLIC – 7.24PM****Resolution:****Crs. Sullivan/Spain**

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public

CARRIED.

Items 15.1, 15.2, 15.3 and 15.4 are
confidential items
and therefore not included
as part of these Minutes.

Resolution:

Crs. Toohey/Edwards

That a vote of thanks be extended to Shane Marr for the considerable work he has done for Moorabool over the many years.

CARRIED.

16. MEETING CLOSURE

The meeting closed at 7.37pm.

Confirmed.....Mayor.