

ORDINARY MEETING OF COUNCIL

Minutes of the
Ordinary Meeting of Council to be held at
Council Chambers, 15 Stead Street, Ballan on
Wednesday 6 March 2013,
at 7:00 p.m.

Members:

Cr. Pat Toohey (Mayor)	Woodlands 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. Paul Tatchell	Central Ward
Cr. Tom Sullivan	West Moorabool 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. Toohey, opened the meeting with the Council Prayer at 7.00pm.

2. PRESENT

Cr. Pat Toohey (Mayor)	Woodlands Ward
Cr. Paul Tatchell	Central Moorabool Ward
Cr. Allan Comrie	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. John Spain	East Moorabool Ward
Cr. Tom Sullivan	West Moorabool Ward
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
Mr. Peter Hawkins	Manager Planning and Building
Mr. Keith Linard	Manager Assets
Ms. Lace Gadd	Minute Taker
Ms. Melissa Hollitt	Minute Taker

3. APOLOGIES

There were no apologies.

4. CONFIRMATION OF MINUTES**4.1 Ordinary Meeting of Council – Wednesday 20 February 2013**

Resolution:

Crs. Comrie/Dudzik

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 20 February 2013.

CARRIED.

5. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

Nil.

6. MAYOR'S REPORT

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

Cr Pat Toohey – Mayor's Report	
February/March 2013	
26 February	Council Dinner – Golden Plains Shire
27 February	Assembly of Council – Councillor Review of Council Plan
1 March	9th Annual Australian Roads Summit
2 March	Ceremonial Launch at Kryal Castle by the Hon. Martin Ferguson AM, Minister for Tourism and Minister for Resources and Energy
4 March	Invitation to attend and speak at Liberal Party Meeting, Bacchus Marsh Branch
6 March	Assembly of Council – CEO Performance Review Assembly of Council – Budget Parameters Assembly of Council – Update on Love Close Assembly of Council – Councillor Review of Council Plan Assembly of Council – Asset Management Overview Ordinary Meeting of Council

Resolution:

Crs. Sullivan/Edwards

That the Mayor's report be received.

CARRIED.

7. COUNCILLORS' REPORTS

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

Cr. Dudzik	
February/March 2013	
21 February, 2013	'Ice and impact on Families' Forum
22 February, 2013	NBN Launch
22 February, 2013	Local Learning and Employment Network Meeting
26 February, 2013	Tripod Farmers Tour
2 March, 2013	Kryal Castle Opening
5 March, 2013	BM Indoor Aquatic 'Speak out'

Cr. Sullivan	
February/March 2013	
25 February, 2013	Highlands Regional Waste Management Group Meeting

Cr. Edwards	
February/March 2013	
2 March, 2013	Kryal Castle Opening
4 March, 2013	Moorabool Landcare Advisory Committee

Cr. Comrie	
February/March 2013	
21 February, 2013	'Ice and impact on Families' Forum
22 February, 2013	NBN Launch

Cr. Spain	
February/March 2013	
26 February, 2013	Tripod Farmers Tour
1 March, 2013	Bacchus Marsh Aquatic Centre Community Consortium Meeting
2 March, 2013	Bacchchat 'Better Health, Better Communities' Event
5 March, 2013	BM Indoor Aquatic 'Speak out'

Cr. Tatchell	
February/March 2013	
21 February, 2013	'Ice and Impact on Families' Forum
25 February, 2013	Ballan Rotary Meeting
26 February, 2013	Tripod Farmers Tour Ballan Recreation Reserve AGM
27 February, 2013	Historical Society AGM
1 March, 2013	Lightning Premiership Football Match
2 March, 2013	Kryal Castle Opening

Resolution:

Crs. Comrie/Spain

That the Councillors' reports be received.

CARRIED.

8. PUBLIC QUESTION TIME

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

Public Question Time is required to be conducted in accordance with the requirements contained within the **Public Question Time Protocols and Procedural Guidelines**.

The person asking the question is to stand and identify themselves before asking the question.

All questions are to be directed to the Mayor, 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.

Procedural Guidelines – Public Question Time

A maximum of one question is to be asked by any one person at any one time.

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

The Mayor will nominate the appropriate person to respond to each question. In the event that the question is directed for response by a Council Officer, it shall be referred through the Chief Executive Officer.

The Mayor may disallow any question, which is considered:

To relate to a matter beyond the power or duties of Council;

To be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;

To be confidential in nature or of legal significance;

To be repetitive of a question already answered (whether at the same or any earlier meeting);

To be aimed to embarrass any person;

To relate to personnel matters;

To relate to the personal hardship of any resident or ratepayer;

To relate to matters affecting the security of Council property;

To relate to any other matter which Council considers would prejudice the Council or any person.

The Mayor has the discretion to seek clarification of the question if deemed necessary but otherwise the person asking the question is not permitted to enter into debate with or directly question the Mayor or Chief Executive Officer.

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

The following questions were responded to at the meeting:

Ms Sue Dean, Mount Egerton – Request for a copy of Assembly of Council documentation (February Windfarm Assembly).

Ms Deb Porter, Bacchus Marsh – Lack of communication to residents regarding public meeting for Albys Lane issues and request for further meeting.

Ms Rose De Lacruze, Moorabool Environment Group Ballan – Query whether Moorabool Shire Council is joining moratorium on coal mining.

Mr Mark Myers, Ballan – Request for Blackwood Sewerage Scheme project update.

9. PETITIONS

No petitions have been made to Council for consideration as part of this Agenda.

10. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
11.4.2	Petition relating to the condition of Barkstead Rd, Barkstead	Mr Michael Coll	Objector
11.4.3	Bacchus Marsh Freeway Interchange Options . Anthony's Cutting Realignment Project	Ms Margaret Scarff	Objector

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
-	-	-	-

11. OFFICER'S REPORTS

11.1 CHIEF EXECUTIVE OFFICER

No reports for this meeting

11.2 GROWTH AND DEVELOPMENT

11.2.1 Planning Application: 2012-185 Use of the Land for a Restaurant (Café / Juice Bar) in Association With An Existing Agricultural Use; Lot 1 on TP 19334C; 411 Bacchus Marsh Road (Avenue of Honour), Bacchus Marsh.

Application Summary:	
Application No:	PA2012-185
Lodgement Date:	20 August 2012
Planning Officer:	Natalie Robertson
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	29 December 2012
Address of the land:	Lot 1 on TP 19334C 411 Bacchus Marsh Road (Avenue of Honour), Bacchus Marsh
Proposal:	Use of the Land for a Restaurant (Café/Juice bar) in Association with an Existing Agricultural Use
Lot size:	2.97 ha
Restrictive Covenants:	Not applicable
State Planning Policy Framework (SPPF):	Clause 11.05-2 Melbourne's hinterland Clause 11.05-3 Rural productivity Clause 14.01-1 Protection of agricultural land Clause 14.01-2 Sustainable agricultural land use Clause 14.02-2 Water quality
Local Planning Policy Framework (LPPF):	Clause 21.01-2 Municipal context, Key Issues, Economic development Clause 21.04-1 Key Issues and influences Clause 21.07 Bacchus Marsh

Zone:	Farming Zone
Overlays:	Road Zone Category 1 (adjacent) Heritage Overlay . Avenue of Honour Elm Trees (HO47) Design and Development Overlay . Schedule 2 (DDO2) Pt Environmental Significance Overlay . Schedule 2 (ESO2)
Particular provisions:	Clause 52.05 Advertising Signage Clause 52.06 Car Parking
General Provisions:	Clause 52.07 Loading and unloading Clause 64.02 Land used in conjunction with another use Clause 65 and 66
Why is a permit required	Clause 35.07-1, Use of the land Clause 35.07-4, Buildings and Works in association with a Section 2 Use Clause 43.01 Heritage Overlay Clause 52.06-5 Number of car spaces required Clause 52.07 Loading and Unloading of vehicles Clause 52.05 Advertising signs
Public Consultation:	
Number of notices to properties:	Seven (7) notices
Notices on site:	One
Notice in Moorabool Newspaper:	Moorabool News . 15 October 2012
Number of Objections:	Two

Council Plan reference

Key Result Area No 3- Enhanced Natural and Built Environment.

Objective: Effective and efficient land use planning and building control.

Strategies:

- Provide a high quality and timely development application processing system.

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

Manager Statutory Planning and Building . Peter Hawkins

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 Author, I have no interests to disclose in this report.

Executive Summary:

The application seeks approval of a restaurant (café/juice bar) in conjunction with the principal agricultural activity undertaken on site and on separate land parcels at 411 Bacchus Marsh Road (Avenue of Honour), Bacchus Marsh. The land is 2.94ha and is in the Farming Zone within the Avenue of Honour.

The proposal is retrospective, in that the land is currently being used as a produce stall/café (The Fruits of Life+) on land with a larger farm holding.

Summary Recommendation:

That the Council to determine to issue a Notice of Decision to Grant a Planning Permit for the use of the land for a Restaurant (Café / Juice Bar) in association with Agriculture subject to conditions.

Site History

The subject site being Lot 1 on TP 19334C is used as a produce stall and restaurant which predominately sells coffee, cake and fruit and vegetable produce. The existing café is operating without a planning permit and does not appear to be essentially in conjunction with the larger farm holding.

The site is 2.94ha and contains the produce stall, restaurant and gravel car park. There is also a dwelling under renovation. The house has not been occupied for several years and does not have any existing use rights. This application is for the existing café which runs from the produce stall and not for occupation of the house as a café.

In 2005 the land owners applied to Council to change the use of the existing house on the site to a restaurant (tea rooms) and on 23 November 2005 at an Ordinary Meeting of Council it was resolved to grant a notice of decision for a planning permit to use the land for a restaurant (tea rooms), buildings and works, including a car park and associated landscaping.

The matter was appealed at VCAT by the applicant (P3389/2005), with regard to conditions and by an objector (P3339/2005) opposed to the particular use proposed.

The applicant sought to withdraw the appeal and on 7 February 2006, the Member, Deputy President Helen Gibson granted an Order which gave leave to withdraw the appeal no. P3389/2005.

- On 15 and 16 March 2005 the objector's appeal was heard before Member Mary-Anne Taranto. Member Taranto's decision on 8 May 2006 ordered that the decision of Moorabool Shire Council be set aside and directed that no permit must be granted in relation to permit application 2005-288 [[Spurr v Moorabool SC \[2006\] VCAT 781 \(8 May 2006\)](#)] – copy attached.

The Member's reasons for the order are relevant as they must be considered in the assessment of this proposal and the applicant must show that they are or can achieve the points made in the Order. The decision is discussed as part of the assessment of this application further in this report.

Proposal

The applicant seeks a planning permit for use of the land for a Restaurant (Café/ Juice Bar) and should a permit issue this would validate a retrospective use.

The café would provide a maximum of 18 seats which would comprise both indoor and outdoor seating with an approximate floor area of 60sqm.

The café is proposed to operate between the hours of 7.00 a.m. to 6.00 p.m. Monday to Sunday.

The site has fourteen car parking spaces and an area to the north east that has the capacity for overflow car parking spaces.

Access is via an existing crossover from the Avenue of Honour.

The proposal would not see any change to the existing appearance and activities carried out on site. No buildings and works are proposed that do not already exist on site

The property is connected to reticulated sewerage, town water, has an agricultural water supply, and other utilities.

Previous Planning Permits

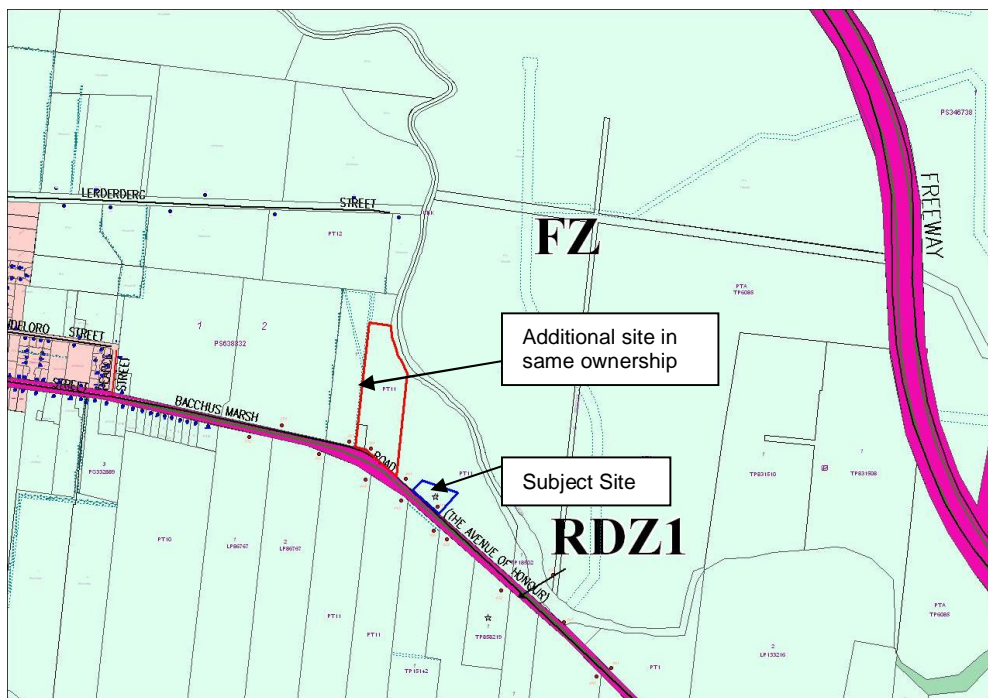
A search of Council records reveals that the following permits have been issued on the subject land:

- PA2003-070 was granted on 7 October 2003 for development of a car park. It was subsequently amended on 18 February 2005 to delete conditions 5 & 8 and reword conditions 3 & 4 and further amended on 25 May 2005 by Council Resolution to include a condition 16.
- PA2003-251 was granted on 25 November 2003 for development of additions to a dwelling.
- PA2004-151 was granted on 16 July 004 for development of additions to a dwelling.
- PA2005-288 for use of an existing building (dwelling) as a Tea Room was refused by VCAT Order dated 8 May 2006.

Site Plan



Locality Map



Site and Surrounds

An inspection of the site and surrounding area was undertaken on 9 October 2012.

The subject site is located on the northern side of The Avenue of Honour. The site is irregular in shape having an overall site area of approximately 3000sqm. The land parcel forms part of a larger farm holding separated by other land parcels not in the same ownership.

The subject site is currently used for vegetable/fruit farming, a retail produce outlet and associated car parking and café (the subject of this application) together with associated shedding. There is also an existing building, which was previously a dwelling and the subject of the 2005 VCAT Order.

There is existing access to the site via Bacchus Marsh Road (the Avenue of Honour).

The produce stall and café has a front awning which is setback less than 5m from the road. The overall floor area is approximately 310sqm comprising the produce stall approximately 250sqm in floor area and the café approximately 60sqm in floor area.

The surrounding area is primarily used for farming, while the Avenue of Honour has a unique character and has, over time developed numerous produce outlets which form a strong link to tourism and local residents.

The land gradually slopes to the north and north-east towards the Lerderberg River and has strong agricultural pursuits, particularly orchards, vegetable growing and associated rural industry is evident.

The property is located approximately 1.4km east of the commencement of the Bacchus Marsh Residential area and 2km from the centre of the Bacchus Marsh business district.

Planning Scheme Provisions

Council is required to consider the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS). Relevant clauses are as follows:

SPPF		
Clause 11.05-2	Melbourne's hinterland areas	Complies Policy encourages development that enhances and strengthens the character and identity of towns.
11.05-3	Rural productivity	Complies The objective of this policy is to manage land use change and development in rural areas to promote agriculture and rural production aiming to: Encourage consolidation of existing small lots in rural zones.
Clause 14.01-1	Protection of agricultural land	Complies The objective of this policy is to protect productive farmland which is of strategic significance in the local or regional context.
Clause 14.01-2	Sustainable agricultural land use	Complies Sustainable agricultural land use should be encouraged.
Clause 14.02-2	Water quality	Complies
LPPF		
Clause 21.01-2	Municipal context, Key Issues, Economic development	Complies The objective of this policy is to encourage the strengthening of the local economy to improve local employment opportunities and reduce leakage of retail spending.
Clause 21.04-1	Key issues and influences	Complies The Shire's horticultural land resources are important economically in supporting tourism and the lifestyle appeal of the area.

Clause 21.07-1	Bacchus Marsh . key issues and influences	Complies The character us defined by a strong range of commercial and business enterprises set within a rural landscape and highly productive agricultural areas.
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Farming Zone

The subject site is in the Farming Zone.

Pursuant to Clause 35.07-1, Table of Uses a planning permit is required to use a Restaurant on the land.

A permit may be granted where it can be demonstrated that the restaurant is in conjunction with agriculture, outdoor recreation facility, rural industry or winery.

The purpose of the Farming Zone is to implement the State and Local Planning Policy Frameworks, including the Municipal Strategic Statement and local planning policies and to:

- provide for the use of land for agriculture;
- encourage the retention of productive agricultural land;
- ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture;
- encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision;
- protect and enhance natural resources and the biodiversity of the area.

Heritage Overlay HO47 – The Avenue of Honour Elms

A permit is required to carry out works within this overlay. A permit is required to erect an advertising sign within the land affected by the overlay. The purpose of the HO47 is to protect the integrity of the Elm Trees in the Avenue of Honour. The purposes of the overlay, relevant to this application are:

- to conserve and enhance heritage places of natural and cultural significance;
- to conserve and enhance those elements which contribute to the significance of heritage places;
- To ensure that development does not adversely affect the significance of heritage places.

Design and Development Overlay – Schedule 2

The site is covered by the Design and Development Overlay . Schedule 2.

Pursuant to Clause 43.02-2 of the Moorabool Planning Scheme a permit is required to construct a building or construct or carry out works unless the schedule to the Overlay says that a permit is not required. The Schedule to the Overlay states that a permit is only required if the development is to be constructed with reflective materials. In this instance a permit is not triggered as no reflective materials are proposed to be used.

Environmental Significance Overlay – Schedule 2

A permit is required pursuant to Clause 42.01-2 to carry out works for the car park as this overlay effects the north-eastern corner of the land.

Consideration must be given to the effect any proposed development may have on the quality and quantity of water within a waterway and on flora and fauna habitats located close to those waterways. Also, the impact of the proposal on soils and the need to prevent soil erosion.

Particular Provisions

Clause 52.05 Advertising Signage

A permit is required for Business Identification Signage where the total advertisement area exceeds 8sqm. Advertising signage of any size requires a permit under the Heritage Overlay.

Clause 52.06 Car Parking

Car parking requirements under this provision require 0.4 spaces for each patron permitted. The café is limited to 18 patrons equating to 7.2 spaces rounded down to 7 spaces.

The produce stall which may be assessed for car parking under the definition of primary produce sales must provide 4 car spaces for each 100sqm of leasable floor area. This equates to ten car parking spaces.

There are 14 car spaces used for the produce stall and café, however they are located on the adjoining land parcel. Which is not in the ownership for the proponent. Seventeen car spaces are required on site to adhere to the requirements of this clause and the proponent has not sought a waiver of car parking.

In this regard, the proponent must either produce an agreement in the form of a Section 173 Agreement that demonstrates consent between the adjoining landowner at 401 Bacchus Marsh Road and the proponent for the use of the land for car parking or make provision for seventeen (17) car spaces upon the subject site. At least one of the car spaces provide must be to disabled parking standards.

It is reasonable that provision could be made for additional parking to the north, north east should it be required.

52.07 Loading and Unloading

Pursuant to the provision land must be set aside for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

The site already makes adequate provision for a loading/unloading area.

Clause 52.29 Land Adjacent to a Road Zone Category 1, or a Public Acquisition Overlay for Category 1 Road.

A permit is triggered where access is to be created to a Road Zone Category 1. Access to the site already exists and no permission is sought to alter or create access to the road zone.

General Provisions

Clause 64.02 . Land used in Conjunction with Another Use. According to the Section 2 requirements of the Farming Zone a Restaurant (which includes a café) must be used in conjunction with another use of the land. There must also be an essential association between the two uses and the use must have a genuine, close and continuing functional relationship in its operation with the other use.

In this regard, the existing café is essentially in association with the agricultural use that takes place on a separate land parcel in the same ownership. To guarantee the nexus between the two and for the café to remain in conjunction with the agricultural use the two land parcels at 391 Bacchus Marsh Road and 411 Bacchus Marsh Road must be consolidated.

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

Referrals

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

The following referrals were made pursuant to S55 of the Planning and Environment Act 1987.

Authority	Response
Melbourne Water	Consent
Western Water	Consent
Southern Rural Water	Consent
VicRoads	Consent

The following internal Council departments were provided with an opportunity to make comment on the application.

Authority	Response
Infrastructure	Consent
Environmental Health	Consent
Strategic Planning	Consent

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

Public Notice

Pursuant to Section 52 of the Planning and Environment Act 1987 public notice was undertaken by way of sign on site, notices by mail to surrounding and adjoining properties and in the Moorabool News. The notice period was from 15 October 2012 until 29 October 2012 and one submission and one objection were received.

The officer spoke directly with the submitter and found it useful to ascertain the submitter was not opposed to the proposal, but wished to express concerns with regard to issues that were identified merely by the café already being in operation.

The officer wrote to the objector seeking to clarify the application and asked the objector to contact the office if further clarification was required. No contact was made.

Submission	Comment
<p>The development may increase the traffic problems that we already have in the Avenue. There are dangers associated with cars pulling out of driveways and stalls when vehicles are parked on the side of the roadway and cars turning into stalls with little or no visibility of oncoming traffic.</p> <p>The submission suggests some No Parking+ zones along sections of the Avenue which would make for safer road use.</p> <p>The site should provide more parking.</p>	<p>It is recognised that The Avenue of Honour, together with many areas of Bacchus Marsh are affected by traffic.</p> <p>The proposal was referred to both VicRoads and Council's Infrastructure department who offered no objection to the proposal.</p> <p>It is important to make provision for safe car parking and a safe crossover for this proposal to work where it has otherwise has deficiencies.</p> <p>The car park that is currently set aside for the produce stall may remain. The proposal satisfies the car parking provisions but additional car parking must be established on the eastern side of the lot to cater more effectively and safely for customers.</p> <p>Signage directing traffic to car parking off the road reserve would form a permit condition, should a notice of decision be granted.</p>
<p>As a consideration and good will to neighbours, any activities should not commence before 6.00 a.m. or continue after 8.00 p.m.</p>	<p>Operation of the café would be limited 7.00 a.m. to 6.00 p.m. Any variation of this would require planning approval.</p>
<p>If food and drink is to be served then toilet facilities should be available to patrons.</p>	<p>The café is limited to no more than 18 patrons. Environmental Health has advised any number above this would require the provision of toilet facilities.</p>

Objection	Comment
It is within everyone's best interest to deny this application as we believe the effects on the surrounding businesses including ours would be greatly affected by the new venture.	The objector was informed in writing on 23 October 2012 that this was not a new venture as such but to bring into compliance what is currently operating on site.
Due to the dwellings close proximity to our property we see our business would be disadvantaged by the restrictions that would be placed on our work place.	The objector was informed in writing on 23 October 2012 that this was a retrospective application in that the existing building, not the house, which was the subject of the application. This application was to bring the existing facility within the produce stall into compliance with the Moorabool Planning Scheme. Should the applicant wish to use the house for a café a fresh application must be made to Council.
There would be an Occupational Health and Safety effect on surrounding business.	The operator is required to meet their obligations under any legislation covering Workcover etc. this is not an objection that has any planning merit.
Our crops include instant turf, apples, cherries and pears which include herbicide, pesticide and fungicide application. Our ability to deliver these treatments would need to be restricted by use and the surrounding farms. Fertiliser treatments including manure would need to be halted as the effect on the patrons would be very distasteful and possibly harmful. Surrounding businesses and farms rely heavily on these practices and think our business and our methods would be greatly restricted by this restaurant/café./juice bar.	The objector has identified the tensions that occur when non-agricultural uses seek to establish within the farming Zone Such tensions are not easily reconciled. It is not the objector's responsibility to cater to the potential impacts of their operation on the subject site. The café / juice bar must be in association with an agricultural use. The use is part of a larger land holding to the west of the subject site. The proponent recognises the requirements for crop raising and undertakes these activities also. The Farming Zone and in particular the Avenue of Honour is contains many conflicting activities, industries and residential premises. It is each permit holder's responsibility to accept the possible impact of amenity, detriment or conflict between uses and where compliant accept these uses.

The financial and performance implications on our business if such restrictions were placed would be extensive and problematic.	Should a notice of decision be granted no restriction would be imposed on the objector and any restrictions imposed would be applicable to the permit holder.
We need some guarantees from council that our business would be protected from any of these changes that may arise before changing our objection.	<p>Given that this proposal is retrospective, Council have not received any complaints from the objector in the past regarding the current activity.</p> <p>Should an application be submitted to use the house as a Café, a fresh application would have to be submitted to Council.</p> <p>The current proposal is forms part of the existing produce stall which is cramped and for lack of space encroaches very close to the road.</p> <p>If effect, there would be no changes that have not already been existing for some years.</p>

Assessment

The Farming Zone, Environmental Significance Overlay, Heritage Overlay and Clause 52.29 are the permit triggers in this instance. The purpose of the Farming Zone is to provide for the use of land for agriculture, encourage the retention of productive agricultural land and ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.

This site is located on the southern side of the Lerderderg River and the area is renowned for its productive agricultural activities including horticulture and fruit production and many other intensive agricultural activities.

Clause 21.07 of the Moorabool Planning Scheme states that the highly productive horticultural land provides a source of employment and fresh food that should be protected from the urban expansion of Bacchus Marsh.

Farming Zone

Conditional to this, the restaurant must be used in conjunction with agriculture, outdoor recreation facility, rural industry or winery.

Farming Zone . Decision Guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate.

The assessment of this application can be narrowed down to the following key issues:

- The protection of agricultural land;
- The impact of the development on the existing Heritage listed Avenue of Honour Elm Trees;
- How the proposal might impact or integrate with the Avenue of Honour and the future direction of this area;

Protection of Farming Zoned Land

The Moorabool Planning Scheme provides discretion for a permit for a Restaurant provided it can demonstrate a nexus between it and an agricultural activity, outdoor recreation facility, rural industry or winery. The land comprises retail produce sales, a shed and car park in addition to farmed vegetable crops. The produce sales component has a strong agricultural tie to the farming land, particularly as produce farmed on the property and surrounds is sold on site.

The café / juice bar must have links to the produce sales component of the site and a direct agricultural link to the land. In order to protect the farming land, should a notice of decision be granted, a condition should be imposed that requires the consolidation of the subject site to the land parcel known as Part Crown Allotment 11, Township of Bacchus Marsh, 391 Bacchus Marsh Road, Bacchus Marsh in the same ownership as the subject site.

Where there are other examples of this type of use in The Avenue of Honour, the retail premises are located on the land parcels where the primary agricultural production is taking place, for example, the berry farms and the Big Apple Café.

State planning policies provide guidance to Council as to the objectives that are to be achieved in relation to the protection of prime agricultural land across Victoria. Specifically Clause 11.05-3 relating to rural productivity, Clause 14.01-1 relating to the protection of agricultural land and Clause 16.02-1 relating to rural residential development all stress the need to protect productive farming land from encroachment by non-agricultural activities and dwellings and that the permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.

In considering the application in this area of Bacchus Marsh, Council needs to be satisfied that the Café is warranted and would not prevent the continued use of the land primarily for agriculture. The second consideration is if a notice of decision was to be granted whether a precedent would be set for further applications of this nature.

Due to the above considerations, it is therefore necessary to impose requirements for consolidation of land parcels to avoid future sale of the land that may result in the loss of the land from agriculture and what remains is a purely retail premises.

Preserving productive agricultural land from urban encroachment, by defining and maintaining a strong urban growth boundary will come under pressure from development applications unless State and Local policies are upheld. These policies support the protection of productive agricultural land from no-agricultural uses unless strong justification can be made that such uses are required to support the agricultural use.

In this instance, it is reasonable to say that the Café encourages a small scale tourist activity that is associated with and enhances the use of the land for agricultural purposes, which is supported by Council's Local Policy, Clause 21.04.2.

The Impact of the Development on the Existing Heritage Listed Avenue of Honour Elm Trees

The Avenue of Honour Strategic Management Plan, through its formulation, was amended to reflect recommendations which provide for discretion for Council to consider various options for works proposed within the heritage overlay.

The overriding consideration of proposed works, would be to limit the number of entry/exits to sites. The subject site already has existing crossovers on the eastern and western sides of the subject building. The strategy states that with existing uses, there may be little means of reducing impacts and the damage done to existing trees, which may be irreversible. The strategy suggests that:

- car parking and hard stand areas should be removed from the road reserve;
- redesign of driveways and car parking to ensure that these uses do not continue within the structural root zone and more than two trees separate entry and exit driveways;
- restrict development within the structural root zone; and
- reduce the extent of hard standing and car parking areas within the optimal root zone.

Plans have been provided which ensure that the crossover and car park has been constructed in accordance with these recommendations. The proposal has also received consent from VicRoads and Infrastructure. Heritage Victoria has no objected to the proposal.

The awning of the existing produce stalls encroaches within the road reserve of the Avenue of Honour. As the road is a Road Zone Category 1, the responsible authority is VicRoads for setbacks. Consent to the retrospective proposal was provided by the Referral Authority with no permit conditions.

It is Council's opinion that the awnings often present a problem with respect to visibility and impact to the amenity of The Avenue streetscape. As Council are not the responsible authority with respect to the road zone setbacks, the main concern with respect to the encroachment is the impact to the Elms. Should a notice of decision to grant a permit be recommended and if the proponent is to retain the awnings at this location permit conditions

would seek an aborist~~s~~ report that assessed the impact upon the Elms. Any further encroachment into the road reserve should be discouraged.

How the Proposal Might Impact or Integrate with the Avenue of Honour and the Future Direction of this Area

The question has been considered in conjunction with other aspects of the discussion. The character of the Avenue of Honour is best described as a unique and enticing gateway to Bacchus Marsh. The Avenue integrates small agricultural tourism enterprises, substantial agricultural and horticultural farming together with some residential dwellings.

It is important to retain the integrity of The Avenue and what it brings economically to Bacchus Marsh whilst respecting the Farming Zone and its intent within the Moorabool Planning Scheme.

In this respect, the Café / Juice Bar has merit but only by justifying the nexus between it and agriculture. The only way to achieve this nexus is to consolidate the subject site with the productive agricultural site in the same ownership.

If the land parcels were not to be consolidated and a notice of decision granted, there is no way to prevent the subject site from becoming a purely retail premises and restaurant, with no connection to the surrounding farming enterprises.

Financial Implications

Determining this application would not represent any financial implications to Council.

Risk and Occupational Health and Safety Issues

The recommendation to provide a notice of decision to grant a permit does not implicate any risk or Occupational Health and Safety issues to Council.

Communications Strategy

Notice was undertaken by way of advertisement by sign on site and to surrounding and adjoining landowners. One submission and one objection were received. The relevant parties were invited to attend this meeting and invited to address Council if desired. All parties will be notified of Council~~s~~ determination in this matter.

Other Policies/Procedures

Council adopted the Rural Growth Policy Statement at the OMC of the 5th September 2012. Council can give weight to this document under the provisions of section 60(1A)(g) of the Planning and Environment Act 1987.

This policy seeks ~~to~~ articulate the Council~~s~~ support for resilient and integrated rural communities and agricultural enterprises+. This policy has been considered to the extent appropriate in the writing of this report.

Resolution:**Crs. Dudzik/Comrie**

That Council having considered all relevant matters as prescribed by s.60 of the Planning and Environment Act 1987, issue a Notice of Decision to Grant a Planning Permit PA2012-185 for Use of the Land for a Restaurant (Café/Juice Bar) in Conjunction with Agriculture on the property known as 411 Bacchus Marsh Road (The Avenue of Honour), Bacchus Marsh, known as Lot 1 on TP 19334C, subject to the following conditions:

- 1. Before the use and development starts the land known as Lot 1 on TP 19334C, 411 Bacchus Marsh Road, Bacchus Marsh and the land known as Part Crown Allotment 11, Township of Bacchus Marsh, 391 Bacchus Marsh Road, Bacchus Marsh must be consolidated to form one land parcel.***
- 2. Before the use and development starts the proponent must demonstrate an agreement with the adjoining landowner at 401 Bacchus Marsh Road for the use of a portion of the land for provision of car parking. Should the proponent not be able to demonstrate such an agreement then amended plans must be provided to the satisfaction of the responsible authority in accordance with Condition 3, herein.***
- 3. 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 submitted with the application but modified to show:***
 - i. Where there is an agreement between the adjoining landowner for car parking at 401 Bacchus Marsh Road, and amended site plan which includes three additional car spaces. One of the total car parks on the land must be constructed to the disabled car parking standard.***
 - ii. Where there is no agreement between the adjoining landowner for car parking at 401 Bacchus Marsh Road, an amended site plan which includes provision for seventeen car spaces on the land, one of which, must be constructed to the disabled car parking standard.***
- 4. The use or development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.***

5. ***A report must be prepared by a suitably qualified arborist on the condition of the Elms located on the property boundary and the impact of buildings and works, including the existing awning, may have on the Elms.***
 6. ***Before the use or development commences the proponent must enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and Environment Act 1987 to provide the following:***
 - (a) ***The owner of the land must acknowledge that while the land remains zoned as Farming Zone, or its equivalent replacement, the lands primary use is for agricultural activities and the use of the restaurant (café/ juice bar) must be in conjunction with an approved agricultural activity.***
 - (b) ***Application must be made to the registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act.***
 - (c) ***The owner must provide evidence of registration of the Agreement to the responsible authority prior to the use commencing on the land.***
 - (d) ***The owner/operator under this permit must arrange for the preparation of the Section 173 Agreement at his/her cost before submitting the responsible authority for approval. The owner/operator under this permit must pay the costs of execution and registration of the Section 173 Agreement.***
 7. ***The café must not seat more than eighteen (18) patrons at any one time except with the prior written approval of the responsible authority.***
 8. ***No Business Identification Signage can be erected, except in accordance with the provisions of Moorabool Planning Scheme unless with the written approval of the responsible authority.***
- VicRoads***
9. ***The crossover and associated works at the subject property must be to the satisfaction of the responsible authority.***
 10. ***All works must be at no cost to VicRoads.***
- Melbourne Water***
11. ***No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.***

Expiry**12. This permit will expire if one of the following circumstances applies:**

- (a) The development is not started within two years of the date of this permit;**
- (b) The development is not completed within four years of the date of this permit; and**
- (c) The use of the land for a Restaurant (Café / Juice Bar) in association with Agriculture stops for a continuous period of two years, or has stopped for two or more periods which together total two years in any period of three years.**

The responsible authority may only extend the periods referred to in Condition 12(a) and 12(b) if a request is made in writing before the permit expires, or within three months afterwards.

CARRIED.

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday 06 March 2013



11.3 COMMUNITY SERVICES

No reports for this meeting

11.4 INFRASTRUCTURE SERVICES

11.4.1 Post Consultation Report – Hogan Road Renumbering

Introduction

File No.: 37550PLA
Author: Keith Linard
General Manager: Phil Jeffrey

Background

At the Ordinary Meeting of Council on Wednesday 5 December 2012, Council considered a report in relation to the street numbering issues within Hogan Road, Ballan. At that meeting, the following was resolved:

Resolution:

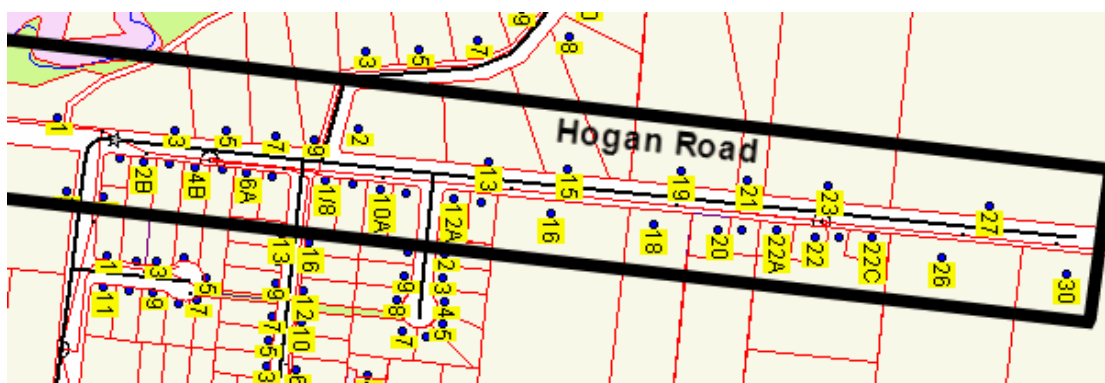
Crs. Comrie/Sullivan

That:

- 1. Council provisionally approves renumbering of 35 properties in Hogan Road.*
- 2. Council directs officers to undertake public consultation on the proposed renumbering as provided for under Section 223 of the Local Government Act 1989.*
- 3. A further report be presented to Council following the public consultation period.*

CARRIED.

Original street numbering in Hogan Road did not consider potential future subdivision. As a result, over the years an inconsistent variety of numbers has developed, which will be further exacerbated as future subdivision proposals emerge. In addition, there is the immediate problem of properties at the southern end of the road being unable to be allocated a street number as negative numbers are not able to be allocated.



At the Ordinary Meeting of 5 December 2012, Council provisionally approved renumbering of 35 properties in Hogan Road, subject to public consultation on the proposed renumbering as provided for under Section 223 of the Local Government Act 1989A. The proposed renumbering takes account of future subdivision possibilities.

On 6 December 2012 all affected property owners were advised by letter of the proposed renumbering. As at 20 February 2013 responses had been received from 10 residents. Of these, 3 are in opposition to the proposal and 7 are in support of the proposal.

Those opposed to the proposal raised concerns regarding the time and effort of advising authorities, friends and relations of the change in addressing.

Those supporting the change referred to the confusion caused by the current non-intuitive mix of numbers and letters (4A, 4B etc) and also raised concern regarding the impact on property valuation where potential buyers could mistake the property as a unit.

When a change is effected, Council notifies the following organisations and authorities to minimise problems for the householders affected.

Spatial Information Infrastructure	Southern Rural Water, Western Water, Central Highlands Water
Australia Post BM Delivery Centre	RACV (BM & Ballarat)
AddressPost Victoria	Telstra
Victoria Police	All gas, electricity utilities
Ambulance Victoria	Melway Publishing
Ambulance Stations	Pocket Books
CFA (BM, Ballan, Region 15)	Universal Publishers
SES (BM, Ballarat)	Ballarat Taxis
Australian Electoral Commission	Australian Bureau of Statistics

Residents will be required notify friends or relations and other relevant service providers.

Relevant Law

Under Schedule 10, Paragraph 5(c) of the Local Government Act, Council has power to approve, assign or change the name and/or number of a road, and require people to number their premises accordingly.

Proposal

Council approve the renumbering of Hogan Road in accordance with the Australian Standards.

Policy Implications

The 2009. 2013 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Good governance through effective systems and procedures
Strategy	Ensure policies and good governance are in accordance with legislative requirements and best practice

Financial Implications

Administrative costs associated with the recommendation within this report are able to be absorbed within the current budget.

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

Community consultation has occurred. All affected residents will be advised by letter of the decision following consideration at the Ordinary Meeting of Council.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Keith Linard

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

Conclusion

It is the officers' recommendation that taking into consideration the feedback received following the public consultation, the renumbering of 35 properties in Hogan Road should proceed to ensure consistent street numbering is achieved as well as take into account potential future residences.

Resolution:**Crs. Sullivan/Comrie**

That, in accordance with Australian Standard AS/NZS 4819 Rural and Urban Addressing, Council approves the renumbering of properties in Hogan Road, Ballan in order to remove existing anomalies and to provide for future residences.

CARRIED.**Report Authorisation****Authorised by:**

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday 6 March 2013

11.4.2 Petition Relating to the Condition of Barkstead Road, Barkstead

Introduction

File No.: 02/06/008
Author: Keith Linard
General Manager: Phil Jeffrey

Background

On Wednesday 6 February 2013, Council formally received a petition signed by 36 residents in relation to the condition of roads in the Barkstead area.

The petition maintained that:

- roads in and around the Barkstead village are damaged and poorly maintained
- the roads constitute a dangerous situation

The petition called on Council to make reasonable repairs to the roads.

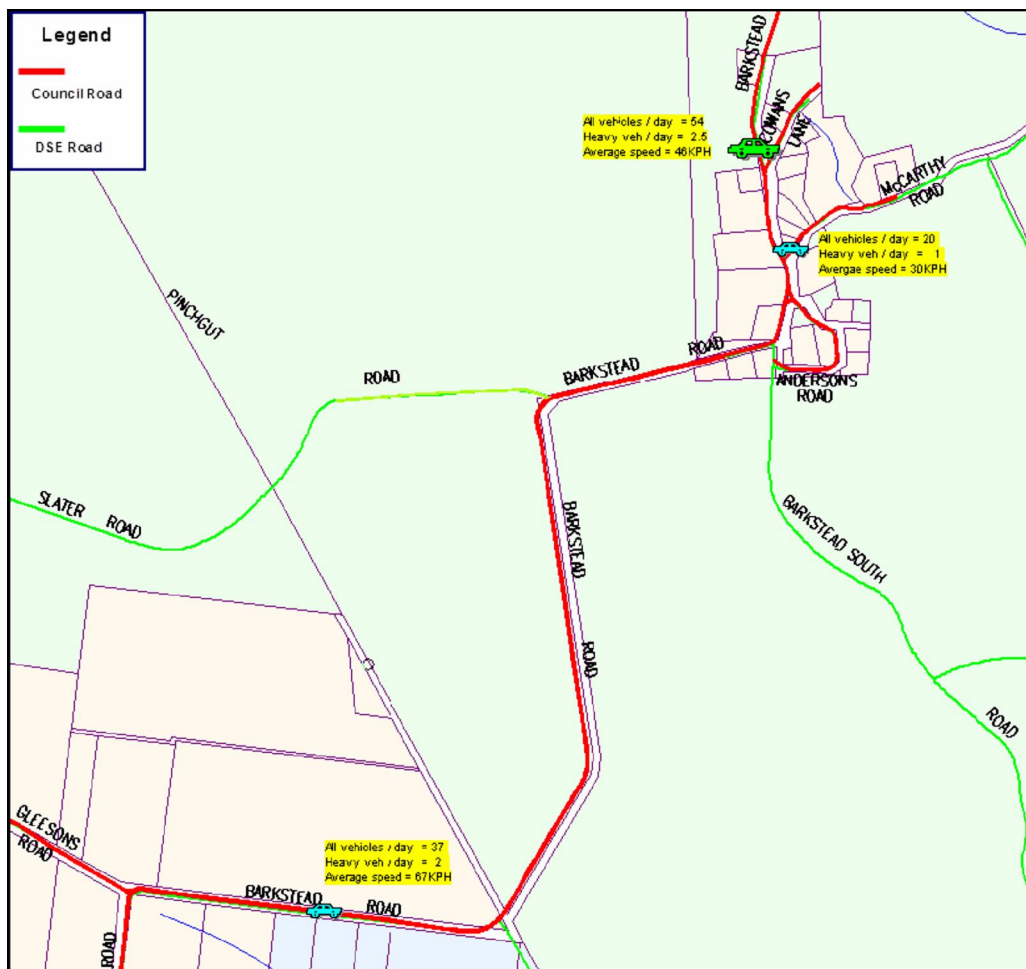
In addition, Council had received a number of telephone calls prior to the petition from a local resident concerning:

- significant increases in local traffic
- significant increases in heavy vehicle traffic, and
- excessive speeds on local roads.

Control of roads in and around Barkstead

The majority of the roads around Barkstead are forest roads, owned and maintained by the Department of Sustainability & Environment (DSE). Council has no authority or responsibility over these roads.

Council is the responsible road authority for Barkstead Road, Andersons Road, McCarthy Road, Cowans Lane, and the first 200 metres of Leonards Hill- Barkstead Road. The ownership of the roads is highlighted below.



Traffic volumes and speeds in and around Barkstead

Council has an extensive traffic count database on most roads across the Shire. The traffic data counts and classifies vehicle numbers and registers their speed.

The data from three traffic count locations in or near the Barkstead township is summarised in the table below. It shows that both total traffic and the number of heavy vehicles to and through Barkstead is very low and that 85%ile speeds (speed that 85% of vehicles travel at or below) are considered appropriate for the respective road environments.

Location	Daily Traffic (v/day)	Daily Truck Traffic (v/day)	85 th %ile Speed (kph)
Barkstead Road (20m north of Cowans Road)	54	3	57
Barkstead Road (east of Gleasons Road)	37	2	81
McCarthy Road (20m east of Barkstead Road)	20	1	35

Condition of the roads in and around Barkstead

The Council roads are inspected and maintained in accordance with the current Road Management Plan (primarily Access 1 roads with a three monthly inspection frequency) and were last inspected in August and November 2012, and January 2013.

In addition, roads in and around Barkstead were audited for pavement condition and roughness in April/May 2012. This found that the gravel roads south of the township were in good condition and significantly better than many other gravel roads in the Shire. The audit identified relatively minor cracking or deformation of the sealed pavement in the Barkstead township.

Roads to the north of the township suffered some flood damage in 2010 and have recently had restoration works completed.

Impact of logging traffic in and around Barkstead

There are localised short term increases in heavy vehicle volumes when logging of nearby coupes occurs.

Logging has occurred in the area in 2007, 2009/10 and in 2012. When logging is scheduled, Council audits the road condition before and after logging to ensure logging companies repair any damage caused.

In mid 2012, logging traffic used the southern portion of Barkstead Road, near Gleasons Road, and proceeded down Ormond Road to the freeway. The company involved undertook rehabilitation works once the logging was completed, as during the course of the logging there was some deterioration of the road surfaces.

Safety of the roads in and around Barkstead

There has only been one recorded casualty accident in the locality in the past 25 years. This occurred in 2011 when a vehicle ran off Barkstead Road on a straight section near Pinchgut Road (1.7km from Barkstead). The condition of the road was not considered to be a factor in the accident.

The roads in and around Barkstead are not considered to be less safe than the vast majority of roads in the Shire.

Maintenance and Capital Works in and around Barkstead

Below is a summary of recent and scheduled road works in and around Barkstead.

Recent Works	
Maintenance	
Barkstead Road	Patching to the bitumen section (January 13)
Barkstead Road	Tree trimming works (January 13)
Barkstead Road	Replacement of guideposts (December 12)
Barkstead Road	Repairs to cracking (November 12)
Barkstead Road	Maintenance grading (September 12)
Barkstead Road	Maintenance grading . north section (July 12)
Barkstead Road	Maintenance grading . south section (October 12)
Flood Recovery Program	
Gleasons Road	Gravel Road Resheet, 0.00km . 1.10km (April 12)
Andersons Road	Gravel Road Resheet, 0.08km . 0.28km (March 12)
McCarthys Road	Gravel Road Resheet, 0.00km . 1.35km (May 12)
Brickhouse Road	Gravel Road Resheet, 0.70km . 1.27km (April 12)
2012/13 Capital Improvement Program	
Barkstead Road	Gravel Road Resheet, north section to boundary (February 13)
Scheduled Works	
Cyclic Maintenance Grading	
All Roads (as required)	March . June 2013 (subject to conditions)
2012/13 Capital Improvement Program	
Barkstead Road	Reseal (north of Ormond Road intersection) . scheduled March 13
Barkstead Road	Reseal (from west end of Barkstead) . pending completion of shoulder works, to be completed 13/14
Flood Recovery Program	
Barkstead Road	Shoulder widening and drainage improvements . April/May 13
2013/14 Draft Capital Improvement Program	
Barkstead Road	Extend seal on west side to speed limit signs (subject to funding)

Proposal

Recent maintenance and flood rehabilitation works, together with scheduled road works, are considered appropriate to address deficiencies in road condition and no additional works are warranted.

Policy Implications

The 2009. 2013 Council Plan provides as follows:

Key Result Area	Enhanced Natural and Built Environment
Objective	Long term asset management
Strategy	Maintain a long term Capital Improvement Program

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

Financial Implications

There are no financial considerations in relation to the recommendation within this report.

Risk & Occupational Health & Safety Issues

There are no risk or OH&S considerations in relation to the recommendation within this report.

Communications and Consultation Strategy

The convener of the petition is advised of the timeframes in which the petition will be responded to by way of an Officer's report. Following the report being considered, the convener will be informed of the Council's decision and requested to communicate the outcome to other petition signatories.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager . Phil Jeffrey

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

Author . Keith Linard

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

Conclusion

Recent maintenance and flood rehabilitation works, together with scheduled road works, will address identified road deficiencies. Any other defects are not outside intervention levels within Council's current Road Management Plan and no additional works are considered necessary.

Consideration of Deputation

Mr. Michael Coll addressed Council in relation to the Petition relating to the condition of Barkstead Road, Barkstead.

The business of the meeting then returned to the agenda.

Recommendation:

That Council acknowledges the concerns of the petitioners regarding Barkstead Roads and notes that the extensive maintenance and rehabilitation works recently completed or scheduled address any road deficiencies.

Resolution:

Crs. Sullivan/Spain

That Council:

- 1. acknowledges the concerns of the petitioners regarding Barkstead Roads and notes that the extensive maintenance and rehabilitation works recently completed or scheduled address any road deficiencies.*
- 2. write to the DSE in relation to the state of their roads in the Barkstead area and request that they bring them up to the standard of other roads in the area.*

CARRIED.

Report Authorisation

Authorised by:



Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday 6 March 2013

11.4.3 Bacchus Marsh Freeway Interchange Options – Anthony’s Cutting Realignment Project

Introduction

File No.: 2130 (1)
Author: Phil Jeffrey
Chief Executive Officer: Rob Croxford

Background

A report was tabled at the Ordinary Meeting of Council on 20 February 2013 in relation to Bacchus Marsh Freeway Interchange Options and the item was deferred. A summary of the minutes of the Ordinary Meeting of Council on 20 February 2013 is attached to this report and the report with some minor amendments is again presented for consideration.

The original Western Freeway Anthony’s Cutting Realignment project included an allocation of approximately \$38 million for the construction of an extension of Woolpack Road to the Western Freeway. This proposed link was to provide a stage one north south bypass of the town and improve transport efficiency, road safety and traffic management whilst considering planning, amenity and environmental issues.

The previous Council’s objectives in relation to a new freeway connection as part of the overall project were to:

- a. Get truck traffic off the main streets of Bacchus Marsh
- b. Provide a north south by pass of Bacchus Marsh
- c. Improve the safety of the Woolpack Road / Avenue of Honour intersection
- d. Assist in preserving the longevity of the Avenue of Honour trees by removing trucks from the Avenue of Honour.

The proposed works impacted on the heritage listed Bacchus Marsh Avenue of Honour by requiring the relocation of commemorative elms and a permit for their removal and replanting was lodged with Heritage Victoria by VicRoads with support from Council in October 2010.

The permit application was rejected on 20 December 2010, citing the following:

- The works will have an adverse impact on the aesthetic significance of the Avenue of Honour.
- The removal of nine (9) commemorative elm trees will have an adverse impact on the historical significance of the Avenue of Honour.

Subsequently an appeal was lodged by Council (as a partner to the appeal) to the Heritage Council on 28 January 2011 and by VicRoads on 4 February 2011. During this process, the design was reviewed and the number of trees

impacted was revised down to five. The Minister for Planning called the project in to review the Heritage Victoria decision. In considering the appeal, the Minister directed Heritage Victoria to hold a hearing on 3 June 2011 to consider submissions on the issue from key stakeholders, and provide a report back to the Minister for consideration.

It is important to note that the Heritage Council in its review of the Executive Directors decision resolved 2 to 1 to issue a permit for the tree removal and works. Following and contrary to the Heritage Council decision, the Minister for Planning announced on 26 January 2012, his decision to not allow the Woolpack Road extension to proceed.

Since the decision, VicRoads has been faced with the task of finding an alternative solution that satisfies the original funding criteria and does not impact on the Avenue of Honour. To help inform a report back to State Government, a community consultation process and further investigation ensued.

On 23 April 2012 the Minister for Roads made available a media release and map that articulated possibilities for further investigation. Given the constraints that have been placed on the project, it was no surprise that the available options included an eastern interchange known as 1A or 1B coupled with a possible southern connection to Woolpack Road with a further possibility of Melbourne bound freeway ramps at Halletts Way. Council officers have been adamant that any Halletts Way option requires pedestrian facilities to be included over the bridge for safety.

Prior to the Minister for Roads media release, Council officers put forward a number of alternative options for consideration the first being options for a southern connection from an eastern interchange to Geelong Bacchus Marsh Road. The other significant option was a possible alignment along Vallence Road / Pearce Street connecting to the freeway. This would have necessitated the removal of older non dedicated elms and some house demolition. However due to possible demolition, this was not pursued further by the State Government but the Southern Alignment Corridor was included in the 23 April media release.

The media release also stated that a commitment was given to work with Council to explore all options for an alternative entry to Bacchus Marsh that was consistent with the current needs and future development of Bacchus Marsh. Disappointingly, very limited information has been made available to Council officers during the process other than a few meetings with VicRoads officers.

Following numerous requests, Council had not been given access to the options report, associated attachments, cost estimates and detail drawings that have been produced as part of the consultation process. This was critical to enable Council to make an informed judgement on any proposal put forward.

In addition to the above and as a result of a lack of information or consultation, an urgent report was tabled at the Ordinary Meeting of Council on 19 September 2012 and the following was resolved:

Resolution

That Council:

1. *Calls on the Premier of Victoria to intervene in the process to find an alternative to the Woolpack Road / Avenue of Honour solution as a matter of urgency in order to:*
 - a. *Get truck traffic off the main streets of Bacchus Marsh*
 - b. *Provide a north south by pass of Bacchus Marsh*
 - c. *Improve the safety of the Woolpack Road / Avenue of Honour intersection*
 - d. *Assist in preserving the longevity of the Avenue of Honour trees by removing trucks from the Avenue of Honour.*
2. *Calls on the Premier to formally consider the "Memorial Mile" concept of establishing a second Avenue of Honour to commemorative soldiers that have served in conflicts post WW1.*
3. *Calls on the Premier to retain funding made available for the original project.*
4. *Calls on the Premier to review and overturn his Government's decision in relation to Woolpack Road / Avenue of honour Roundabout.*
5. *Calls on the Premier to commit in the delivery of any solution to the provision of a half diamond interchange at Halletts Way including the upgrade of the bridge to include pedestrian/cycle facilities.*

CARRIED.

The only official response to this resolution has been that the request was passed to the Minister for Transport to consider however the Minister for Roads office has verbally advised that the return to a Woolpack Road scenario is not an option.

In mid December 2012, there were discussions with VicRoads officers in relation to a potential outcome for the project and a meeting was held on 12 December to outline plans for a proposed eastern interchange. This meeting was followed by an urgent Assembly of Council that evening. Part of the discussion with VicRoads was framed around negotiating additional works for the benefit of the community as part of any works package put forward.

The Victorian Government then provided Council with formal advice detailing a package of works on 17 December and sought Council endorsement of the proposal on 19 December ahead of an announcement by the Minister for Transport in the coming days. An unreasonable timeframe to analyse and prepare a report.

The package of works that was put before Council was to fund an upgraded eastern interchange as a modification to the previously known option 1A along with Melbourne bound ramps at Halletts Way. Council was supplied concept drawings of each proposal. Below is the rationale and associated information supplied on 17 December. No other information was made available even though the BMFL Options Assessment Report was in existence that had been repeatedly requested for many months.

Rationale for selecting this package of works

VicRoads met with hundreds of members of the local community and key stakeholders during May 2012 to obtain feedback on possible options for improved access to Bacchus Marsh from the Western Freeway. This extensive consultation period closed on 8 June 2012.

VicRoads then undertook a comprehensive assessment of alternative options against a set of criteria, including long term planning needs for the future development of Bacchus Marsh, transport efficiency, road safety and environmental considerations.

All options developed were technically superior to the existing eastern interchange and all required the removal of river red gums and 1980s elm trees to differing degrees. There was a wide variance in the estimated eastern interchange costs.

This recommended package includes upgrading the eastern interchange and building east facing ramps at Halletts Way. This will give Bacchus Marsh three safe and direct access points on and off the freeway, assist with the town's current transport needs and create the backbone for future road improvements. It will provide transport efficiency and road safety improvements within a constrained physical environment and fits within the allocated budget restraints. This package of works will also assist to reduce congestion already experienced at the Bacchus Marsh – Gisborne Road interchange by a third in the morning peak.

Other options considered but not recommended include:

- Option 1 (a) included four new ramps providing all movements between the Western Freeway and Bacchus Marsh Road. This option did not perform well in terms of transport efficiency. Also the footprint required would have significantly impacted on the heritage precinct.*
- Option 1 (a) – Alt 2 was a variation on Option 1 (a) however the design of the roundabout had a significant impact on Moon Reserve and would have required more trees to be removed. Also, the cost of building this option would have precluded improving Halletts Way as well.*

- *Option 1 (b) performed well from a technical perspective however due to cost it would not have allowed for improvements at Halletts Way.*
- *Option 1 (b) – Alt 1 performed well from a technical perspective however due to cost it would not have allowed for improvements at Halletts Way.*
- *South Eastern Alignment Corridor with Option 1(a) was not possible within the budget allocated and would have had major impacts to businesses in the area. There is also a significant amount of agricultural land that would be required for this option.*

Information on the recommended package of works

Eastern Interchange

VicRoads will build a new interchange on the eastern side of the town with four new ramps providing direct access to Melbourne and Ballarat (the latter is currently not possible). This design is an amended version of what was known to the community in the consultation period as Option 1a and takes community feedback on board. It will require the removal of up to 23 river red gums, however, it has been designed to minimise impact on the very large old trees. Up to two very large old trees and two large old trees will be removed. Three of these trees are on the north side of the freeway and one on the river.

This interchange arrangement has also been designed with a minimal footprint to reduce impact on agricultural land.

Moon Reserve

Improved amenity including public toilets will be provided at Moon Reserve to accommodate for increased usage by both the local community and the travelling public.

VicRoads will salvage the timber from the river red gums that will be removed to construct the eastern interchange, and work with the Bacchus Marsh community, including the RSL and the local Wurundjeri People to ensure the timber is used to deliver community assets.

Seed will be harvested from the river red gums in the area to ensure consistency of species is used to replace the river red gums.

1980s elm trees

To continue to form an entrance to the Avenue of Honour, the 1980s elm trees being removed will be replaced, with advice from Council on the species.

Pedestrian and cyclist crossing to access the heritage precinct

VicRoads is investigating a crossing of the Lerderderg River and Western Freeway for pedestrians and cyclists who access the heritage

precinct to the north of the Western Freeway. VicRoads will particularly consider any solution that is able to be implemented using the existing infrastructure. However, should existing infrastructure not provide a safe and cost effective solution, these works may be considered under future funding programs.

Flanagans Drive

A strategic planning analysis of the Merrimu area is required for land use, infrastructure and transport network perspectives. In the absence of a clear strategic plan for the Merrimu area, it is not appropriate for VicRoads to include detailed planning for the realignment of Flanagans Drive as part of this package of works.

However, the Bacchus Marsh Transport Study (jointly funded with VicRoads) will help to define the future transport demands and infrastructure needs for the Bacchus Marsh area. VicRoads will work closely with the Moorabool Shire Council on using this study to ensure the best possible future planning considerations for the area.

Road safety works in the Avenue of Honour

Truck detection and warning system

To improve safety for traffic at the intersection of Woolpack Road and Bacchus Marsh Road, a truck detection and warning system will be installed.

The system is likely to include a camera on Bacchus Marsh Road and electronic warning signs on Woolpack Road.

The advanced warning sign will improve safety by alerting motorists on Woolpack Road approaching Bacchus Marsh Road that a truck is turning from Bacchus Marsh Road into Woolpack Road and they should take extra care and make allowance for it.

Localised enhancements

Localised enhancements including line marking and improving the road surface will be completed on Woolpack Road near the intersection of Woolpack Road and Bacchus Marsh Road. VicRoads will also consider options to correct the camber of the road at one key location to improve safety of truck operations.

Council has advised that improvements to Woolpack Road such as bridge strengthening could cost in the order of several million. These works will also be considered under future funding programs should Woolpack Road become an arterial road.

The Bacchus Marsh Transport Study (jointly funded with VicRoads) will help to define the future transport demands and infrastructure needs for the Bacchus Marsh area.

Speed limit review

The speed limit along Bacchus Marsh Road will be reviewed, to potentially decrease the speed limit from Woolpack Road to approximately Crook Street to 50km/hr. This will improve road safety and encourage heavy vehicles to use Woolpack Road, Bacchus Marsh Road and the new eastern interchange instead of travelling through the Bacchus Marsh town centre.

Halletts Way

The works include east facing ramps at Halletts Way which will provide access to and from Melbourne. In addition, a dedicated path for cyclists and pedestrians will be provided over the Western Freeway.

Truck Strategy

Traffic studies show four in five trucks have local business in town, such as making deliveries, transporting fresh produce and quarry products, including sand and construction products.

Trucks with business in Bacchus Marsh should not be banned from the centre of town. But 'through' trucks need to be encouraged to use other routes. A decrease of the speed limit along Bacchus Marsh Road would assist (from approximately Crook Street to Woolpack Road).

Essentially the proposed works package listed above only committed to an eastern interchange upgrade, Halletts Way ramps, Moon Reserve works, and electronic signage at Woolpack Road. The remaining works were for consideration only and therefore unlikely to be funded.

Following receipt of the above advice, a late report was tabled and considered at the Ordinary Meeting of Council on 19 December 2012 in relation to Freeway Interchange Options for Bacchus Marsh and the following was resolved.

Resolution

That Council:

1. *Receives the information supplied by the State Government on 17 December 2012 but defers a decision on the matter because it is dissatisfied with the process to date, insufficient information and time provided for Council and the community to consider and make an informed judgement.*
2. *Requests that the Options Assessment Report and associated attachments prepared as part of the community consultation process post the Woolpack Road decision be released to Council followed by a detailed briefing from VicRoads so an informed decision can be made.*

CARRIED.

The project is funded through a mix of federal and state funds. The Victorian Government provided a copy of their preferred option to the Federal Minister. His office in turn provided the proposal to the local member seeking her views. The local member is now seeking Council's view on the merit or otherwise of the proposal.

Subsequent to the 19 December resolution, the full BMFL Options Assessment Report was supplied to Council on 15 January followed by a briefing by VicRoads at an Assembly on 30 January and this report considers the proposed options using the information that has been made available.

On the day of the 20 February 2013 Ordinary Meeting of Council, Vicroads put forward additional works as an inclusion to the package of works being offered. It committed to southern intersection and pavement and safety improvement works on Woolpack Road. These works are valued at approximately \$3M to \$4M and would be accommodated through savings in the overall \$38M budget. No bridge works were included in this. Vicroads also committed to taking over responsibility of Woolpack Road. The upgrade to a Type C Arterial standard including bridge widening and strengthening would cost in the order of \$11M to \$12M however there is no commitment to fund this at this time. Therefore, although the proposed package of works has altered to include additional works, there is no change to the \$38M budget. Vicroads advice is included as an Attachment to the report.

Proposal

Council officers have reviewed the Bacchus Marsh Freeway Link (BMFL) Options Assessment Report that has been provided. The report contains much more detailed information in regard to the options available, their impact and ranking and it is still unclear why this report was previously being withheld. Nevertheless, general commentary is provided below regarding its content.

Options Considered

There are five options that were investigated for an eastern interchange for Bacchus Marsh and a further option was added being Melbourne bound ramps at Halletts Way. All eastern interchange options require the construction of a climbing lane from the eastern interchange to Hopetoun Park Road adding significant cost. Also, the South Eastern Alignment Corridor that was included in the Minister for Roads media release on 23 April 2012 was discounted following community consultation due to the perceived adverse impacts and cost. Although this doesn't preclude it being constructed in the future, it will be extremely difficult to plan and fund such a project.

Since receipt of the Options Report, more detailed drawings have been requested and received from VicRoads of each proposal. A brief summary of each option is outlined below.

Options	Description
Option 1(a)	Four new ramps providing all movements between the Western Freeway and Bacchus Marsh Road. The ramp alignments utilise the PAO boundary established in the 1990s for the Anthony Cutting realignment of the Western Highway. The ramp terminals on Bacchus Marsh Road are located south of Lerderderg River (Ballarat bound ramps) and east of Hopetoun Cemetery (Melbourne bound ramps). Both ramp terminals are T intersections.
Option 1(a) – Alt 1	Variation on Option 1(a). Melbourne bound ramps terminal moved to west side of Hopetoun Cemetery and ramps realigned. Ramp terminal intersection changed to a roundabout. Ballarat bound ramps and terminal the same as Option 1(a).
Option 1(a) – Alt 2	Variation on Option 1(a). Ballarat bound ramps terminal changed to a roundabout. Ballarat bound entry ramp moved to the west side of Bacchus Marsh Road and exit ramp alignment modified. Melbourne bound ramps and terminal the same as Option 1(a)-alt 1.
Option 1(b)	New diamond interchange west of existing Bacchus Marsh Road freeway overpass with four new ramps providing all movements between Western Freeway and Bacchus Marsh Road. Bacchus Marsh Road realigned east of Avenue of Honour 1918 trees to new interchange. Bacchus Marsh Road freeway overpass retained to connect old Western Highway alignment to the realigned Bacchus Marsh Road via a new T intersection south of Lerderderg River.
Option 1(b) – Alt 1	New diamond interchange adjacent to and west of existing Bacchus Marsh Road freeway overpass with four new ramps providing all movements between Western Freeway and Bacchus Marsh Road. All ramps located north of Lerderderg River. Existing Bacchus Marsh freeway overpass bridge becomes redundant. Existing Lerderderg River bridge retained for property access.
Halletts Way	New east facing ramps provided at Halletts Way. Existing freeway overpass bridge retained. New pedestrian bridge and access path included to remove pedestrians from existing narrow overpass bridge.

A further table summarising key information contained in the BMFL report for each option is also presented below.

Options	Cost	Freeway Entry Speed	Raw Score	Weighted Score	Avenue Trees	River Red Gums
Options 1(a)	\$26.4M	55km/hr	27.47	N/A	12	23
Option 1(a) – Alt 1	\$28.6M	77km/hr	29.10	42.52	12	23
Option 1(a) – Alt 2	\$30.2M	77km/hr	26.82	N/A	12 (Est)	26
Option 1(b)	\$32.5M	87km/hr	30.70	45.24	17	12
Option 1(b) – Alt 1	\$36.9M	83km/hr	32.93	48.12	8	20
Halletts Way	\$9.7M	N/A	38.15	N/A	N/A	N/A

Scoring Methodology

A comprehensive Objective Based Evaluation Methodology (OBEM) was used to appraise the options and makes up a large portion of the report. The methodology is consistent with the original WHACR Options Assessment Report that was used to recommend Woolpack Road and the logic of using the same methodology is sound. The main criteria used in the OBEM were:

- Transport Efficiency
- Road Safety
- Land Use Planning
- Social Impact
- European Cultural Heritage
- Flora & Fauna
- Aboriginal Cultural Heritage

Officers have reviewed the scoring convention and allocated score for each criteria and option and have no major issues with what has been documented. The use of higher weightings for Transport Efficiency and Road Safety is supported.

The only potential contrary view was associated with Lt. R.V. Moon VC Reserve (Moon Reserve) and the social impact score when this was affected by works. Although there is likely to be community angst if affected, the development of the reserve itself is recent and was officially named in 2007. If Moon Reserve was re-established or relocated, the social impact score could possibly be amended if the reserve was not lost.

Traffic Study

The traffic study contained in Appendix D of the report that VicRoads has not released publicly is a key piece of information and is likely to be heavily scrutinised if/when made public. The study was peer reviewed by GHD and some findings were made by them in a memo attached to the report.

Generally the report contains valuable information incorporating various traffic surveys that were used in a staged approach. The traffic survey utilised a methodology incorporating automated traffic counts, turning movement counts at key intersections, origin-destination survey incorporating the main town entry/exit points and recording of journey times during peak periods. The data collection was interrupted by vandalism although the traffic company has advised that the integrity of the data has not been compromised.

Officers have met with AECOM and VicRoads to flesh out identified concerns in the study and to gain a better understanding of assumptions made. As a result, VicRoads and AECOM have committed to further work on components of the report that may alter some of the results. Ultimately though, we have taken the view that it is a VicRoads report and any flaws that are identified will be revisited as part of the Transport Study that will be undertaken for Bacchus Marsh post a decision for this project. To date, no feedback relating to our concerns has been received.

The biggest concern with the report is the recommendation that the inclusion of Halletts Way ramps is not required as part of a traffic solution for Bacchus Marsh using projections to 2022. This recommendation is concerning and will most likely change if/when the concerns of officers that are outlined below are addressed. The main issues raised with VicRoads and AECOM are as follows:

1. Origin-destination data . the study looked to establish how much traffic in Bacchus Marsh is through traffic and how much is local by collection of data utilising a zone around the main entry and exit points to the town. The main concern with the origin destination data and the determination of through traffic is the limitation of 13 minutes being placed on truck entering and exiting the established zone. This means any vehicles that took longer than this time has not been counted as through traffic. Although journey time data was collected to support this assumption, officers feel that this limitation is too strict and doesn't allow for slight delays such as rail crossing closures and intersection congestion. We believe that a 20 minute limit would be more appropriate and would not inadvertently count any vehicles that stop in town. AECOM have subsequently agreed to amend this criterion but we have yet to receive revised data and what impact this has had on the results.
2. Through traffic . the study states that approximately 80% of traffic movements are ~~local~~ based on the origin-destination boundary that was established. The increase in the 13 minute limitation discussed above may adjust these results slightly however this 80% figure is based on all entry and exit points for the town. When the Grant Street / Gisborne Road link is investigated further, the percentage of local vehicles for the AM peak is almost 60% and for heavy vehicles in isolation is up to approximately 55%. If heavy vehicles were split further between rigid and articulated vehicles, this number may be higher again. AECOM are investigating this further. This is an important factor given one of the objectives of the project has been the creation of an alternative north-south route. The boundary also excludes traffic from the quarries to the north entering the freeway or traffic from Maddingley Brown Coal being ~~through~~ traffic because of the boundary that was

established. Council counted these movements as through traffic in its presentation to the heritage permit appeal.

3. Growth factor . for 2022 traffic projections a growth factor of 15% in total number was applied. This was based on a VicRoads Pro-Forma for road safety programs. Whilst 15% may be appropriate for the municipality, it is considered that this is too low for Bacchus Marsh. Using a residential growth rate of approximately 2.5% per year which is consistent with current growth levels would equate to a 25% to 30% rise in existing traffic levels in 2022. It is acknowledged that this is purely an estimate but it demonstrates that the growth rate used is too low and thus the future numbers used for intersection analysis paints a picture that is better than is likely to be the case. In addition, these growth numbers haven't seen the impact of West Maddingley yet. Although a full modelling exercise for the town is beyond the scope of the study and will be picked up as part of the upcoming transport study, it is considered that the growth factor used should be revisited. To date no revised data

has been received but it is likely that this will significantly impact on the results of the study particularly the intersection analysis.

4. Intersection analysis . SIDRA software was used to analyse the intersections. This is a commonly used tool to evaluate the performance of intersections. The traffic data and turning movement surveys were used for the analysis which is supported however the standard software inputs were used for the analysis with no validation or calibration of queue lengths or other flows that exist on site. This immediately brings into question the documented results indicating that nearly all intersections are operating at good or very good conditions. It is hard to accept this as a valid result particularly for the Main Street / Grant Street roundabout and the Gisborne Road / Western Freeway signals. There are two further factors at play being that the results would be based on metropolitan Melbourne standards that is unlikely to be acceptable for a town like Bacchus Marsh. The second is the coding used for the level of acceptability is too high. It is recommended that the SIDRA analysis be revisited using calibration and revised traffic projections. This is likely to alter the stated results.
5. Terminology . officers have requested that AECOM clarify some of the terminology used in the report in particular queue length and delay. Documenting average delays of 13 seconds and queue length of 51m for Main Street / Grant Street intersection for example immediately questions the results when queue lengths of 200m to 300m and significantly longer delays are commonly experienced. A definition of queue length versus line of traffic is required.
6. Heavy vehicles . a further breakdown of heavy vehicles was requested and subsequently received. The purpose of this was to separate out rigid heavy vehicles (including buses) and articulated vehicles.

Addressing the concerns that have been raised is likely to significantly impact on some of the outcomes of the study and is likely to elevate the importance of Halletts Way as part of an overall traffic solution. Ultimately, VicRoads should prepare responses to some of the concerns and if they are not addressed immediately, Council will ensure they are considered as part of the upcoming transport study that will be undertaken post a decision being made for interchange options.

North-South Connection

None of the options provide a north-south transport solution for Bacchus Marsh and this could only ever be achieved via a future southern connection from an eastern interchange to Geelong Road within the South Eastern Alignment Corridor or another more expensive alignment. A future north connection is likely to be limited to Flanagans Road however there are opportunities to deviate from this alignment several hundred metres from Western Freeway to Bences Road to avoid existing residences but needs to be investigated further.

It is important to recognise that Woolpack Road option provided the southern connection but relied on a future north connection that has never been properly investigated, costed or planned.

With the past decision regarding relocation of trees in the Avenue of Honour basically ruling out any road options crossing its length and the unwillingness to investigate options that would require house demolition, this means that a true north-south alternate route could only effectively be via an eastern interchange in the future. There are other convoluted routes that traffic could take in the interim but the only real route remains Grant Street / Gisborne Road.

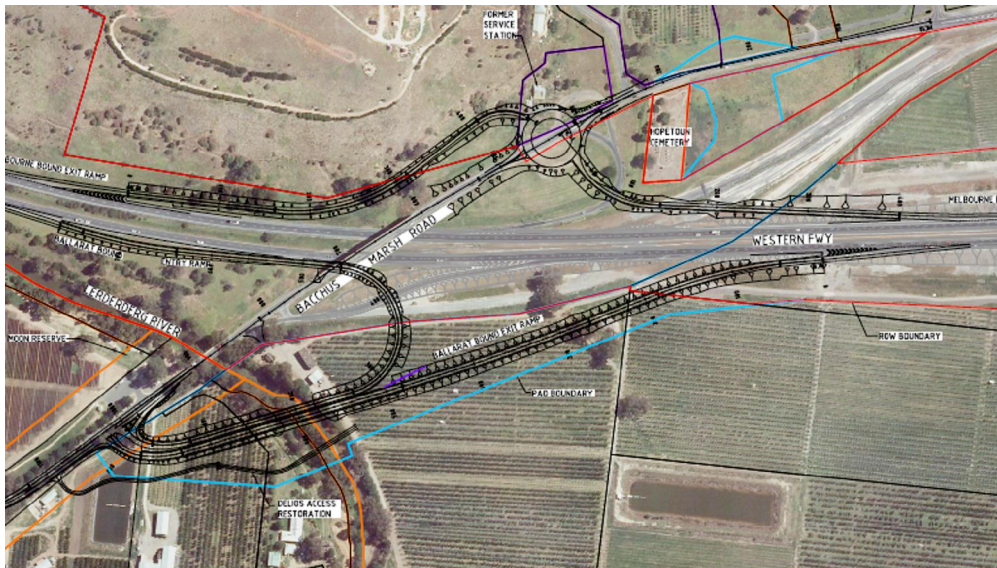
Planning Process

Regardless of the option funded, a planning process is required before works can commence on site. The time required for this needs to be factored in and VicRoads currently proposes to use a 20 (4) planning process. Effectively, this process requests Council to approve handing planning responsibility to the Minister for a decision. There is an extensive engagement process required to undertake this method and is used to expedite approvals however it takes away the right of appeal once a decision is made. This process could take up to 6 months to complete.

The alternate option is Council retaining planning authority and this would extend the approvals process by a year or more with the risk of a repeated Woolpack Road result at the end. For this reason and because of complexities around cultural heritage approvals, native flora and fauna impacts, protected river red gum removal, land acquisition and newer avenue elm impacts, it is the view of officers that planning authority would be best handled by the Minister for Planning.

Alternatively the Minister could be requested to call the matter in and require that a full panel hearing be undertaken as part of the process.

Discussion on Options - Option 1(a) . Alt 1



The eastern interchange included in the package of works put forward is an alteration of the interchange known as option 1A. It includes both Melbourne and Ballarat bound freeway ramps and retains use of the existing freeway bridge. Although the proposed interchange would significantly improve the safety of the existing layout, it is unlikely to attract the use of transport operators due to the unconventional layout and the need for a climbing lane for Melbourne bound trucks. It still doesn't address the significant safety concerns that exist at both ends of Woolpack Road.

The works also require the removal of up approximately 12 elm trees that form an extension to the 1918 plantings. These trees were planted in the 1980s and are a different species to the original avenue but still form part of the overall avenue nonetheless. No definitive strategy or plan has been proposed for their replacement other than commitment to their replacement albeit they would need to be on a different alignment.

In addition, and equally contentious, is the removal of 23 river red gums. Four of these trees are large to very large and could be 200 to 600 years old. To compensate their removal over and above any offsets required as part of native vegetation removal, the works package suggests collection of seed from existing trees and use of the timber from the trees for construction of park furniture and amenities facilities in Moon Reserve. This would be following consultation with the community.

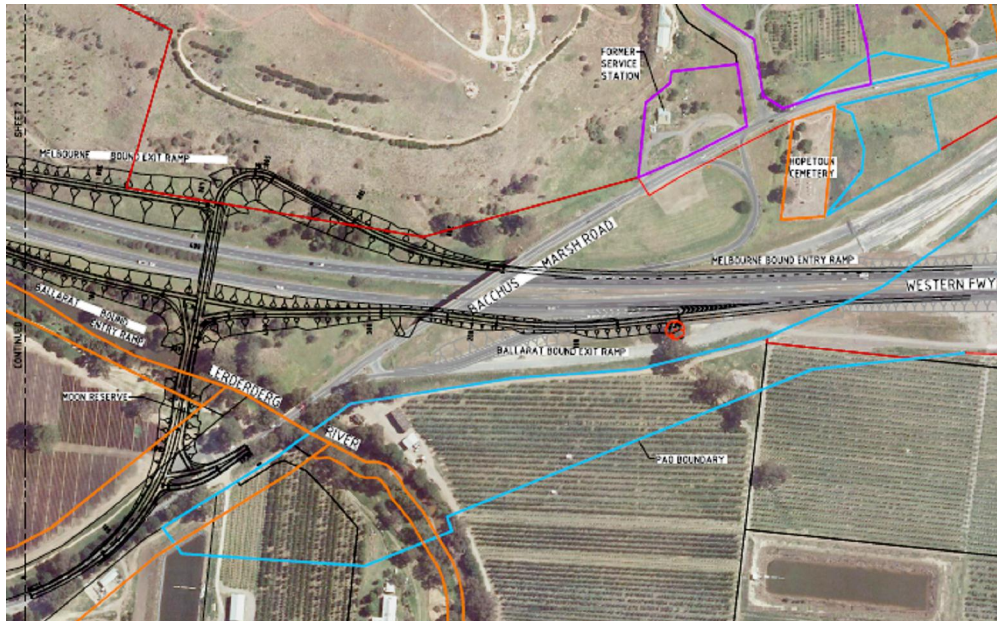
The proposal also provides for a new roundabout on the north side of the freeway. As for all options, the Melbourne bound entry ramp from this roundabout will require construction of a climbing lane for safe entry of heavy vehicles to the freeway. The climbing lane would extend from the eastern interchange to beyond Hopetoun Park Road adding a cost of \$2.5 - \$3.0 million to all options.

To the south of the freeway, the intersections with Bacchus Marsh Road will be controlled using signage only with a right turn lane included for Ballarat bound vehicles that need to cross Bacchus Marsh Road due to the unconventional layout.

that is not within the existing Public Acquisition Overlay as well as planning approval for cultural heritage, flora and fauna removal, river red gum and elm tree impacts.

Option 1(a) . Alt 2 has not been put forward as part of the package of works however from a purist sense offers a better solution than 1(a) . Alt 1 with a more intuitive design and better road safety and transport impacts. The down side is the impact on Moon Reserve and the removal of up to 26 river red gums.

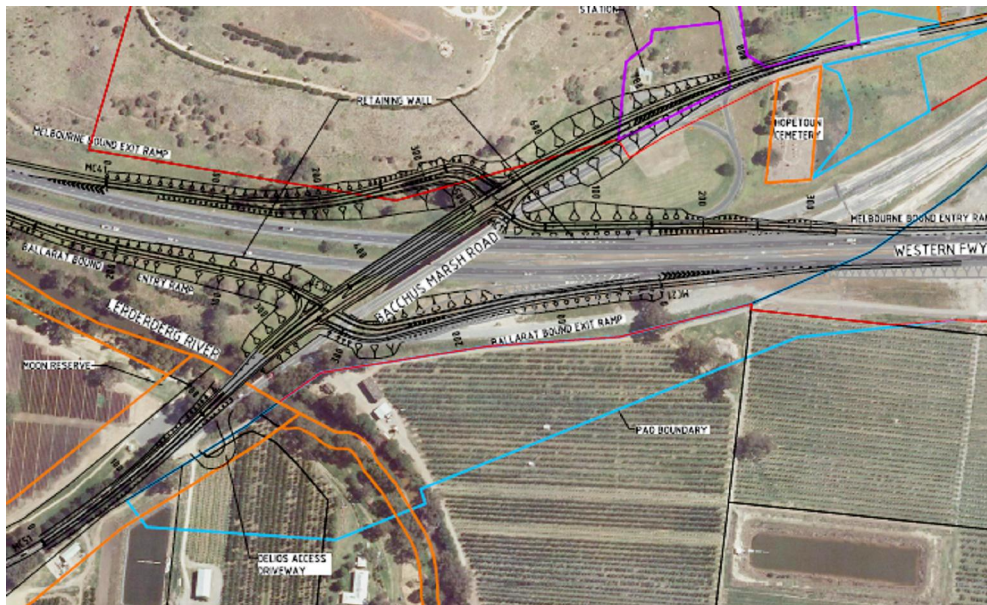
Discussion on Options - Option 1(b)



This option involves construction of a new diamond interchange west of existing Bacchus Marsh Road freeway overpass with four new ramps providing all movements between Western Freeway and Bacchus Marsh Road. Bacchus Marsh Road would be realigned east of the Avenue of Honour 1918 trees to the new interchange. The existing Bacchus Marsh Road freeway overpass would be retained to connect old Western Highway alignment to the realigned Bacchus Marsh Road via a new T intersection south of Lerderderg River.

Although this option scored well and transport links to the freeway are an improved feature of this option, a northern connection would be almost impossible given the topography immediately to the north thus ruling out a future town bypass. Therefore this option is not being supported by officers.

Discussion on Options - Option 1(b) . Alt 1



The highest ranked option in the report for both raw and weighted scores was Option 1(b) . Alt 1. It is the view of officers that this is the best eastern interchange option available particularly for transport and road safety. It also would allow construction of pedestrian facilities and flexibility for a future north connection. However due to the cost, it would preclude works at Halletts Way.

It has the same issues as the other options in terms of flora and fauna removal, cultural heritage impacts, river red gums and avenue trees albeit to a slightly lesser extent. The other downfall is that the existing bridge becomes redundant and therefore removed.

Halletts Way Ramps

The pleasing aspect of the proposed package of works is the funding of Melbourne bound Freeway ramps at Halletts Way. This has always been a high priority project for Council and was included in the recently completed Regional Transport Plan. Although essentially a local access point rather than transport related, this major piece of infrastructure will help cater for the continued residential growth of the town and the associated increase in traffic especially given the majority of the growth will continue on the west side of the town.

Another pleasing aspect is the inclusion of a pedestrian/cycle bridge on the west side of Halletts Way over the freeway. This has been a project that Council has advocated for and pursued for many years and addresses a major safety concern given the existing bridge has no pedestrian facilities and people are forced to walk on the edge of the carriageway. Integral to the construction of the pedestrian bridge will be the construction of a shared path linking north-south. The concept plan supplied indicates a shared path from Holts Lane heading south. It is important to ensure this is a shared path and not a pedestrian path and it should be constructed on the west side between Holts Lane and Bacchus Marsh Road.

There are other issues that need to be considered as part of this aspect of the works related to native vegetation removal, overlooking and noise that result from construction of the ramps. These are not insurmountable and would need to be dealt with as part of the planning, design and construction of the project by VicRoads.

The opportunity to construct Halletts Way ramps and pedestrian facilities is appealing given most of the residential growth of Bacchus Marsh is on the west side of the town and the growing traffic pressures that exist. The ability to attract funding for this in the medium term will be difficult given the competing priorities along the Western Highway corridor and across the VicRoads network. Although it is acknowledged that it is being used as an incentive to accept a package of works, it is still an integral part of the future Bacchus Marsh road network.

If this sentiment is supported, a less performing interchange is required given budget constraints as it is unlikely that this interchange will be funded as a lone project given the criteria of the freeway project.

Woolpack Road

The proposed works package includes proposed safety improvement works at the intersection of Woolpack Road and Bacchus Marsh Road through use of vehicle detection and electronic signage technology. The proposal is that heavy vehicles in Bacchus Marsh Road would be detected and activates flashing warning signage in Woolpack Road to advise north bound motorists. This is considered as a token gesture and is unlikely to be effective especially when complacency sets in and for motorists that may not be familiar with the logic for such devices. This fails to address the core problem with the intersection being poor sight distance and insufficient room for articulated vehicle manoeuvres.

More recently, Vicroads have included works to upgrade the Geelong Bacchus Marsh Road intersection and pavement improvement as part of the proposed package. These works are valued at approximately \$3M to \$4M and would be accommodated through savings in the overall \$38M budget. No bridge works were included in this however Vicroads has also committed to taking over responsibility of Woolpack Road. The upgrade to a Type C Arterial standard including bridge widening and strengthening would cost in the order of \$11M to \$12M but there is no commitment to fund this at this time. Therefore, although the proposed package of works has altered to include additional works, there is no change to the \$38M budget.

If these works are not committed, there is a risk to Council that a new eastern interchange will result in an increase in commercial traffic movements in Woolpack Road. This in turn will reduce the life of the pavement and increase the deterioration in condition. It will also bring forward the replacement of one of the bridges along that route. Without upgrade and safety improvement works along the full length, road safety will be compromised. If not considered as part of the package of works, it will need funded by other funding sources such as state impacted roads program.

Do Nothing

One of the options available is reject all proposals because a satisfactory outcome cannot be reached. Ultimately this is likely to mean that the funding will be withdrawn. The temporary exit ramp that is in place will have to be removed because it does not meet current standards and all traffic would be forced to use either Hopetoun Park or Gisborne Road thus exacerbating the issues that exist there. The other major concern is that all traffic including significant truck traffic from local transport companies and Maddingley Brown Coal would be forced to use part of the old freeway alignment that is unsafe.

If do nothing is the result, the community is still left with the unsafe intersections and other issues at Woolpack Road and traffic pressures in a growing town without adequate connections to the freeway. A robust business case and advocacy plan would be required to fund such major pieces of infrastructure (or alternatives) in the future and would need to compete against priority projects across the entire state and national road network.

General Discussion

When looking at the project holistically and its history, the state government has constrained the options that are available. There has been repeated advice that the Woolpack Road decision will not be revisited so this eliminates any option that would cross the Avenue of Honour. It has also stated that any option that requires removal of houses will not be considered. In addition, the project forms part of the overall Anthony's Cutting Realignment and any package of works would need to relate to the freeway and meet the criteria of the original project around improving transport efficiency on the freeway.

The inability to reach agreement on a package of works is a risk to the project and the longer time goes on the risk of losing funding for the project increases.

Taking all this on board, the only realistic option is either an eastern interchange with or without Halletts Way. If Halletts Way is one of the outcomes desired then a lesser performing eastern interchange will be required because of available budget.

All eastern interchange options have impacts on flora and fauna, cultural heritage, river red gums, newer avenue elm plantings and land owners. This was a consideration when Woolpack Road alignment was chosen as the preferred option. Given that Woolpack Road is now off the table, there are impacts associated with an eastern interchange and these consequences are a reality because of past decisions.

It is considered that the best eastern interchange layout put forward is Option 1(b) . Alt 1 at an estimated cost of \$36.9M. It is also considered that the opportunity to construct Halletts Way ramps and pedestrian facilities is an opportunity for the town to implement infrastructure that is needed at an estimated cost of \$9.7M. Both these come at a cost of \$46.6M, \$8.6M over the \$38M budget. This would be the optimum outcome with the options that have been investigated however the only combination that comes in under the budget figure is the package of works that has been put forward.

Policy Implications

The 2009. 2013 Council Plan provides as follows:

Key Result Area	Representation and Leadership of Our Community
Objective	Services and infrastructure that meets the Shire's existing and future needs
Strategy	Advocate and plan for improved transport services and road networks for our community

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

Financial Implications

The project has no direct impact on Council's budget however the community stands to lose \$38 million in infrastructure upgrades.

Communications and Consultation Strategy

An important component for the way forward is the level of community engagement and involvement that will be provided. An extraordinary amount of consultation has been undertaken by VicRoads to date and further engagement will be required during the planning process that will be required to implement any of the options. The importance of engagement with affected land owners and key community groups cannot be understated but equally the general community should be provided opportunity to be engaged.

It is the view of officers that the BMFL Options Assessment Report should be made available to the public to allow appropriate engagement at this level. A condensed period of time should be considered for this given there is still a risk that funding could be withdrawn.

An extensive communication strategy was undertaken by VicRoads throughout the duration of the Western Highway Realignment project, including the following:

- Public briefings and community information evenings
- Targeted consultation workshops with stakeholders
- Information booth at Bacchus Marsh Village Shopping Centre
- Community Information Centre in Main Street, Bacchus Marsh
- Project specific website (www.whrp.com.au)
- Project fact sheets
- SMS alerts and e-newsletters
- Monthly meetings of the project alliance (Moorabool, Melton, VicRoads)
- Regular meetings of the Community Reference Group
- (Moorabool and Melton officers and Councillors, VicRoads, Bacchus Marsh RSL and Historical Society, emergency services, Central Business Bacchus Marsh, Moorabool Environment Group and other community groups)
- Assemblies of Council and reports to Ordinary Meetings of Council
- Moorabool Matters community updates
- Media releases

In addition, community consultation was also undertaken in relation to the Bacchus Marsh Avenue of Honour Management Plan and Gateway Strategy, including workshops and public meetings.

It is important to note that Moorabool Shire has engaged and worked with the community for decades on this issue.

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 – Phil Jeffrey

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

Conclusion

This is a polarising issue for the community. A package of works has been put to Council seeking endorsement. Essentially the proposed works package includes an eastern interchange upgrade, Halletts Way ramps, Moon Reserve works and Woolpack Road improvements including taking on its management responsibility.

An options assessment report including traffic modelling has recently been supplied to Council to help inform a preferred position. However, given the history of the project and previous decision regarding Woolpack Road with an unwillingness of the State Government to revisit this decision, there are limited options available for the project basically only leaving an eastern interchange with or without Halletts Way as an option.

Council has been placed in a difficult position being required to make a decision on the package of works. The Council is acutely aware that the package of works are not the optimum outcome and don't meet the original objectives of the project however officers believe a reasonable compromise has been put forward that has been adjusted with additional works for the benefit of the community.

It is the view of officers that constructing major infrastructure that would give the town three access points to the freeway (west, central and east) at least provides a foundation of possible road networks for the future with the option for alteration or upgrades. Being left with only a Gisborne Road full diamond with half diamond at Bacchus Marsh Road at the west side of town and Hopetoun Park Road on the east side of town with no plan for future projects would be a poor outcome for the community.

On balance it is being recommended that Council endorse in principle the works package put to it on 17 December 2012.

Consideration of Deputation

Ms. Margaret Scarff addressed Council in relation to the Bacchus Marsh Freeway Interchange Options – Anthony's Cutting Realignment Project.

The business of the meeting then returned to the agenda.

Recommendation:**That Council:**

1. **Endorses in principle the following package of works being offered as an alternative to the Woolpack Road extension:**
 - i. **Upgrade of the existing Eastern Interchange for Bacchus Marsh.**
 - ii. **Construction of Halletts Way Freeway ramps including shared pedestrian/cycle path on the west side between Holts Lane and Bacchus Marsh Road.**
 - iii. **Upgrades to Moon Reserve including provision of furniture using timber from removed trees and construction of public amenities.**
 - iv. **Upgrade of Woolpack Road including intersections at both ends, pavement, and safety improvement works as part of the scope.**
 - v. **Replanting of the elm trees proposed to be removed as part of the project following consultation with Council and the community.**
 - vi. **Harvesting of seed from river red gums proposed to be removed in the area to ensure consistency of species is used in their replacement.**
2. **Accepts the offer from the State Government to become responsible for management and maintenance of Woolpack Road and requests officers to continue to work with VicRoads in relation to establishing the ongoing management and maintenance responsibilities.**
3. **Calls on the State Government to undertake all planning and other statutory approvals required for the remainder of the project by exercising powers under Section 20 (4) of the Planning and Environment Act and requests that a formal proposal be supplied outlining the proposed methodology that maximises community consultation to be used during the process.**
4. **Calls on the release of the Bacchus Marsh Freeway Links Options Assessment Report and stress the importance of VicRoads continuing to engage with the community and explain the final proposed solution.**
5. **Advise Federal and State local members of the Council's resolution.**

SUSPENSION OF STANDING ORDERS 7.53 PM

Resolution:

Crs. Comrie/Sullivan

That Standing Orders be suspended to facilitate a discussion on Item 11.4.3 - Bacchus Marsh Freeway Interchange Options – Anthony’s Cutting Realignment Project.

CARRIED.

RESUMPTION OF STANDING ORDERS 8.15 PM

Resolution:

Crs. Comrie/Edwards

That Standing Orders now be resumed to facilitate a return to the business of the Agenda.

CARRIED

The business of the meeting then returned to the Agenda. Item 11.4.3 - Bacchus Marsh Freeway Interchange Options – Anthony’s Cutting Realignment Project.

Resolution:

Crs. Sullivan/Comrie

That:

- 1. Council accepts the offer from the Federal and State Government for the Halletts Way portion of the package of works and calls on the State Government to commence works on Halletts Way Freeway ramps as a matter of urgency including shared pedestrian/cycle path on the west side between Holts Lane and Bacchus Marsh Road.**
- 2. Council accepts the offer from the Minister for Roads Terry Mulder to accept responsibility for and upgrade Woolpack Road including intersections at both ends, pavement upgrades and safety improvement works as part of the package of works.**
- 3. Council requests the Federal and State Government to ensure the existing eastern interchange is made safe for the community.**

4. ***Council requests the Federal and State Government to continue to work and consult with Council and the Community to provide an eastern interchange that meets the original objectives of the project, whilst ensuring that environmental impacts are minimised as far as practicable and that the full project budget is retained.***
5. ***Council calls on the State Government to undertake all planning and other statutory approvals required for the remainder of the project by exercising powers under Section 20 (4) of the Planning and Environment Act and requests that a formal proposal be supplied outlining the proposed methodology that maximises community consultation to be used during the process.***
6. ***Council calls on the release of the Bacchus Marsh Freeway Links Options Assessment Report to the community.***
7. ***Council advise the Federal and State local members of the Council's resolution.***
8. ***The Mayor and Chief Executive Officer seek an urgent discussion with the incoming Premier of Victoria, The Hon. Dennis Naphine, to discuss the issues pertaining to all aspects of the proposed works.***

CARRIED.

AMENDMENT

Crs. Dudzik/Spain proposed the following Amendment:

That Council:


1. ***Accepts the offer from the Federal and State Government for the Halletts Way portion of the package of works and calls on the State Government to commence works on Halletts Way Freeway ramps as a matter of urgency including shared pedestrian/cycle path on the west side between Holts Lane and Bacchus Marsh Road.***
2. ***Accepts the offer from the Minister for Roads Terry Mulder to accept responsibility for and upgrade Woolpack Road including intersections at both ends, pavement upgrades and safety improvement works as part of the package of works.***

3. ***Requests the Federal and State Government to ensure the existing eastern interchange is made safe for the community.***
4. ***Requests the Federal and State Government to continue to work and consult with Council and the Community to provide an eastern interchange that meets the original objectives of the project, whilst ensuring that environmental impacts are minimised as far as practicable and that the full project budget is retained.***
5. ***Calls on the State Government to undertake all planning and other statutory approvals required for the remainder of the project by exercising powers under Section 20 (4) of the Planning and Environment Act and requests that a formal proposal be supplied outlining the proposed methodology that maximises community consultation to be used during the process***
6. ***Calls on the release of the Bacchus Marsh Freeway Links Options Assessment Report to the community.***
7. ***Advises the Federal and State local members of the Council's resolution.***
8. ***Seeks an urgent discussion with the incoming Premier of Victoria, The Hon. Dennis Napthine to discuss the issues pertaining in relation to all aspects of the proposed works***
9. ***That no river redgum hundreds of years old be removed as part of this package.***

The Amendment was voted upon and was LOST.

The Original Motion was voted upon and was CARRIED.

Report Authorisation

Authorised by: 

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday 6 March 2013

11.4.4 Bungaree Weighbridge

Future of the Bungaree Public Weighbridge

Introduction

File No.: 02/06/008
Author: Keith Linard
General Manager: Phil Jeffrey

Background

Bungaree Weighbridge

The Bungaree weighbridge is a pit weighbridge with a weighing platform, 3.05 metres wide and 6.10 metres long, and is certified for weighing vehicles up to 25,000 kilograms. The current weighbridge is almost 50 years old.

In June 2012, the firm that undertakes annual certification of the weighbridge advised that major components of the weighbridge were only in fair condition at best, with a limited life expectancy. Life expectancy was estimated at three to five years but the facility may operate longer.

Advice received also stated that key parts of the weighbridge, including knife edges, bearings, load cells and steelwork, are obsolete and no longer available as spare parts. Thus, if a major component fails, refurbishment most likely means replacement by a new facility or custom making of parts if possible. The replacement cost for a similar (manual operation) weighbridge is between \$600,000 and \$700,000. The additional cost of automating the new weighbridge would bring the total cost to approximately \$850,000 to \$1M.

Weighbridge Operation

The Bungaree weighbridge is used on average by 250 to 350 vehicles per year. Over the period 2005 to 2010, annual revenue ranged from \$8,000 to \$9,000 per year. Revenue in 2011/12 was \$7,232.

The current charges per weighing are:

- Tray Truck \$16.90
- Semi-Trailer \$25.90
- B-Double \$37.10

The main users of the facility are local farmers.

A local resident has been the weighbridge operator on contract to Council for an extended period. The operator receives 80% of the weighbridge fee, or approximately \$6,500 per year, for the provision of service, which includes late night and early morning call outs.

Council undertakes all billing of weighbridge users, and meets electricity, facility certification, licensing and maintenance costs. Operating costs to Council are minor, with billing costs being met through retention of 20% of each weighbridge charge. In addition, certification and licence fees amount to \$1,200 per year and maintenance costs average around \$1,000 per year.

Weighbridge Licensing

Weighbridges are subject to annual licensing by the federal National Measurement Institute (NMI), which in turn requires annual testing. The most recent testing certification in September 2012, found that the weighbridge was still operating within prescribed limits.

Recent amendments to the National Trade Measurement Regulations, the current weighbridge configuration is only suitable for vehicles up to 15 metres. The weighbridge is no longer legally able to weigh standard semi-trailers or B-Doubles.

To cater for larger semi-trailers and B-Doubles, the access road needs modification and the concrete approaches at either end must be extended by 11 metres. The cost of this would be around \$35,000. Given the life expectancy of the facility, it is questionable if this expenditure would be warranted.

Weighbridge Operator Certification

In 2012 the NMI introduced a mandatory requirement that all weighbridge operators (the person who does the weighbridge measurement) must attend a training course on the law and operation of weighbridges and pass a post course assessment. The current operator has so far been unsuccessful in gaining accreditation to the new standard and is therefore no longer legally permitted to operate the asset. It is understood that the operator has received correspondence to this effect.

The NMI has offered the current operator the opportunity to undergo an immediate re-test on the basis of his lengthy experience, and has indicated that the operator could continue until results of the retest are in. The retest process takes some time so the operating current process can continue for possibly two months. Following that, if the operator is unable to gain accreditation, Council will be left without an accredited operator to operate the weighbridge.

The operator has indicated that he intends to reapply for accreditation.

Future of the Weighbridge

Should the current operator pass accreditation, it is proposed to retain his services as the operator until such time that he is physically unable or unwilling to continue the task. However, given that the current operator cannot operate in the long term, it is prudent that Council plan for the possibility that it cannot legally operate the weighbridge.

There are three options, each of which needs to be considered in the context that the weighbridge may fail at any time:

1. Advertise for a part time operator
2. Place the onus on the major users to get accreditation and weigh their own vehicles (which officers understand is permissible by NMI rules)
3. Close the weighbridge

It would be difficult to find an operator willing to work on the current commission basis however Council could seek public expressions of interest to determine the level of interest in becoming an operator and under what terms i.e. remuneration and operating hours. This could necessitate closure of the facility until a new operator is procured.

Option 2 is feasible, but would necessitate closure until such time until accreditation was obtained. The next NMI certification course in Victoria is on 14 March 2013. The subsequent course is anticipated to be held in September-October. Other courses are available in Queensland (April), WA (May) and NSW (July).

Option 3 will cause inconvenience to local users in particular. However there are a number of alternative public weighbridges in the district for both Ballarat and Melbourne bound trucks. Details of these public weighbridges are included below.

Upgrading the Bungaree weighbridge to automated status is not considered a viable option.

Alternative Weighbridge Sites

There is limited data in regard to the destinations of vehicles that currently use the weighbridge and the ultimate destination could be any direction. It is anticipated though that the majority of vehicles would be either west bound to Ballarat or east bound to Melbourne. There is currently in excess of 130 public weighbridges in Victoria and there are numerous private weighbridges at quarries and land-fill sites of which some of these are known to be amenable to contracted usage.

Three public weighbridge sites are advertised within the Ballarat area, two near Victoria Park and one on the corner of the Midland Highway and Old Creswick Road.

Not all vehicles using the weighbridge are loaded with potatoes however an increasing proportion of the potato crop is sent to Melbourne destinations. 23 public weighbridges are advertised within the Melbourne metropolitan area, including two fully automated ones. A third of these operate 7 days per week. It is noted though that a Melbourne weighbridge may not be of use to local farmers who may want to check if they are legally loaded prior to commencement of their journey.

In addition, the Agripak grain terminal on the Ballan-Daylesford Road has indicated that its weighbridge is available for public commercial users.

A list of public weighbridges from the National Measurement Institute is available at www.measurement.gov.au.

Proposal

In the event that the current operator should pass accreditation, it is proposed to retain those services as the operator until such time that the services of a new operator can be procured or failure of the asset.

If accreditation is not successfully obtained, it is proposed that Council call for expressions of interest in the first instance and then cease operation of the weighbridge and dispose of the assets if an alternative can be found. This will require short term closure of the facility.

Given the cost of upgrade or replacement of the facility, it is not proposed to pursue budget for its replacement therefore the asset will have a set life. Works could be undertaken to enable the facility to weigh larger vehicles which may in turn increase usage slightly.

Policy Implications

The 2009. 2013 Council Plan provides as follows:

Key Result Area	Enhanced Natural and Built Environment
Objective	Long term asset management
Strategy	Maintain a long term Capital Improvement Program

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

Financial Implications

There is no additional expenditure within the 2012/13 budget associated with the recommendation contained within this report.

In the event that a new operator is contracted, it is expected that the cost, additional to the current revenue, will be of the order of \$20,000 per year. The cost in the current financial year would be minimal.

If it is decided to alter the concrete aprons to the facility to enable use of by vehicles in excess of 15m, the cost of upgrade would be in the order of \$30,000 to \$40,000.

In the event that Council determines to renew the asset, the capital cost will be of the order of \$600k to \$700k

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Critical weighbridge components fail	Weighbridge is already older than the average service life of such a facility and replacement parts are not available.	High	Cease operations at the facility
OH&S	Injury or assault on lone operator at an isolated location at night	Medium	Address in future contracts

Communications and Consultation Strategy

All major users of the weighbridge would be notified of any changes to the current operations. Advertisement would be placed in the local press and notices erected at the facility.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager . Phil Jeffrey

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

Author . Keith Linard

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

Conclusion

The Bungaree weighbridge is near the end of its service life. It is an obsolete structure with limited ability to undertake refurbishment or rehabilitation works.

The weighbridge is no longer accredited for vehicles over 15 metres in length and would require expenditure of approximately \$35,000 to weigh vehicles in excess of this length.

The current weighbridge operator has not successfully obtained the mandatory accreditation by the federal National Measurement Institute. He has indicated his intention to retest for accreditation. The NMI has indicated that the weighbridge can be operated legally until the results of the retest are assessed. This means that the current arrangements can likely continue until the end of April.

Resolution:

Crs. Sullivan/Comrie

That Council:

- 1. Continues the existing Bungaree weighbridge operations whilst the current operator applies for accreditation through NMI.***
- 2. Acknowledges that the weighbridge can only legally weigh vehicles up to 15m in length until concrete aprons are extended.***
- 3. Suspends the Bungaree weighbridge operations in the event that accreditation is not gained by the current operator and until such time as an accredited operator can be engaged to operate the facility.***
- 4. Advertises for Expressions of Interest for an accredited operator/s of the weighbridge.***
- 5. Requests a further report on the future of the Bungaree weighbridge following receipt of Expressions of Interest for operation of the facility.***

CARRIED.

Report Authorisation

Authorised by:



Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday 6 March 2013

11.5 CORPORATE SERVICES

No reports for this meeting

12. OTHER REPORTS

12.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

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

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

- Assembly of Councillors . Wednesday 20 February 2013 . Blackwood Community Fire Refuge Pilot Project Update from the Fire Services Commissioner
- Assembly of Councillors . Wednesday 20 February 2013 . Wool Scour Waste Long Forest
- Assembly of Councillors . Wednesday 20 February 2013 . Recreation Reserve Funding Policy
- Assembly of Councillors . Wednesday 20 February 2013 - Wind Farms (progress of permits, redraft of policy)
- Assembly of Councillors . Wednesday 27 February 2013 - Councillor Review of the Council Plan

Resolution:**Crs. Comrie/Spain*****That Council receives the record of Assemblies of Councillors as follows:***

- ***Assembly of Councillors – Wednesday 20 February 2013 – Blackwood Community Fire Refuge Pilot Project Update from the Fire Services Commissioner***
- ***Assembly of Councillors – Wednesday 20 February 2013 – Wool Scour Waste Long Forest***
- ***Assembly of Councillors – Wednesday 20 February 2013 – Recreation Reserve Funding Policy***
- ***Assembly of Councillors – Wednesday 20 February 2013 - Wind Farms (progress of permits, redraft of policy)***
- ***Assembly of Councillors – Wednesday 27 February 2013 - Councillor Review of the Council Plan***

CARRIED.

12.2 Section 86 - Delegated Committees of Council - Reports

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

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

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

Committee	Meeting Date	Council Representative
Greendale Recreation Reserve Committee of Management	13 December 2012	Cr Toohey

Resolution:

Crs. Spain/Tatchell

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

- ***Greendale Recreation Reserve Committee of Management meeting of Wednesday 13 December 2012.***

CARRIED.

13. NOTICES OF MOTION

No notices of motion have been received for consideration as part of this Agenda.

14. URGENT BUSINESS

Nil.

15. CLOSED SESSION OF THE MEETING TO THE PUBLIC**15.1 Confidential Report****ADJOURNMENT OF MEETING 8.54PM**

Crs. Sullivan/Dudzik

That the meeting now stand adjourned for a period of 10 minutes.

CARRIED.

RESUMPTION OF MEETING 9.04PM

Crs. Sullivan/Comrie

That the meeting now be resumed.

CARRIED.

CLOSURE OF THE MEETING TO THE PUBLIC – 9.05PM

Resolution:

Crs. Sullivan/Edwards

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

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

CARRIED.

Resolution:

Crs. Comrie/Spain

That the Meeting now return to Open Session.

CARRIED.

RESUMPTION OF MEETING 9.07 PM

16. ADMISSION OF URGENT ITEM OF BUSINESS

16.1 Correction of Rate Notice – Township of Bayup, Barrys Reef

A late agenda item of Urgent Business was accepted by Council from Cr. Tatchell on behalf of a resident of Barrys Reef.

Resolution:

Cr. Tatchell/Edwards

That Officers investigate the written request from a resident of Barrys Reef concerning the identification of the township of Bayup, and that the resident be advised of the outcome.

CARRIED.

17. MEETING CLOSURE

The meeting closed at 9.09 pm.

Confirmed.....Mayor.