

ORDINARY MEETING OF COUNCIL

Minutes of the
Ordinary Meeting of Council held at
the James Young Room, Lerderderg Library,
215 Main Street, Bacchus Marsh on
Wednesday 6 November 2013,
at 5:00 p.m.

Members:

Cr. Paul Tatchell (Mayor)	Central 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
Cr. Pat Toohey	Woodlands Ward

Officers:

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

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

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

2. PRESENT

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

In Attendance

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Shane Marr</i>	<i>General Manager Corporate Services</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Community Services</i>
<i>Ms. Sam Romaszko</i>	<i>Manager Engineering</i>
<i>Mr. Glenn Townsend</i>	<i>Manager Works</i>
<i>Ms. Deb Absolom</i>	<i>Minute Taker</i>

3. APOLOGIES

Nil.

4. CONFIRMATION OF MINUTES**4.1 Ordinary Meeting of Council – Wednesday 16 October 2013**

Resolution:

Crs. Comrie/Spain

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 16 October 2013.

CARRIED.

4.2 Special Meeting of Council – Wednesday 30 October 2013

Resolution:

Crs. Spain/Dudzik

That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 30 October 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. Tatchell, attended the following meetings and activities:

<i>Cr. Tatchell - Mayor</i>	
<i>October 2013</i>	
<i>26 October</i>	<i>Opening – Friendship Garden, Ballan</i>
<i>30 October</i>	<i>Special Meeting of Council</i>

Resolution:

Crs. Comrie/Toohey

That the Mayor's report be received.

CARRIED.

7. COUNCILLORS' REPORTS

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

Cr. Spain	
October/November 2013	
17 October	Opening of new Maternal and Child Health centre
25 October	Active8 Celebration Day
2 November	Darley Community Art Garden Working Bee

Cr. Toohey	
October 2013	
24 October	Briefing by Mr Matthew Guy, Minister for Planning – Plan Melbourne Municipal Association of Victoria Conference
27 October	Ballan Anglers Club 100 Years Celebration
29 October	Meeting with Jacinta Allen, Member for Bendigo East and Don Nardella, Member for Melton, at Parliament House
1 November	Mayors and CEO Forum

Cr. Sullivan	
October/November 2013	
24-25 October	Municipal Association of Victoria Conference & State Council Meeting
30 October	National Timber Council
4 November	Central Highlands Regional Waste Management Group Meeting

Cr. Dudzik	
October 2013	
17 October	Opening of new Maternal and Child Health centre
18 October	Mr. John Lloyd, Commissioner for Red Tape – Re: Regional Red Tape Rubbish Bin - Luncheon
19 October	150th Anniversary Coimadai Primary School
24 October	Bacchus Marsh Community Consortium Luncheon with Stephen Johansson.
25 October	Active8 Celebration Day – Bacchus Marsh College
31 October	Bacchus Marsh Zombie Walk – Cones n Candy
6 November	Women's Health Grampians 2013 Annual General Meeting & Lunch

Resolution:

Crs. Spain/Edwards

That the Councillors' reports be received.

CARRIED.

8. PUBLIC QUESTION TIME

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

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

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

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

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

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

Procedural Guidelines – Public Question Time

Moorabool Shire Council's *Local Law No. 8 Meeting Procedure Local Law* Division 8 . Clause 57 provides as follows in relation to Public Question Time:

Clause 57 – Question Time

- 57.1 There shall be a public question time at every *Ordinary meeting* to enable members of the public to submit questions to *Council*.
- 57.2 Public Question Time will have a duration determined by Council from time to time.
- 57.3 Questions submitted to *Council* must be prefaced by the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*.
- 57.4 No person may submit more than 2 questions at any 1 meeting.
- 57.5 If a person has submitted 2 questions to a meeting, the second question:
 - (1) may, at the discretion of the *Chairperson*, be deferred until all other persons who have asked a question have had their questions asked and answered; or
 - (2) may not be asked if the time allotted for public question time has expired.

- 57.6 A question may be disallowed by the *Chairperson* if the *Chairperson* determines that it:
- (1) relates to a matter outside the duties, functions and powers of *Council*;
 - (2) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - (3) deals with a subject matter already answered;
 - (4) is aimed at embarrassing a Councillor or a member of *Council* staff;
 - (5) relates to personnel matters;
 - (6) relates to the personal hardship of any resident or ratepayer;
 - (7) relates to industrial matters;
 - (8) relates to contractual matters;
 - (9) relates to proposed developments;
 - (10) relates to legal advice;
 - (11) relates to matters affecting the security of *Council* property;
or
 - (12) relates to any other matter which *Council* considers would prejudice *Council* or any person.
- 57.7 All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.
- 57.8 The *Chairperson* may nominate a Councillor or the *Chief Executive Officer* to respond to a question.
- 57.9 A Councillor or the *Chief Executive Officer* may require a question to be put on notice. If a question is put on notice, the answer to it must be incorporated in the minutes of the meeting at which it was asked and a *written* copy of the answer sent to the person who asked the question.
- 57.10 A Councillor or the *Chief Executive Officer* may advise *Council* that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or *Chief Executive Officer* (as the case may be) must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given.

Nil.

9. PETITIONS

Nil.

10. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Nil.

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

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

Item No	Description	Name	Applicant/ Objector
11.2.3	<i>PA 2012-069 Amendment to Trading Hours for a Medical Centre; at Lot 22 on PS112262, 162 Gisborne Road, Darley</i>	Denis Eason	Objector

11. OFFICER'S REPORTS

11.1 CHIEF EXECUTIVE OFFICER

11.1.1 2013/14 Council Plan Actions - First Quarter (July – September) Report

Introduction

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

Background

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

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

- Representation and Leadership of our Community;
- Community Wellbeing; and
- Enhanced Infrastructure and Natural and Built Environment.

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

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

Discussion

The attached 2013/14 Council Plan Actions First Quarter Progress Report (Attachment 11.1.1) indicates each of the actions and the progress comments for the July to September period of the 2013/14 Financial Year. Overall there are 22 actions with all actions currently in progress and tracking on time to set schedules for this quarter.

Proposal

This report is to inform Council and the community on the progress of key Council Plan actions for 2013/14.

Policy Implications

The 2013. 2014 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our community
Objective	Effective strategic and business planning for a growing community
Strategy	Development of service plans that link service delivery, asset management and business excellence.

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Shane Marr

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

Author – Michelle Morrow

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

Conclusion

Council is making progress in all areas of the Council Plan. All 22 actions for this first quarter as provided in the attached report are currently in progress and tracking on time to set schedules for this quarter.

Resolution:

Crs. Toohey/Comrie

That Council receives the 2013/14 Council Plan Actions First Quarter (July – September) Progress Report.

CARRIED.

Report Authorisation

Authorised by:



Name: Shane Marr
Title: General Manager Corporate Services
Date: Friday, 25 October 2013

11.1.2 Quarterly Financial Report September 2013

Introduction

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

This Quarterly Report covers the period of 1 July 2013 to 30 September 2013. The report outlines the year to date financial position of Council and forecast projections for the full year results.

The forecast result at the end of the financial year is an increase in the surplus by \$0.026m. Please refer to the attached report for a detailed review of the financials.

Background

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

Proposal

That Council receives the Quarterly Financial Report . September 2013.

Policy Implications

The adoption of the Quarterly Report . September 2013 meets Council's statutory obligations under section 138 . Quarterly Statements of the *Local Government Act 1989*.

The 2013-2017 Council Plan provides as follows:

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

Amended Budget

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

Throughout this report Council will be reporting on the Amended Budget rather than the Adopted Budget. The Amended Budget contains items approved as carry forwards from the 2012/13 financial year. These include grant funded one off projects, Council approved new initiatives from prior years that are not yet complete, flood recovery funds, and incomplete/deferred capital projects. The following schedule provides an overview at a high level of the items that have been added to the adopted Budget to arrive at the amended Budget.

Impact on Cash on hand as at 30 June 2013

Based on the aggregate of both the Operating Budget and Capital Budget carry forward, a sum of \$4.844M in cash will be required to fully fund the carry forward. These are made up of the following;

Net Operating Budget Carry forwards	\$1.022M
Net Flood Recovery Project Commitments	\$1.338M
Net 2012/13 CIP Program Commitments	\$2.484M
Total cash required to complete the carry forward	\$4.844M

As at the 30 June 2013, Council held \$11.272M in cash and cash equivalents. Cash holdings were high in part due to the impact of these uncompleted projects.

Operating Budget

The net effect on the Operating Budget is a favourable variance of \$2.757m.

Net Operating Surplus in the Adopted 13/14 Budget	\$4.068m
Net New Initiatives / Grant Funded Projects	(\$1.022m)
Flood Recovery Capital Grants	\$3.108m
2012/13 Carry Forward Capital Grants	\$0.253m
2013/14 Capital Grants not in the Adopted Budget	\$0.419m
Amended Operating Budget Surplus	\$6.826m

Capital Budget

The effect on the capital budget is an increase in expenditure of \$7.602m.

2013/14 Adopted Budget for Capital Expenditure	\$7.938m
Add	
- Flood Recovery Projects	\$4.446m
- 2012/13 Carry Forward Capital Projects	\$2.737m
- 2013/14 New Funds not in Original Budget	\$0.419m
Amended Capital Budget	\$15.540m

The attached Quarterly Financial Report, **Attachment 11.1.2**, provides an explanation of the Income Statement, Balance Sheet, Cash Flow Statement and Capital Works Statement with the year-to-date actuals compared to the

year-to-date amended Budget, and the amended annual Budgets compared to the annual forecasts.

Income Statement

The main changes within the Income Statement are as follows:

- Decrease in %Statutory Fees and Charges+ due to an expected decline in Parking Infringements (\$0.031m);
- Increased %Materials and Consumables+ expenditure mainly due to an increase in the premium for Public Liability and Indemnity (\$0.040m);
- Increase in %Capital Grants and Contributions+ due to new funding received for rehabilitation works at Links Road / Swans Road, Darley (\$0.069).

The net effect of these changes and other minor variances causes the total surplus for the year to increase by \$0.026m to \$6.852m.

Cash

The forecasted cash balance at 30 June 2013 has decreased by \$0.088m to \$8.901m in comparison to the amended budget. This is mainly due to an increase in capital expenditure.

Capital Improvement Program (CIP)

The total cash expenditure forecast for the CIP has increased by \$0.114m, from the amended Budget of \$15.540m to \$15.654m. This is due to:

- Rehabilitation of Links Road / Swans Road - \$0.069m (funded from external grant)
- Vehicle Replacement Program - \$0.045m

Risk & Occupational Health & Safety Issues

There are no identified risks associated with this process.

Communications Strategy

To Council, through the Ordinary Meeting of Council on 6 November 2013, and to the Audit Committee meeting on 3 December 2013.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Shane Marr

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

Author – Steve Ivelja

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

Conclusion

The Quarterly Financial Report . September 2013 has been prepared in accordance with Section 138 . Quarterly Statements of the *Local Government Act 1989* for review and receiving by Council.

Resolution:

Crs. Sullivan/Edwards

That Council receives the Quarterly Financial Report – September 2013.

CARRIED.

Report Authorisation

Authorised by:



Name: Shane Marr
Title: General Manager Corporate Services
Date: Friday, 25 October 2013

11.1.3 2012/13 Moorabool Shire Council Annual Report

Introduction

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

Background

Under Section 131 of the *Local Government Act 1989*, Council is required to prepare an Annual Report and submit it to the Minister for Local Government by 30 September, 2013. The Moorabool Shire Council Annual Report 2012/13 was submitted to the Minister for Local Government on Friday 27 September, 2013.

Council is required to advertise that the Annual Report will be presented to Council for consideration. Public notice has been given in the Ballarat Courier on Friday, 24 October and in the Moorabool News on 1 and 29 October that the 2012/13 Annual Report is being presented to Council on Wednesday 6 November, 2013.

Proposal

In accordance with requirements of the *Local Government Act 1989*, the 2012/13 Annual Report has been available for public viewing for at least the mandatory 14 day period and is presented to Council to consider and receive the report.

Once considered, hard copies of the Annual Report will be available at Council offices for inspection and will be supplied to customers upon request. Customers will be able to download a copy of the Annual Report from the Council website.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

The proposal to consider the 2012/13 Annual Report is consistent with the 2013-2017 Council Plan.

Financial Implications

There are no financial implications as a result of this report.

Risk & Occupational Health & Safety Issues

There are no risk implications in relation to this report

Communications and Consultation Strategy

Advertisements have been placed in the Ballarat Courier and Moorabool News advising that the Annual Report is being presented to Council for consideration and that the report will be available for inspection at Council offices. An electronic copy and a hard copy of the 2012/13 Annual Report were lodged to the office of the State Government's Minister for Local Government.

The Annual Report will be available for inspection at all Council Offices and hard copies of the report will be distributed to stakeholders and customers who have requested a copy of the report. The report is also on the Council's website.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager Growth and Development – Satwinder Sandhu

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

Author – Peter Forbes

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

Conclusion

Having complied with the requirements of the *Local Government Act 1989*, the 2012/13 Annual Report can now be made a public document and either distributed to stakeholders or made available for inspection on request.

Resolution:

Crs. Spain/Comrie

That Council, in accordance with section 134 of the Local Government Act 1989 accepts the 2012/13 Annual Report.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: Thursday, 24 October 2013



11.2 GROWTH AND DEVELOPMENT

11.2.1 Planning Application PA2013-165; Earthworks Associated with Drainage at Lots 1, 2, 3 & 4 on TP 845669K (formerly pt CA 2 & 9, and CAs 3 and 8, S16, Parish of Yaloak) CFA Training College, 4549 Geelong – Ballan Road, Fiskville

Application Summary:	
Permit No:	PA2013-165
Lodgement Date:	16 July 2013
Planning Officer:	Rob Fillisch
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	6 October 2013
Address of the land:	4549 Geelong . Ballan Road, Fiskville Lots 1, 2, 3 & 4 on TP 845669K (formerly pt CAs 2 & 9, and CAs 3 and 8, S16, Parish of Yaloak)
Proposal:	Earthworks Associated with Drainage
Lot size:	150 hectares
Why is a permit required	Clause 35.07-4 . Farming Zone . works associated with a Section 2 use. Clause 42.02 . Environmental Significance Overlay . Schedule 1 . earthworks.
Public Consultation:	
Number of notices to properties:	16
Notices on site:	None
Notice in Moorabool Newspaper:	None
Number of Objections:	One (1)
Consultation meeting:	Not held due to separate discussion between objector and CFA.

Policy Implications:	
Key Result Area -	Enhanced Infrastructure and Natural Built Environment.
Objective -	Effective and efficient land use planning and building controls.
Strategy -	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Sian Smith</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Robert Fillisch</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
The application seeks to address identified contamination issues at Lake Fiskville and onsite retaining dams at the CFA Fiskville Training facility. The CFA has engaged environmental engineers to address this issue and the resultant design seeks to modify overland flow and divert water from entering into the onsite lake and dams. The proposal, the subject of this application, seeks to construct earthworks that divert stormwater around the four dams onsite, and the construction of a wetlands to treat the stormwater. The premise of the design is to divert the clean stormwater away from the dams and contain the contaminated water in the dams. The proponent has submitted a detailed design and related technical assessment indicating how these diversion works can be built. The information also details how	

the water flow will be managed so that there are beneficial environmental outcomes in terms of the creation of onsite wetlands.

The applicant has submitted a related planning application (ref. PA2013-166) to construct a diversion channel which will separate overland flow through the site from the four dams and Lake Fiskville.

The application was referred to required referral authorities and within Council departments for comment. No objections from referral authorities were raised provided certain conditions were placed on any permit granted.

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

The application was advertised and one objection was received. The submission raised concerns about the impact on the watercourse, downstream implications and queried whether the permit applicant had provided sufficient information.

A consultation meeting was not held as the objector chose to meet with the applicant separately.

This report recommends that Council issue a Notice of Decision to Grant a Planning Permit for earthworks associated with drainage subject to conditions.

Summary Recommendation:

That, having considered all relevant matters as required by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant a Permit for earthworks associated with drainage at Lots 1, 2, 3 & 4 on TP 845669K; otherwise known as 4549 Geelong . Ballan Road, Fiskville subject to certain conditions.

Background

The Fiskville CFA Training Facility is located approximately 6 kilometres south of Ballan and falls in the Beremboke Creek Catchment. The CFA have engaged environmental engineers to consider remediation works onsite. This follows an earlier independent report in 2012 (the Independent Fiskville Investigation Report), which found that residues from firefighting foams used for training purposes at the site prior to 2007 have been detected in the site's dams, in Lake Fiskville and also downstream of Lake Fiskville. Further, the report recommends measures should be investigated and action taken to reduce sources of contaminant discharges into Lake Fiskville and offsite.

The CFA's environmental engineers have assessed the independent advice and confirmed these findings. The review indicated that diluted amounts of residues from historical use of firefighting foams were detected in the downstream tributary (Eclipse Creek) but not in the Moorabool River.

The CFA's environmental engineers have investigated methods to remediate Lake Fiskville and the dams, and the construction of a water treatment plant for the runoff from the flammable treatment pad.

This planning application involves earthworks to manage drainage so that storm water bypasses the onsite dams. This water will be directed towards new wetlands where natural processes will improve water quality. A second planning application lodged by the CFA, simultaneous to this application (ref. PA2013166), seeks approval for earthworks to construct a diversion channel that will redirect water flow so that it will by-pass Lake Fiskville and continue in a southerly direction. The two proposals outlined in the separate applications are complimentary. A separate report is presented to Council for the other application, PA2013166.

Proposal

The earthworks seek to divert stormwater from the dams in the training area and comprise the following:

- Catchment drains and drainage pipes: Isolate the catchments and allow runoff to be contained in the dams.
- Alter existing catchment drains: an existing open drain may require environmental remediation and reconstruction prior to re-use. Construct a new drain south of dam 3 to the proposed Lake Fiskville diversion channel.
- New Drainage Pipes and Grates: Allows uncontaminated catchments to be diverted to catchment drain.
- New Water Balance Pipes (300mm diameter pipes between Dams 1 and 2 and Dams 2 and 3): These pipes allow the combined capacity of all three dams to be utilised. They can be decommissioned once remediation of the dams is planned. Some pipe work already exists.
- Dam 4 (Bund around Dam 4 to isolate it from external runoff): Accept up to 1.4ML overflow from Dam 3.
- Scoria surrounding Dam 2 (spearpoint drawdown or intercepting subdrains): The scoria surrounding Dam 2 contains contaminated water, which may need to be intercepted to prevent leaching into the Catchment drain.
- Wetland (construct a 1600sqm Wetland/Sediment Basin to filter out pollutants): The wetlands will remove pollutants and also allow containment in the case of a spill.
- Triple Interceptor (install a triple interceptor for hydrocarbons prior to wetlands): Use existing triple interceptors around the site and install a new one to catch hydrocarbons prior to the wetland.

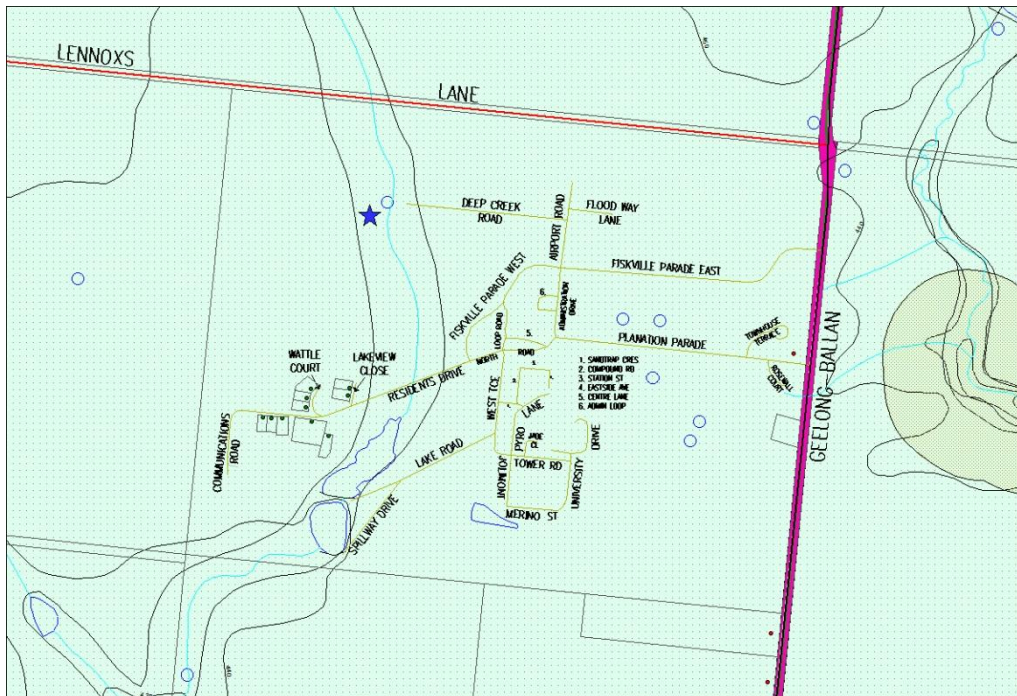
The proposed earthworks are located in the central part of the Training Facility and well distant from the property frontage. They are located to the east of Lake Fiskville.



Site Description

Locality Map

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



The site is located on the west side of the Geelong-Ballan Road. The site contains the CFA Fiskville Training Facility. This is defined in the planning scheme as an Emergency Services Facilityq

The site consists of the following:

- Teaching centre;
- Accommodation for students;
- Air strip;
- Flammable Liquids Training Pad;
- Advanced LPG Training Pad;
- Basic LPG Training Pad;
- 4 Dams to capture runoff from the training pads; and
- Lake Fiskville

The four dams are located adjacent the various training pads. Lake Fiskville is located to the west of the training pads.

The site comprises four parcels that together form a rectangle. Lake Fiskville has a catchment area of 700 hectares located to the north of the site. Water enters the lake from a culvert. There is a weir on the southern end of the lake that allows overflow into an outlet channel. Water then flows to the south where it eventually enters the Moorabool River.

The land is flat to gently undulating. Surrounding land is used for agricultural purposes.

Application plans

Detailed plans are included as two separate attachments to this report: No. 1 Storm water diversion documentation; and No. 2 Wetland Design documentation.

Planning Scheme Provisions

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

SPPF		
Clause 12.01	Biodiversity	The subject site contains no significant vegetation. No vegetation is to be removed. The proposed works will provide for beneficial environmental outcomes in relation to riparian systems.
Clause 13.03	Soil Degradation	The proposal will seek active management practices employed to deal with a contamination issue.
Clause 14.02-1	Catchment planning and management	The protection of water catchments and downstream water quality are considerations that support the proposal. The application seeks to modify the existing route of overland water

		flow so as to minimise potential downstream risks and allow for the remediation of identified pollution. The design includes environmental features that will contribute to improved water quality.
Clause 14.02-2	Water quality	Planning policy seeks to ensure contamination runoff is addressed and that water quality is enhanced. The application seeks to address identified contamination issues and promote better environmental outcomes through managing overland flow whilst remediation is undertaken of identified pollutants. The changes proposed seek to protect downstream water quality.
LPPF		
Clause 21.01-2	Key Issues - Environment	Protection of waterways is a consistent theme within policy; the proposal seeks to achieve this outcome.
Clause 21.02-1	Water and catchment Management	The policy notes there is a shared responsibility for water quality by the Shire, Water authorities and Catchment Management Authorities. The applicant has been granted a W Works on a Waterway permit q by the Corangamite CMA.
Clause 21.02-3	Objective . Water and Catchment Management	The development seeks to enhance the riparian area along watercourses and improvements to water quality.
Clause 21.02-6	Objective Environmentally Sustainable Development	The proposed works are in response to an identified contamination issue. This Policy encourages land use that is environmentally sustainable and minimises adverse impacts on the ecology. The proposal is consistent with these objectives.
Clause 22.02	Special Water Supply Catchments	The proposed works will assist in the protection and enhancement of water quality.

Zone

The land is zoned Farming under the Moorabool Planning Scheme. The CFA Training College can be described as an Emergency Services Facility the definition of which is:

Land used to provide facilities for emergency services, such as fire prevention and ambulance services. It may include administrative, operational or storage facilities associated with the provision of emergency services.

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

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

Overlays

Environmental Significance Overlay – Schedule 1

The land is included in an Environmental Significance Overlay . Proclaimed Water Catchment Areas (ESO1) under the Moorabool Planning Scheme. Pursuant to Clause 42.01, a planning permit is not required for Buildings and works if it is associated with:

Development undertaken by a public authority to regulate the flow of water in a watercourse, regulate flooding or to construct or redirect a watercourse.

The CFA is not considered a public authority in relation to watercourse management. Accordingly, a planning permit is required for the proposed earthworks under the ESO.

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

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

The environmental objectives to be achieved are:

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

Design and Development Overlay – Schedule 2

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

General Provisions

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

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

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

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

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

Referrals

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

Referrals/Notice	Response
Section 55 Referrals: Barwon Water	No objection subject to conditions
Section 52 notice: Southern Rural Water Corangamite CMA EPA	No response No objection No response
Internal Council Referrals: Infrastructure Department Environmental Health	No objection subject to conditions No objection subject to conditions

Barwon Water has required conditions relating to sediment control and that contaminated water must be retained within the subject site.

Council's Infrastructure and Environmental Health sections have required various environmental protection measures be placed on any approval.

Public Notice

Notice of the application was sent to adjoining landowners and those downstream. The advertising process was from 23 July 2013 to 12 August 2013. One objection was received.

Summary of Objections

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

Objection	Officer's Response
Inadequate studies as to the implications for downstream properties.	The application was accompanied by a technical report. The report outlined measures to isolate storm water flow from contaminated water bodies (ie. the four dams). The technical report submitted is considered to address the relevant environmental issues.
The proposal may cause erosion, flooding and other destruction.	The technical report which accompanied the application considered potential erosion issues. The Corangamite CMA in their advice to Council concerning application PA2013166, dated 6 September 2013, commented: <i>The proposed works will undoubtedly alter the nature of the flood extent at this location, however modeling undertaken by Cardno as part of this assessment has determined that any changes to the extent will be confined and are unlikely to affect downstream properties.</i>
The proposal may cause parts of the objector's land to be unusable.	As noted, the advice from Corangamite CMA is that the proposal should not cause flooding downstream.
The plans submitted with the application are deficient.	The plans and technical matter submitted with the application provide detail on the location of the proposed drainage works. There was no request for further information, as the material submitted was considered satisfactory. The application was sent to various agencies for comment, none required additional material.
The proposal will cause a possible enlargement of the watercourse on their land and the flow of this watercourse is unknown.	As noted the assessment by the applicant's engineers indicated no adverse impact.

The diversion of the creek raises health and safety concerns.	The concerns of the landowners are noted and the identification of contaminants at the CFA site and impacts downstream has been reported. The planning application is one part of the response to address the contaminant issue. The diversion drainage works proposed will isolate the contaminated water sources from stormwater. In this regard the intended works will assist water quality.
The diversion may cause contaminants to enter the downstream watercourse.	The purpose of the diversion drainage is to isolate existing contaminants. Related actions associated with permit application PA2013166 include the installation of a deviation channel to reduce the passage of contaminants downstream.
The extent of the contamination issue has not been satisfactory resolved.	The application is for a series of drainage works that respond to earlier contamination reports undertaken on the site. The application does not seek to identify contamination onsite rather it relies upon earlier studies for this data. The proposal seeks to redirect water flows so that contaminated areas can be isolated.

On 28 August 2013, two representatives from CFA and two engineers from Cardno Lane Piper met with the objectors and their accountant at their home. The purpose of the meeting was to provide the objectors with an in-depth understanding of the planned engineering works and to discuss the matters raised in their letter of objection. During the meeting, the objectors were provided with a detailed overview of the planned civil works and were taken through various design drawings which formed part of the package of information available to the public of Moorabool Shire Council.

The Cardno Lane Piper engineers provided detailed explanations of the nature of the works and how they would be undertaken. They answered various questions from the objectors and explained that the engineering works would be staged and managed in such a manner that silt and mud would not run onto their property. They also explained that once completed, the objectors would receive a more regular flow of clean water. The stormwater diversion, wetland and creek diversion channel would ensure that water would no longer flow through Lake Fiskville or the dams before entering their property. It was further explained that appropriate modelling has been undertaken and that the works have been designed to prevent so far as possible any future flooding from impacting upon their property.

CFA provided the objectors with copies of various design drawings and invited them to make contact at any time if they have any further questions or concerns. Since meeting, CFA has followed up with the objectors on a couple of occasions to ask if they would lift their objection to the planning permit, and they have declined.

Discussion

The application seeks to address identified contamination issues at the CFA Fiskville Training facility.

A report commissioned by the CFA found that there was some contamination within Lake Fiskville and the onsite dams as a result of overflow from the training pads. The CFA plans remediation of the lake and the dams. In order to carry out this and prevent further contamination it is proposed to isolate existing contaminated water storage areas (ie. the lake and dams).

The proposal is to construct diversion drainage around the dams so that storm water does not mix with water in the four dams. The proponent has submitted detailed material indicating how this drainage system can be built. The material also details how the water flow will be managed so that there are beneficial environmental outcomes in terms of vegetation and minimising erosion.

Of significance the Corangamite CMA has granted approval for the proposed changes under its role of administering the Water Act.

State and Local Planning Policies

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

In this instance the CFA have recognised an existing problem with water contamination that has been a product of fire-fighting training at the facility over a long period. Water from training exercises, due to the chemicals associated with fire retardants, have found their way into the four retaining dams onsite and Lake Fiskville. The proposal seeks to isolate this contaminated water areas from storm water flow. By undertaking this drainage diversion, storm water will avoid mixing with the contaminated water. Remedial efforts can then be exercised to treat the existing contaminated water. The proposed drainage works include the creation of wetlands that will use natural flora processes to reduce pollution.

It is considered that the proposed works are an appropriate response to the current conditions and will have no undue impact on the quality or quantity of water resources within the catchment.

There has been one objection lodged to the application from landowners downstream of the site. A similar objection was lodged with respect to Planning Application PA2013166. The grounds of objection are outlined in the table above and raise concerns about downstream implications. The objectors raise concerns about the implications the works may have on their land with regards water quality and possible enlargement of the watercourse downstream.

The permit applicant has submitted a technical assessment of the proposal. The design incorporates enhancements such as vegetation planting which will contribute to downstream water quality. The design also acts to isolate the contaminants onsite. The application is consistent with the various policy threads within the planning scheme that seek to enhance water quality and environmental wellbeing. Overall it is considered that the objections cannot be sustained.

Environmental Significance

Having regard to the comments from the water authority, there will be no adverse impact on the proclaimed water catchment area.

Clauses 35.07, 42.02 & 65 – Decision Guidelines

The proposed works are considered to be consistent with the zoning and overlay provisions.

The proposed works seek to address established environmental issues on the site. These issues can have a broader impact given the hydrology of the site and surrounding area. The proposed works seek to introduce comprehensive and sustainable land management practices.

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Conclusion

The proposal is considered to be an appropriate response to the site conditions and will improve environmental conditions onsite. The proposal is consistent with policy, meets the objective of the zone and overlays, and promotes improvements to land management.

The proposal provides for appropriate earthworks to be undertaken which will have environmental benefits. The application has been assessed against the relevant sections of the Moorabool Planning Scheme, and found to be supported by the policies therein. The application should be issued with a Notice of Decision to Grant a Permit.

Resolution:**Crs. Toohey/Dudzik**

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Notice of Decision to Grant a Permit PA2013165 for Earthworks associated with Drainage at Lots 1, 2, 3 & 4 on TP 845669K, otherwise known as 4549 Geelong-Ballan Road, Fiskville subject to the following conditions:

- 1. The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. Unless specifically required otherwise by any other condition of this permit and except with the prior written consent of the responsible authority to any variation, the development must be in accordance with the plans endorsed as part of this permit.***
- 3. All works shall be in accordance with the technical documentation that accompanied the planning application to the satisfaction of the Responsible Authority.***

Infrastructure and Environmental Health conditions

- 4. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).***
- 5. Unless otherwise approved by the Responsible Authority, there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.***
- 6. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***
- 7. Construction does not interfere with existing on-site septic tank/waste water treatment system installations or effluent fields.***
- 8. If existing septic tank or effluent lines need to be relocated or altered, an application to alter a septic tank must be submitted to Council's Environmental Health Unit.***

Barwon Water conditions

- 9. Sediment control measures outlined in the EPA publication No 275, Sediment Pollution Control, must be employed and maintained until the disturbed area has been permanently stabilised and/or revegetated.***
- 10. Any contaminated water and/or soil must be retained within the property boundaries until disposed to an EPA approved legal point of discharge or facility.***

Expiry condition

11. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.**
- b) The development is not completed within four years of the date of this permit.**

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

CARRIED.

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday, 30 October 2013

11.2.2 Planning Application PA2013-166; Construction of a diversion channel at Lots 1, 2, 3 & 4 on TP 845669K (formerly pt CAs 2, 3, 8 & 9, S16, Parish of Yaloak) CFA Training College, 4549 Geelong – Ballan Road, Fiskville VIC 3342

Application Summary:	
Permit No:	PA2013-166
Lodgement Date:	16 July 2013
Planning Officer:	Rob Fillisch
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	6 October 2013
Address of the land:	4549 Geelong . Ballan Road, Fiskville Lots 1, 2, 3 & 4 on TP 845669K (formerly pt CAs 2 & 9, and CAs 3 and 8, S16, Parish of Yaloak)
Proposal:	Construction of a Diversion Channel
Lot size:	150 hectares
Why is a permit required	Clause 35.07-4 . Farming Zone . works associated with a Section 2 use. Clause 42.02 . Environmental Significance Overlay . Schedule 1 . earthworks.
Public Consultation:	
Number of notices to properties:	16
Notices on site:	None
Notice in Moorabool Newspaper:	None
Number of Objections:	One (1)
Consultation meeting:	Not held due to separate discussion between objector and CFA.

Policy Implications:	
Key Result Area -	Enhanced Infrastructure and Natural Built Environment.
Objective -	Effective and efficient land use planning and building controls.
Strategy -	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Sian Smith</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Robert Fillisch</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
The application seeks to address identified contamination issues at Lake Fiskville and onsite retaining dams at the CFA Fiskville Training facility. The CFA has engaged environmental engineers to address this issue and the resultant design seeks to modify overland flow and divert water from entering into the onsite lake and dams. The proposal seeks to divert upstream water flows through the site by means of a diversion channel so that this water does not mix with water within Lake Fiskville or the four dams.	

The proponent has submitted a detailed design and related technical assessment indicating how this deviation channel can be built. The information also details how the water flow will be managed so that there are beneficial environmental outcomes in terms of vegetation planting and minimal erosion. The design allows for projected water flow rates.

The applicant has submitted a related planning application (ref. PA2013165) to carry out earthworks associated with altering overland flow through the site including the development of wetlands and diverting stormwater from entering the existing dams.

The application was referred to required authorities and within Council departments for comment. No objections from referral authorities were raised provided certain conditions were placed on any permit granted.

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

The application was advertised and one objection was received. The submission raised concerns about the impact on the watercourse, downstream implications and queries whether sufficient information has been provided by the permit applicant.

A consultation meeting was not held as the objector chose to meet with the applicant separately.

This report recommends that Council issue a Notice of Decision to Grant a Planning Permit for the Construction of a Diversion Channel subject to conditions.

Summary Recommendation:

That, having considered all relevant matters as required by s.60 of the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for the Construction of a Diversion Channel at Lots 1, 2, 3 & 4 on TP 845669K; otherwise known as 4549 Geelong . Ballan Road, Fiskville subject to certain conditions.

Background

The Fiskville CFA Training Facility is located approximately 6 kilometres south of Ballan and falls in the Beremboke Creek Catchment. The CFA have engaged environmental engineers to consider remediation works onsite. This follows an earlier independent report in 2012 (the Independent Fiskville Investigation Report), which found residues from firefighting foams used for training purposes at the site prior to 2007 have been detected in the sites dams, in Lake Fiskville and also downstream of Lake Fiskville. Further, the report recommends measures should be investigated and action taken to reduce sources of contaminant discharges into Lake Fiskville and offsite.

The CFAs environmental engineers have assessed the independent advice and confirmed these findings. The review indicated that diluted amounts of residues from historical use of firefighting foams were detected in the

downstream tributary (Eclipse Creek) but not in the Moorabool River, the chemical PFOS was detected in the downstream tributary (Eclipse Creek) but not in the Moorabool River.

The CFA's environmental engineers have investigated methods to remediate Lake Fiskville and the dams and the construction of a water treatment plant for the runoff from the flammable treatment pad.

Three options were developed:

Option 1: Channel and Bund from Resident Drive to Lake Road (both internal access roads) and then channel to the outlet of Lake Fiskville.

Option 2: Construct a retarding basin upstream of Resident Drive to reduce peak flows and then Channel and Bund to Lake Road and then channel to the outlet of Lake Fiskville.

Option 3: Piping the water flows in from Resident Drive to the outlet of Lake Fiskville.

It was determined that Option 1 was the most cost effective and simplest to construct.

This planning application involves the construction of a diversion channel around Lake Fiskville. A second planning application lodged by the CFA simultaneous to this application (ref. PA2013165) seeks approval for earthworks including the development of wetlands and drainage away from the onsite dams. The two proposals outlined in the separate applications are complimentary. A separate report is presented to Council on this other application.

Proposal

It is proposed to construct a diversion channel that will redirect water flow so that it would by-pass Lake Fiskville and continue in a southerly direction. The format is to channel and bund from Resident Drive to Lake Road, due to the low grade, and then construct a standard trapezoidal channel from Lake Road to the outlet of Lake Fiskville.

The banks for the channel will vary depending upon adjacent site conditions and vegetation. Typically the banks are 1 in 4 with a 1m bench either side of the low flow channel. This grade allows the banks to be vegetated with native grasses. For a relatively short length, the channel banks will be steepened to 1 in 2 to allow for a fence line and to avoid interfering with the southern embankment of Lake Fiskville. The steeping of the banks will increase flow velocities and the design incorporates a Rip Rap. A Rip Rap is rock or other material used to protect streambeds against erosion. Ripraps work by absorbing and deflecting the energy of stream flows. The gaps between the rocks trap and slow the flow of water.

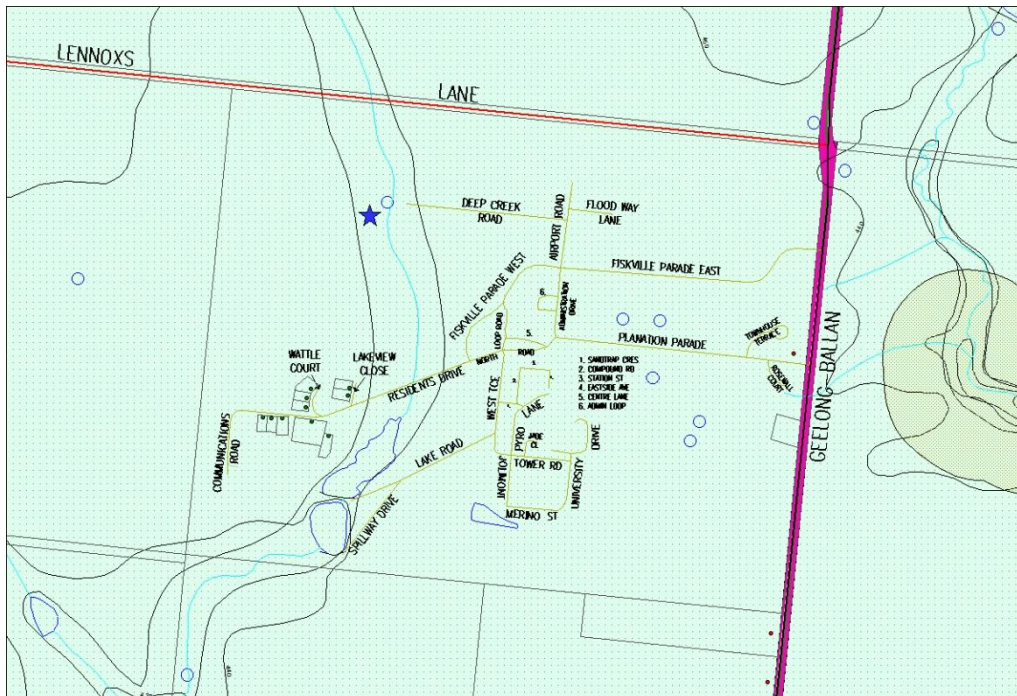
The design involves the planting in the low flow channel of small shrubs, grasses, sedges and rushes endemic to the area. The banks will be grassed and small trees and shrubs will be planted along the top of the banks.



Site Description

Locality Map

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



The site is located on the west side of the Geelong-Ballan Road. The site contains the CFA Fiskville Training Facility. This is defined in the planning scheme as an Emergency Services Facilityq

The site consists of the following:

- Teaching centre;
- Accommodation for students;
- Air strip;
- Flammable Liquids Training Pad;
- Advanced LPG Training Pad;
- Basic LPG Training Pad;
- 4 Dams to capture runoff from the training pads; and
- Lake Fiskville

The four dams are located adjacent the various training pads. Lake Fiskville is located to the west of the training pads.

The site comprises four parcels that together form a rectangle. Lake Fiskville has a catchment area of 700 hectares located to the north of the site. Water enters the lake from a culvert. There is a weir on the southern end of the lake that allows overflow into an outlet channel. Water then flows to the south where it eventually enters the Moorabool River.

The land is flat to gently undulating. Surrounding land is used for agricultural purposes.

Application plans

Detailed plans are included as one separate attachment to this report: No. 1 Diversion Chanel Realignment documentation and plans.

Planning Scheme Provisions

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

SPPF		
Clause 12.01	Biodiversity	The subject site contains no significant vegetation. No vegetation is to be removed. The proposed works will provide for beneficial environmental outcomes in relation to riparian systems.
Clause 13.03	Soil Degradation	The proposal will seek active management practices employed to deal with a contamination issue.

Clause 14.02-1	Catchment planning and management	The protection of water catchments and downstream water quality are considerations that support the proposal. The application seeks to modify the existing route of overland water flow so as to minimise potential downstream risks and allow for the remediation of identified pollution. The design includes environmental features that will contribute to improved water quality.
Clause 14.02-2	Water quality	Planning policy seeks to ensure contamination runoff is addressed and that water quality is enhanced. The application seeks to address identified contamination issues and promote better environmental outcomes through managing overland flow whilst remediation is undertaken of identified pollutants. The changes proposed seek to protect downstream water quality.
LPPF		
Clause 21.01-2	Key Issues - Environment	Protection of waterways is a consistent theme within policy; the proposal seeks to achieve this outcome.
Clause 21.02-1	Water and catchment Management	The policy notes there is a shared responsibility for water quality by the Shire, Water authorities and Catchment Management Authorities. The applicant has been granted a W orks on a Waterway permit by the Corangamite CMA.
Clause 21.02-3	Objective . Water and Catchment Management	The development seeks to enhance the riparian area along watercourses and improvements to water quality.

Clause 21.02-6	Objective . Environmentally Sustainable Development	The proposed works are in response to an identified contamination issue. This Policy encourages land use that is environmentally sustainable and minimises adverse impacts on the ecology. The proposal is consistent with these objectives.
Clause 22.02	Special Water Supply Catchments	The proposed works will assist in the protection and enhancement of water quality.

Zone

The land is zoned Farming under the Moorabool Planning Scheme. The CFA Training College can be described as an Emergency Services Facilityq the definition of which is:

Land used to provide facilities for emergency services, such as fire prevention and ambulance services. It may include administrative, operational or storage facilities associated with the provision of emergency services.

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

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

Overlays

Environmental Significance Overlay – Schedule 1

The land is included in an Environmental Significance Overlay . Proclaimed Water Catchment Areas (ESO1) under the Moorabool Planning Scheme. Pursuant to Clause 42.01, a planning permit is not required for Buildings and worksqif it is associated with:

Development undertaken by a public authority to regulate the flow of water in a watercourse, regulate flooding or to construct or redirect a watercourse.

The CFA is not considered a public authorityqin relation to watercourse management. Accordingly, a planning permit is required for the proposed earthworks under the ESO.

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

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

The environmental objectives to be achieved are:

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

Design and Development Overlay – Schedule 2

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

General Provisions

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

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

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

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

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

Referrals

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

Referrals/Notice	Response
Section 55 Referrals: Barwon Water	No objection subject to conditions
Section 52 notice: Southern Rural Water Corangamite CMA EPA	No response No objection No response
Internal Council Referrals Infrastructure Department Environmental Health	No objection subject to conditions No objection subject to conditions

Barwon Water has required conditions relating to sediment control and that contaminated water must be retained within the subject site.

Council's Infrastructure and Environmental Health sections have required various environmental protection measures be placed on any approval.

Public Notice

Notice of the application was sent to adjoining landowners and those downstream. The advertising process was from 23 July 2013 to 12 August 2013. One objection was received.

Summary of Objections

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

Objection	Officer's response
Inadequate studies as to the implications for downstream properties.	The application was accompanied by a detailed technical report. The report outlined measures to isolate overland flow from identified contaminated water bodies (ie. Lake Fiskville and the four dams). The report also considered the velocity of water leaving the site before it departed downstream. The technical report submitted is considered to address the relevant environmental issues.

The proposal may cause erosion, flooding and other destruction.	The technical report which accompanied the application considered flooding and potential erosion issues. The Corangamite CMA in their advice to Council dated 6 September 2013 commented: <i>The proposed works will undoubtedly alter the nature of the flood extent at this location, however modeling undertaken by Cardno as part of this assessment has determined that any changes to the extent will be confined and are unlikely to affect downstream properties.</i>
The proposal may cause parts of the objector's land to be unusable.	As noted, the advice from Corangamite CMA is that the proposal should not cause flooding downstream.
The plans submitted with the application are deficient.	The plans and technical matter submitted with the application provide detail on the location of the proposed deviation channel and the associated works (ie. cross sections etc). There was no request for further information, as the material submitted was considered satisfactory. The application was sent to various agencies for comment, none required additional material.
The proposal will cause a possible enlargement of the watercourse on their land and the flow of this watercourse is unknown.	As noted the assessment by the applicant's engineers indicated no adverse impact.
The diversion of the creek raises health and safety concerns.	The concerns of the landowners are noted and the identification of contaminants at the CFA site and impacts downstream has been reported. The planning application is one part of the response to address the contaminant issue. The diversion channel proposed will isolate the contaminated water sources from downstream properties. In this regard the intended works will assist water quality.
The diversion may cause contaminants to enter the downstream watercourse.	The purpose of the diversion channel is to reduce the likelihood of contaminants entering the downstream watercourse. Related actions associated with permit application PA2013-165 include the installation of a triple interceptor to reduce the passage of contaminants.
The extent of the contamination issue has not been satisfactory resolved.	The application is for a series of earthworks that respond to earlier contamination reports undertaken on the site. The application does not seek to identify contamination onsite rather it relies upon earlier studies for this data. The proposal seeks to redirect water flows so that contaminated areas can be isolated from the watercourse that runs through the site.

On 28 August 2013, two representatives from CFA and two engineers from Cardno Lane Piper met with the objectors and their accountant at their home. The purpose of the meeting was to provide the objectors with an in-depth understanding of the planned engineering works and to discuss the matters raised in their letter of objection. During the meeting, the objectors were provided with a detailed overview of the planned civil works and were taken through various design drawings which formed part of the package of information available to the public of Moorabool Shire Council.

The Cardno Lane Piper engineers provided detailed explanations of the nature of the works and how they would be undertaken. They answered various questions from the objectors and explained that the engineering works would be staged and managed in such a manner that silt and mud would not run onto their property. They also explained that once completed, the objectors would receive a more regular flow of clean water. The stormwater diversion, wetland and creek diversion channel would ensure that water would no longer flow through Lake Fiskville or the dams before entering their property. It was further explained that appropriate modelling has been undertaken and that the works have been designed to prevent so far as possible any future flooding from impacting upon their property.

CFA provided the objectors with copies of various design drawings and invited them to make contact at any time if they have any further questions or concerns. Since meeting, CFA has followed up with the objectors on a couple of occasions to ask if they would lift their objection to the planning permit, and they have declined.

Discussion

The application seeks to address identified contamination issues at the CFA Fiskville Training facility.

A report commissioned by the CFA found that there was some contamination within Lake Fiskville as a result of overflow from the training pads. As well contamination was found in the dams adjacent the training pads. The CFA plans remediation of the lake and the dams. In order to carry out this and prevent downstream contamination three options were considered.

The proposal to construct a diversion channel seeks to divert upstream water flows within the site so that this water does not mix with water storage areas on the site in the form of Lake Fiskville and four dams. The proponent has submitted detailed material indicating how this deviation channel can be built. The material also details how the water flow will be managed so that there are beneficial environmental outcomes in terms of vegetation and minimising erosion. The design allows for project water flow rates.

Of significance the Corangamite CMA has granted approval for the proposed changes under its role of administering the Water Act.

State and Local Planning Policies

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

In this instance the CFA have recognized an existing problem with water contamination that has been a product of fire-fighting training at the facility over a long period. Water from training exercises due to the chemicals associated with fire retardants have found their way into the four retaining dams onsite and Lake Fiskville. The proposal seeks to isolate this contaminated water areas from the watercourse flow that proceeds through the property.

By undertaking this diversion, the water flow that enters the site from the north can depart to the south without coming into contact with the contaminated water. Remedial efforts can then be exercised to treat the existing contaminated water. The proposed deviation channel has been designed having regard to the extent of incoming water flow. This includes issues associated with flow velocities, proposed vegetation treatment and exit characteristics (i.e. avoidance of erosion).

It is considered that the proposed works are an appropriate response to the current conditions and will have no undue impact on the quality or quantity of water resources within the catchment.

There has been one objection lodged to the application this from landowners downstream of the site. A similar objection was lodged with respect to Planning Application PA2013165. The grounds of objection are outlined in the table above and raise concerns about downstream implications. The objectors raise concerns about the implications the works may have on their land with regards water quality and possible enlargement of the watercourse downstream.

The permit applicant has submitted a comprehensive technical assessment of the proposal which addresses matters such as water flow velocities, flooding and water quality. The design incorporates enhancements such as vegetation planting which will contribute to downstream water quality. The design also acts to isolate the contaminants onsite from flowing downstream. The application is consistent with the various policy threads within the planning scheme that seek to enhance water quality and environmental well-being. Overall it is considered that the objections cannot be sustained.

Environmental Significance

Having regard to the comments from the water authority, there will be no adverse impact on the proclaimed water catchment area.

Clauses 35.07, 42.02 & 65 – Decision Guidelines

The proposed works are considered to be consistent with the zoning and overlay provisions.

The proposed works seek to address established environmental issues on the site. These issues can have a broader impact given the hydrology of the site and surrounding area. The proposed works seek to introduce comprehensive and sustainable land management practices.

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Conclusion

The proposal is considered to be an appropriate response to the site conditions and will improve environmental conditions both onsite and downstream. The proposal is consistent with policy, meets the objective of the zone and overlays, and promotes improvements to land management.

The proposal provides for appropriate earthworks to be undertaken which will have environmental benefits. The application has been assessed against the relevant sections of the Moorabool Planning Scheme, and found to be supported by the policies therein. The application should be issued with a Notice of Decision to Grant a Permit.

Resolution:

Crs. Sullivan/Comrie

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Notice of Decision to Grant a Permit PA2013166 for the Construction of a Diversion Channel at Lots 1, 2, 3 & 4 on TP 845669K; otherwise known as 4549 Geelong-Ballan Road, Fiskville subject to the following conditions:

1. ***The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
2. ***Unless specifically required otherwise by any other condition of this permit and except with the prior written consent of the responsible authority to any variation, the development must be in accordance with the plans endorsed as part of this permit.***
3. ***All works shall be in accordance with the technical submission 'Fiskville CFA Training Site - Creek Diversion Functional Report' dated 22 May 2013 that accompanied the planning application.***

Infrastructure and Environmental Health

4. ***Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).***
5. ***Unless otherwise approved by the Responsible Authority, there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.***
6. ***Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***
7. ***Construction does not interfere with existing on-site septic tank/waste water treatment system installations or effluent fields.***
8. ***If existing septic tank or effluent lines need to be relocated or altered, an application to alter a septic tank must be submitted to Council's Environmental Health Unit.***

Barwon Water conditions

9. ***Sediment control measures outlined in the EPA publication No 275, Sediment Pollution Control, must be employed and maintained until the disturbed area has been permanently stabilised and/or revegetated.***
10. ***Any contaminated water and/or soil must be retained within the property boundaries until disposed to an EPA approved legal point of discharge or facility.***
11. ***This permit will expire if one of the following circumstances applies:***
 - a) ***The development is not started within two years of the date of this permit.***

- b) The development is not completed within four years of the date of this permit.**

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

CARRIED.

Report Authorisation

Authorised by:

Name:

Satwinder Sandhu

Title:

General Manager Growth and Development

Date:

Thursday, 24 October 2013

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

Application Summary:	
Amendment App No:	PA2012-069 A1
Lodgement Date:	15 July 2013
Planning Officer:	Natalie Robertson
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	15 September 2013
Address of the land:	Lot 22 of PS 112262 162 Gisborne Road Darley
Proposal:	Amendment to Use and Development of the Land for a Medical Centre; Alteration of Access to a Road Zone and Business identification signage by alteration of trading hours
Lot size:	650 sqm approximately
Why is a permit required	Clause 32.01-1; Medical Centre is classified as Section 2 Use;
Public Consultation:	
Number of notices to properties:	12
Notices on site:	1
Notice in Moorabool Newspaper:	Not applicable
Number of Objections:	5
Consultation meeting:	Not held

Policy Implications:	
Key Result Area -	Enhanced Infrastructure and Natural Built Environment.
Objective -	Effective and efficient land use planning and building controls.
Strategy -	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
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	
<p>Manager . Sian Smith In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p>Author. Natalie Robertson In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	

Executive Summary:

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

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

The medical centre has since established and has been trading Monday to Friday 8:00 am to 6:00 pm and 9:00 am until 12 noon on weekend and public holidays with two practitioners.

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

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

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

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

Some of the concerns raised by objectors were;

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

The assessment of this amendment has given consideration to the surrounding commercial and non-residential uses and the impact of the already existing medical centre on neighbouring residential properties. It is recommended that the development should be approved with some additional permit conditions.

Summary Recommendation:

That Council resolve to issue a Notice of Decision to Grant an Amended Permit for the Use and Development of the Land for a Medical Centre; Alteration of Access to Road Zone and Business Identification Signage at Lot 22 of PS 112262, 162 Gisborne Road Darley VIC 3340

Proposal

The Application to Amend a Planning Permit seeks to alter the existing medical centre trading hours, to increase the number of practitioners already approved from two to three.

The existing centre has been designed to include three practitioners, however the original approval allowed for only two practitioners.

The alteration to trading hours is to:

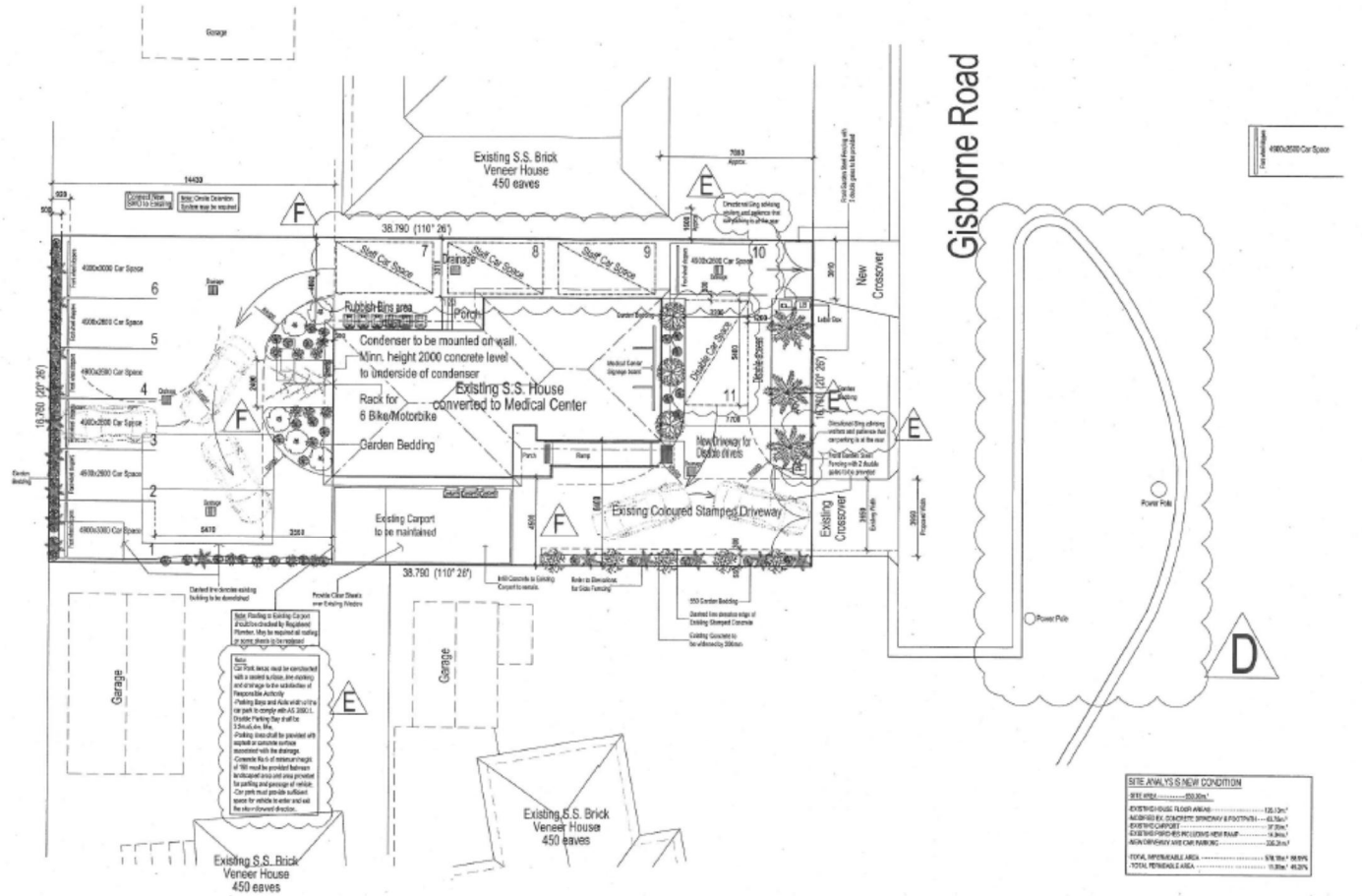
- (a) Extend Monday to Friday open hours an additional two hours from 6:00 pm to 8:00 pm; and
- (b) Alter weekend trading hours from 9:00am to 12 noon to 11:00 am to 5:00 pm increasing opening hours by an additional 3 hours.

Increasing the practitioners from two to three would also require a car parking provision of (11) spaces. The subject site has been revised to accommodate (11) eleven spaces. The Moorabool Planning Scheme requires 5 spaces for the first practitioner and 3 spaces for each practitioner thereafter. In this regard, no car parking waiver would be required.

The proposal would cater for 11 on-site car parks, including a disabled car park in front of the medical centre. The existing outbuilding (metal shed) towards the rear of the property would be demolished so the area is utilised for 6 car parking spaces. The setback on the southern side would cater for 4 additional car parks, 3 for staff and one for visitors. A crossover has already been created as part of the original development. Seven of the car parks would be available to patients, 3 for staff and one disabled parking

The drawings of the proposed medical centre included below.

Site Plan



SITE PLAN / CAR PARK (Proposed)
 Scale: 1:200



SHANSA CONSTRUCTION
 16 Dartnall Close
 Deaneley 3027 Victoria
 Ph: (03) 9307-6451 Fax: (03) 9307-6451 Mob: 0410-470-745
 Email: shansa.construction@gmail.com

REGISTERED Building Practitioner
 Dragon Matsoki DP-ND 29068

JOB NUMBER: **079-MC**

SCALE: AS SHOWN SHEET NUMBER: **A1** TP-04 or 05

DRAWN: DRAGON M ORIGINAL DATE: **22.03.12**

PROPOSED SITE: **SITE PLAN / CAR PARK (Proposed)**

PROPERTY ADDRESS: **143 GISBORNE ROAD BACCCHUS MARSH**

CLIENT: **KRIPA PTY. LTD.**

AMENDMENTS			
NO.	DATE	DESCRIPTION	BY
1	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
2	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
3	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
4	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
5	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
6	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
7	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
8	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
9	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
10	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
11	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
12	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
13	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
14	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
15	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
16	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
17	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
18	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
19	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M
20	22.03.12	FOR SHANSA CONSTRUCTION	DRAGON M

DATE: _____ SIGNED: _____

DATE: _____ SIGNED: _____

SITE ANALYSIS - NEW CONDITION

SITE AREA	10,100 m ²
EXISTING HOUSE FLOOR AREA	18,124 m ²
MEASUREMENT OF GARAGES (SHEDS) & PATIOS	6,174 m ²
EXISTING CARPORT	1,726 m ²
EXISTING DRIVE INCLUDING NEW RAMP	10,860 m ²
NEW DRIVEWAY AND CAR PARKING	28,254 m ²
TOTAL IMPERVIOUS AREA	83,042 m ²
TOTAL PERMEABLE AREA	7,858 m ²

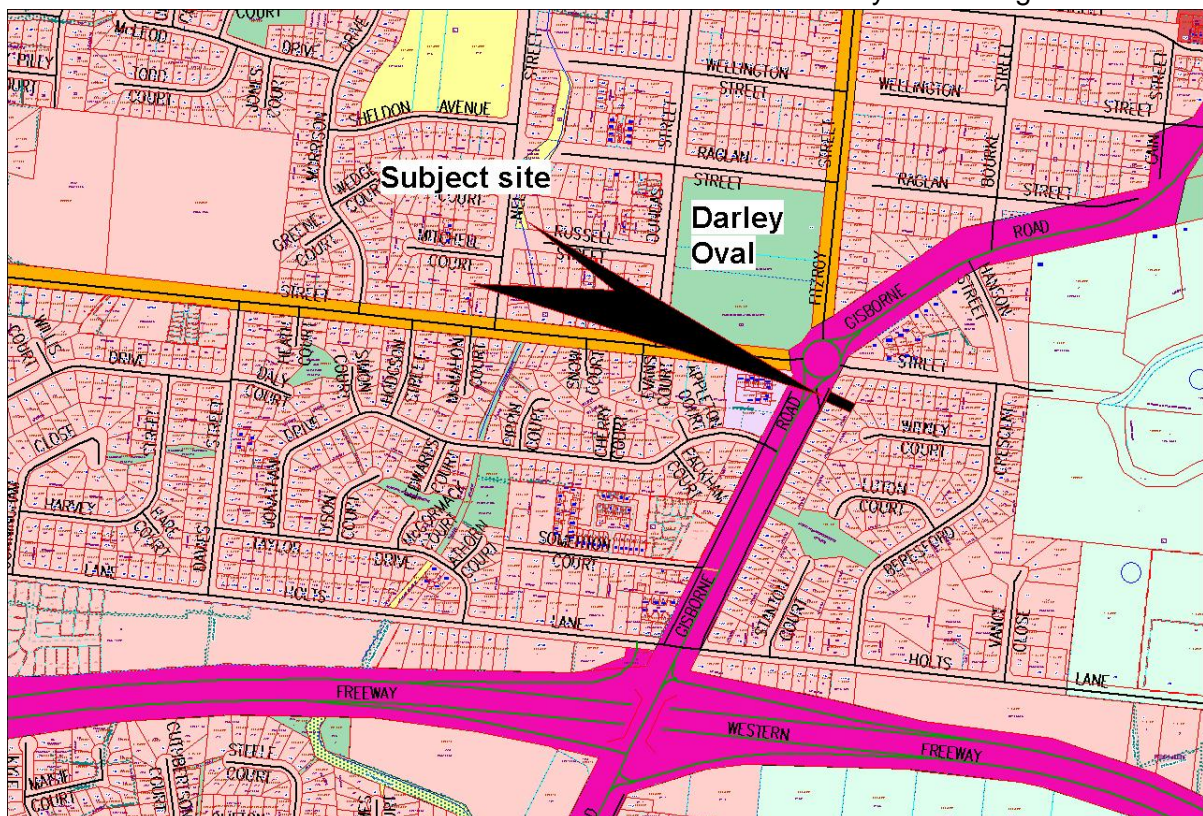
Site Description

The subject site is located on the Eastern side of Gisborne Road which runs in a north-south direction. The total area of the subject site is 650 sq mts and has access through the service road along the Gisborne Road. The subject site contains the existing medical facility developed under the permit conditions of Planning Permit PA2012069.

The subject site also has a 2.50 metre (drainage and sewerage) easement along the rear boundary.

The subject site is located near the intersection of Gisborne Road, Grey Street and Fitzroy Street. The neighbourhood comprises various residential and non residential uses. The non residential uses within the neighbourhood include a medical centre on the corner of Gisborne Road and Jonathan Drive, supermarket and various shops, Darley Recreation Reserve, a pre-school & play grounds.

All abutting properties to the medical centre are used for residential purposes. The Darley Shopping Centre which includes a supermarket, shops and petrol station is located directly adjacent to the subject site and can be accessed via Gisborne Road, Grey Street and Jonathan drive. Another medical centre, the Bacchus Marsh Medical Centre is located adjacent the Supermarket at the South west corner of Gisborne Road and Jonathan Drive. The Darley Recreation Reserve is located at North West corner of Grey Street and Fitzroy Street and caters for sporting groups such as football, netball and cricket. The reserve also hosts a community market every second weekend. The pre-school and play grounds located on Gisborne Road are within 500m of the subject site. The subject site is also located within 400 metres south of the Western Freeway interchange.



Planning Scheme Provisions

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

SPPF		
Clause 11	Settlement	The medical centre uses existing facilities and infrastructure and is considered to provide employment and essential services to the community.
Clause 11.01-2	Activity centre planning	The medical centre is located adjacent to Darley Plaza and is considered to encourage a concentration of non residential uses around major retail and other commercial uses.
Clause 11.02	Urban growth	The medical centre provides for the sustainable use of the land and existing infrastructure.
Clause 11.02-4	Sequencing of development	Considering the current growth of Bacchus Marsh, Darley and Ballan it is considered that the medical centre provides a service that could be required in the town.
Clause 17.01-1	Business	The medical centre provides a net community benefit by encouraging economical growth and providing services which meet the communitiesneeds.
Clause 18	Integrated Transport	The subject site is accessible by public transport providing an alternative to private transport.
Clause 19.03-2	Water Supply, Sewerage and Drainage	The medical centre is connected to reticulated services.

LPPF		
Clause 21.03	Settlement and Housing	<p>The site is within an area appropriately zoned for the development and would contribute towards achieving the objective of Urban Growth Management.</p> <p>The policy encourages non-residential uses, including convenience shops and medical centres, in locations that are consistent, and compatible, with the scale and character of the area, in Particular adjacent properties. These uses should be located on lots fronting main or local arterial roads.</p> <p>The proposal is consistent with this policy.</p>
Clause 21.04-5	Local Employment	The proposed medical centre facilitates the local economy and provides additional opportunities local employment.
Clause 21.07	Bacchus Marsh	The subject site is within Urban Development Activity Centre the propose development encourages the policy to consolidate and enhance the development of the inner area of Bacchus Marsh.

Zone:

Clause 32.01 Residential 1 Zone.

The subject site is within the Residential 1 Zone and abuts the road which is classified as Road Zone - Category 1. Pursuant to Clause 32.01-1 a planning permit is required to use and develop residential land for a medical centre. A planning permit is also required to create an access from a Road Zone Category 1. The proposed use and development must comply with the decision guidelines of Clause 36.04-3, Clause 65 of Moorabool Planning Scheme.

The proposed amendment does not alter the basis for approval of the original Planning Permit under the Zone, however it does require consideration of alteration of conditions.

The application was required to be referred to VicRoads, under Clause 52.29 of the Moorabool Planning Scheme, for the construction of the additional access. VicRoads did not object to the approval of the medical centre and creation of additional access to the service road.

Particular Provisions

Clause 52.06 Car Parking

The proposal provides for 11 car parking spaces on the site which includes an additional two parks from the original application. As per the current planning provisions the amended application would require provision of eleven (11) car parking spaces which include 5 car parking spaces for the first medical practitioner and 3 spaces for each subsequent practitioner. In this case three practitioners equates to (11) car parking spaces. No waiver of car parking is required.

General Provisions

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

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

Referrals

The following referrals were made pursuant to the *Planning and Environment Act 1987* and Council departments were provided with an opportunity to make comment on the proposed development plan.

Referral Authority	
Infrastructure	Consent
Referral Authority (S.55)	
VicRoads	Consent

Other policies/procedures

Council adopted the Urban Growth Policy Statement at the OMC of the 5th September 2012. Whilst not a formal planning policy, Council can give weight to this document under the provisions of section 60(1A)(g) of the Planning and Environment Act 1987.

This policy has been considered when assessing this amendment.

Public Notice

Notification of the proposal was undertaken and a Notice was displayed on the site from 30 July 2013 to 13 August 2013. A sign was placed on site and adjoining owners and occupiers were notified by mail. A total of 12 notices were sent to properties within the surrounding area. Council has received 5 objections to the proposed amendments.

Summary of Objections

No public consultation was held in this matter between the proponent and the objectors as the concerns raised as reflective of the concerns raised in the original application.

Objection	Officer's Assessment
<p>The extension of trading hours would create traffic and congestion on the service Road.</p>	<p>The planning assessment is based against the decision Guidelines of Clause 52.06-9. It is consider that the proposed increase in trading hours for the medical centre and additional car movements would not create any additional congestion on Gisborne Road.</p> <p>The application was referred to the VicRoads and Council's Infrastructure Department. Both the authorities have consented to the proposed development implying that an additional 11 cars on Gisborne Road is not likely to create additional adverse impact to the existing traffic congestion.</p>
<p>The additional car parks on the service road would reduce the space for neighbours. There are no designated footpaths, so everyone walks on the service road.</p>	<p>The planning assessment is based against the decision Guidelines of Clause 52.06-9. The location of centre and provision of the minimum number of car spaces required pursuant to Clause 52.06 suggests little additional impact to car parking on street.</p> <p>Further, there is a pedestrian path on the western side of Gisborne Road together with a pedestrian crossing at the Gisborne road roundabout at Gisborne Road.</p> <p>The public bus stop is located 120 m from the subject site.</p>

<p>As rear boundary neighbours we have always experienced some noise from the Darley roundabout. Since the removal of the garage and vegetation on the subject site the noise levels from traffic has become constant and we can now see traffic on the road. Parking spaces are located along the rear boundary which would extend the impact of traffic noise levels.</p>	<p>The planning assessment is based against the decision Guidelines of Clause 52.06-9.</p> <p>The applicant has provided car parking in accordance with the requirements of the planning permit.</p> <p>The endorsed plans show landscaping areas along the length of the rear boundary. The proponent will be required to comply with a landscaping requirement and plant trees that would create a noise barrier. Species with dense foliage and/or hedging properties will be required to be planted.</p> <p>Further, a permit condition will be imposed to increase the fence height along the rear boundary to 1.8m.</p>
<p>To also include Sunday as a day of business shows a lack of consideration to a residential area. Having people constantly coming and going from a car park literally metres from our backyard for a substantial portion of the weekend daylight hours is something we could not tolerate.</p>	<p>The original planning permit approves Sunday opening hours from 9:00 a.m. until 12 noon. It is likely that the facility does not have an obvious number of attendances on Sunday as it currently operates.</p> <p>Given the number of practitioners on the site, the proximity to other medical centres and the nature of the use, it is unlikely that traffic will be constant. Whilst it is reasonable that traffic will come and go at various times it is unlikely that traffic will be at a steady stream.</p> <p>This report recommends intensification of vegetation and fence extension to attempt to alleviate the objectors concerns.</p>

<p>There is a potential security threat to our property. The gates on the subject site are often left open at night and therefore invite people to enter at their will. The neighbours at 11 Witney Court have been burgled since the medical centre has been established and tools from their garage were found on the Gisborne Road property.</p>	<p>The proponent would be required to close the access gates after opening hours. This may be enforced through permit conditions.</p> <p>Whilst the rear of the property could have security lighting, it is likely that such lighting would be detrimental to adjoining neighbours through visual impact.</p> <p>Security lighting should be provided from the front porch of the property down the front drive, similar to residential sensor lighting.</p> <p>The proponent has undertaken to have the centre monitored by a security company after hours.</p> <p>No objection was received from the residents at 11 Witney Court.</p>
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Discussion

The subject site for the proposed medical centre complies with the requirement of the Zones, overlays, particular and general provisions of Moorabool Planning Scheme. It is also considered that the proposed medical centre is in accordance with State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

Gisborne Road is one of the arterial roads of Bacchus Marsh with various non residential activities along the road. It is considered that the additional traffic created by the addition of one more practitioner is not going to create traffic congestion with any more detriment than already occurs in the area. VicRoads and Council's Infrastructure Department have assessed the application against their requirements and standards and consented to the development.

Public roads are not normally quarantined for use of local residents. To encourage the patients and visitors to park within the surgery land, where possible, the following condition has already been imposed at 1.(a).

"A directional sign must be installed at the entrance, advising that car park for the visitors, patients, and staff members are provided towards the rear."

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications Strategy

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

Conclusion:

The proposal has been assessed against the relevant sections of the Moorabool Planning Scheme, and found, with some amendments as required by permit conditions, to be supported by the policies therein. The application should be issued with a Notice of Decision to Grant an Amended Planning Permit.

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

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

The business of the meeting then returned to the agenda.

Recommendation:

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

- 1. Condition 1 of the original Planning Permit shall include the following:**
 - a) Landscaping using species with dense foliage and/or hedging properties will be required to be planted along the rear boundary to the satisfaction of the responsible authority;**
 - b) Extension of the rear boundary fence to a height of 1.8m.**
 - c) Provision of sensor lighting from the front entry directed along the access drive and suitably baffled so as not to impact adjoining properties."**
- 2. Condition 2 be amended to read as follows:**

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

- a) 8:00am and 8:00 pm (Monday to Friday); and**
- b) 11:00am and 5:00 pm (Saturday and Sunday).**

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

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

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

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

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

Resolution:

Crs. Dudzik/Edwards

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

- 1. *Condition 1 of the original Planning Permit shall include the following:***
 - a) Directional signage must be installed at the entrance advertising that car parks for the visitors, patients and staff members are provided towards the rear.***
 - b) Landscaping using species with dense foliage and/or hedging properties will be required to be planted along the rear boundary to the satisfaction of the responsible authority.***
 - c) Extension of the rear boundary fence to a height of 1.8m.***
 - d) Provision of sensor lighting from the front entry directed along the access drive and suitably baffled so as not to impact adjoining properties.”***

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

“Unless otherwise approved in writing by the responsible authority the use may only occur between the hours of:
 - a) ***8:00am and 8:00 pm (Monday to Friday); and***
 - b) ***11:00am and 5:00 pm (Saturday and Sunday).”***
3. **A new permit condition should be provided at Condition 3 as follows:**

“3. There must be no more than three practitioners operating from site at any given time unless with the written consent of the responsible authority.”
4. **A new permit condition should be provided at Condition 4 as follows:**

“4. Access gates to the subject site should be securely closed outside opening hours to the satisfaction of the responsible authority.”
5. **All subsequent conditions should be renumbered accordingly to reflect the inclusion of new Conditions 3 and 4.**

The resolution was determined to be LOST on a Casting Vote by the Mayor.

Resolution:

Crs. Toohey/Spain

That consideration of this item be deferred to the next meeting and that officers prepare an alternative motion providing grounds for refusal.

CARRIED.

Report Authorisation

Authorised by:

Name:

Satwinder Sandhu

Title:

General Manager Growth and Development

Date:

Thursday, 24 October 2013

11.3 COMMUNITY SERVICES

11.3.1 Moorabool Health and Wellbeing Plan 2013-2017

Introduction

File No.: 12/01/001
Author: Kate Diamond-Keith
General Manager: Danny Colgan

Background

The purpose of this report is to present the Moorabool Health and Wellbeing Plan 2013-2017 to the Council for adoption, following the public exhibition period.

At the Ordinary Meeting of Council on Wednesday 18 September 2013 Council made the following resolution:

Cr. Sullivan/Comrie:

That Council:

- 1. endorse the Draft Moorabool Health and Wellbeing Plan 2013-2017 for the purposes of public exhibition for a period of four weeks*
- 2. receive a further report at the conclusion of the exhibition period seeking adoption of the Moorabool Health and Wellbeing Plan 2013-2017.*

The Moorabool Health and Wellbeing Plan 2013-2017 (~~plan~~) is a four year plan for enhancing the health and wellbeing of residents in the Shire. The Plan provides a snapshot of the health and wellbeing status of the community and an action plan in partnership with local health providers and community organisations to improve the health and wellbeing of the Moorabool community. Local agencies, health services and organisations have demonstrated a strong commitment to the development and implementation of the Plan.

During the public exhibition period the following activities were undertaken to seek community feedback on the Draft Plan.

- A discussion forum and submissions through the Have Your Say website, the Council's on-line engagement portal.
- Copies were available at Council's Customer Service locations, Lerderberg Library, Ballan Library and all rural library sites.
- Members of the Health and Wellbeing Committee were provided with the Draft Plan and asked to provide feedback.
- Community groups and Committees of Management were provided with the Draft Plan and asked to provide feedback.
- Adjoining municipalities and State and Federal Government were provided with the Draft Plan and asked to provide any feedback.
- The Health and Wellbeing Committee met to discuss the Draft Plan.

- Internal Staff were provided opportunity to comment on the Draft Plan.
- The public submission process was also advertised in the local newspaper and on the Council website.

Key Issues raised in Feedback

The key issues raised in the feedback were as follows:

- The plan was easy to read and follow
- The level of community engagement was good
- The action plan was comprehensive
- There was concern about how to keep partners involved in the implementation
- Some issues raised about the timing of specific actions
- Concern that the Plan was not strong enough about issues with family violence
- Recognition/acknowledgement of indigenous people not reflected strongly enough
- Additional data required in health profile section
- Community safety is an important issue for the community.

A full summary of the feedback is contained in **Attachment 11.3.1 (1)**.

The health profile has been updated to include data on people with disabilities and teen pregnancy. In relation to the acknowledgement and recognition of Indigenous People, the Council has endorsed the preparation of a draft Statement of Commitment to Indigenous People. It is proposed that the acknowledgement and recognition of Indigenous People be considered in the preparation of the Statement which will involve consultation with Indigenous People and organisations.

In relation to the timing of some of the actions and suggestion that some be brought forward to the first year of implementation, the plan has a four year horizon with a number of actions. The actions have been allocated across the four years to manage the completion of the actions. The Council and partner agencies have limited resources and need to prioritise the implementation of the actions in the plan.

Proposal

It is proposed that the Council adopts the Moorabool Health and Wellbeing Plan 2013-2017 as contained in **Attachment 11.3.1 (2)**.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Inclusive, responsive and accessible community service
Strategy	Ensure Council's services and facilities are accessible

The proposal Moorabool Health and Wellbeing Plan 2013-2017 is consistent with the 2013-2017 Council Plan.

Financial Implications

The Moorabool Health and Wellbeing Plan 2013-2017 contains an action plan outlining key strategies and actions to be implemented over the next four years. The actions contained in year one of the action plan are actions that are already funded by either the Council, key partners or they can be completed using existing resources. Actions contained in Years three and four are to be implemented through a partnership funding model which may include funding from external agencies, State and Federal Government funding bodies and the Council. Council funding will be subject to approval through the Council's annual budget process.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Health and Wellbeing Plan	Council is required to develop a <i>Health and Wellbeing Plan under the Public Health and Wellbeing Act 2008</i>	Low	Council to develop and adopt a Health and Wellbeing Plan for the Shire.

Communications and Consultation Strategy

The following community engagement activities have been undertaken, in accordance with the Council's Community Engagement Policy and Framework.

Plan Development

Level of Engagement	Stakeholder	Activities	Outcome
Consult	Community members	Have Your Say Moorabool online community engagement portal	13 comments on Have Your Say
Consult	Participants at Expo	Wishing Well postcards+ at Health and Wellbeing Expo	77 people completed postcards
Consult	Residents	Face to face conversations initiated at community events in March/April 2013	56 people interviewed
Consult	Residents, parents, participants in programs	Wishing Well postcards+ offered at community programs and group activities	168 people completed postcards

Consult	Community	Community workshops	13 people attended workshop in Bacchus Marsh.
Collaborate	Key Stakeholders	Establish Health and Wellbeing Advisory Committee	Committee established and has provided input into development of priorities for the Plan.
Consult	Recreation Reserve Committees CFA Schools CWA Senior Citizens	Survey and discussions with individual groups	30 groups provided with opportunity to engage

Public Exhibition period

Level of Engagement	Stakeholder	Activities	Outcome
Consult	Community	Discussion forum and submissions through the Have Your Say website	2 submission forms 1 discussion forum comment 44 people looked at the Plan
Consult	Community	Copies were available at Council's Customer Service locations Lerderderg Library, Ballan Library and all rural library sites	Residents able to view the Plan
Collaborate	Health and Wellbeing Committee	Provided with a copy and asked to provide feedback. Meeting of the committee	Committee workshop . 17 attendees from external organisations and internal staff
Consult	Community groups and Committees of Management	Provided with the Draft Plan and asked to provide feedback	No submissions
Consult	Adjoining municipalities and State and Federal Government	Provided with the Draft Plan and asked to provide feedback	No submissions
Consult	Internal Staff	Presentation to Management Group meeting and requests for feedback.	Multiple staff provided feedback via email and feedback wall.

Level of Engagement	Stakeholder	Activities	Outcome
Consult	Community	Public submission process advertised in local newspaper and Council's website	2 submissions

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Kate Diamond-Keith

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

Conclusion

The Moorabool Health and Wellbeing Plan 2013-2017 is a Plan to guide future investment and direction in improving the health and wellbeing of the community for both Council and key community partners. The Plan will be implemented and evaluated by the Health and Wellbeing Committee and the Committee members will be directly involved in implementing the actions in the Plan.

Resolution:

Crs. Sullivan/Toohey

That the Council adopts the Moorabool Health and Wellbeing Plan 2013 – 2017.

CARRIED.

Report Authorisation

Authorised by:



Name:

Danny Colgan

Title:

General Manager Community Services

Date:

Wednesday 30 October, 2013

11.3.2 Draft Sponsorship and Naming Rights Policy

Introduction

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

Background

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

The draft policy is based on the following principles:

- There should be no conflict between the vision and objectives of Council, the facility and the sponsor
- The nature of the product and the service of any sponsoring organisation should not detract from the purpose of the facility
- The sponsorship should not obligate Council to one company or product, nor imply the Council's or facility's endorsement of any products
- Council reserves the right to re-offer sponsorship rights after a certain period if the corporate entity ceases to exist.
- Sponsorship or donations by organisations or individuals does not allow them any rights of control, decision or influence over the Council or the facility
- All funds accepted will be administered in accordance with Council's financial management processes
- The Council will not enter into any alliance or partnership with any corporation or organisation where the association with the prospective partner or acceptance of the sponsorship will jeopardise the financial, legal or integrity of Council or the facility or adversely impact upon Council's or the facility's standing and reputation in the community
- Probity and transparency are important. Sponsorship opportunities will be publicly promoted and when deemed relevant through direct invitation to potential sponsors.
- Council will establish criteria by which any sponsorship proposals will be assessed. If an expression of interest process is undertaken, specific criteria will be published and made available to all prospective sponsors

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

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

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

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

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

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

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

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

It is proposed that in accordance with Moorabool Shire Council Policy Protocol, consideration of items which affect beyond the current year, the Sponsorship and Naming Rights Policy as contained in **Attachment 11.3.2**, lay on the table for further consideration at the next Ordinary Meeting of Council after 30 days.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

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

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Danny Colgan

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

Conclusion

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

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

Consideration

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

Resolution:**Crs. Comrie/Spain**

That Council in accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which Affect Beyond the Current Year, the Draft Sponsorship and Naming Rights Policy now lay on the table for further consideration at the next Ordinary Meeting of Council after 30 days.

CARRIED.

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

Danny Colgan

Title:

General Manager Community Services

Date:

Wednesday 30 October, 2013

11.4 INFRASTRUCTURE SERVICES

11.4.1 Flood Recovery Program Quarterly Report – September 2013

Introduction

File No.:
Author: Sam Romaszko
General Manager: Phil Jeffrey

Background

During 2010 and early 2011 various severe weather events were experienced across the Shire resulting in widespread flood damage to Council's infrastructure including roads, drains, bridges, walking trails, recreation reserves and buildings. The most dangerous and necessary damaged assets were attended to by Council's Works Department and Contractors during or shortly after the events for public safety and amenity.

Subsequently a series of significant tasks on multiple occasions were undertaken to inspect, assess and estimate costs for flood damage on all Council's roads and other infrastructure across the Shire. Each event has triggered submission of damage estimates to the Department of Treasury and Finance for Natural Disaster Financial Assistance now totalling approximately \$21.3 million. Council is currently in the process of delivering the works associated with those grants.

Proposal

This quarterly report provides Council with an overview of the progress of the Flood Recovery Works Program to 30 September 2013.

Implementation of the Flood Recovery Program

The number of individual projects in the Flood Recovery Program is currently 720. Significant emergency repairs were implemented at the time of each event and Council officers have grouped remaining like projects and simplified the list for reporting purposes. As a result the reportable number of projects associated with the Flood Recovery Program consists of 46 projects.

To be consistent with the capital program reporting, the Engineering Services Unit has used the 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status. The table below summarises the overall program status as at 30 September 2013:

Flood Recovery Works Program Delivery Stage	Actual as at 30 September 2013	
	No. of Projects	%
Not Commenced	1	2.2
Documentation/Design Preparation	2	4.3
Tender/Quote Stage	0	0
Project Awarded . Waiting Commencement	0	0
In Progress/Under Construction	5	10.9
Complete	38	82.6
TOTAL	46	100.0

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

Significant Projects

There has been good progress to date with approximately \$18.8M worth of works committed, in progress or complete. Recent large projects include;

- S Conroy Road, Bunding bridge replacement works are complete
- Leila Court, Bacchus Marsh drainage restoration works are in progress and scheduled for completion in late November 2013
- Wallace Township drainage restoration works are in progress and scheduled for completion in late October 2013

On completion of these projects, the only outstanding works are restoration of walking trails along the Lerderderg River, Bacchus Marsh.

Estimated damage and timing of repairs

Council's current damage estimates submitted to the Department of Treasury and Finance (DTF) for Natural Disaster Financial Assistance total \$21.3 million. This will be adjusted and reimbursement for actual costs will inform the final damage amount.

Council has received advice regarding the submission for an extension of time and have been able to secure a revised project delivery timeframe of June 2014 for infrastructure deemed essential. No further extensions will be possible.

Outstanding Works

Confirmation has been received that expenditure relating to the restoration of walking trails will be reimbursed. Officers are continuing to work through issues relating to Melbourne Water requirements, cultural heritage and native vegetation assessment, stakeholder consultation and finalisation of conceptual design work in order to progress the procurement of these works. Councillors will be kept informed of progress in the coming weeks regarding this project.

Policy Implications

The 2013. 2017 Council Plan provides as follows:

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

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

Financial Implications

Reporting of the Flood Recovery Program has been resourced as part of the financial assistance claims from state government; accordingly there are no additional financial implications. At this point in time, the program is within overall budget parameters although Council will be reimbursed for actual expenditure.

Risk & Occupational Health & Safety Issues

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

Communications Strategy

Progress on the Flood Recovery program will be reported in the following formats:

- Infrastructure Update Weekly
- Councillor Information Bulletin Monthly
- Moorabool Matters Bi Monthly
- Moorabool News Updates on Significant Progress
- Capital Improvement Program Quarterly

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Sam Romaszko

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

Conclusion

This report provides a summary of the progress of the Flood Recovery Program for the first quarter of the 2013/14 period for the information of Councillors. Given there is only a small number of projects left to be completed, future reporting on the flood recovery program will be incorporated in the quarterly capital improvement works report and include only the projects that are incomplete.

Resolution:

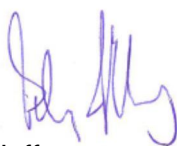
Crs. Sullivan/Toohey

That Council receives the Flood Recovery Program Quarterly Report to 30 September 2013.

CARRIED.

Report Authorisation

Authorised by:



Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday 30 October 2013

11.4.2 Capital Improvement Program Quarterly Report – September 2013

Introduction

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

Background

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

Proposal

This quarterly report provides Council with an overview of the progress of Council's 2013/2014 Capital Improvement Program to 30 September 2013.

Implementation of the 2013/2014 Capital Improvement Program

The 2013/2014 Capital Improvement Program currently consists of 78 projects, of which 16 are inactive and cannot commence. Therefore the table below reports on the 62 active projects in terms of percentage. This number will be adjusted throughout the year as other projects become active.

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

- Projects carried forward from 2012/2013 program
- 2013/2014 Council budgeted projects
- Grant funded projects

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

The Engineering Services Unit nominates 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status. The table below summarises the overall program status as at 30 September 2013:

CIP Program Delivery Stage	Actual as of 30 September 2013	
	No. of Projects	%
Not Commenced (inactive)	16	-
Not Commenced	18	29.0
Documentation/Design Preparation	5	8.1
Tender/Quote Stage	14	22.6
Project Awarded . Waiting Commencement	6	9.7
In Progress/Under Construction	14	22.6
Complete	5	8.1
TOTAL	62	100

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

Program Status

At this stage of the financial year the program is generally tracking well. 8% of the program is complete with a majority of projects in the tender/quote stage and in progress/under construction phases.

Inactive Projects

Of the 78 projects identified in this year's program there are 16 inactive projects. An overview is provided below and each is listed individually under one heading in the attached report;

- 14 projects are subject to external funding and cannot commence until successful matching grants are obtained.
- 2 projects (funded via Notice of Motion) are currently on hold pending finalisation of the scope of each project.

2012/13 CIP Budget

The 2012/13 Capital Improvement Program achieved a surplus of \$250,000 which has been carried forward into the 2013/14 CIP.

It is recommended the Gell Street, Bacchus Marsh footpath replacement works be funded through this surplus to complement the current streetscape improvements project and address a number of public liability issues. The remaining funds to be allocated at a later date.

Policy Implications

The 2013-2017 Council Plan provides as follows:

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

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

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications Strategy

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

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

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Sam Romaszko

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

Conclusion

This report provides a summary of the progress of the Capital Improvement Program for the first quarter of the 2013/2014 period for the information of Councillors.

Resolution:

Crs. Comrie/Spain

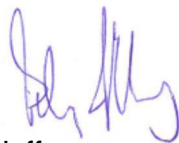
That Council:

- 1. *Receives the Capital Improvement Program quarterly report to 30 September 2013.***
- 2. *Allocates part of the carried forward 2012/13 surplus funds into the following project;***
 - a. *Gell Street, Bacchus Marsh – replacement of existing footpath - \$50,000.***

CARRIED.

Report Authorisation

Authorised by:



Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Thursday 24 October 2013

11.4.3 Draft Capital Works Evaluation Guidelines

Introduction

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

Background

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

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

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

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

There are a number of documents that guide the long term and annual Capital Improvement Programs, including the Council Plan, Local Government Asset Investment Guidelines 2006 (DPCD), Major Projects Framework and Principles 2011 (MSC), Asset Management Policy and associated Plans (MSC) and Community Engagement Framework (MSC).

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

The following diagram provides an overview of the phases within the Major Projects Framework & Principles (2011) from project identification to project delivery and evaluation. Phases 3 and 4 are detailed within the Capital Works Evaluation Guidelines.

Specifically, the Capital Works Evaluation Guidelines define;

- The process in relation to ~~New and Upgrade~~ and ~~Renewal~~ annual program development
- The assessment criteria and assessment model applied to ~~New and Upgrade~~ projects to determine project priority
- The assessment criteria and assessment models applied to each specific ~~Renewal~~ asset category to determine project priority



Proposal

It is proposed to adopt the Capital Works Evaluation Guidelines 2013 as attached to this report.

Policy Implications

The 2013-2017 Council Plan provides as follows:

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

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Sam Romaszko

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

Conclusion

It is proposed that Council formally adopt the Capital Works Evaluation Guidelines 2013 to support Council in the evaluation and prioritisation of its capital investment decisions.

Consideration

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

Resolution:

Crs. Sullivan/Toohey

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

CARRIED.

Report Authorisation

Authorised by:



Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday 30 October 2013

11.5 CORPORATE SERVICES

11.5.1 Instrument of Appointment and Authorisation of Council Officers under section 174(4) of the Planning and Environment Act 1987

Introduction

File No.: 02/06/002
 Author: Michelle Morrow
 General Manager: Shane Marr

Background

Under section 147(4) of the Planning and Environment Act 1987, Council must appoint relevant officers to be authorised officers for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act.

Section 232 of the Local Government Act 1989 authorises the relevant officers generally to institute proceedings for offences against the Acts and regulations described within the proposed instrument of appointment and authorisation.

Proposal

In order to comply with the Planning and Environment Act 1987 and the Local Government Act 1989, an Instrument of Appointment and Authorisation is now presented to Council requesting that the officers named in that Instrument be hereby appointed for the purposes of section 147(4) of the Planning and Environment Act 1987 and the regulations made under that Act and section 232 of the Local Government Act 1989 for the purpose generally to institute proceedings for offences against the Acts and regulations described in the instrument.

The change to this Instrument reflects the commencement of the Manager Statutory Planning and Community Safety.

Policy Implications

The 2013 . 2017 Council Plan provides as follows:

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

The preparation of this Instrument of Appointment and Authorisation of Council Officers under section 174(4) of the Planning and Environment Act 1987 is consistent with the 2013-2017 Council Plan.

Financial Implications

No financial implications to Council.

Risk & Occupational Health & Safety Issues

No Risk and Occupational Health and Safety issues apply to Council unless the relevant Council officers do not receive the appropriate instrument of appointment and authorisation from 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 – Shane Marr

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

Author – Michelle Morrow

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

Conclusion

Council is obliged to comply with section 147(4) of the Planning and Environment Act 1987 therefore the Instrument of Appointment and Authorisation is required to be approved under the Seal of Council.

Resolution:

Crs. Dudzik/Spain

That Council approves under the common seal of Council, the Instrument of Appointment and Authorisation of Council officers under section 174(4) of the Planning and Environment Act 1987.

CARRIED.

Report Authorisation

Authorised by:



Name: Shane Marr
Title: General Manager Corporate Services
Date: Wednesday 30 October 2013

12. OTHER REPORTS

12.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

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

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

- Assembly of Councillors . Wednesday 16 October 2013 . Confidential Matter
- Assembly of Councillors . Wednesday 16 October 2013 . Draft Capital Investment Guidelines
- Assembly of Councillors . Wednesday 16 October 2013 . 2012/13 Capital Improvement Program Carry Forwards
- Assembly of Councillors . Wednesday 16 October 2013 . Hike and Bike Strategy
- Assembly of Councillors . Wednesday 16 October 2013 . Meeting Procedure . Local Law
- Assembly of Councillors . Wednesday 16 October . Councillor Training Needs

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

- ***Assembly of Councillors – Wednesday 16 October 2013 – Confidential Matter***
- ***Assembly of Councillors – Wednesday 16 October 2013 – Draft Capital Investment Guidelines***
- ***Assembly of Councillors – Wednesday 16 October 2013 – 2012/13 Capital Improvement Program Carry Forwards***
- ***Assembly of Councillors – Wednesday 16 October 2013 – Hike and Bike Strategy***
- ***Assembly of Councillors – Wednesday 16 October 2013 – Meeting Procedure – Local Law***
- ***Assembly of Councillors – Wednesday 16 October – Councillor Training Needs.***

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
Wallace Recreation Reserve Committee	29 September 2013	Community Members
Dunnstown Recreation Reserve Committee of Management	30 September 2013	Community Members

Resolution:

Crs. Sullivan/Toohey

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

- ***Wallace Recreation Reserve Committee meeting of Sunday 29 September 2013.***
- ***Dunnstown Recreation Reserve Committee of Management meeting of Monday 30 September 2013.***

CARRIED.

12.3 Section 86 - Advisory Committees of Council - Reports

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

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

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

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

Committee	Meeting Date	Council Representative
Rural Advisory Committee	7 October 2013	Cr. Tatchell

Resolution:

Crs. Toohey/Comrie

That Council receives the report of the following Section 86 Advisory Committee of Council:

- ***Rural Advisory Committee of Management meeting of Monday 7 October 2013.***

CARRIED.

13. NOTICES OF MOTION

Nil.

14. URGENT BUSINESS

An item of Urgent Business was considered under Item 15 - Closed Session of the Meeting to the Public, pursuant to the provisions of section 89(2)(h) which states 'any other matter which the Council or special committee considers would prejudice the Council or any person'.

15. CLOSED SESSION OF THE MEETING TO THE PUBLIC**15.1 Confidential Report****15.2 Confidential Report****15.3 Confidential Report****15.4 Confidential Urgent Business****ADJOURNMENT OF MEETING 6.00PM****Crs. Comrie/Edwards***That the meeting now stand adjourned for a period of 10 minutes.***CARRIED.****RESUMPTION OF MEETING 6.10PM****Crs. Comrie/Toohey***That the meeting now be resumed.***CARRIED.****CLOSURE OF THE MEETING TO THE PUBLIC – 6.12PM****Resolution:****Crs. Comrie/Spain***That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:*

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

CARRIED.

**Item 15.1 is a confidential item
and therefore not included
as part of these Minutes.**

**Item 15.2 is a confidential item
and therefore not included
as part of these Minutes.**

**Item 15.3 is a confidential item
and therefore not included
as part of these Minutes.**

Item 15.4 is a confidential item
and therefore not included
as part of these Minutes.

16. MEETING CLOSURE

The meeting closed at 6.27 pm.

Confirmed.....Mayor.