

## **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 1 October 2014,  
at 5:00 p.m.

### **Members:**

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

### **Officers:**

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

***Rob Croxford***  
***Chief Executive Officer***

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**1. OPENING OF MEETING AND PRAYER**

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

**2. PRESENT**

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

**Officers:**

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Community Services</i>
<i>Mr. Shane Marr</i>	<i>General Manager Corporate Services</i>
<i>Ms. Kate Diamond-Keith</i>	<i>Manager Community Development</i>
<i>Ms. Sian Smith</i>	<i>Manager Statutory Planning and Community Safety</i>
<i>Ms. Natalie Robertson</i>	<i>Acting Planning Coordinator</i>
<i>Ms. Sarah Annells</i>	<i>Coordinator Community Safety</i>
<i>Ms. Melissa Hollitt</i>	<i>Minute Taker</i>

**3. APOLOGIES**

*Nil.*

**4. CONFIRMATION OF MINUTES****4.1 Ordinary Meeting of Council – Wednesday 3 September 2014****Recommendation:**

**That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 3 September 2014.**

**Resolution:****Crs. Spain/Toohey**

1. ***That Item 9.3.1 – Provision of Additional Cricket Grounds in East Moorabool, be corrected in the Minutes of Wednesday 3 September 2014 to remove the first Motion based upon the officer's recommendation that was not moved by Cr. Spain and that the second motion remain, that was the actual Motion put to Council by Cr. Spain, seconded by Cr. Edwards and Carried, which had removed clause 4 and amended clause 3 from the original recommendation.***

*Resolution:*

*Crs. Spain/*

*That the Council:*

- ~~1. In partnership with the Bacchus Marsh College reactivate the sports ground for community usage for the upcoming 2014/15 and 2015/16 cricket seasons~~
- ~~2. Enters into an agreement for usage and maintenance of the sports ground with Bacchus Marsh College with a \$3,000 annual contribution towards minor maintenance.~~
- ~~3. Provides funding of \$9,500 from the East Moorabool Recreation Facilities Reserve Fund toward the project on the basis of a \$2 of Council funds for every \$1 of cash or in-kind club contribution.~~
- ~~4. Commits \$3,000 toward minor maintenance annually for the facility for the 2014/15 and 2015/16 financial years from the East Moorabool Reserves Ward Fund.~~
- ~~5. Receives a further report detailing future sportsground provision in East Moorabool beyond 2015/16.~~
- ~~6. Consider future development of the Bacchus Marsh Racecourse Recreation Reserve sports ground through the 2015/16 budget process.~~

~~The Motion lapsed due to the want of a Seconder.~~

*Resolution:*

*Crs. Spain/Edwards*

*That the Council:*

1. *In partnership with the Bacchus Marsh College reactivate the sports ground for community usage for the upcoming 2014/15 and 2015/16 cricket seasons*
2. *Enters into an agreement for usage and maintenance of the sports ground with Bacchus Marsh College with a \$3,000 annual contribution towards minor maintenance.*

3. *Provides funding of \$8,000 from the East Moorabool Recreation Facilities Reserve Fund toward the project on the basis of a \$2 of Council funds for every \$1 of cash or in-kind club contribution.*
4. *Receives a further report detailing future sportsground provision in East Moorabool beyond 2015/16.*
5. *Consider future development of the Bacchus Marsh Racecourse Recreation Reserve sports ground through the 2015/16 budget process.*

**CARRIED.**

2. ***That Item 9.3.2 - Local Facilities for Local Clubs Program 2014/15, be corrected in the Minutes of Wednesday 3 September 2014 to remove the reference from clause 1 and 2 of Council contribution of \$10,000 referred to the 2015/16 Capital Improvement Program Budget which was replaced with the addition of clause 3.***

Resolution:

Crs. Sullivan/Toohey

*That Council:*

1. *Submit a funding application to the Local Facilities for Local Clubs grant program for the Masons Lane Athletics Development project, subject to community contribution being confirmed and the Council contribution of \$10,000 referred to the 2015/16 Capital Improvement Program Budget.*
2. *Submit a funding application to the Local Facilities for Local Clubs grant program for the Elaine Recreation Reserve Multipurpose Court Development project; subject to community contributions being confirmed and the Council contribution of \$10,000 referred to the 2015/16 Capital Improvement Program Budget.*
3. *That Council's contribution of \$10,000 for each project be taken from each appropriate ward recreational facilities reserve.*

*A Division was called for.*

*Councillors voting for the resolution:*

*Cr. Toohey, Cr. Spain, Cr. Dudzik, Cr. Sullivan, Cr. Tatchell*

*Councillors voting against the resolution:*

*Cr. Edwards*

*The resolution was determined to be CARRIED.*

3. ***That Council, subject to the corrections made to the Resolutions of Items 9.3.1 - Provision of Additional Cricket Grounds in East Moorabool and 9.3.2 - Local Facilities for Local Clubs Program 2014/15, confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 3 September 2014.***

**CARRIED.**

#### **4.2 Special Meeting of Council – Wednesday 17 September 2014**

**Resolution:**

**Crs. Dudzik/ Spain**

***That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 17 September 2014.***

**CARRIED.**

## **5. DISCLOSURE OF CONFLICT OF INTEREST**

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

Definitions of the class of the interest are:

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

### **Time for Disclosure of Conflicts of Interest**

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

Section 79(6) of the Act states:

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

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

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



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

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

**5.1 Disclosure of a Direct Conflict of Interest**

***Cr. Spain declared a Direct Conflict of Interest in relation to Item 9.2.1 Planning Application PA2013-272; Use and Development of the Land as an Agricultural Transport Depot at Crown Allotment 5, Parish of Parwan, 18 Fiskin Street Maddingley. The nature of the conflict of interest is due to the proposed use of this land will produce machinery noise clearly audible from Cr. Spain's dwelling.***

**5.2 Disclosure of a Direct Conflict of Interest**

***Cr. Spain declared a Direct Conflict of Interest in relation to Item 9.2.3 Planning Application PA2013-092; Creation of an access to a Road Zone Category 1, Lot 4 on PS211781G, 4 Love Close, Maddingley VIC 3340. The nature of the conflict of interest is due to access to road zone may enable activities that will affect amenity of Cr. Spain's dwelling.***

**5.3 Disclosure of a Direct Conflict of Interest**

***Cr. Comrie declared a Direct Conflict of Interest in relation to 9.2.1 Planning Application PA2013-272; Use and Development of the Land as an Agricultural Transport Depot at Crown Allotment 5, Parish of Parwan, 18 Fiskin Street Maddingley. The nature of the conflict of interest is due to Cr. Comrie having a close relative on this land.***

**5.4 Disclosure of a Direct Conflict of Interest**

***Cr. Tatchell declared a Direct Conflict of Interest in relation to 9.2.1 Planning Application PA2013-272; Use and Development of the Land as an Agricultural Transport Depot at Crown Allotment 5, Parish of Parwan, 18 Fiskin Street Maddingley. The nature of the conflict of interest is due to Cr. Tatchell owning a company that does the same work.***

## 6. PUBLIC QUESTION TIME

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

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

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

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

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

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

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

***Ms Yvonne Spargo – CWA – Darley Civic Hub accommodation.***

**7. PETITIONS**

**Nil.**

## 8. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

***Nil.***

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

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

<b>Item No</b>	<b>Description</b>	<b>Name</b>	<b>Applicant/ Objector</b>
9.2.1	<i>Planning Application PA2013-272; Use and Development of the Land as an Agricultural Transport Depot at Crown Allotment 5, Parish of Parwan, 18 Fiske Street, Maddingley</i>	Joel Watson	Applicant
9.2.3	<i>Planning Application PA2013-092; Creation of an access to a Road Zone Category 1, Lot 4 on PS211781G, 4 Love Close, Maddingley VIC 3340</i>	Bruce Bullock	Objector
9.2.3	<i>Planning Application PA2013-092; Creation of an access to a Road Zone Category 1, Lot 4 on PS211781G, 4 Love Close, Maddingley VIC 3340</i>	Damien Loizou	On behalf of Applicant

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

### **9.1 CHIEF EXECUTIVE OFFICER**

#### **9.1.1 Australia Day Award Recipient Selection Panel**

##### **Introduction**

File No.: 02/04/003  
Author: Dianne Elshaug  
Chief Executive Officer: Rob Croxford

##### **Background**

Moorabool Shire Council Australia Day 2015 Celebrations are scheduled to be held on Monday 26 January, 2015 in the Public Hall and Supper Room, Bacchus Marsh and will include a community breakfast and award presentations.

Advertisements have been placed in the local papers and on the website calling for nominations for Moorabool Shire Council's Australia Day Citizen of the Year, Young Citizen of the Year and Community Event of the Year. Nominations close on 21 November, 2014.

##### **Proposal**

A selection panel for the Awards made up of three Councillors and the 2014 Australia Day Citizen/s of the Year (if available) will be required to meet in late November to determine the award recipients for 2015.

##### **Policy Implications**

The 2013-2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Community Self Reliance
<b>Strategy</b>	Support community and cultural events.

The proposal to have a selection panel made up of Councillors and the 2014 Australia Day Citizen/s of the Year to determine 2015 award recipients is consistent with the 2013-2017 Council Plan.

##### **Financial Implications**

Nil.

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

Nil.

## **Communications and Consultation Strategy**

Advertising and media releases will be prepared leading up to Australia Day celebrations.

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

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

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

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

*Manager – Rob Croxford*

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

*Author – Dianne Elshaug*

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

## **Conclusion**

That a selection panel for the Awards be made up of three Councillors and the 2014 Australia Day Citizen/s of the Year and will meet in late November to determine the award recipients for 2015.

### **Resolution:**

**Crs. Edwards/Spain**

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

- 1. *Establish an Australia Day Selection Panel to determine award recipients for 2015.***
- 2. *Seek the nomination of three Councillors to be members of the Australia Day Selection Panel.***

**CARRIED.**

### **Resolution:**

**Crs. Toohey/Comrie**

**That Cr. Toohey, Cr. Edwards and Cr. Tatchell are nominated to be members of the Australia Day Selection Panel.**

**CARRIED.**

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### Report Authorisation

#### Authorised by:

**Name:** Rob Croxford

**Title:** Chief Executive Officer

**Date:** Thursday, 11 September 2014





## 9.2 GROWTH AND DEVELOPMENT

***Cr. Spain declared a Direct Conflict of Interest in relation to Item 9.2.1 Planning Application PA2013-272; Use and Development of the Land as an Agricultural Transport Depot at Crown Allotment 5, Parish of Parwan, 18 Fiskin Street Maddingley. The nature of the conflict of interest is due to the proposed use of this land will produce machinery noise clearly audible from Cr. Spain's dwelling.***

***Cr. Comrie declared a Direct Conflict of Interest in relation to 9.2.1 Planning Application PA2013-272; Use and Development of the Land as an Agricultural Transport Depot at Crown Allotment 5, Parish of Parwan, 18 Fiskin Street Maddingley. The nature of the conflict of interest is due to Cr. Comrie having a close relative on this land.***

***Cr. Tatchell declared a Direct Conflict of Interest in relation to 9.2.1 Planning Application PA2013-272; Use and Development of the Land as an Agricultural Transport Depot at Crown Allotment 5, Parish of Parwan, 18 Fiskin Street Maddingley. The nature of the conflict of interest is due to Cr. Tatchell owning a company that does the same work.***

### 9.2.1 Planning Application PA2013-272; Use and Development of the Land as an Agricultural Transport Depot at Crown Allotment 5, Parish of Parwan, 18 Fiskin Street Maddingley.

**This application was listed to go before the Development Assessment Committee on the 10 September 2014, however it has been called in to the Ordinary Meeting of Council in accordance with the Terms of Reference for the Development Assessment Committee.**

Application Summary:	
Permit No:	PA2013-272
Lodgement Date:	11 November 2013
Planning Officer:	Robert Fillisch
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	28 August 2014
Address of the land:	Crown Allotment 5, Parish of Parwan 18 Fiskin Street Maddingley
Proposal:	Use and Development of the Land as an Agricultural Transport Depot
Lot size:	3.82 hectares

Why is a permit required	Clause 35.07-1 . Farming Zone . Use of land for an Agricultural Transport Depot Clause 35.07-4 . Farming Zone . Buildings and Works
<b>Public Consultation:</b>	
Number of notices to properties:	7
Notices on site:	1
Notice in Moorabool Newspaper:	No
Number of Submissions:	Total of 26 submissions 25 of support One objection
Consultation meeting:	None held.
<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building controls.
<b>Strategy</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

### Officer's Declaration of Conflict of Interests

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

*Manager – Sian Smith*

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

*Author – Robert Fillisch*

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

### Executive Summary:

The applicant seeks approval to use and develop the land for the purpose of an Agricultural Transport Depot. A depot will allow the operation of the transport business on the site. The depot operation will include storage of agricultural equipment such as tractors and irrigation pumps while they wait to be delivered. It may include on site servicing or repairs to the fleet of trucks used in the business. Trucks will also be housed on the site overnight when not being used for deliveries. Normal activities associated with the depot will include loading and unloading of trucks. The majority of the trucks to date have been B-doubles with grain bins.

There will be no buildings constructed for the purpose of this application. Works in the form of a large hardstand area has been created to provide sufficient space to store all trucks and equipment to be used for this proposal and is identified on the site plan. Vehicles will access the site via Fiskin Street and egress through Taverner Street. This prevents the need for trucks to turn around within the site.

Hours of operation are proposed to be between 5 am and 10 pm Monday to Friday and 7 am and 7 pm weekends and public holidays. These times indicate when normal operations are to occur; trucks will be stored on the site outside of these hours but will not be operated, maintained or loaded/unloaded.

The amended application does not refer to the number of trucks to be stored on the site, however earlier discussions have indicated that a maximum number of 15 trucks may be stored on the site overnight.

Council became aware the applicant had been using this site for the purposes as described above since June 2012. This application is the result of an enforcement order lodged at VCAT on behalf of Council for the applicant to cease operation of the site. At the time Council became aware of the operation the use was prohibited under the Farming Zone provisions. These provisions changed on 5 September 2013 which removed many prohibited uses from the Farming Zone.

VCAT heard the enforcement proceeding on 13 November 2013. It placed the proceeding on hold to allow the applicant the opportunity to make this application for a planning permit. Council is required to advise

VCAT of the outcome of this application.

Council officers are not opposed in principle to the business however the location is an issue. The site is in close proximity to existing residential land and land opposite the site is currently being considered for rezoning to residential land under planning scheme amendment C51. While the Farming Zone can allow for the use it is considered that such a use is more appropriate in the Industrial Zone.

**Summary Recommendation:**

That, having considered all relevant matters as required by s.60 of the Planning and Environment Act 1987, Council Refuse to Grant a Permit for Use and Development of the Land as an Agricultural Transport Depot at Crown Allotment 5, Parish of Parwan otherwise known as 18 Fiske Street Maddingley.

## Background

In June 2012, Council received correspondence advising that the site was being used for the storage of grain trucks. This was subsequently investigated and confirmed the site was being used for truck storage. This included up to 10 B-double grain trucks stored overnight. Truck drivers arrive at the site in private vehicles which are left on site while they drive the trucks during the day. Investigations also show that some servicing and repairs occur on the site.

At the time of the initial complaint the provisions of the farming zone were quite stringent with any use not specified as section 1 (no permit required) or section 2 (permit required) automatically placed into section 3 (prohibited).

The initial characterisation of the use was deemed by Council officers as a ~~vehicle store~~ which is a subset of the use ~~store~~. Store was a section 2 use providing it met the following condition:

*Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.*

While the use may have met some of the above condition the storage of trucks and goods would not be in a building. Therefore the use characterised by Council officers was considered prohibited.

An application for an enforcement order was made by Council's legal representatives and received by VCAT on 28 May 2013. The enforcement order alleges the land was being used in contravention of the Moorabool Planning Scheme for either the use of the land as a ~~vehicle store~~ without a planning permit or as a ~~transport terminal~~ which was a prohibited use. The enforcement order requested the following orders to be made by the tribunal:

1. *Immediately upon the granting of this Order all activities associated with a vehicle store must cease on this site until a planning permit has been issued by Moorabool Shire Council for such activities on the site.*
2. *Immediately upon the granting of this Order all activities associated with transport terminal must cease at the site.*

3. *The Respondents are required to pay the legal costs of this application incurred by the Moorabool Shire Council.*

On 5 September 2013, VC103 was introduced which substantially changed the provisions of the farming zone. In effect this amendment limited the amount of uses which were prohibited to a specific list of nine uses under section 3. As a result of this amendment neither vehicle storage or transport terminal are considered section 3 uses so discretion is now available for Council to consider these uses under a planning permit application.

The enforcement order was heard on 13 November 2013 by senior member H.McM.Wright QC who advised the enforcement order to be adjourned on the basis that the applicant should make application to Council for the use proposed. An order as to costs was reserved pending the determination of this application.

### **Proposal**

The applicant lodged an application for the use of land for vehicle storage on 11 November 2013. There have been several discussions with the applicant in terms getting the characterisation of the land correct.

Through these discussions it has been determined that the use is not simply characterised under the definitions of the Moorabool Planning Scheme. The applicant provided details of various VCAT cases which provided some guidance on how the use could be characterised as tradesmans depot. Council was satisfied that this could be appropriate however refined the term to agricultural transport depot to ensure the use was linked to the farming zone.

The applicant provided the following basic principle of a depot *'Land serving as a base where staff come to work to pick up vehicles and machinery, where administrative functions are carried out, where vehicles are parked and kept, where equipment and materials are kept and other ancillary functions occur, such as repair and maintenance of vehicles and equipment'*.

The applicant amended the application in May 2014 and now seeks approval for the use of the land for the purpose of an agricultural transport depot. This will allow for the storage of trucks and agricultural equipment on an as needs basis for the operation of Watson's Bulk Logistic from the site. Since the applicant has created a hardstand area which would require planning approval the application has been amended to include retrospective approval for development.

The applicant seeks to use an area of approximately 30 x 100 metres located on the eastern boundary of the site directly behind the existing dwellings and outbuildings associated with the site. This area consists of crushed gravel and is to be used for the storage of trucks, agricultural machinery and employee vehicles.

Access to the site is provided via Fiskin Street with vehicles exiting the site from Taverner Street. This allows all trucks to enter and exit the site in a forward direction without the need to reverse or turn around.

The remainder of the site is used for agricultural purposes for the production of grain crops.

It is proposed that the site will be actively used between the hours of:

5:00am through to 10:00pm Monday to Friday

7:00am through to 7:00pm Weekends and Public Holidays

Trucks will be stored on the site outside of these hours but it is not proposed that they will be operated or loaded outside of the above proposed times.

The application does not include any buildings however it appears existing buildings may be used for the storage of vehicle fluids for the purpose of some on site servicing and repairs.

The proposal does include an area of approximately 300 square metres which is to be used as a hardstand area. This hardstand area has been covered with crushed rock to facilitate the parking of heavy vehicles on the site. While this area has been constructed this was done without planning approval and therefore the applicant is required to include these works as part of this application albeit retrospectively.

The following site plan was provided with the application.



<b>Urban Design and management</b> Urban Design and Management Pty Ltd PO Box 2511 Sunbury 3429 Phone: +61 3 9671 6200 Fax: +61 3 9671 6359 Office 1: Level 1 - 114 Evans Street, Sunbury VIC 3049 Project Management   Land Development   Civil Engineering   Planning   Urban Design	Drawn S.H.B.		Drawing No: Site Plan
	Designed S.H.B.		Revision: A
	Checked		Sheet No. 01 of 01
	Approved		
	Date 13 December 2013		© Urban Design and Management Pty Ltd All rights reserved

Site plan.

## **Aboriginal Cultural Heritage**

Part of the site is located in an area of cultural heritage sensitivity which is the area 200 metres from the named waterway which in this case is the Werribee River. The proposed area for storage of trucks is fully located within the area of cultural heritage sensitivity. In accordance with the Aboriginal Heritage Regulations 2007 a carpark which includes significant ground disturbance requires a Cultural Heritage Management Plan (CHMP) if the use was not lawfully established prior to 28 May 2007. There is an exemption if the ground has been significantly disturbed in the past. While this may be the case the applicant has not provided any evidence to satisfy Council that a CHMP is not required in this case. A permit cannot be issued if a CHMP is required.

## **Site Description**

The site is located on the eastern outskirts of the Bacchus Marsh township approximately one kilometre southeast the town centre. The site is located within the farming zone and is approximately 3.8 hectares in size. The site is rectangular in shape with a frontage to Fiskin Street of 360 metres and to Taverner Street of 100 metres. The site extends from Taverner Street through to the Werribee River.

The site currently contains a single dwelling associated shedding and a tennis court. An ancillary building on the site appears to be an old tennis court clubhouse. The dwelling is located in the centre of the property. The land surrounding the site is used for the purpose of cropping.

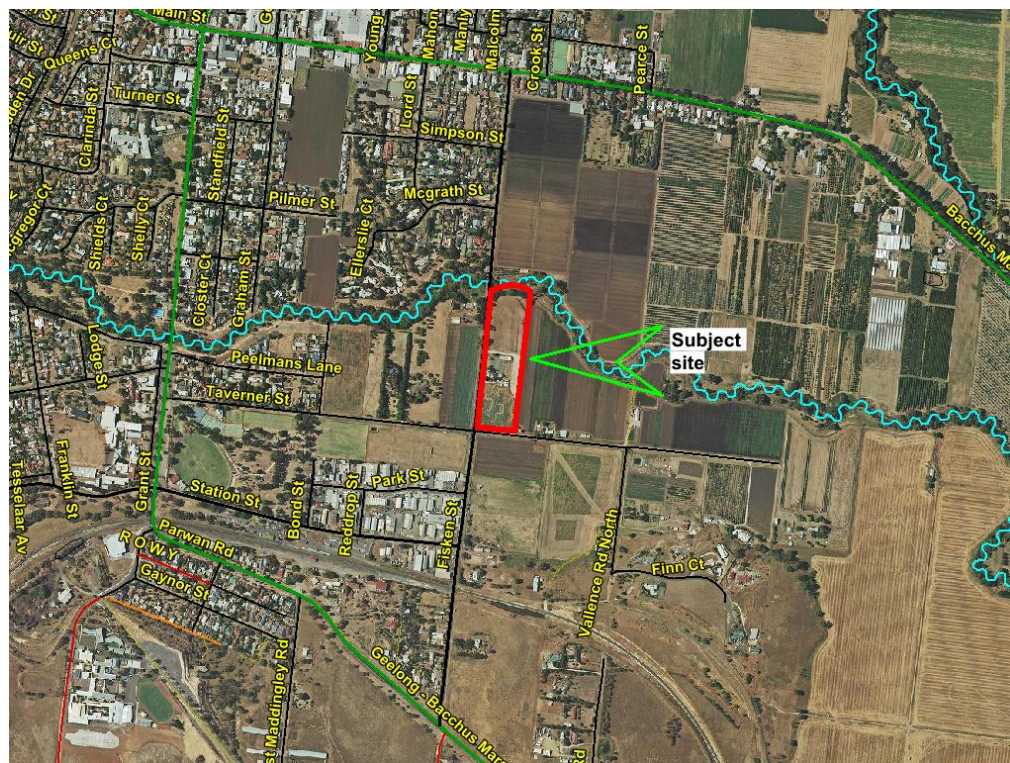
Land surrounding the site to the north east and south is prime agricultural land which is used for the production of a variety of vegetables which are destined for the market across the state.

The land directly opposite to the west is currently being assessed under planning scheme amendment C51 and is proposed to be rezoned from farming to residential zone. Fiskin Street forms the boundary between the farming zone to the east and residential to the north west and industrial to the south west bordering the railway land south of the site. The Bacchus Marsh railway station is located approximately 700 metres south west of the site.

Two dwellings are located some 150 metres from the hardstand area. However the northern boundary is only some 35 and 90 metres from the dwellings located at 26 and 30 Taverner Street respectively.

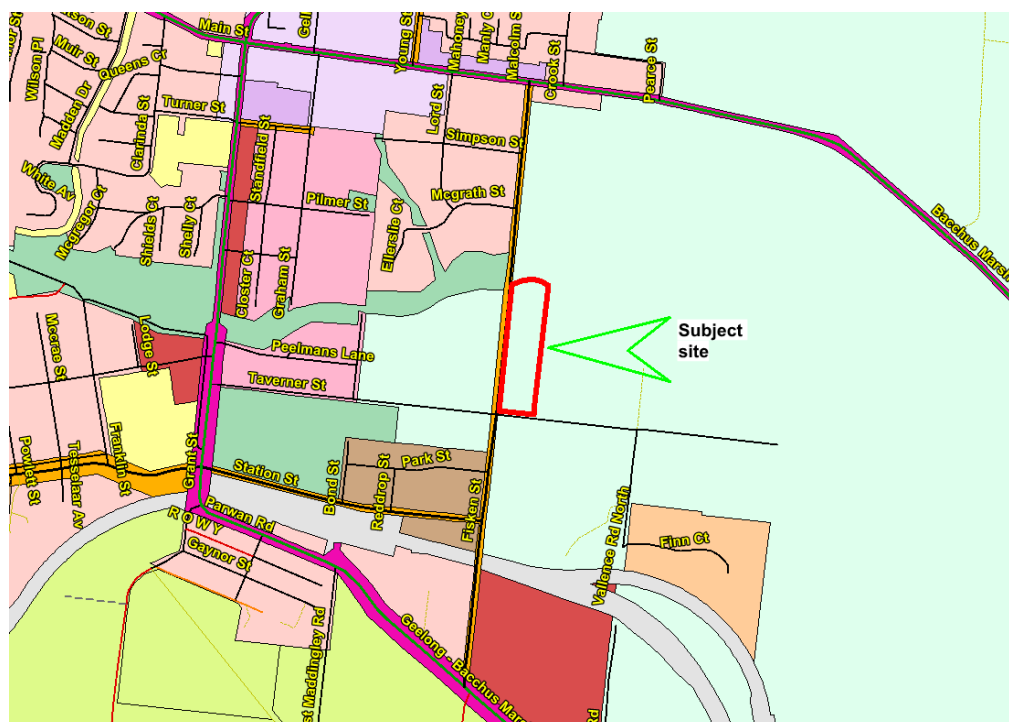
Fiskin Street is a category 2 road which is maintained by Council. The bridge located on the Werribee River has a load limit which does not allow for B-doubles to utilise it.





### Locality Map

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



## Planning Scheme Provisions

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

<b>SPPF</b>		
Clause 11	Settlement	<p>The proposal is inconsistent with this policy as it places a use which may have negative amenity impacts on the surrounding area to the west. This application should it be approved may compromise the strategic direction of the Council in terms of expanding the residential area to General Residential Zone.</p> <p>This application has the potential to reduce the standard of urban design and amenity of the proposed residential area. Should this application be approved it would impact on the sustainable development of the expanding Bacchus Marsh township.</p>
Clause 11.01-1	Activity centre	The land is in close proximity to the Bacchus Marsh railway station. The railway station area is likely to be an activity centre in the future due to its transport links.
Clause 11.02.1	Supply of urban land	There are few areas within the Bacchus Marsh township which are available for future residential growth. The parcel to the west of this site has been identified in planning scheme amendment C51 for residential development. This proposal would have negative amenity impacts on the land use proposed by this application.
Clause 11.02.2	Planning for growth areas	The proposed truck route is along Fiskin Street, Station Street and Grant Street. Due to the load limit on the bridge on Fiskin Street the trucks must use this route rather than avoiding the majority of the township. It will not add to well planned and safe streets for the neighbourhood.
Clause 11.02-3	Structure planning	The proposal does not assist in the orderly development of the adjoining area.

Clause 11.04-1	Delivering jobs and investment	While on one hand the proposal appears to be supported by this policy the issue is the location. It does not comply with this policy in terms of providing certainty for the investment. It is likely that should the permit be approved the applicant and Council would eventually be inundated by complaints due to the operation of the proposal within the proximity to an establishing residential area.
Clause 11.04-4	Liveable communities and neighbourhoods	The proposal does not support this policy as it is unlikely to create safe communities and healthy lifestyles due to the potential amenity impacts of the proposed use on the proposed adjoining residential land.
Clause 11.05-2	Melbourne's hinterland	Providing for this use within the border of the farming and residential zone is not considered to comply with this policy.
Clause 11.05-3	Rural productivity	The proposal does not add to the rural productivity of the land and therefore does not comply with this policy. This policy speaks generally in terms of dwellings. In this case the use of dwelling does exist however the alternate use of the site will not improve the agricultural productivity of the land.
Clause 11.06-3	Regional links	The proposal does not support the economic growth along suitable existing infrastructure networks.
Clause 11.06-8	Agricultural productivity	The application does not provide any improvement to agricultural productivity within the site. The transport terminal is more appropriate in an industrial area within the Bacchus Marsh area.
Clause 13.03-1	Use of contaminated or potentially contaminated land	While this policy refers to land already contaminated the servicing of vehicles on the site could lead to the land becoming contaminated. The applicant has not provided any details of how they would deal with this issue.
Clause 13.04-1	Noise abatement	The applicant has conceded that there will be noise impacts. This is acceptable from the applicant's point of view but is not likely to be acceptable to surrounding neighbours in the residential areas. The applicant has not provided any landscaping which may reduce the impact of noise to the surrounding areas.

Clause 14.01-1	Protection of agricultural land	The application does not comply with this policy and in fact changes the use of the site to a use that is more appropriate in an industrial area. There is little nexus between the proposed use of the site and how it is anticipated that this use will protect viable agricultural land.
Clause 14.01-2	Sustainable agricultural land use	This proposal does not comply with this policy as it does not improve the sustainability of the land.
Clause 14.02-2	Water quality	The proximity of this development to high quality agricultural land within the 150 metres of the Werribee River creates a potential risk to water quality in the Werribee River.
Clause 17.02-1	Industrial land development	This proposal does not provide a sufficient buffer between the adjoining sensitive land use west of the site. It does not provide for good transport access links.
Clause 18.01-1	Land use and transport planning	The site is isolated from existing truck routes.
Clause 18.01-2	Transport system	The objective of this policy is to coordinate the development of a comprehensive transport system. It specifically requires new routes to take into consideration of adjoining land uses to minimise disruption of residential uses and their amenity. It also recommends higher residential density around railway stations.
<b>LPPF</b>		
Clause 21.01-2	Settlement	This policy identifies that the Moorabool Shire has constraints which impact on the ability to provide urban growth. This proposal could limit the uptake of residential land in the proposed rezoning to the west. The Werribee River is noted as supplying water for both agricultural and domestic use. Given the proximity of this proposal to the river there is potential for contamination.

Clause 21.04-1	Agriculture and horticulture	This clause seeks to protect agricultural land particularly the irrigated areas. The proposed use is more in line with industry and will not increase the productivity of high quality agricultural land. This policy recognises that there have been inappropriate industrial zonings within the Bacchus Marsh township which have the potential to limit its growth. It specifically identifies that these industrial areas are rezoned to reduce this impact. Approval of this proposal would only exacerbate this issue.
Clause 21.04-2	Objective . Agriculture	This objective seeks to protect good quality agricultural and supports productivity and sustainability of existing agricultural land.
Clause 21.04-4	Objective . Industry	This policy seeks to provide for appropriate industry development which avoids off site impacts on residential amenity or agricultural values.
Clause 21.05-1	Road network and infrastructure	This proposal will add to the issue of heavy vehicles in the commercial hub.
Clause 21.05-3	Objective . Road network and infrastructure	This policy requires the minimisation of noise from traffic.
Clause 21.07-1	Bacchus Marsh . Key issues and influences	This policy identifies the Werribee River is associated with highly productive irrigated river flats. Identifies the area to the west as opportunity for planned residential areas.

## Zone

The development lies within the Farming Zone and the provisions of Clause 35.07 apply. A permit is required for the proposed retrospective use and includes development of the hardstand area.

The following is the purpose of the zone (35.07-1) with provisions relevant to this application in bold:

- **To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.**
- **To provide for the use of land for agriculture.**
- **To encourage the retention of productive agricultural land.**
- **To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.**

- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Clause 35.07-4 requires a permit for works when associated with a Section 2 use.

The provisions of the farming zone require an assessment against the relevant decision guidelines (clause 35.07-6) as follows:

**General issues**

*How the use or development relates to sustainable land management.*

*Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*

**Comment**

The proposal will not lead to an improvement of the sustainable use of the site. It may be detrimental given the potential for fluid spills during servicing of vehicles.

The proposal is likely to have detrimental effects on the adjoining proposed and existing residential land particularly considering the hours of operation.

**Agricultural issues and the impacts from non-agricultural uses**

*Whether the use or development will support and enhance agricultural production.*

*Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*

*The capacity of the site to sustain the agricultural use.*

*The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*

**Comment**

While the proposal can be considered an ancillary use to agriculture it does nothing to enhance the agricultural production of the land. The benefit to agriculture is not directly related to the site.

The proposal permanently removes a small portion of the land from agricultural use and has the potential to impact on soil quality.

The site is well placed for sustainably agricultural use in the form of horticulture.

The site is identified as high quality agricultural land which is suitable for horticultural enterprises as it is located within the irrigation district.

**Environmental issues**

*The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*

**Comment**

There is potential for adverse impact on soil and water quality if the proposed industrial use was approved.

**Design and siting issues**

*The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*

*The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*

**Comment**

The hardstand area permanently removes a portion of land from genuine agricultural use.

The existing road network while classified as Road Zone 2 has limited ability to cater for the size of the trucks proposed to be used on the site. This is demonstrated by the reduced weight limit of the bridge requiring the trucks to traverse through the town centre to access the site.

**Overlays**

The site is partly covered by the Environmental Significance Overlay (ESO) Schedule 2 and 8.

The ESO schedule 2 covers the site for a distance of 100 metres from the Werribee River. Its purpose is for waterway protection. The proposed development of the site is not within the area that is covered by this schedule and therefore does not require consideration.

The ESO schedule 8 covers part of the site on the western boundary. Its purpose is protection of River Red gums in the Bacchus Marsh Valley. This overlay includes identified river red gums and their root zone area. It is the root zone area that is located on the subject site. This area is included in the accessway for the proposed development. The accessway is currently used for the existing dwelling and a considerable distance from the river red gum tree it protects. There is no additional works proposed for this accessway to facilitate this proposal.

**Particular Provisions****Clause 52.06 . Car Parking**

This clause relates to the provision of onsite car parking for the proposed use. Car parking requirements are not specified for this particular use. Car parking on this site would be limited to the truck drivers. It is considered that the site has sufficient area to facilitate the car parking requirements of the proposed use.

**Clause 52.07 . Loading and unloading**

This clause relates to the provision of sufficient areas dedicated to loading and unloading commercial vehicles to prevent loss of amenity and adverse impacts on traffic flow and road safety. While dedicated areas have not been provided for loading and unloading of vehicles it is considered the site is of sufficient size to contain this activity on site and therefore will not impact on traffic flow and road safety.

## General Provisions

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

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*

## Referrals

The following referrals were made pursuant to Section 55 & 52 of the Planning and Environment Act 1987. Council departments were also provided with an opportunity to make comment on the proposed development plan.

Section 55 Authority	Response
Melbourne Water	No objection subject to conditions
Section 52 Authority	Response
Western Water	No response
Southern Rural Water	No objection
Internal referral	Response
Infrastructure	No objection
Strategic	Objection on the grounds of planning scheme amendment C51 and implementation of strategic direction.

## Public Notice

The application was notified to adjoining and surrounding landowners and by sign on site for the period 14 June 2014 to 3 July 2014.

Council received 24 letters of support from suppliers in the area or employees of Watsons Bulk Logistics.

Council received one objection to the proposal.



## Summary of Submissions

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

Description	Officer comments	Type of submissions
<p>Watson's Bulk Logistics are a valued customer and allows them to prosper in the Moorabool Shire.</p> <p>This was the content of submission was repeated in 15 of the submissions.</p>	<p>Council officers are not unsupportive of the proposed business in principle but have concerns with the location and proximity to the residential areas. It is considered that there are more appropriate sites within the Bacchus Marsh area which could facilitate the proposed development without causing negative impacts on adjoining properties.</p> <p>Should the business relocate to a more suitable site in the Bacchus Marsh area this would allow it to continue to support local business which is encourage by Council.</p>	Support
<p>They work for Watson's Bulk Logistics and wish to continue to do so as it provides a good work life balance.</p> <p>The content of this submission was repeated in 8 of the submissions.</p>	As above	Support
<p>The applicants live and work in the community and strongly support local business.</p> <p>They have maintained the property to a high standard.</p> <p>They are actively involved in different parts of the community.</p> <p>They don't believe there are other sites available in the Bacchus Marsh area which could accommodate the needs of their business.</p>	<p>Same as above.</p> <p>Industrial land is available within the Bacchus Marsh area which could facilitate the proposal. While this may not be as convenient to the applicants it would reduce amenity impacts on surrounding properties.</p>	Support

<p>Use of heavy vehicles is inappropriate for the road network.</p> <p>Trucks are required to go through the town centre.</p> <p>Cost of maintaining the roads on the community.</p> <p>Cost relating to the preparation of the previous VCAT processes.</p>	<p>Council officers believe that the road network is not suitable for the heavy vehicles proposed.</p> <p>It would be more appropriate to divert heavy vehicles out of the town centre.</p> <p>The cost of maintaining some of the roads proposed to be used will be borne by Council.</p> <p>The cost of the VCAT processes are irrelevant as this is one of the processes available to Council to ensure that land is used in accordance with the Moorabool Planning Scheme. Costs will be determined by VCAT at the appropriate time.</p>	<p>Objection</p>
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### Discussion

It should be noted that the applicant did not approach Council prior to investing into this site for the proposed use. The applicant has made it clear in discussions with Council officers their desire to use the site for more than what is proposed in this application. That aside Council is required to make a determination on the application at foot and that is for the use of the site for an agricultural transport depot.

Council officers believe this use is inappropriate in the location selected and would be much more suited to an industrial area. The nexus between the agricultural use of the land and the proposed use is limited. The site has no ability to produce the quantity of product to require the number of trucks and the intense use of the site. While the applicant states they are moving agricultural produce from other sites owned or leased by the applicant that does not provide sufficient justification for approval of this application, at this site.

In terms of the agricultural use of the land this proposal does little to add to this use. The majority of the product will be coming from farms in the surrounding areas. This application may be considered appropriate if there was a direct nexus between the transport depot and the production of agricultural product from the site. The size of the site would only allow for a small amount of production more in terms of horticultural use.

The application by definition also includes the servicing and repairs to the truck fleet. The applicant has not provided any details on how this activity will occur on the site without the possibility of contamination. This is the most fertile agricultural land within the Bacchus Marsh area and any spill may have significant environmental issues.

It is important to realise that the intent of this recommendation for refusal is to provide certainty to the applicant into the future. It would be unwise for Council to approve such a development which would allow the applicant to continue the use while having to continually deal with complaints from adjoining land owners on the impacts this development would have on their quality of life and impact on their amenity.

Local employment is important to the community as is the use of local services. It is unreasonable to expect that should this application be refused that the applicant will cease all operation of this business. The applicant would need to find a more suitable site to continue the existing business. There is industrial land available in the Bacchus Marsh area that could cater for this type of business.

### **Financial Implications**

There are some financial implications with regard to this application as the matter has been before VCAT. Regardless of Council's determination of this matter the applicant or objector will have a right to lodge a review with VCAT. Should such an application be lodged then Council would defend its position at VCAT.

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

The recommendation of refusal 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. All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

### **Conclusion**

The proposal was assessed on its merits and is considered on balance to be inconsistent with the relevant policies of the Moorabool Planning Scheme. It fails to provide a direct nexus between the proposed use and the agricultural use of the land particularly in terms of improving the productivity of the site.

The location of the site would cause negative amenity impacts on the surrounding land to the west. C51 is in the process of rezoning the land directly west of the site is currently being considered for residential use.

Council is supportive of the proposed use as it adds to the economic prosperity of the shire but this cannot override the negative impacts that this use may have on the area. Council officers believe there are other sites within the Bacchus Marsh area which are more suitable for the proposed use.

**ACTING CHAIR**

**Crs. Dudzik/Toohey**

***That Cr. Edwards be appointed Acting Chair for consideration of Item Planning Application PA2013-272; Use and Development of the Land as an Agricultural Transport Depot at Crown Allotment 5, Parish of Parwan, 18 Fiskin Street Maddingley.***

**CARRIED.**

***Cr. Comrie, Cr. Spain and Cr. Tatchell adjourned from the meeting at 5.09pm and did not participate in the discussion and voting on the Item.***

***Consideration of Deputations – Planning Permit Application No. PA2013-272***

***Joel Watson addressed Council in favour of the granting of a planning permit for the application.***

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

**Recommendation:**

**That, having considered all relevant matters as required by s.60 of the Planning and Environment Act 1987, Council Refuse to Grant a Permit for application PA2013-272 for use and development of the Land as an Agricultural Transport Depot at Crown Allotment 5, Parish of Parwan otherwise known as 18 Fiskin Street Maddingley for the following reasons:**

- 1. The proposal does not support the objectives of the State Planning Policy Framework particularly with regard to clauses 11.01, 11.02, 11.04, 11.05, 11.06, 13.03, 13.04, 14.01, 14.02, 17.02 and 18.01.**
- 2. The proposal does not support the objectives of the Local Planning Policy Framework particularly with regard to clauses 21.01, 21.03, 21.04 and 21.05..**
- 3. The proposal does not support the purpose and objectives of Clause 35.07 farming zone.**
- 4. The proposal does not support the objective of Clause 65 decision guidelines in terms of the orderly planning of the area.**
- 5. The proposal does not support the objective of Clause 65 decision guidelines in terms of the effect on the amenity of the area.**

6. The proposal does not support the objective of Clause 65 decision guidelines in terms of the potential to the impact on water quality.
7. A Cultural Heritage Management Plan has not been approved as required under Section 52(1) of the Aboriginal Heritage Act 2006.

**Resolution:**

**Crs. Dudzik/**

***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 Planning Permit for Use and development of the Land as an Agricultural Transport Depot at Crown Allotment 5, Parish of Parwan otherwise known as 18 Fiske Street Maddingley subject to following conditions:***

1. ***Amended plans to the satisfaction of the responsible authority must be submitted to and be approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:***
  - (a) ***Detailed surface finishes of the vehicle storage area, site access points, crossovers and driveways, including demonstration of the surface level which must be greater than 96.65 metres to Australian Height Datum.***
2. ***Unless otherwise specifically required by any other condition of this permit and except with prior written consent of the responsible authority to any variation, the development must be sited and constructed in accordance with the endorsed plans.***
3. ***The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.***
4. ***The transport depot, including unloading and loading of vehicles may only operate between the hours of:***
  - (a) ***7.00 am and 7.00 pm Monday to Friday;***
  - (b) ***9.00 am and 5.00 pm weekends and public holidays.***

5. ***Within 60 days of the date of this planning permit, a landscape plan to the satisfaction of the responsible authority must be submitted to and be approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:***
  - (a) ***A survey (including botanical names) of all existing vegetation to be retained and / or removed;***
  - (b) ***Details of surface finishes of all access ways;***
  - (c) ***A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and the quantities of each plant; and***
  - (d) ***A corridor of tree planting along the southern and western boundaries of the property.***
6. ***The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.***
7. ***The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including any dead, diseased or damaged plants are to be replaced.***
8. ***The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:***
  - (a) ***Transport of materials, goods or commodities to and from the land;***
  - (b) ***Appearance of any building, works or materials;***
  - (c) ***Emission of noise, artificial light, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, wastewater, waste products, grit or oil; and***
  - (d) ***Presence of vermin.***
9. ***Prior to the use commencing, a plan showing truck routes including the delivery of and disposal of surplus materials from the site must be submitted to and approved by Council. This plan must include the following:***
  - (a) ***Anticipated vehicle movements per day***
  - (b) ***Types of vehicles and hours between which this route is required for vehicles associated with the use.***
  - (c) ***Restrictions on travel within local residential streets (speed, hours etc).***
  - (d) ***Any required works to the entrance of the site.***
  - (e) ***Methods and timing of response to rectify spilt debris and mud from vehicles, including appropriate contact details if required. This includes debris and mud that occurs along any part of an approved Truck Route.***

***During construction of works under this permit, access to and egress from the subject land must only be via a route as shown on an approved Truck Route Plan.***

- 10. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia Limited and be connected to a security service.***
- 11. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.***
- 12. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.***
- 13. Signs shall be located on the property boundary to the satisfaction of the responsible authority directing truck drivers to the parking area and must be located and maintained to the satisfaction of the responsible authority. The area of each sign must not exceed 0.3 sq m.***

***Melbourne Water conditions:***

- 14. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.***
- 15. The vehicle storage areas must maintain a surface level of no lower than 96.65 metres to Australia Height Datum.***

***Expiry Conditions:***

- 16. 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 and use is not completed within four years of the date of this permit.***

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

***Footnotes:***

***Melbourne Water:***

***If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water***

**on telephone number 9679 7517, quoting Melbourne Water's reference 238892.**

**Aboriginal Affairs Victoria:**

**Discovery of Artefacts**

**Works must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria must be notified immediately of any such discovery at GPO Box 2392V, Melbourne 3001 or on (telephone) 1300 551 380. 14.2**

**Suspected Remains**

**If any suspected human remains are found, work in the area must cease. Victoria Police and the State Coroner's Office (telephone 03 9684 444) must be informed of the discovery without delay. If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery should also be reported to the Department of Sustainability and Environment's emergency Co-ordination Centre on (telephone) 1300 888 544. AAV will ensure that the local Aboriginal community is informed about the circumstances of the discovery**

**The Motion lapsed due to the want of a Secunder.**

**Resolution:**

**Crs. Toohey/Sullivan**

**That, having considered all relevant matters as required by s.60 of the Planning and Environment Act 1987, Council Refuse to Grant a Permit for application PA2013-272 for use and development of the Land as an Agricultural Transport Depot at Crown Allotment 5, Parish of Parwan otherwise known as 18 Fiskin Street Maddingley for the following reasons:**

- 1. The proposal does not support the objectives of the State Planning Policy Framework particularly with regard to clauses 11.01, 11.02, 11.04, 11.05, 11.06, 13.03, 13.04, 14.01, 14.02, 17.02 and 18.01.**
- 2. The proposal does not support the objectives of the Local Planning Policy Framework particularly with regard to clauses 21.01, 21.03, 21.04 and 21.05..**
- 3. The proposal does not support the purpose and objectives of Clause 35.07 farming zone.**
- 4. The proposal does not support the objective of Clause 65 decision guidelines in terms of the orderly planning of the area.**



5. ***The proposal does not support the objective of Clause 65 decision guidelines in terms of the effect on the amenity of the area.***
6. ***The proposal does not support the objective of Clause 65 decision guidelines in terms of the potential to the impact on water quality.***
7. ***A Cultural Heritage Management Plan has not been approved as required under Section 52(1) of the Aboriginal Heritage Act 2006***

**LOST.**

***Resolution:***

***Crs. Toohey/Sullivan***

***That Cr. Edwards adjourns from the role of Acting Chair at 5.17pm.***

**CARRIED.**

***Cr. Tatchell, Cr. Comrie and Cr. Spain returned to the Meeting at 5.17pm.***

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**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Thursday, 11 September, 2014



### 9.2.2 Planning Application PA2014-028; Use of Land for Display of a Major Promotion sign at 5 Grant Street, Bacchus Marsh (Lot 2 on PS 002498)

*This report is going before Council due to the recommendation to refuse the application.*

*This report was deferred at the request of the applicant from the 3 September 2014 Ordinary Meeting of Council. The applicant sought to defer consideration of the matter in order to enter into discussions with Council to resolve any outstanding issues. The report is returned to Council for consideration with no changes to the report content or recommendation as the applicant has not entered into any further discussions regarding this application.*

Application Summary:	
Permit No:	PA2014-028
Lodgement Date:	3 February 2014
Planning Officer:	Natalie Robertson
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	1 July 2014
Address of the land:	5 Grant Street (Lot 2 on PS 002498)
Proposal:	Use of Land for the Display of a Major promotion sign
Lot size:	949.5sq m
Why is a permit required	Clause 52.05 . Advertising Signs Clause 43.01 . Heritage HO75 (former Theatre)
Public Consultation:	
Number of notices to properties:	No public notice undertaken
Notices on site:	n/a
Notice in Moorabool Newspaper:	n/a
Number of Objections:	n/a
Consultation meeting:	n/a

<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building controls.
<b>Strategy</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications  Ensure that development is sustainable, resilient to change and respects the existing character.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
<b>Officer's Declaration of Conflict of Interests</b>	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.  <i>Statutory Planning Coordinator – Robert Fillisch</i>  In providing this advice to Council as the Coordinator, I have no interests to disclose in this report.  <i>Author – Natalie Robertson</i>  In providing this advice to Council as the Author, I have no interests to disclose in this report.	
<b>Executive Summary:</b>	
This application seeks approval for display of a major promotion sign for the Devine, Stonehill Development on the northern roof side of the building. The building is the former Theatre building located at 5 Grant Street, Bacchus Marsh which is currently used as a theatre, music and performing arts school.  The building is recognised within Moorabool's Heritage Overlay as the former <i>Theatre</i> . The application is one of several made by the applicant for various sites within Bacchus Marsh seeking the display of signage for the West Maddingley Stonehill Development.	

The zoning is Commercial 1 Zone. The applicant has provided details of the signage. No public notice was conducted as an assessment of the proposal at the subject site together with other signage already approved for the Stonehill development in immediate proximity to the subject site meant that the officer had determined that the proposal would receive a recommendation for refusal.

The applicant was informed that the officer was likely to make a recommendation for refusal having considered previous approvals for Stonehill signage within the area. The applicant has chosen to have the matter considered by Council rather than choose the option to withdraw the application.

This report recommends that Council issue a Refusal to Grant a Planning Permit for Use of the Land to Display a Major Promotion sign on the basis that the proposal is contrary to signage objectives and would contribute to a saturation of Stonehill signage in the immediate area.

**Summary Recommendation:**

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

**Background**

The subject site has the following planning permits:

- PA2005-299 permit granted for a place of assembly (music school) and waiver of 129 car parking spaces.

**Proposal**

The application was received by Council on 3 February 2014. The proposal seeks to display a major promotion sign for the Stonehill land development in West Maddingley on top of the roof with a northern orientation from the existing theatre building located 5 Grant Street, Bacchus Marsh.

The sign would have a total area of 29.4sq m with approximate dimensions of 8.4m by 3.55m, would not be illuminated and is proposed to be on display for a temporary period of up to five (5) years.



Major promotion sign



Current View



Proposed position

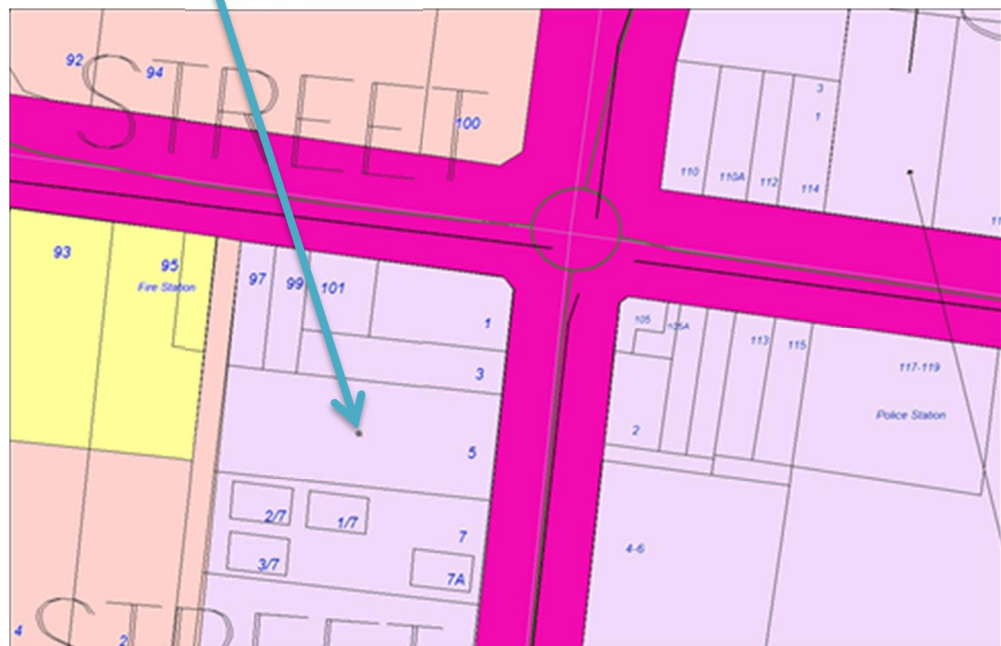
### Site Description

The subject site is located in the main commercial precinct of Bacchus Marsh at 5 Grant Street. The commercial building is occupied as a music school incorporating a theatre and various performing arts lessons. Surrounding built form comprises a mix of single and double storey construction commercial buildings.

The sign would be located on the roof with a northern orientation, thereby visible to southern bound traffic from Gisborne Road and also from the Gisborne Road and Main Street roundabout.



Subject Site



## Planning Scheme Provisions

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

<b>SPPF</b>		
Clause 11	Settlement	The proposal is consistent with this policy, which advocates ongoing provision of land and supporting infrastructure to support urban sustainable development. Signage to promote significant development sites would be considered key infrastructure.
Clause 15.01	Built Environment and Heritage	Any development should respond to its context. It is generally acceptable that signage promoting a development in close proximity is reasonable.
<b>LPPF</b>		
Clause 21.07	Bacchus Marsh	The Local Policy is silent on street signage, however in support of the proposal the policy does encourage coordinated master-planned development in identified areas in and around Bacchus Marsh. The proposal would be suitable located to promote the West Maddingley Development as approved under the West Maddingley Development Plan . Design and Development Overlay Schedule 3 (DPO3).

## Zone

### Commercial 1 Zone

The subject site is within the Commercial 1 Zone. In accordance with Clause 34.01-9 of the zone the signage Category is 1 and the requirements for advertising signage must be met under Clause 52.05 . Advertising Signs,

## **Overlays**

### Heritage Overlay

The subject site is affected by Heritage Overlay HO75 . former Theatre. Pursuant to Clause 43.01-1 a planning permit is required to construct or display a sign within the Heritage overlay.

The building was constructed in 1927 and opened on 11 June 1927 as the Trivoli Theatre and was considered the centre for social activity within the Bacchus Marsh township combining facilities for moving pictures and a dance floor. The building has since been known as the Landsberg Hall, Landsberg Theatre and as part of a refurbishment in 1938 was reopened as the 450 seat Astor Theatre.

It is considered the building has historical significance as a representative embodiment of social values and the way of life of the late 1920s and continues to be traditional community meeting place in Bacchus Marsh.

The purpose of the Heritage Overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

It is considered that the proposed sign does not conserve or enhance the building, nor does it positively contribute to the heritage significance of the site.

## **Particular Provisions**

### Clause 52.05 Advertising Signs

The Advertising Signs Clause 52.05 seeks to implement the following:

- To regulate the display of signs and associated structures;
- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character;
- To ensure signs do not contribute to excessive visual clutter or visual disorder;
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.



The proposed signage is defined as Major promotion signage . *A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.*

In accordance with Clause 52.05, Category 1, any sign not listed as a Section 1 Use . no permit required, unless it is prohibited, becomes a Section 2 Use, permit required. In this instance, a major promotion sign is a Section 2 Use and requires a planning permit.

### Referrals

The application was referred pursuant to s.52 of the Planning and Environment Act 1987 for comment as follows:

Authority	Response
Infrastructure	No objection, subject to conditions

### Public Notice

Advertisement of the proposal was not undertaken as the proponent was advised that the officer was likely to recommend refusal on the basis of existing signage approval within the immediate area as discussed within this report.

### Discussion

Assessment of the proposal under usual circumstances would consider the following:

- That signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character;
- The signs do not contribute to excessive visual clutter or visual disorder;
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.
- That the major promotion sign is encouraged in a commercial or industrial location in a manner which complements or enhances the character of the area.
- A major promotion sign should be discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant view lines.

In this regard, consideration has been given to signage approval on the adjacent land at 105 Main Street, Bacchus Marsh. With the display of the already approved signage which is reasonably large together with this signage it is considered that the sign fails to compliment or enhance the character of the area, would contribute significant visual clutter to the area and would undermine the heritage significance of the building on which it is proposed.

Photographs show the street potential street view that would support the suggestion of visual clutter.



Signage approved under PA2014-023



Proposed signage under this application PA2014-028 directly adjacent the above site.

### Financial Implications

The recommendation to issue a refusal to grant a planning permit for the use of the land to display a major promotion sign is not likely to represent any financial implications to Council, except where the applicant may choose to have this matter determined by appeal to the Victorian Civil and Administrative Tribunal.

### Risk and Occupational Health and Safety Issues

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

## Communications Strategy

Notice was not undertaken for the application, in accordance with the Planning and Environment Act 1987, and one objection was received. The applicant was informed that this matter would be heard by Council and was advised of their right to address Council. The applicant will be advised of Council's determination.

## Conclusion

In this instance, the applicant has sought to display a major promotion sign on land where this signage would contribute to visual bulk and clutter within the area, a refusal to grant a planning permit is warranted

### Resolution:

**Crs. Toohey/Edwards**

***That having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Refusal to Grant a Planning Permit for application PA2014-028 for Use of the Land for Display of a Major promotion sign at 5 Grant Street, Bacchus Marsh also known as Lot 2 on PS 002498 on the following grounds:***

- 1. The proposal would contribute to a saturation of similar signage within a small area and provide visual clutter and disorder as a result.***
- 2. The proposal is at odds with the purpose of the Heritage Overlay contained within the Moorabool Planning Scheme.***

**CARRIED.**

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## Report Authorisation

### Authorised by:

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Thursday, 11 September, 2014



***Cr. Spain declared a Direct Conflict of Interest in relation to Item 9.2.3 Planning Application PA2013-092; Creation of an access to a Road Zone Category 1, Lot 4 on PS211781G, 4 Love Close, Maddingley VIC 3340. The nature of the conflict of interest is due to access to road zone may enable activities that will affect amenity of Cr. Spain's dwelling.***

**9.2.3 Planning Application PA2013-092; Creation of an access to a Road Zone Category 1, Lot 4 on PS211781G, 4 Love Close, Maddingley VIC 3340**

***This application was deferred at the Ordinary Meeting of Council on 6 August 2014. At this meeting Council resolved "That conditions for refusal is brought back to the next Ordinary Meeting of Council for Planning Application 2013-092 based on information provided by the Infrastructure Department that access to this property is not needed to access the dwelling and there is insufficient evidence to support this further access point".***

***Options regarding this application are discussed under the heading 'Options' within this report.***

<b>Application Summary:</b>	
Permit No:	PA2013-092
Lodgement Date:	26 April 2013
Planning Officer:	Victoria Mack
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	28 June 2013
Address of the land:	4 Love Close, Maddingley VIC Lot 4 on PS211781G
Proposal:	Creation of an access to a Road Zone Category 1
Lot size:	1666 square metres
Restrictive Covenant/Section 173 Agreement	Not applicable

<b>Moorabool Planning Scheme (Relevant details):</b>	
Zone:	Residential 1 Zone Road Zone Category 1 (adjacent)
Overlays:	Nil
Particular provisions:	Clause 52.29 Land adjacent to a Road Zone Category 1
General Provisions:	Clause 65 and 66
Why is a permit required	Clause 52.29 Create or alter access to a road in a Road Zone, Category 1.
<b>Public Consultation:</b>	
Number of notices to properties:	8
Notices on site:	1
Notice in Moorabool Newspaper:	Not applicable
Number of Objections:	3
Consultation meeting:	Not undertaken
<b>Policy Implications:</b>	
<b>Key Result Area -</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective -</b>	Effective and efficient land use planning and building controls.
<b>Strategy -</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications  Ensure that development is sustainable, resilient to change and respects the existing character.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

### Officer's Declaration of Conflict of Interests

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

*Manager – Sian Smith*

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

*Author – Victoria Mack*

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

### Executive Summary:

The application is to create a new access to the Parwan Road, which is a Category 1 Road.

The proposed access would be located on the southern boundary of the subject site. Between the subject site and Parwan Road there is an unmade service road in the road reserve which is readily accessible from Love Close.

The proposed new access would be 4.8m wide and secured with a 1.8m high gate of wooden construction with steel supports. It would be located approximately 13.5m from the south east corner of the land and approximately 24m east of an existing access on the same boundary, which is secured by a wire farm style gate.

There is an existing dwelling in the north east corner of the site and sundry shedding on the site. There is additional access to the dwelling directly from Love Close. A number of vehicles, assorted machinery and transportable structures are stored on the site.

The land slopes to the south east and the proposed access is at a lower point on the land than the existing dwelling and either of the two existing access points to the site.

Fencing along the south boundary of the site, and on the western boundary which faces Love Close, is constructed with a mix of materials including timber, wire and metal sheet.

The reasons provided for this application is to afford access to the lower southeast corner of the land which is otherwise constrained by the topography of the site.

The application was referred to VicRoads who stated they had no comment to make in relation to the proposal. Council's Infrastructure Department recommended that a permit for the access at this location should not be issued due to the constraints of the site in relation to drainage concerns, but they provided alternative conditions if a permit was to issue. Infrastructure's detailed recommendation is discussed further in this report.

The proposal was advertised with three objections being received. Objector concerns are discussed later in this report.

On balance it is considered that the application is consistent with Clause 65 of the Moorabool Planning Scheme and accords with the orderly planning of the area. While the location of the proposed access may require drainage and storm water management it is considered that these issues can be addressed with the use of appropriate permit conditions.

**Summary Recommendation:**

It is recommended that Council, having considered all relevant matters as required by s.60 of the Planning and Environment Act 1987, resolve to issue a Notice of Decision to grant a permit for Creation of an access to a Road Zone Category 1 at 4 Love Close, Maddingley, subject to conditions.

**Proposal**

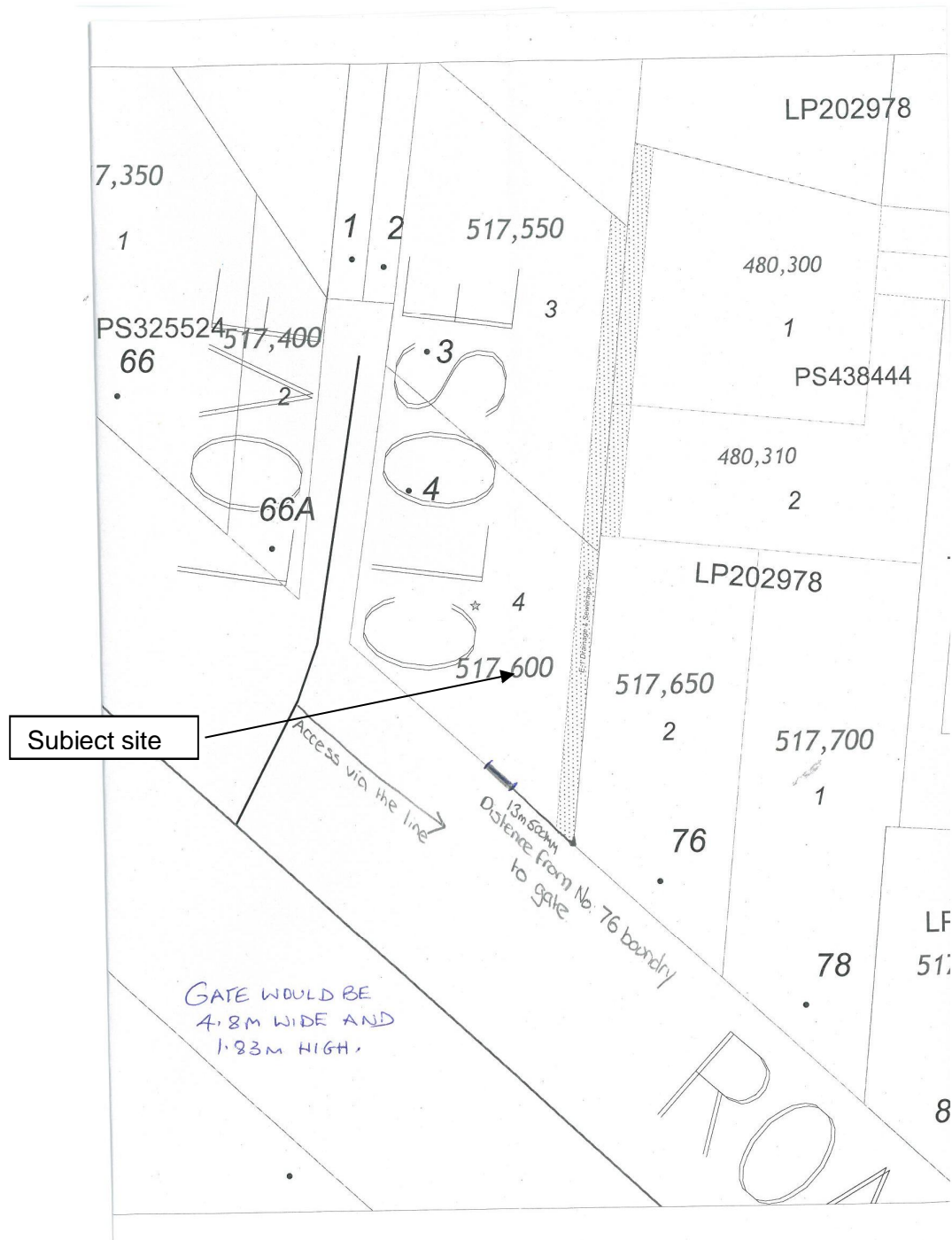
The applicant seeks approval for the construction of a second access and crossover on the south boundary of the subject site to an unmade service road, in the road reserve, on the north side of the Parwan Road.

The proposed access would therefore not require direct access to the Parwan Road but rather could access Parwan Road via Love Close approximately 60m to the west, or alternatively east on the service road to another access, approximately 86m east of Love Close that is used by the residents of 76 Parwan Road.

The access would be 13.5m from the south east corner of the site, approximately 22m from the existing access on the same boundary and approximately 32m from the south west corner of the site. The access way would be 4.8m wide and secured with a 1.8m high wooden gate with steel support structures.

No drainage measures or construction details of the access have been submitted with the application.

## Site Plan



## Site Description

The subject site is Lot 4 on PS211781G or 4 Love Close, Maddingley and is located on the north side of Parwan Road. The southern boundary of the subject site faces Parwan Road. There currently is access to the site in two locations; one from Parwan Road which provides access to the upper terrace on the land and one from Love Close, which also provides access to the upper terrace.



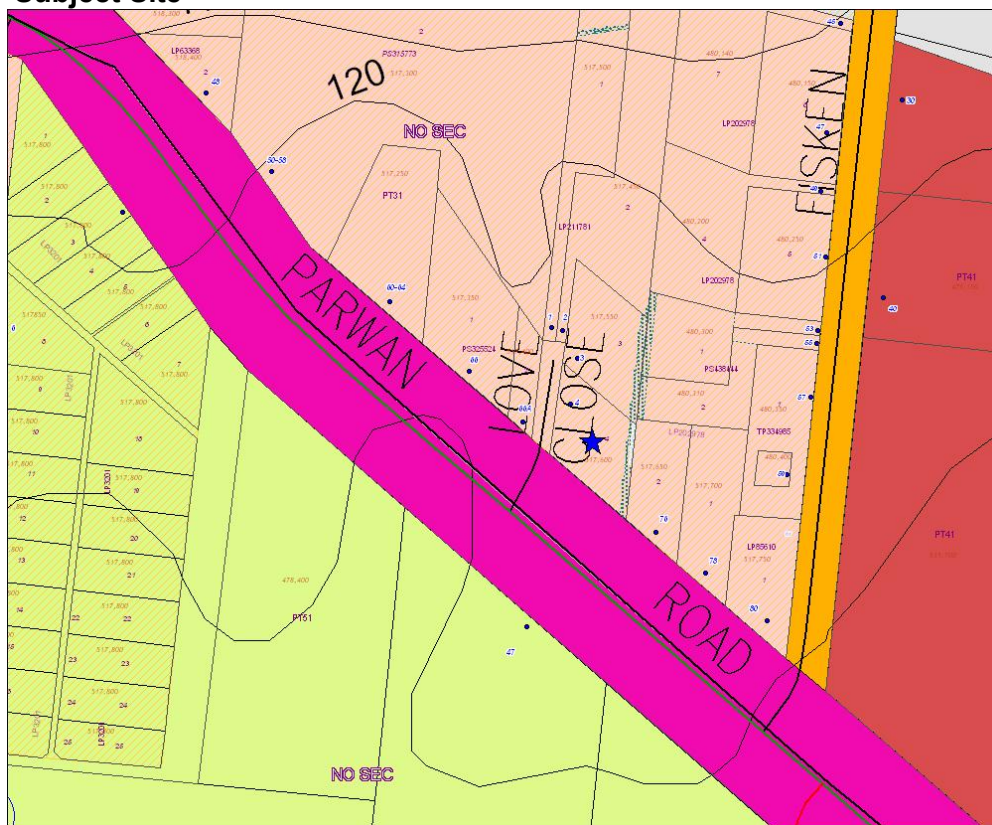
Love Close is a through road and is approximately 80m in length. Six properties gain access to Parwan Road from either Love Close or the unmade service road, located within the road reserve that runs parallel to Parwan Road on the northern side.

The subject land parcel is trapezoid in shape, with some scattered vegetation including trees. The north side boundary is 43.57m; the south side boundary is 46.94m; the east side boundary is 45m; and the west side boundary is 43.15m. There is a 2m wide drainage and sewerage easement on the site running parallel with the east side boundary.

The site is 780m southeast of the intersection of Grant Street railway level crossing.

The land to the west and north of the site is in the Residential 1 Zone; land to the east, across Fiskin Street, is in the Mixed Use Zone. To the south, across Parwan Road, is in the Special Use Zone . schedule 1 (Coal mining).

#### Subject Site



An inspection of the site was undertaken on 14 December 2012.

## 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). In this instance however, State and Local policies and the MSS do not provide specific guidance in relation to the creation of an access to a Road in a Road Zone Category 1 except as follows:

LPPF		
Clause 21.02-6	Environmentally Sustainable Development	The objective of this policy is to manage land use in an environmentally sustainable manner, to assist in reducing the ecological footprint of land within Moorabool Shire by ensuring that the natural drainage functions are retained in the development of land for residential purposes.

## Zone

### Residential 1 Zone

Pursuant to Clause 32.01 of the Moorabool Planning Scheme a permit is not required in the Residential 1 Zone to construct an access to a road.

## Overlays

No overlays apply to the subject site.

## Particular Provisions

### Land Adjacent To A Road Zone, Category 1.

Pursuant to Clause 52.29 of the Moorabool Planning Scheme a permit is required to create or alter access to a road in a Road Zone, Category 1.

## General Provisions

### Clause 65

The Decision Guidelines of Clause 65 have been considered by officers in evaluating this application and providing this recommendation to Council.

### Clause 66

The Referral and Notice Provisions of Clause 66 have been considered by officers in evaluating this proposal which stipulates all the relevant referral authorities to which the application must be referred.

## Referrals

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

Authority	Response
VicRoads	No comment to make on application
Infrastructure	Recommended that a permit should not be issued, but provided six (6) conditions if a permit was to be recommended for approval.

## Discussion on Infrastructure concerns:

Infrastructure's recommendation to not issue a permit was provided citing the following concerns:

1. The proposed second access is at the low point of the property frontage in Parwan Road, and sits at the bottom of a depression within the road reserve.
2. A stormwater drainage culvert under Parwan Road discharges almost directly above the proposed access location.
3. The existing entrance to Parwan Road is blocked by an accumulation of what appeared to be scrap building materials.
4. The property frontage along Love Close contained motor vehicles in various states of repair.
5. There is no constructed access road along the property frontage to Parwan Road.

The Infrastructure Department in their referral response stated as follows:

*Creating a second access at the lowest point of the frontage is not likely to improve accessibility to the site "when weather is poor", given that the topography will concentrate overland storm water flow at the location of the proposed entrance.*

*There is no constructed access road in Parwan Road that would allow all-weather access to the second entry. The nearest accessible access point is a vehicle crossing, privately constructed to service the dwelling at 76 Parwan Road.*

*The applicant's difficulties with site access are more appropriately addressed by his carrying out works within the property to clear any obstructions to the existing access, construct an "all-weather" driveway, and to construct a rural standard vehicle crossing from the existing access point in Parwan Road to the sealed pavement surface of Love Close.*

Despite the lack of support for the proposal, in principle, it is recognised that there is an appropriate solution to the concerns they have raised by the provision of appropriate conditions.

VicRoads, as the responsible road authority, has not objected to this proposal.

However, Infrastructure also provided six (6) permit conditions should the application be recommended for approval.

### Options

When considering Council's resolution at the Ordinary Meeting of Council on 6 August and the views of the Infrastructure Department an alternate resolution has been prepared for consideration.

Should Council choose not to approve this report, as recommended by Officers then the following resolution could be considered:

That, having considered all relevant matters as prescribed by the *Planning and Environment Act 1987*, Council issue a Refusal to Grant a Planning Permit for application PA2013-092 for the Creation of an access to a Road Zone Category 1 on Lot 4 on PS211781G, 4 Love Close, Maddingley on the following grounds:

1. The proposal does not constitute orderly or proper planning for the subject site or its surrounds.
2. The proposed access point does not link to a constructed road or access along the property frontage within Parwan Road.
3. The site already has 2 existing access points which is considered to adequately service the subject site.

### Public Notice

Notification of the proposal was undertaken. The application was advertised to nearby adjoining owners and occupiers on 14 June 2013 by mail. A total of eight (8) notices were provided to properties within the surrounding area together with a sign being placed on the site, facing Parwan Road between 24 June 2013 and 8 July 2013. Three objections were received.

### Objector concerns

Objector concerns with officer's comments are summarized below:

Objection	Officer's response
The site currently has two access points which provides adequate access to the property from both Love Close and the Parwan Road frontage. Another access, only a few metres from an existing access, is not justified.	The applicant claims that a new access is required to provide access to the lower terrace on the site in the south east corner which, it is claimed, cannot be readily accessed due to the topography of the site.

<p>The service road is unmade and is not a constructed access road.</p>	<p>The section of the road reserve is unmade and currently not constructed for traffic. Conditions provided by Council's Infrastructure Department would require that an all-weather access way must be constructed from the access point approved by this permit, to the sealed road pavement of Love Close.</p>
<p>A new access would encroach on the driveway to Parwan Road used by the resident of 76 Parwan Road to the east.</p>	<p>The road reserve at this location is public land and whilst the service road is not constructed, a new access is unlikely to vary the current road usage by a significant amount. The condition requiring the construction of a gravel road surface from the proposed access to the Love Close carriageway would encourage travel via that route.</p> <p>Council's Infrastructure Department requested that no access be allowed to the existing vehicle access way servicing the dwelling at 76 Parwan Road Maddingley. As this permit is a permit for development, a condition restricting the ongoing use of the land is not an appropriate condition that could be defended at VCAT.</p> <p>Also, such a condition would prevent one landowner from using the public road network whilst failing to restrict access to any other person.</p>
<p>The site for the proposed access is subject to drainage concerns and storm water flows which are exacerbated by the vehicles, machinery, building and other waste materials that are stored on the site which impede natural drainage, and cause flooding to neighbours.</p>	<p>Council's Infrastructure Department has noted this issue in their comments.</p> <p>It is considered that storm water and drainage concerns can be addressed with the use of appropriate permit conditions.</p> <p>The other matters raised are being dealt with by other Council Departments and have no relevance to the permission being sought.</p>
<p>The materials and machinery stored on the site are a potential hazard in that it could harbour snakes and vermin.</p>	<p>The matters raised are being dealt with by other Council Departments and have no relevance to the permission being sought.</p>



2. *The effect on the amenity of the area.*

The reason provided by the applicant for this application is to better enable the movement of cars and machinery from the lower lying area of the south-east corner of the site. The machinery and other waste materials that are stored in this area of the land have also been raised as a concern by objectors and Council's Infrastructure Department, specifically that these items are potential obstructions to the natural drainage of the area.

These matters are being dealt with by other Council Departments and have no relevance to the permission being sought.

3. *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

The proposed development has not been designed in a way as to address any drainage or stormwater within and exiting the site. Drainage issues were not addressed in the application documents submitted. Council's Infrastructure Department and objectors have raised concerns about the location of the access in relation to storm water and drainage management. However, it is considered that drainage should be addressed with the use of appropriate permit conditions.

### **Financial Implications**

The recommendation of an approval of this development would not represent any financial implications to Council. Should an appeal be lodged at VCAT, Council's response would be undertaken within existing resources.

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

The recommendation to approve this development does not create 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 three objections were received. The applicant and objectors were informed that this matter would be heard by Council and was advised of their right to address Council. The applicant and objectors will be advised of Council's determination.

### **Conclusion**

It is considered that the application is generally consistent with the orderly planning of the area and the decision guidelines of Clause 65. The location of the proposed access does not impact on the Parwan Road and provided an all-weather access way from the new access point is constructed west to the sealed road pavement of Love Close on the service road it is considered that drainage issues in the immediate area of the proposed access can be addressed with permit conditions.

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

***Consideration of Deputations – Planning Permit Application No. PA2013-092***

***Mr Bruce Bullock addressed Council as an objector to the granting of a planning permit for the application***

***Mr. Damien Loizou addressed Council in favour of the granting of a planning permit for the application.***

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

**Resolution:**

**Crs. Dudzik/Edwards**

***That, having considered all relevant matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Planning Permit for application PA2013-092 for Creation of an access to a Road Zone Category 1 on Lot 4 on PS211781G, 4 Love Close, Maddingley subject to the following conditions:***

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.***
- 2. A standard rural vehicle crossing with culvert must be provided on Parwan Road at the location of the proposed entrance, to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.***
- 3. An all-weather access way must be constructed from the access point approved by this permit, to the sealed road pavement of Love Close, to the satisfaction of the Responsible Authority and VicRoads.***
- 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. 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.**

**The responsible authority may only extend the periods referred to above, if a request is made in writing before the permit expires, or within three months afterwards.**

**CARRIED.**

**Cr. Spain returned to the Meeting at 5.38pm.**

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**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu

**Title:** General Manager Growth & Development

**Date:** Tuesday, 23 September 2014



## 9.2.4 Draft Domestic Wastewater Management Plan

### Introduction

File No.: 12/07/003  
Author: Sarah Annells  
General Manager: Satwinder Sandhu

### Background

The purpose of this report is to present the Moorabool Domestic Wastewater Management Plan 2014 (the Plan) to the Council for adoption after the completion of a public exhibition period of four weeks.

It is a requirement of both the State Environmental Protection Policy . Water of Victoria and the Minister's Guidelines for planning permit applications in open, potable water supply catchment areas that Council prepare, adopt and implement a Domestic Wastewater Management Plan.

The Plan enables Council to take a greater strategic approach to managing domestic wastewater by:

- Assessing and considering the potential risks posed by existing septic systems and methods to reduce and manage these risks;
- Allowing for future development in unsewered areas using a broad scale risk assessment to ensure wastewater is contained onsite;
- Developing a flexible monitoring and improvement protocol to ensure the protection of public health and the environment.

The Plan will primarily be used:

- To determine the level of technical investigation to be undertaken as part of a development application in an unsewered area;
- As a guide to develop a monitoring strategy for existing domestic wastewater management systems in the Shire;
- As a guide to Council for strategic planning of future rural residential and other unsewered development;
- To identify priority existing townships that require more detailed investigations to determine needs.

### Consultation Process

At the Council meeting on 2 July 2014 Council made the following resolution:

*That Council:*

1. *Endorse in principle the draft Moorabool Domestic Wastewater Management Plan for the purposes of public exhibition for a period of four weeks.*
2. *Receive a further report at the conclusion of the exhibition period seeking adoption of the Moorabool Domestic Wastewater Management Plan.*

3. *Review the Domestic Wastewater Management Plan in three years' time to monitor compliance and check for accuracy.*
4. *Writes to the Chief Executive Officers and Chairperson of each of the five water authorities, the Environmental Protection Authority and directly to Minister Peter Walsh MP, Minister for Water, with a copy of this report, the draft Moorabool Domestic Wastewater Management Plan requesting that during the exhibition period the Minister and water authorities ratify the draft plan and show their support of the Plan.*

The DWMP was released for public consultation for 4 weeks on Friday 5 July 2014. Copies of the draft Domestic Wastewater Management Plan were made available in all Council offices, on the Moorabool website and on the ~~the~~ have your say Moorabool+ website. Copies were also sent to all external stakeholders including the relevant Water Corporations, the Environment Protection Authority and neighbouring Councils. There were also advertisements placed in the Moorabool News advising residents that the Plan was available for viewing and comment.

13 responses were received as a result of the consultation process. A full summary of the feedback is contained in Attachment A.

Key issues drawn from the feedback received included:

- Support and endorsement of the risk based, staged approach contained in the plan.
- Identification of some areas of where clarification and consistency was required
- Support for further work, including the Decentralised Sewerage Model, which is used to evaluate the site opportunities and servicing options in the operational Plan

A series of three meetings were held between Council officers and the Water Corporations during and subsequent to the consultation period. Council officers have worked closely with the consultants and the Water Corporations to address any concerns and advocate for the best outcomes for the residents of Moorabool.

On the 5<sup>th</sup> September Council officers met with the Water Corporations and representatives of Department of Environment and Primary Industries to discuss the issues raised by the Water Corporations and identify a way forward.

A revised response, based on the discussions at this meeting, has been forwarded to Council from most of the Water Authorities. In short, Central Highlands Water, Goulburn Murray Water, Melbourne Water and Barwon Water all provide support for the DWMP. Attachment A outlines their response in greater detail.

At the time of this report being finalised a revised response from Southern Rural Water and Western Water had not yet been received however Council was verbally advised that a combined response will be received prior to the commencement of the Council Meeting.

### Proposal

It is proposed that Council adopt the Domestic Wastewater Management Plan 2014 as contained in Attachment B.

### Policy Implications

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Infrastructure and Natural and Built Environment
<b>Objective</b>	Enhance and protect the long term integrity and biodiversity of the natural environment
<b>Strategy</b>	Develop a Domestic Wastewater Management Plan in accordance with the Minister's Guidelines

The proposal to adopt the Moorabool Domestic Wastewater Management Plan 2014 is consistent with the 2013-2017 Council Plan.

### Financial Implications

The actions from the Domestic Wastewater management plan 2014 are largely to be funded from the recurrent budget of the Environmental Health Unit.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Domestic Wastewater Management Plan	Requirement SEPP . WOV and Minister's Guidelines	Low	Council to develop and implement a Domestic Wastewater Management Plan

## **Communications and Consultation Strategy**

Once adopted by Council, the Plan will be publicised in the Moorabool News, placed on the Have Your Say website and hardcopies located at all customer service centres. Copies will also be sent to all external stakeholders, including Water Corporations.

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

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

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

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

### *General Manager – Satwinder Sandhu*

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

### *Author – Sarah Annells*

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

## **Conclusion**

The Domestic Wastewater Management Plan 2014 has been prepared in accordance with legislation and the Minister's guidelines.

A review after 6 months of the Plan being approved will ensure that the commitments made in the plan are on track.

The Domestic Wastewater Management Plan, once approved, will assist with detailed assessments of both developed and undeveloped lots in the townships of Moorabool Shire Council. It will provide additional detail and guidance on the relevant background documents (codes, policies, plans, legislation, regulations and standards) and the various constraints which impact upon or are impacted upon by on-site domestic wastewater.

A comprehensive review will be carried out in three years by Council's Environmental Health Unit.

**Recommendation:****That Council:**

- 1. Adopt the Domestic Wastewater Management Plan Oct 2014.**
- 2. Allocate \$20,000 each year for the next 3 years to carry out any additional work as required by the Plan, with a view to completing this work no later than October 2017.**
- 3. Work collaboratively with the Water Corporations to find the most appropriate mechanism to accurately and effectively manage cumulative risk and explore an appropriate decentralised sewerage model. This includes requesting a financial contribution from the Water Corporations at the appropriate time.**

**Resolution:****Crs. Sullivan/Toohey*****That Council:***

- 1. Adopt the Domestic Wastewater Management Plan Oct 2014.***
- 2. Allocate \$20,000 each year for the next 3 years to carry out any additional work as required by the Plan, with a view to completing this work no later than October 2017.***
- 3. Work collaboratively with the Water Corporations to find the most appropriate mechanism to accurately and effectively manage cumulative risk and explore an appropriate decentralised sewerage model. This includes requesting a financial contribution from the Water Corporations at the appropriate time.***
- 4. Six months after the adoption of this plan and every twelve months thereafter, based on empirical information obtained and collected by Council, the underlying principles and assumptions upon which the technical report was based be ground truthed and where relevant, changes made.***

**CARRIED.**

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**Report Authorisation****Authorised by:****Name:** Satwinder Sandhu**Title:** General Manager Growth & Development**Date:** Tuesday, 23 September 2014

## 9.3 COMMUNITY SERVICES

### 9.3.1 Memorials Policy

#### Introduction

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

#### Background

The purpose of this report is to present the Memorials Policy for adoption by the Council following a community engagement process.

At the Ordinary Meeting of Council on the 2 July 2014, the Council resolved that it:

1. *Endorses "in principle" the Draft Memorials Policy for the purposes of public exhibition for a period of four (4) weeks; and*
2. *Receives a further report at the conclusion of the exhibition period seeking adoption of the Memorials Policy.*

The aims of the Memorials Policy are to:

- Outline the types of memorials that will be considered
- Provide an application and approval process
- Determine the responsibility of costs and maintenance
- Outline timeframes for the process and management of the lifespan of memorials
- Clearly demonstrate the responsibility of the Council and the responsibilities of the applicant

Officers have undertaken community engagement on the draft policy in accordance with the Council resolution.

A summary of the feedback received through the community engagement is provided below:

- All the responses provided positive feedback about the draft Policy
- There were some suggestions for wording changes particularly around the following two points – *"Memorial or plaque which enhance the wellbeing of the community"* and *"All applications must demonstrate a significant contribution the deceased made to the wider community"*
- Committee of Management input into the process needed to be enhanced
- Broader scope for the term Memorial to be included i.e. donations of funding for infrastructure
- Removal of paraphernalia associated with memorials to be after 30 days and not seven

The feedback has been incorporated into the revised Memorials Policy.

## Proposal

The Memorials Policy as contained in **Attachment 9.3.1(a)** comprises a statement of purpose and scope as well as the process for the implementation of the Policy. The process includes the responsibility for the cost of the memorials; the lifespan of memorials; maintenance; maintaining a register; and public safety. It is proposed that following the community engagement process, that the Council adopts the Memorials Policy.

## Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

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

## Financial Implications

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

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Requests for memorials from community	Without a policy, memorials could be installed with no process or management plan in place.	Medium	Implement the Policy

## Communications and Consultation Strategy

The following community engagement was undertaken, in accordance with the Council's Community Engagement Policy and Framework. A summary of the feedback received is contained in **Attachment 9.3.1(b)**.

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community Members	Have Your Say and Policy displayed in the Library	Various	July 2014	In total 71 people became aware of the draft policy by visiting the Draft Memorials Policy web



Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
					<p>page on Have Your Say.</p> <p>Of these, 27 (38%) became informed as a result of downloading the document and/or navigating around the page. 3 people (4%) engaged by responding through the submission process.</p>
Consult	Community Members and Committees of Management who expressed interest in the development of the Policy	Submissions	Various	July 2014	2 submissions received

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Kate Diamond-Keith*

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

### **Conclusion**

The development of a Memorials Policy is in response to a number of requests by members of the community to install memorials in public spaces. The Policy outlines the process to manage these requests in a timely and sensitive manner.

### **Recommendation:**

#### **That Council:**

- 1. Adopts the Memorials Policy.**
- 2. Promotes the Memorials Policy to the community on the Council's website and that copies be available at the Council offices and the Lerderderg Library.**

### **Resolution:**

**Crs. Spain/Dudzik**

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

- 1. Adopts the Memorials Policy with the following amendments:**

#### ***Clause 3.5 Process***

***An assessment panel will consider applications and provide recommendations to Council's Executive Group. The panel will include officers from Council's community development and infrastructure units and, at the discretion and invitation of the Chief Executive Officer, will also include community members. When the site of a proposed memorial will be in public space managed by a delegated Committee of Council it would be appropriate for the Chairperson or a delegate of the Committee to be invited to join the panel.***

#### ***Clause 10.2 Other***

***All non-permanent memorials existing within the Shire prior to the adoption of this policy will be subject to the provisions of this policy.***

#### ***Clause 11 Review***

***The policy will initially be reviewed within one year of adoption and thereafter every three years***

- 2. Promotes the Memorials Policy to the community on the Council's website and that copies be available at the Council offices and the Lerderderg Library.**

3. ***That retrospective removal of memorial items will be reported to Council and family members be informed prior to removal.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**



**Name:**

Danny Colgan

**Title:**

General Manager Community Services

**Date:**

Monday, 22 September 2014

### 9.3.2 Community Grants Program Winter 2014

#### Introduction

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

#### Background

The purpose of this report is to present the Council with an assessment of applications received under the %Winter 2014+round of Community Grants.

Community grants totalling \$140,000 per annum are available in two separate funding rounds of \$70,000 each. The Winter round of the Community Grants Program opened on 1 August 2014 and closed on 31 August 2014.

At the Ordinary Council Meeting on Wednesday 4 September 2013, the Council adopted the revised Community Grants Policy and Guidelines. The policy will be reviewed again in 2016. The Winter 2014 Community Grant Program represents the third round under the revised Community Grant Policy.

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

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

Community groups and organisations can apply for up to \$5,000 for Community Strengthening Grants and up to \$3000 for Arts and Events Grants. Groups also need to demonstrate a cash or in-kind contribution toward the cost of their project on a ratio of \$1 for \$1 (Council \$1: Group \$1). Small Community Strengthening Projects under \$1,000 are not required to demonstrate a contribution.

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

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

### External Funding Available

Council's community grants policy states that:

*Funding responsibility of State and/or Federal Government:*

*Funding is for initiatives that directly support and promote local volunteers and as such applications for funding that are deemed responsibility of State and/or Federal government will not be given priority.*

Funding is currently available from the Department of Planning and Community Development's Local Facilities for Local Clubs Program. For each Local Government area, the State Government will match community contributions such as in-kind or cash contributions dollar for dollar up to \$50,000, towards up to two projects for a wide range of sport and active recreation projects.

Projects eligible for funding include sports infrastructure upgrades to outdoor sports surfaces, sports lighting installations, netball court developments, change spaces for umpires and female participants. Active recreation projects such as skate parks, play spaces and BMX tracks will also be eligible for funding.

Funding is also available from the Victorian Veterans Council, ANZAC Centenary Community Grants Program allocated to support local Victorian ANZAC projects.

The following table represents applications deferred to the Summer 2015 Community Grants Round pending external funding:

Organisation	Project	Amount requested	Policy Score	Pending external funding from
Bacchus Marsh Little Athletics Centre Incorporated	Triple/Long Jump Rubber Resurfacing	\$5,000	83.65	Department of Planning and Community Development Local Facilities for Local Clubs Program
Bungaree and District Historical Society	ANZAC Commemorative Memorial	\$5,000	78.30	State Government ANZAC Community Grants Program
<b>Total</b>		<b>\$10,000</b>		

The Bacchus Marsh Little Athletics Centre project was the subject of a Council resolution on 3 September 2014 which approved an application to be submitted the Local Facilities Local Clubs program. If this application is unsuccessful then this project can be reconsidered in the Summer 2015 Community Grants round.

The Bungaree and District Historical Society can apply to the ANZAC Centenary Community Grants Program, if unsuccessful then this project can be reconsidered in the Summer 2015 Community Grants round. Officers have spoken to the group and they have agreed to this course of action.

The Navigators History Group have been recommended for a Community Grant as they have applied for additional funding to the Federal Government ANZAC Centenary Grants for their ANZAC project.

Therefore as per Councils Community Grants Policy these projects should be considered for funding externally and if unsuccessful can be considered in the Summer 2015 round.

#### **Policy Assessment Criteria:**

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

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

#### **Application Support**

The Community Grants Program Policy specifies that applicant groups are encouraged to meet with a Community Development Officer prior to lodging an application. The majority of applicant groups for the Winter 2014 round of Community Grants received support and advice from Community Development Officers.

#### **Number of applications and amount requested**

In total, 38 applications were received across the three program categories: Community Strengthening (27), Events (6) and Arts (5). A total of \$ 131,956 was requested with \$70,000 available. (\$50,000 for Community Strengthening, \$10,000 for Events, \$10,000 for Arts).

<b>Category</b>	<b>Applications Received</b>	<b>Amount Requested</b>	<b>Amount recommended</b>	<b>Amount Available</b>
Community Strengthening	25	\$92,456	\$50,090	\$50,000
Deferred Applications	2	\$10,000		
Events	6	\$16,000	\$10,500	\$10,000
Arts	5	\$13,500	\$10,000	\$10,000
<b>Total</b>	<b>38</b>	<b>\$131,956</b>	<b>\$70,590</b>	<b>\$70,000</b>

**Assessment**

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

**Proposal**

Based on the above process and funding criteria, it is proposed that the Council allocate the grants for the %Winter 2014+round of Community Grants as follows:

**Community Strengthening Grants:**

Groups demonstrating Council Policy criteria of, or better than, a score of 75.55 may be provided with funding if Council so determine.

<b>Name of Organisation</b>	<b>Project Name</b>	<b>Brief Description of Project</b>	<b>Requested Amount</b>	<b>Project Total Value</b>	<b>Progressive Total</b>	<b>Policy Score</b>	<b>Previous Community Grant awarded</b>
Bacchus Marsh West Golf Club	Junior Development/ Practice Range Upgrade	The upgrade of Bacchus Marsh Golf Club junior practice fairway	\$3,365	\$6,730	\$3,365	90.00	No
Ballan Racecourse Reserve	Re-roofing Old Ballan Jockey Club Rooms	The restoration of the roof of the building	\$5,000	\$10,000	\$8,365	87.20	No
Bacchus Marsh BMX Club	Darley Pump Track	Redevelopment of the BMX jump area at Darley	\$5,000	\$10,795	\$13,365	85.45	No
The Marsh Food Bus Incorporated	Improving Facilities to the Bus and Operations	To improve the working conditions of volunteers whilst on duty serving food to the homeless and disadvantaged people of Bacchus Marsh	\$1,000	\$1,500	\$14,365	84.80	No
Gordon Recreation Reserve	Entrance and Traffic Management Upgrade	The upgrade of facilities at the Gordon Recreation Reserve and will focus on improvements to the safety and appearance at the front entrance	\$5,000	\$10,025	\$19,365	83.90	Winter 2013



Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Navigators History Group	Navigators War Memorial	To beautify and enhance the main road through Navigators by planting an avenue/line of trees with a war memorial reflective area and plaque to honour those who fought in past wars from the Navigators district.	\$5,000	\$10,000	\$24,365	82.05	No
Yendon Recreation Reserve Committee	Completion of Yendon Children's Playground	To relocate the current playground closer to the main building at the recreation reserve. The current playground is over 50m from the main building.	\$5,000	\$22,975	\$29,365	81.50	Winter 2013
Derek Foden Rover Crew	Bacchus Marsh Community Market and Movie Night	To deliver two Community market and movie nights	\$5,000	\$11,400	\$34,365	79.10	No
Ballan Football Netball Club	Australian Rules Goalposts	The purchase of goalposts	\$5,000	\$17,000	\$39,365	77.40	No
Ballan Cricket Club	Upgrade of Cricket Nets	To replace vandalised netting , extend concrete run ups to reduce risk of injury	\$5,000	\$11,496	\$44,365	76.45	No

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Coimadai Fire Brigade	Coimadai Community Facility	To upgrade existing floor of old station to create a new community facility in Coimadai	\$4,725	\$11,745	\$49,090	76.04	No
University of the Third Age	Quilting for Others	To facilitate quilting workshops to supply those in need with quilts	\$1,000	\$1,000	\$50,090	75.55	Summer 14 (auspice)
Lady Northcote Association Incorporated	Heritage Restoration of Bathrooms	Restoration of the Bathrooms as part of stage 2 of project	\$5,000	\$11,000	\$55,090	70.40	No
Gordon Public Hall	Audio Visual System	Purchase of audio visual equipment for the Gordon Public Hall	\$3,440	\$7,410	\$58,530	68.85	No
Wallace Recreation Reserve	CCTV Security System	Installation of CCTV Security System	\$3,380	\$6,760	\$61,910	68.60	No
Ballan and District Pre-School	Water Pump	To provide the children with a water garden (pump) feature to assist in several ways with their learning and development	\$1,820	\$2,800	\$63,730	64.78	No

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Moorabool Landcare Group	Coimadai- Breathing New Life	The project aims to use an iterative approach to identify the landowner priorities in managing their land	\$1,100	\$1,500	\$64,830	64.65	No
Ballan Community Childcare Centre	Planting the Seed Project	To create an eco-based childcare centre	\$5,000	\$10,000	\$69,830	63.70	Winter 2012
Morrison Cemetery Trust	Boundary Fence, Side Gate and Path	To install a boundary fence, gate and path	\$2,910	\$5,820	\$72,740	63.65	No
Elaine Cricket Club	Community Sports Skills Development	To purchase a sporting bowling machine	\$2,716	\$5,432	\$75,456	62.25	No
Bacchus Marsh Aquatic Centre Consortium	Are you in? DVD	Production of a 4-5 minute DVD suited to alignment with interests of potential investors in a social infrastructure project	\$5,000	\$5,000	\$80,456	61.20	No
Ballan Community Friendship Garden	Labyrinth	Construction of a Labyrinth by the Ballan Community Friendship Garden	\$5,000	\$9,965	\$85,456	59.60	Winter 2013
Bungaree Bowling Club	New Uniforms	Purchase of uniforms	\$1,000	\$2,000	\$86,456	58.65	No

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Bacchus Marsh Organic Collective	Cold Storage for Bacchus Marsh Organic Collective	Purchase of a fridge	\$1,000	\$1,800	\$87,456	54.55	No
Acrofun Bacchus Marsh	Establishment of Club and Purchase of Sprung Floor	Funding to assist in the establishment of the club and the purchase of sprung floor from Belgravia leisure centre.	\$5,000	\$10,000	\$92,456	50.90	No
<b>TOTAL</b>			<b>\$92,456</b>	<b>\$204,154</b>			

**Events Grants:**

Groups demonstrating Council Policy Criteria of, or better than a score of 81.10 may be provided with funding if Council so determine.

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Balliang Public Hall and Recreation Reserve Committee	Reconnecting the Rural Community	The committee will hold an event to focus on bringing the rural Community of Balliang together for a BBQ and friendly tennis game	\$2,500	\$5,000	\$2,500	90.33	No
Ballan Autumn Festival	Ballan Autumn Festival 40 <sup>th</sup> Anniversary - Special Art Show Gala Lunch	40th anniversary of the Ballan Arts & Crafts Society Annual Art Show and Ballan Autumn Festival Celebration (BAF).	\$3,000	\$6,000	\$5,500	86.13	Winter 2012
Scotsburn Union Church	130 <sup>th</sup> Anniversary Celebration	Celebration of the 130th year anniversary of the building	\$1,500	\$3,000	\$7,000	81.50	No
Bacchus Marsh Aquatic Centre Community Consortium	Bacchus Marsh Horticultural Show	One day Horticulture Show comprising competitive sections in roses, cut flowers, cacti-succulents, floral art, pot plants, vegetables, and Juniors. The Show is open to entries within and beyond the Shire.	\$3,000	\$8,270	\$10,000	81.10	No

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Djerriwarrh Health Services	3rd Annual Ladies Tennis Day Tournament	Djerriwarrh Health Services will hold its annual ladies tennis day tournament on the 21 November 2014	\$3,000	\$8,750	\$13,000	69.63	Winter 2013
Moorabool Christmas Festival Incorporated	Moorabool Christmas Festival	A Christmas festival for the Moorabool Community	\$3,000	\$34,000	\$16,000	49.79	No
<b>TOTAL</b>			<b>\$16,000</b>	<b>\$65,020</b>			

**Arts Grants:**

Groups demonstrating Council Policy criteria of, or better than a score of 77.3 may be provided with funding if Council so determine.

<b>Name of Organisation/Artist</b>	<b>Project Name</b>	<b>Brief Description of Project</b>	<b>Requested Amount</b>	<b>Project Total Value</b>	<b>Progressive Total</b>	<b>Policy Score</b>	<b>Previous Community Grant awarded</b>
Moorabool Fibre Artists	The Welcome Mat Community Basketry Project	Moorabool Fibre Artists and Basket makers of Victoria Incorporated will engage visual artist, Jodie Goldring, to lead community members of the Moorabool Shire in the creation of handmade artworks using basketry techniques.	\$3,000	\$7,353	\$3,000	89.50	No
Ballan Arboretum	The Ballan Arboretum Book of Student Designs	Ballan Arboretum will produce a book of the students tree planting designs. The reproduction of the designs will have an accompanying, explanatory text	\$3,000	\$6,800	\$6,000	86.70	No
Bacchus Marsh CWA	Pioneer Women of Bacchus Marsh 1836-1870	Work with families and service clubs from the Bacchus Marsh community to complete research and publish a book about the pioneer women of Bacchus Marsh	\$3,000	\$13,500	\$9,000	84.70	No

<b>Name of Organisation/Artist</b>	<b>Project Name</b>	<b>Brief Description of Project</b>	<b>Requested Amount</b>	<b>Project Total Value</b>	<b>Progressive Total</b>	<b>Policy Score</b>	<b>Previous Community Grant awarded</b>
Moorabool Environment Group	Photographic Competition	A competition held to showcase the environment and local talent within the shire	\$1,500	\$4,000	\$10,500	77.33	No
Moorabool Writers Craft	Writers Craft Anthology	The writers craft group are looking to publish an eclectic anthology of writings by members of the Moorabool writing community	\$3,000	\$6,300	\$13,500	69.80	No
<b>TOTAL</b>			<b>\$13,500</b>	<b>\$37,953</b>			



### Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

The proposed allocation of grants under the Community Grants Winter 2014 Program is consistent with the 2013-2017 Council Plan.

### Financial Implications

Consistent with the Community Grants Policy and 2014/2015 budget allocation, a total of \$70,000 is available for allocation in the Winter 2014 round. The following amounts available in each category this round are - \$50,000 for Community Strengthening, \$10,000 for Events, \$10,000 for Arts. The total of grants being recommended for allocation in this round is \$70,590.

### Risk & Occupational Health & Safety Issues

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

### Community Engagement Strategy

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

## **Communications and Consultation Strategy**

Applicants for the Winter 2014 round of Community Grants Program will be advised in writing that they will be notified of the outcomes of their grant applications in October 2014.

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

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

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Kate Diamond-Keith*

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

## **Conclusion**

Applications received under the %Winter 2014+ round of Community Grants are reflective of the diverse range of activities that community groups are engaged in and the areas in need of financial support from Council. In total, 38 applications were received across the three program categories: Community Strengthening (27), Events (6) and Arts (5).

This is the third round of Community Grants under the revised Community Grants Policy and Guidelines adopted by the Council on the 4 September 2013. There were a higher number of applications received in this round than last round, which demonstrates that increased promotion has resulted in a greater awareness of the program. The majority of applications received in this round were of a high quality, which reflects the increasing skills of the community groups in the Shire.

**Resolution:****Crs. Dudzik/Comrie**

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

<b>Name of Organisation</b>	<b>Project Name</b>	<b>Recommended Amount</b>
<b><i>Bacchus Marsh West Golf Club</i></b>	<b><i>Junior Development/ Practice Range Upgrade</i></b>	<b><i>\$3,365</i></b>
<b><i>Ballan Racecourse Reserve</i></b>	<b><i>Re-roofing Old Ballan Jockey Club Rooms</i></b>	<b><i>\$5,000</i></b>
<b><i>Bacchus Marsh BMX Club</i></b>	<b><i>Darley Pump Track</i></b>	<b><i>\$5,000</i></b>
<b><i>The Marsh Food Bus Incorporated</i></b>	<b><i>Improving Facilities to the Bus and Operations</i></b>	<b><i>\$1,000</i></b>
<b><i>Gordon Recreation Reserve</i></b>	<b><i>Entrance and Traffic Management Upgrade</i></b>	<b><i>\$5,000</i></b>
<b><i>Navigators History Group</i></b>	<b><i>Navigators War Memorial</i></b>	<b><i>\$5,000</i></b>
<b><i>Yendon Recreation Reserve Committee</i></b>	<b><i>Completion of Yendon Children's Playground</i></b>	<b><i>\$5,000</i></b>
<b><i>Derek Foden Rover Crew</i></b>	<b><i>Bacchus Marsh Community Market and Movie Night</i></b>	<b><i>\$5,000</i></b>
<b><i>Ballan Football Netball Club</i></b>	<b><i>Australian Rules Goalposts</i></b>	<b><i>\$5,000</i></b>

<b>Name of Organisation</b>	<b>Project Name</b>	<b>Recommended Amount</b>
<b><i>Ballan Cricket Club</i></b>	<b><i>Upgrade of Cricket Nets</i></b>	<b><i>\$5,000</i></b>
<b><i>Coimadai Fire Brigade</i></b>	<b><i>Coimadai Community Facility</i></b>	<b><i>\$4,725</i></b>
<b><i>University of the Third Age</i></b>	<b><i>Quilting for Others</i></b>	<b><i>\$1,000</i></b>
<b>TOTAL</b>		<b><i>\$50,090</i></b>

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

<b>Name of Organisation</b>	<b>Project Name</b>	<b>Recommended Amount</b>
<b><i>Balliang Public Hall and Recreation Reserve Committee</i></b>	<b><i>Reconnecting the Rural Community</i></b>	<b><i>\$2,500</i></b>
<b><i>Ballan Autumn Festival</i></b>	<b><i>Ballan Autumn Festival 40th Anniversary - Special Art Show Gala Lunch</i></b>	<b><i>\$3,000</i></b>
<b><i>Scotsburn Union Church</i></b>	<b><i>130<sup>th</sup> Anniversary Celebration</i></b>	<b><i>\$1,500</i></b>

<b><i>Bacchus Marsh Aquatic Centre Community Consortium</i></b>	<b><i>Bacchus Marsh Horticultural Show</i></b>	<b><i>\$3,000</i></b>
<b>TOTAL</b>		<b><i>\$10,000</i></b>

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

<b>Name of Organisation/Artist</b>	<b>Project Name</b>	<b>Recommended Amount</b>
<b><i>Moorabool Fibre Artists</i></b>	<b><i>The Welcome Mat Community Basketry Project</i></b>	<b><i>\$3,000</i></b>
<b><i>Ballan Arboretum</i></b>	<b><i>The Ballan Arboretum Book of Student Designs</i></b>	<b><i>\$3,000</i></b>
<b><i>Bacchus Marsh CWA</i></b>	<b><i>Pioneer Women of Bacchus Marsh 1836- 1870</i></b>	<b><i>\$3,000</i></b>
<b><i>Moorabool Environment Group</i></b>	<b><i>Photographic Competition</i></b>	<b><i>\$1,500</i></b>
<b>TOTAL</b>		<b><i>\$10,500</i></b>

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

**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:**

**Title:**

**Date:**



Danny Colgan

General Manager Community Services

Monday, 22 September 2014

## **9.4 INFRASTRUCTURE SERVICES**

### **9.4.1 Petition – Bacchus Marsh Bus Route**

#### **Introduction**

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

#### **Background**

On Wednesday 6 August 2014, Council formally received a petition signed by 45 residents outlining concerns in relation to recent changes to public transport in Bacchus Marsh, specifically bus route 435 . Bacchus Marsh Station to Darley.

The petition is addressed to The Hon. Terry Mulder, Minister for Public Transport, Minister for Roads.

#### **Proposal**

A number of new routes have recently been implemented by the state government through Public Transport Victoria (PTV) following a review by the former Department of Transport.

The review of the existing town bus network in Bacchus Marsh intended to deliver improvements including new and more direct routes, as well as superior coverage and frequency, with new routes being effective from 27 July 2014.

As part of the review, PTV met with Council officers and Bacchus Marsh Coaches at various times to discuss the proposed changes. During those discussions officers put forward a number of proposals, including the extension of the Telford Park route (route 434) further along Halletts Way to the Civic Hub precinct, and alterations to the Darley route (route 435) to service Bacchus Marsh Golf Club and the activity/recreation precinct on Grey Street/Gisborne Road.

PTV was supportive of the extension of the Telford Park route however alterations to the Darley route were not implemented, as stops were proposed within 400m of these facilities.

The new services that have been implemented included three routes instead of one being:

- Route 433 - Hillview (between Hillview Estate, Bacchus Marsh Station and Bacchus Marsh shopping centre);
- Route 434 . Telford Park (between Telford Park, Underbank Boulevard, Bacchus Marsh shopping centre and Bacchus Marsh Station); and
- Route 435 - Darley (between Darley, Bacchus Marsh shopping centre and Bacchus Marsh Station).

With the new routes, bus stops also had to be implemented and Council officers were involved in the siting of these along with PTV and the bus operator. Officers were conscious of potential impacts and tried to minimise this as much as possible.

The service frequency has been coordinated with the train time table for Bacchus Marsh during the morning and afternoon peak services to and from Melbourne. Levels of service between the existing and proposed routes improve significantly with travel times going from 35 - 50 minutes to 7 to 18 minutes. This coupled with increased coverage should attract increased patronage.

After receipt of the petition, officers wrote to Bacchus Marsh Coaches requesting its thoughts in relation to the petition and any further amendments it believes would improve the recent bus services implemented across Bacchus Marsh. Although a written response has not been received, a conversation has been held that generally aligns with the proposal that was put forward by officers before implementation of the new routes. It was agreed with Bacchus Marsh Coaches that a meeting with PTV in the near future to discuss further improvements or refinements to the recently implemented services would be a good idea.

Noting the petition is addressed to The Hon. Terry Mulder, Minister for Public Transport, Minister for Roads, in addition to previous consultation of Council by PTV, it is recommended that the petition be noted and that correspondence be prepared requesting PTV meet with officers and further consider amendments to the routes.

### **Policy Implications**

The 2013. 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and leadership of our community
<b>Objective</b>	Advocate for services and infrastructure that meets the Shire's existing and future needs
<b>Strategy</b>	Advocate on behalf of the community to improve services and infrastructure within the Shire

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

### **Financial Implications**

There are no financial implications to Council associated with the recommendation within this report however further alterations to the routes would likely come at a cost to the State Government.

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

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

## **Communications and Consultation Strategy**

There is no communications strategy required as a result of this 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 – Phil Jeffrey*

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

*Author – Phil Jeffrey*

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

## **Conclusion**

A number of new bus routes have recently been implemented by Public Transport Victoria in Bacchus Marsh, following a review by the former Department of Transport. Following the receipt of the attached petition, it is recommended that officers prepare a letter to PTV requesting a meeting and further consideration of proposed changes to bus route 435 . Bacchus Marsh Station to Darley

### **Resolution:**

**Crs. Comrie/Dudzik**

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

- 1. *Notes the concerns outlined within the petition and forward it to The Hon. Terry Mulder, Minister for Public Transport, Minister for Roads for consideration accordingly.***
- 2. *Requests officers to prepare correspondence to, and meet with, Public Transport Victoria and Bacchus Marsh Coaches requesting further consideration of the proposed amendments to Route 435 –Darley to include the Bacchus Marsh Golf Club and the Darley activity centre/recreation precinct.***

**CARRIED.**



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**Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey

**Title:** General Manager Infrastructure

**Date:** Monday, 22 September 2014



## 9.4.2 Small Towns Services Study - Bungaree, Dunnstown and Wallace

### Introduction

File No.: C09 . 12/13  
Author: Phil Jeffrey  
General Manager: Phil Jeffrey

### Background

The Small Towns Services Study is a project that was funded in 2013/14 with contributions from Central Highlands Water (CHW) and a grant from Regional Development Victoria. The scope of the project is to undertake a planning and engineering study to assess the opportunities, challenges, feasibility and cost of providing reticulated utility services to the towns of Bungaree, Dunnstown and Wallace. The services investigated in each town are sewer and gas at Bungaree, town water at Dunnstown and sewer at Wallace.

A draft report was prepared and presented to the S86 Place Making Committee proposing to use the study for advocacy moving forward, as well as for strategic planning purposes. At the Section 86 Committee meeting on 24 September 2014, the following was resolved:

#### *Resolution:*

#### *That the Section 86 Place Making Committee:*

1. *Receives the Small Towns Services Study report.*
2. *Requests that the study be presented to the October Ordinary Meeting of Council.*
3. *Recommends to Council that the Small Towns Services Study be endorsed.*
4. *Recommends to Council that it advocate for funding to progress the projects identified in the study.*
5. *Recommends officers forward a copy of the final report to Central Highlands Water, thanking them for their input into the project.*
6. *Recommends that community engagement relating to the study be incorporated as part of Moorabool 2041 Rural Growth Strategy.*

*Moved: Cr Sullivan*  
*Seconded: Cr Spain*

**CARRIED.**

### Proposal

One of the key components of providing reticulated services to a town, particularly sewer, is to understand what the size of the town may be and thus ensuring that designs accommodate this in the future. Therefore part of the project was to undertake a Community Facility and Land Use Planning analysis to inform possible population projections. This analysis indicated

that the existing community facilities could support a combined population in Bungaree and Wallace of 8,000 people however a maximum of 3,000 for each town was adopted for the purposes of trunk infrastructure.

It is important to note that this does not mean the population will reach these numbers as engineering issues need to be considered and a consultation process will be required as part of the Rural Growth Strategy and Small Towns Settlement Strategy projects that are currently being undertaken. Also, it is not proposed that the Small Towns Services Study replaces a strategic planning exercise but assists this process going forward.

In terms of engineering solutions, various options for collection, treatment and reuse/disposal were identified and assessed using a multi criteria analysis to inform a preferred option. Ultimately, gravity collection system was preferred in each town along with transferring (pumping) to an existing waste water treatment plant at Ballarat. Establishing a new treatment plant in the water catchment was not preferred by CHW.

There is a current limitation with this option in that the existing trunk main between the proposed sewer connection point and the south treatment plant, through Ballarat, only has capacity to accommodate a population of 1,000. This means that growth beyond this population would be contingent on upgrades to these trunk mains. Given growth would take time to occur if sewer was installed, it will be important to work closely with CHW into the future to inform future sewer upgrades as required.

To accommodate this constraint, the study has developed a staged approach to service the towns with sewer whilst ensuring that the transfer and trunk mains are designed to accommodate the potential 3,000 adopted number in each town. This is to effectively future proof the major infrastructure to avoid future costly upgrades if required.

In terms of supplying water to Dunnstown, again a number of options were considered but a relatively simpler process identified connection to the existing reticulated system approximately 4km north of Dunnstown.

Gas at Bungaree also forms part of the study with two main options being considered. Both would be expensive to implement and could either be extension of the SP Ausnet infrastructure or a decentralised LPG system.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and leadership of our community
<b>Objective</b>	Advocate for services and infrastructure that meets the Shire's existing and futures needs
<b>Strategy</b>	Advocate on behalf of the community to improve services and infrastructure within the Shire

The proposal to endorse the Small Towns Services Study is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

The services study project is fully funded from multiple sources and there are no direct financial implications to completing or endorsing it. However if any recommendations are to be funded, there are multiple financial commitments to the capital, maintenance and operation costs that would need to be considered by MSC and CHW along with the initial and ongoing cost to land owners. This would depend on the level of grants obtained and the capital expenditure required that is outlined in the report.

It is recognised that a significant state government grant program such as the previous small towns sewerage program or STED program would be needed to provide funding support for these projects.

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

There is no direct Risk or Occupational Health and Safety issues that need to be considered as part of this report.

### **Communications Strategy**

It is proposed that community engagement for this study form part of the 2041 Moorabool Rural Growth Strategy.

The document was presented to the Section 86 Place Making Committee meeting on 24 September 2014 where it was resolved to present the document to Council with a recommendation that it be endorsed. Following the document being endorsed at an Ordinary Meeting, a media release will be prepared regarding the completion of the report to inform the community.

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

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

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

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

#### *General Manager – Phil Jeffrey*

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

#### *Author – Phil Jeffrey*

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

## **Conclusion**

Following comments received on the draft Small Towns Services Study report by the Section 86 Place Making Committee, a final report has been prepared for endorsement.

### **Resolution:**

**Crs. Sullivan/Toohey**

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

- 1. Endorses the Small Towns Services Study.***
- 2. Advocate for funding to progress the projects identified in the study as opportunities present.***
- 3. Requests officers forward a copy of the final report to Central Highlands Water, thanking them for their input into the project.***
- 4. Incorporate the study into the community engagement to be undertaken as part of the 2041 Rural Growth Strategy.***

## **AMENDMENT**

**Crs. Edwards/Spain proposed the following Amendment:**

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

- 1. Endorses the Small Towns Services Study.***
- 2. Receives a report subsequent to the engagement to be undertaken as part of the 2041 Rural Growth Strategy on possible funding options and mechanisms.***
- 3. Requests officers forward a copy of the final report to Central Highlands Water, thanking them for their input into the project.***
- 4. Incorporate the study into the community engagement to be undertaken as part of the 2041 Rural Growth Strategy.***

***The Amendment was voted upon and defeated the Motion.***

***The Amendment then became the Motion and was CARRIED.***

***A Division was called for.***

***Councillors voting for the resolution:***

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

***Councillors voting against the resolution;***

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

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**Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey

**Title:** General Manager Infrastructure

**Date:** Thursday, 25 September 2014



## 9.5 CORPORATE SERVICES

### 9.5.1 Ingliston Drive, Ingliston – Declaration of Road to be a Public Highway

#### Introduction

File No.: 1533  
Author: Michelle Morrow  
General Manager: Shane Marr

#### Background

At the Ordinary Meeting of Council on Wednesday 2 July 2014, Council considered a report in relation to a proposal to declare Ingliston Drive, Ingliston to be a public highway.

In order to give certainty to the status of Ingliston Drive and Council's authority in respect to the road and to eliminate concerns of four of the property owners of Ingliston Drive, it was proposed for Council to declare Ingliston Drive to be a public highway as provided for under section 204(1) of the Local Government Act 1989 which states:

*Council may declare a road to be a public highway or to be open to the public;*

- (1) A Council may, by notice published in the Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act.*
- (2) A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.*
- (3) A road does not become a public highway by virtue of a Council resolution made under sub-section (2).*

In accordance with section 204(1) and (2) of the *Local Government Act* 1989, Council resolved to advertise its intention to declare Ingliston Drive to be a public highway and pursuant to section 223 of the *Local Government Act* 1989 provide public notice for any submissions to the proposal to be submitted no less than 28 days after the date of publication in a newspaper circulating generally within the Municipality. Advertisements were placed in the Ballarat Courier and Moorabool News newspapers. The closing date for submissions was Thursday 14 August 2014.

Following the completion of the public submission process a report was to be presented to Council to consider any public submissions received at this Ordinary Meeting.

The report author is able to advise Council that one public submission was received at the close of the submission period of Thursday 14 August 2014.

Whilst the submission received by Mr. & Mrs. John and Linda Bowers was in favour of Council declaring Ingliston Drive to be a public highway, other matters raised were in relation to future costs and the extent of maintenance and materials for future works should the road be determined as a public road and therefore included in the Register of Public Roads.

## Proposal

Having considered the public submission and provided a written response to Mr. & Mrs. John and Linda Bowers addressing their queries in relation to costs and future maintenance, it is now recommended that Council formally resolve to declare Ingliston Drive, Ingliston to be a public highway.

Whilst declaring Ingliston Drive to be a public highway clears up years of ambiguity in relation to the legal status of the road, it does not oblige Council to maintain, inspect or repair the road. Therefore, consideration should also be given to whether Council should also declare the road a public road and include it on Council's register of roads that is attached to the Road Management Plan.

It is the view of Infrastructure officers that the road should be declared a public road as it fits the criteria set out in the Road Management Plan and is consistent with most other roads in the municipality that contain residences. However, because the road has never previously been maintained by Council, it brings to question whether upgrades should be implemented prior to addition to the register.

Although it is reported that the road was once sealed, it has mostly degraded over time to gravel status due to lack of maintenance and is currently in a moderate to poor but trafficable condition. The road is lightly trafficked and a gravel surface is adequate for the level of traffic it receives. The options available to Council are whether it requires upgrades to the road before it takes over maintenance responsibility or simply inherits the existing road as is.

The road would be similar to many other Access 2 gravel roads within the municipality and a periodic grade and addition of minor quantities of material as identified through Road Management Plan inspections would most likely be sufficient to service the road for many years. However, to upgrade the existing condition of the road with a gravel resheet at a cost to residents would be in the order of \$30,000 to \$40,000. Although the ideal scenario, this is not considered necessary.

## Policy Implications

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

<b>Key Result Area</b>	Enhanced Infrastructure and natural and built environment
<b>Objective</b>	Management of assets and infrastructure
<b>Strategy</b>	Proactive maintenance of roads, bridges and footpaths at documented standards in the Road Management Plan.

The proposal to declare Ingliston Drive to be a public highway is consistent with the 2013-2017 Council Plan.



## Financial Implications

In declaring a road to be a public highway the road will become a ~~road~~ and a ~~municipal road~~ for the purposes of the *Road Management Act 2004* and Council will become its coordinating road authority.

It should be noted that whilst Council may resolve to declare Ingliston Drive a public highway this, as shown in point (3) above, does not make it a ~~public road~~. Section 107 of the Road Management Act 2004 provides that:

*A road authority does not have a statutory duty or a common law duty to perform road management functions in respect of a public highway which is not a public road or to maintain, inspect or repair the roadside of any public highway (whether or not a public road).*

Whilst there is minimal financial impact with regard to Council declaring Ingliston Drive as a public highway at this time, the decision to include the 1 kilometre length of Ingliston Drive in the Register of Public Roads should be made in accordance with the principles of the Road Management Plan, i.e., based on traffic volume, usage and location. A cursory reading of the RMP suggests a Status of ~~Access 2+~~ with the consequent construction standard and intervention levels. Capital expenditure would amount to \$1,750 per annum based on resheeting every 20 years and maintenance expenditure in the order of \$2,000 per year.

There is no compulsion on Council, upon including the road in the register, to upgrade or carry out additional works beyond the requirements of the Road Management Plan.

## Risk & Occupational Health & Safety Issues

Declaring Ingliston Drive to be a public highway, and then determining to include the road in the Register of Public Roads, will require Council to manage Ingliston Drive in accordance with the Road Management Plan.

This should in fact, reduce Council's exposure to risk, as the management regime will be undertaken in accordance with legally defensible policy and procedures.

## Community Engagement Strategy

In accordance with section 223, 204(1) and (2) of the *Local Government Act 1989*, the community was made aware of the proposal to declare Ingliston Drive, Ingliston a Public Highway through the advertising process under section 223 of the *Local Government Act 1989*.

In addition to the s223 process, the report author notified all proximate properties to Ingliston Drive in writing of their right to make a submission to Council's proposal should they wish to do so. This was to ensure that all property owners who may be affected by this declaration to have a guaranteed right to participate in the Council's decision making process.

## **Communications Strategy**

Should Council resolve to declare Ingliston Drive, Ingliston to be a public highway, all registered proprietors of Ingliston Drive, Ingliston will be notified in writing of Council's decision.

## **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**

In order to give certainty to the status of Ingliston Drive and Council's authority in respect to the road, it is now recommended that Council formally resolve to declare Ingliston Drive, Ingliston to be a public highway.

### **Resolution:**

**Crs. Spain/Comrie**

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

- 1. *Declares Ingliston Drive, Ingliston to be a public highway as provided for under section 204(1) of the Local Government Act 1989.***
- 2. *Declares Ingliston Drive, Ingliston to be a public road and includes it on Council's Register of Roads that is attached to the Road Management Plan.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**



**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Monday, 22 September 2014

## 10. OTHER REPORTS

### 10.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

Council also records each Assembly of Councillors on its website at [www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au)

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

- Assembly of Councillors . Wednesday 3 September 2014 . Meeting with Blackwood Community
- Assembly of Councillors . Wednesday 3 September 2014 . Amendment C62 . Underbank
- Assembly of Councillors . Wednesday 3 September 2014 . Presentation to Councillors by Audit and Risk Committee Chair . 2013/14 Financials from Chairperson Mr Mike Said
- Assembly of Councillors . Wednesday 24 September . Bacchus Marsh Racecourse Reserve Master Plan

#### **Resolution:**

**Crs. Spain/Dudzik**

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

- ***Assembly of Councillors – Wednesday 3 September 2014 – Meeting with Blackwood Community.***
- ***Assembly of Councillors – Wednesday 3 September 2014 – Amendment C62 – Underbank.***
- ***Assembly of Councillors – Wednesday 3 September 2014 – Presentation to Councillors by Audit and Risk Committee Chair – 2013/14 Financials from Chairperson Mr Mike Said.***
- ***Assembly of Councillors – Wednesday 24 September – Bacchus Marsh Racecourse Reserve Master Plan.***

**CARRIED.**

## 10.2 Section 86 - Delegated Committees of Council - Reports

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

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

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

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Masons Lane Recreation Reserve Committee of Management	26 May 2014 4 August 2014	<b>Cr. Dudzik</b> Community Members
Bacchus Marsh Hall Committee of Management	14 August 2014	Cr. Spain Community Members
Millbrook Community Centre	27 August 2014	Community Members

### Recommendation:

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

- **Masons Lane Recreation Reserve Committee of Management meeting of Monday, 26 May 2014.**
- **Masons Lane Recreation Reserve Committee of Management meeting of Monday, 4 August 2014.**
- **Bacchus Marsh Hall Committee of Management Meeting of Thursday, 14 August 2014.**
- **Millbrook Community Centre Committee Annual General meeting of Wednesday 27 August 2014.**

**Resolution:****Crs. Dudzik/Spain****1. That Council receives the reports of the following Section 86 - Delegated Committees of Council:**

- *Masons Lane Recreation Reserve Committee of Management meeting of Monday, 26 May 2014.*
- *Masons Lane Recreation Reserve Committee of Management meeting of Monday, 4 August 2014.*
- *Bacchus Marsh Hall Committee of Management Meeting of Thursday, 14 August 2014.*
- *Millbrook Community Centre Committee Annual General meeting of Wednesday 27 August 2014.*

**2. That Cr. Dudzik be noted as the Council Representative for Masons Lane Recreation Reserve Committee of Management.****CARRIED.**

### 10.3 Section 86 - Advisory Committees of Council - Reports

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

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

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

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

Committee	Meeting Date	Council Representative
Social Development Committee	13 August 2014	Cr. Comrie, Cr. Dudzik, Cr. Edwards
Place Making Committee	3 September 2014 24 September 2014	Cr. Edwards Cr. Sullivan Cr. Toohey

**Resolution:**

**Crs. Spain/Comrie**

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

- ***Social Development Committee meeting of Wednesday, 13 August 2014.***
- ***Place Making Committee meeting of Wednesday, 3 September 2014.***
- ***Place Making Committee meeting of Wednesday, 24 September 2014.***

**CARRIED.**

**11. NOTICES OF MOTION**

***Nil.***



**12. MAYOR'S REPORT**

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

<b>Cr. Tatchell - Mayor</b>	
<b>September 2014</b>	
4 September, 2014	Literacy Trail, Bacchus Marsh
9 September, 2014	White Ribbon Day Committee Meeting Celebrate Victoria's Region . Dinner with the Hon Peter Ryan MLA
10 September, 2014	S86 Development Assessment Committee Meeting Meeting with Mayor David Grimble and Acting CEO Tony Borden, Horsham Rural City Council re collaborative opportunities with Vignacourt, France 2014 Local Government Ministerial & Mayors Dinner
11 September, 2014	Meeting with Richard Wynne, Shadow Minister for Local Government and Geoff Howard, Member for Western Victoria Funding Announcement by the Minister for Health at the Bacchus Marsh & Melton Regional Hospital
15 September, 2014	Red Onion Creative Ballarat Football Netball League 2014 Premix King Henderson Medal Presentation
17 September, 2014	Special Meeting of Council
22 September, 2014	Meeting with Don Nardella, Geoff Howard, Mr John Eren, Shadow Minister for Sport and Recreation Meeting with Ben Taylor Australian Citizenship Ceremony
23 September, 2014	Urban Growth Strategy Committee Meeting
24 September, 2014	Rural Growth Strategy Committee Meeting Assembly of Councillors . Bacchus Marsh Racecourse Reserve Masterplan
26 September, 2014	Meeting with Daryl Lang, Liberal Candidate for Melton and Graham Hooper
29 September, 2014	Funding Announcement by Mr Simon Ramsay, Member for Western Victoria . Walking and Cycling Strategy Funding Announcement by Mr Simon Ramsay,

	Member for Western Victoria . Kindergarten Grants Official Opening Ceremony of Ballan\$ Primary Care Centre by Senator Michael Ronaldson
30 September, 2014	Youth Committees Team Building Day
1 October, 2014	Ordinary Meeting of Council

**Resolution:****Crs. Toohey/Comrie*****That the Mayor's report be received.*****CARRIED.**

**13. COUNCILLORS' REPORTS**

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

<b>Cr. Toohey</b>	
<b>October 2014</b>	
<b>1 October</b>	<b>Senior Citizens Blackwood</b> <i>Cr. Toohey would like to congratulate Blackwood Seniors on their successful club and continued activities.</i>

<b>Cr. Dudzik</b>	
<b>September 2014</b>	
<b>7 September</b>	<b>ANZAC 100 years Commemorative Event.</b> <i>Cr. Dudzik presented to Council on behalf of the Great War Centenary Committee Bacchus Marsh a certificate thanking Council for its participation and support in the "Lost Diggers of Vignacourt" Event and for the "Bacchus Marsh Remembers: A Century ago our Soldiers Answer the Call" Commemoration</i>
<b>4 September</b>	<b>Literacy Trail</b> <i>Cr. Dudzik thanked all Council staff who participated.</i>
<b>30 September</b>	<b>Youth Action Group Team Building Day.</b>

<b>Cr. Comrie</b>	
<b>September 2014</b>	
<b>20-21 September</b>	<b>Relay for Life</b>

<b>Cr. Spain</b>	
<b>September 2014</b>	
<b>18 September</b>	<b>AGM Darley Neighbourhood House and Learning Centre</b>

**Resolution:**

**Crs. Toohey/Edwards**

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

**CARRIED.**

**14. URGENT BUSINESS**

**15. CLOSED SESSION OF THE MEETING TO THE PUBLIC****15.1 Confidential Report****15.2 Confidential Report****ADJOURNMENT OF MEETING 6.26PM**

Crs. Comrie/Spain

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

**CARRIED.**

**RESUMPTION OF MEETING 6.36PM**

Crs. Toohey/Comrie

*That the meeting now be resumed.***CARRIED.**

**CLOSURE OF THE MEETING TO THE PUBLIC – 6.36PM**

**Resolution:**

Crs. Comrie/Toohey

*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 and 15.2 are confidential items  
and therefore not included  
as part of these Minutes.

**16. MEETING CLOSURE**

*The meeting closed at 6.37pm.*

*Confirmed.....Mayor.*