

ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held at the Bungaree Community Facility,
279 Bungaree-Wallace Road, Bungaree on
Wednesday 1 March 2017 at 5:00 p.m.

Members:

Cr. David Edwards (Mayor)	East Moorabool Ward
Cr. Tonia Dudzik (Deputy Mayor)	East Moorabool Ward
Cr. Paul Tatchell	Central Moorabool Ward
Cr. Jarrod Bingham	East Moorabool Ward
Cr. John Keogh	East Moorabool Ward
Cr. Tom Sullivan	West Moorabool Ward
Cr. Pat Toohey	Woodlands Ward

Officers:

Mr. Rob Croxford	Chief Executive Officer
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Social and Organisational Development

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

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

2. ACKNOWLEDGEMENT TO COUNTRY

We respectfully acknowledge the traditional owners of this land, their spirits and ancestors.

3. PRESENT

<i>Cr. David Edwards (Mayor)</i>	<i>East Moorabool Ward</i>
<i>Cr. Jarrod Bingham</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. John Keogh</i>	<i>East Moorabool Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>
<i>Cr. Paul Tatchell</i>	<i>Central 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. Danny Colgan</i>	<i>General Manager Social and Organisational Development</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. John Miller</i>	<i>Manager Asset Management</i>
<i>Ms. Sam Romaszko</i>	<i>Manager Engineering Services</i>
<i>Mr. Andrew Goodsell</i>	<i>Manager Strategic and Sustainable Development</i>
<i>Mr. John Whitfield</i>	<i>Governance Coordinator</i>
<i>Mr. Rod Davison</i>	<i>Strategic Planning Officer</i>
<i>Mr. Mark Lovell</i>	<i>Senior Statutory Planner</i>
<i>Ms. Melissa Hollitt</i>	<i>Minute Taker</i>

4. APOLOGIES

Nil.

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council – Wednesday 1 February 2017

Resolution:

Crs. Keogh/Dudzik

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 1 February 2017.

CARRIED.

5.2 Special Meeting of Council – Wednesday 8 February 2017

Resolution:

Crs. Dudzik/Sullivan

That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 8 February 2017.

CARRIED.

6. 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)
 - indirect interest because of impact on residential amenity (section 78E)

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.

6.1 Disclosure of an Indirect Conflict of Interest

Cr. Sullivan declared an Indirect Conflict of Interest (Section 78A) in relation to Item 10.2.1 PA2016 229; Development of Four (4) Dwellings, Four (4) Lot Subdivision and Vegetation Removal at Lot 1 on TP 447220E, 89 Edols Street, Ballan. The nature of the Conflict of Interest is due to Cr. Sullivan having prepared a Plan of Subdivision in his role as a Surveyor.

6.2 Disclosure of an Interest

Cr. Dudzik disclosed an interest but not a Conflict of Interest in Item 10.3.1 – Expression of Interest for Rental of Darley Civic and Community Hub. Cr. Dudzik is a presenter on community radio Apple FM but is not an officer bearer and could not reasonably be regarded as capable of influencing any actions or decisions of Apple FM in relation to the matter.

7. PUBLIC QUESTION TIME

The aim of Public Question Time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Public Question Time is conducted in accordance with Section 6.9 of the Council's *Meeting Procedure Local Law No. 9*.

Questions must be in writing on the form provided by the Council and submitted by 5.00pm on the day before the meeting. Members of the public can contact a Councillor and raise a question which the Councillor will submit on their behalf.

A question will only be read to the meeting if the Chairperson or other person authorised for this purpose by the Chairperson has determined that:

- i) the person directing the question is present in the gallery;
- ii) the question does not relate to a matter of the type described in section 89(2) of the Act (for confidential matters);
- iii) the question does not relate to a matter in respect of which Council has no power to act;
- iv) the question is not defamatory, indecent, abusive or objectionable in language or substance;
- v) the question is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and
- vi) the question is not asked to embarrass a Councillor, member of Council staff or member of the public.

A Councillor or Council officer may:

- i) immediately answer the question asked; or
- ii) elect to have the question taken on notice until the next Ordinary meeting of Council; at which time the question must be answered and incorporated in the Agenda of the meeting under Public Question Time; or
- iii) elect to submit a written answer to the person asking the question within 10 working days.

Responses to public questions answered at the meeting, will be general in nature, provided in good faith and should not exceed two minutes. These responses will be summarised in the minutes of the meeting.

Public Question Time does not substitute for other forms of communication with or other formal business procedures of the Council.

Mr. Mark Frackowski submitted questions regarding Maddingley Estate in and around Farrow Place; the shared use zone; current status of works; on site work hours; and lighting.

The following questions were responded to at the Meeting:

Question:

When will the light in Farrow Place (heritage required) be replaced with the correct light – called recently and this light issue has been 8-9 months ongoing.

Response:

The lighting at Farrow Place is decorative lighting which is termed nonstandard lighting under Powercor. Council's maintenance agreement with Powercor only covers standard lighting (essentially galvanized poles) and temporary repairs retrofitting a standard light on a decorative pole is done by Powercor to rectify defects. It's up to Council to repair the decorative light at its cost should it choose to do so. There is no budget for such repairs and thus hasn't been completed to date noting that the light is currently working. We are trying to get the developer to undertake repairs.

Question:

EPA concerns re starting times of contractors – I have notified the Council on about 4 occasions re 6am-7am starts on weekends, etc. but it still continues. What is happening?

Response:

There are multiple contractors working on site, some associated with the Halletts/O'Leary Way extension (Council's contractors) and the remainder are working for the developer. Contractors have been spoken to in relation to the span of hours and instructed to obey start times.

Question:

Farrow Place Shared Zone – what are the reasons this shared zone is considered safe? I have plenty as to why it isn't, I have also requested mediation to try and reach common ground but no reply.

Response:

Farrow Place was designed as an Access Place under the Victorian Planning Provisions, being 'a minor street providing local residential access with shared traffic, pedestrian and recreation use'.

Following complaints by the resident that the street is being used as a short cut, 'Shared Use Zone' signage with associated speed restrictions has been installed in the street.

Further, a commitment has been made to undertake a further review following the completion of the O'Leary Way extension project once traffic patterns have settled to ascertain if further traffic calming measures are warranted.

We are unaware of outstanding mediation as there has been numerous site meetings and correspondence in relation to the matter. A letter from GM Infrastructure dated 4/10/16 outlines Council's proposed approach.

Question:

Question is in relation to Maddingley Estate in regards to updates in relation to current status of works commencing or being done and can residents be advised via flyers, Moorabool News, etc.

Response:

Council has the ability to provide advice on projects that are being implemented by the Shire. Updates have regularly been provided in relation to the Halletts/O'Leary Way extension project via Council's online media and seasonal publication, Moorabool Matters.

In terms of developer works, whilst Council is involved in the planning process, Council does not control the timing of works and therefore would be difficult to provide updates.

8. PETITIONS

Nil.

9. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
10.2.2	<i>Planning Scheme Amendment C76 (Moorabool Agribusiness Industrial Area); Consideration of Submissions</i>	<i>Julie Lancashire</i>	<i>Supporter</i>
10.3.1	<i>Expressions of Interest for rental of Darley Civic and Community Hub</i>	<i>Bill Mansell</i>	<i>Applicant</i>
10.3.1	<i>Expressions of Interest for rental of Darley Civic and Community Hub</i>	<i>Gabrielle Shanahan</i>	<i>Applicant</i>

10.3.1	<i>Expressions of Interest for rental of Darley Civic and Community Hub</i>	<i>John Spain</i>	<i>Supporter</i>
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List of Persons making Presentations/Deputations to a planning item listed on the agenda:

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

Nil.

10. OFFICER'S REPORTS

10.1 CHIEF EXECUTIVE OFFICER

Nil.

10.2 GROWTH AND DEVELOPMENT

Cr. Sullivan declared an Indirect Conflict of Interest (Section 78A) in relation to Item 10.2.1 PA2016 229; Development of Four (4) Dwellings, Four (4) Lot Subdivision and Vegetation Removal at Lot 1 on TP 447220E, 89 Edols Street, Ballan. The nature of the Conflict of Interest is due to Cr. Sullivan having prepared a Plan of Subdivision in his role as a Surveyor.

Cr. Sullivan left the meeting at 5.09pm and did not participate in voting on the Item.

10.2.1 Planning Permit Application PA2016 229; Development of Four (4) Dwellings, Four (4) Lot Subdivision and Vegetation Removal at Lot 1 on TP 447220E, 89 Edols Street, Ballan VIC 3342.

Application Summary:	
Permit No:	PA2016229
Lodgement Date:	19 September 2016
Planning Officer:	Tom Tonkin
Address of the land:	Lot 1 on TP 447220E, 89 Edols Street, Ballan 3342
Proposal:	Development of Four (4) Dwellings, Four (4) Lot Subdivision and Vegetation Removal
Lot size:	1011sq m
Why is a permit required?	Clause 32.08 – General Residential Zone – Development of two or more dwellings and subdivision
Restrictions registered on title	None
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Notices on site:	One (1)
Notice in Moorabool Newspaper:	None
Number of Objections:	None
Consultation meeting:	Not required
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.

Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications. Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Robert Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Tom Tonkin</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	Yes, the application was referred to relevant utility providers and Council's Infrastructure unit.
Any issues raised in referral responses?	No.
Preliminary Concerns?	Yes. The Council officer wrote to the applicant to advise of concerns about the impact of the proposed front setbacks, extent of boundary walls, and substantial building mass of Units 3 and 4 on neighbourhood character, provision and amenity of private open space, internal amenity and vehicle access design.
Any discussions with applicant regarding concerns	The applicant's drafts person discussed with the Council officer the concerns raised, before preparing amended plans.
Any changes made to the application since being lodged?	Yes, in response to the officer's concerns, Unit 1 and 2's boundary wall lengths were reduced by 2.0m, Unit 3 and 4's internal layout modified to improve daylight to the front living areas, and Unit 1 and 2's kitchen windows double glazed. No

	plan changes were made to address other areas of concern.
VCAT history?	None.
Previous applications for the site?	None.
General summary	<p>The application is for the development of four (4) single storey dwellings and a four (4) lot subdivision of the site. Each dwelling would have two (2) bedrooms, the usual utilities and a single garage accessed via a common accessway. Lots 1 and 2 would each be 216sq m and Lots 3 and 4 each 179sq m.</p> <p>The proposal satisfies some of the relevant provisions of the Moorabool Planning Scheme, but fails to adequately respond to the neighbourhood character of the area. Additionally, the design of vehicle access and parking would compromise safety and convenience for residents and the design compromises the internal amenity of the main living areas. For these reasons the proposal is not considered to be sufficiently site responsive and should be refused.</p>
Summary Recommendation:	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i> , on the grounds detailed at the end of this report.	

Public Notice

Notice of the application was given to adjoining and nearby landowners and occupiers by mail on 9 November 2016 and a sign erected on site from 13 November until 3 December 2016. No objections were received.

Proposal

It is proposed to develop the site for four single storey dwellings and to subdivide the land into four lots. Units 1 and 2 would front Edols Street, separated by a central vehicle accessway with detached garages located to the rear. Units 3 and 4 would be semi-detached and sited further to the rear of the site with attached garages. Each unit would comprise two (2) bedrooms, bathroom, European laundry, living room, and open plan kitchen, meals and family area leading to a covered al fresco area to the rear. Each dwelling would have a single garage incorporating storage space. Units 1 and 2 would have 6.0m front setbacks with verandahs of 1.5m depth encroaching on this space. Each dwelling would be constructed to a side boundary – Units 1 and 2 for lengths of 6.77m, Unit 1 and 2's garages for 4.08m lengths and Units 3 and 4 for lengths of 7.08m. All dwellings would

have minimum 1.15m side setbacks, and Units 3 and 4 rear setbacks of 1.15m-5.26m. The dwellings would be of a traditional design, clad with weatherboards and with low pitched hipped Colorbond roofs with no eaves. Unit 1 and 2's front verandahs would have skillion roofs. Boundary walls would be of brick construction.

Proposed lots 1 to 4 would correspond with the above described dwellings. Lots 1 and 2 would both be 216sq m and Lots 3 and 4 179sq m. Common property would comprise the accessway.

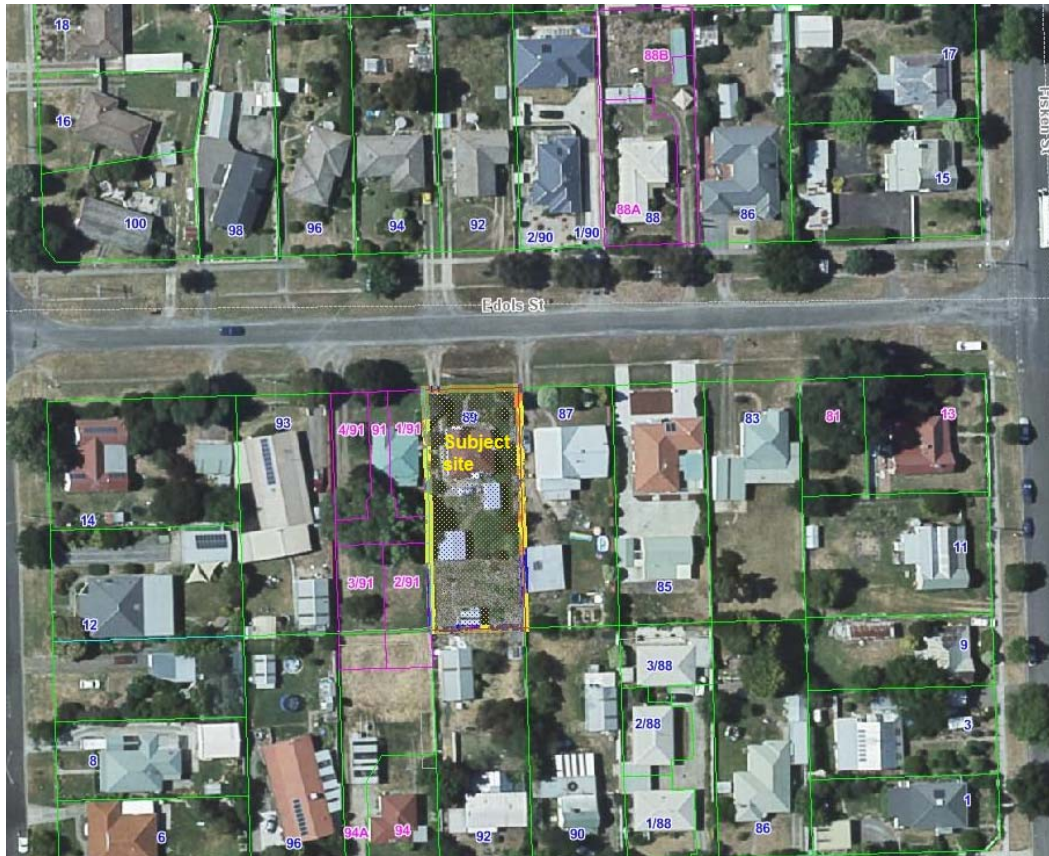
No significant vegetation removal would be required.

The proposed plans are provided in Attachments 1, 2, 3 and 4.

Site Description

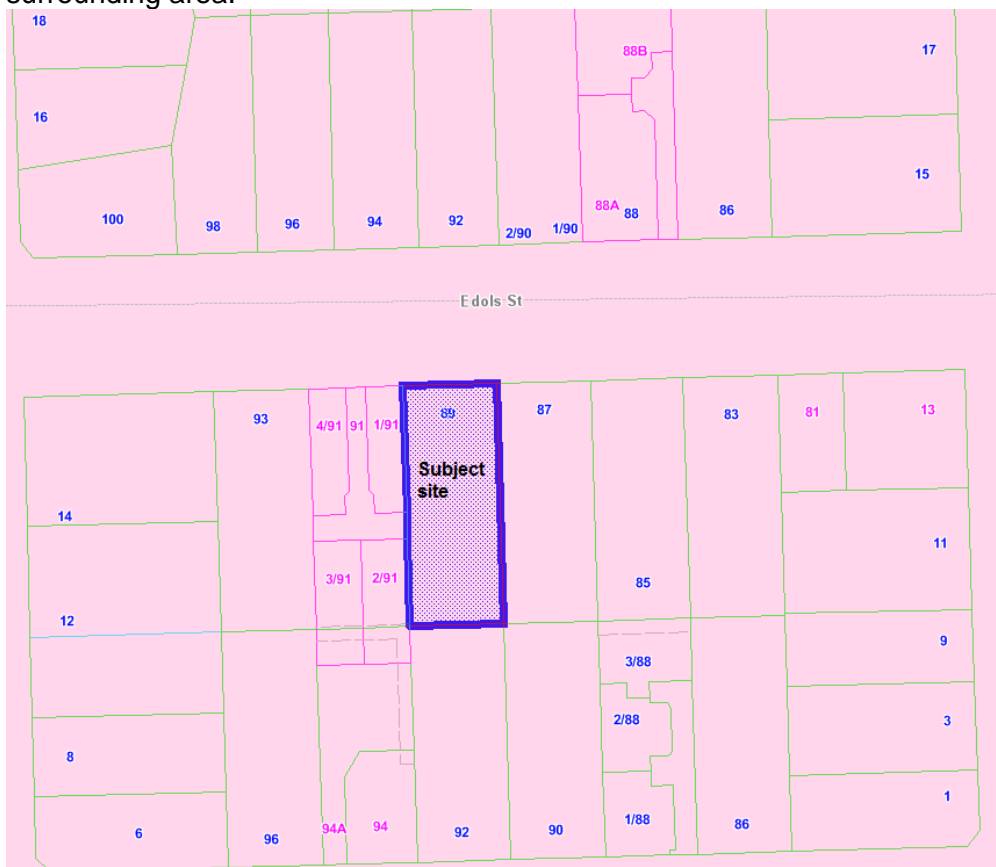
The site is identified as Lot 1 on TP 447220E and known as 89 Edols Street, Ballan. The site is on the south side of the street between Fiskin and Cowie Streets, and is rectangular in shape with a width of 20.11m and depth of 50.29m yielding an area of 1011sq m. The site has a fall of less than 0.5m from south to north. The site is occupied by a single storey weatherboard dwelling with a low pitched hipped iron roof and ancillary sheds in the rear setback. Vehicle access is via a single width crossover adjacent to the west boundary. Vegetation comprises several small canopy trees in the front and rear setbacks and there is no front fence.

The site and surrounding area is in the General Residential Zone and mostly developed with single storey detached dwellings, and comprises lots generally of a similar size and shape to the subject site but with some smaller lots nearby associated with medium density housing developments. To the east is a weatherboard dwelling on a lot approximately 1011sq m. To the north, across Edols Street, are a number of dwellings, including a dual occupancy, on lots of approximately 860sq m. To the west is a vacant lot of 1200sq m fronting Edols Street with approval for the development of four single storey dwellings and subdivision. To the rear of the site is a single dwelling and ancillary outbuildings on a lot of approximately 1011sq m fronting Atkinson Street.



Locality Map

The map below indicates the location of the subject site and the zoning of 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).

The relevant clauses are:

- 11.05-2 Melbourne's hinterland areas.
- 11.06 Central Highlands regional growth.
- 15.01-3 Neighbourhood and subdivision design.
- 15.01-5 Cultural identity and neighbourhood character.
- 16.01-1 Integrated housing.
- 16.01-2 Location of residential development.
- 16.01-4 Housing diversity.
- 21.02-3 Water and Catchment Management.
- 21.03-2 Urban Growth Management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.08 Ballan.

The proposal complies with the relevant sections of the SPPF and LPPF, with the exception of the clauses outlined in the table below:

SPPF	Title	Response
Clause 11.05-2	Melbourne's hinterland areas	The proposed development does not adequately respect the neighbourhood character.
Clause 15.01-5	Cultural identity and neighbourhood character	The proposal does not respond positively to the character of the area.
LPPF		
Clause 21.03-4	Landscape and neighbourhood character	The proposal does not respond positively to the character of the area.
Clause 21.08-3	Housing	The proposed development would not be sufficiently in keeping with the character of the area.

Zone

The subject site is in the General Residential Zone, Schedule 1.

The purpose of the Zone is:

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

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

Under Clause 32.08-2 a permit is required to subdivide land. An application to subdivide land must meet the relevant requirements of Clause 56 for residential subdivision.

Under Clause 32.08-4 a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

The proposed development does not properly satisfy the purpose of the General Residential Zone. The proposal does not respect the neighbourhood character of the area.

Overlays

The site is affected by Environmental Significance Overlay, Schedule 1 due to the site being in a Special Water Supply Catchment. Under Clause 42.01-2 a permit is required to subdivide land, construct buildings and works and remove vegetation. Under Schedule 1 the proposal satisfies an exemption for the development of a dwelling in a residential zone connected to reticulated sewerage and storm water is not discharged within 100m of a waterway unless into an approved drainage system.

The proposal is consistent with the provisions of the Environmental Significance Overlay.

Relevant Policies

Council adopted the Ballan Structure Plan on 17 December 2015 and authorised Council officers to prepare a planning scheme amendment to implement the Plan. This includes rezoning land, including the subject site, and requiring minimum 400sq m lot sizes. The proposal is not in accordance with the Structure Plan.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988. If a permit were to issue, it is recommended that a condition of approval require payment of a public open space contribution of 5% of the site value.

Clause 52.06 Car Parking

Under Clause 52.06-5 each two (2) bedroom dwelling must be provided with one (1) car space. The resident parking provision, garage dimensions and accessway widths meet the relevant requirements of Clause 52.06-5 and 52.06-8. However, vehicle access to Unit 3 and 4's garages requires tight manoeuvring due to the design of the accessway, which is not considered appropriate.

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

The proposal complies with the relevant ResCode (Clause 55) provisions, except for the following:

ResCode Clause	Title	Response
55.02-1	Neighbourhood character objectives	The density of development, extent of boundary walls particularly where visible from the street, and reduced front setback do not respect the neighbourhood character.
55.03-1	Street setback objective	The proposed 6.0m front setback does not comply with the minimum 7.8m.
55.03-3	Site coverage objective	The proposed 54.7% coverage complies with the standard for a maximum 60% but does not satisfy the objective.
55.03-5	Energy efficiency objective	The kitchen, meals and family areas, particularly Units 3 and 4, would have unreasonably limited passive energy efficiency given the poor solar and daylight access to these areas.
55.03-10	Parking location objectives	Unit 1 and 2's kitchen windows are within 0.6m of the common accessway which does not meet the minimum 1.0m
55.04-2	Walls on boundaries objective	The length and height of proposed boundary walls meets the standard, however their extensive length particularly where visible from the street, is not in keeping with neighbourhood character.
55.06-3	Common property objectives	The layout of the common accessway relative to the garages is not considered to be functional.

Clause 56 Residential Subdivision

The proposal complies with the relevant ResCode (Clause 56) provisions, except for the following:

ResCode Clause	Title	Response
56.03-5	Neighbourhood character objective	The proposed subdivision does not support the development of the site in a manner consistent with the surrounding neighbourhood character.

Discussion

Overall, the proposal is considered to be inconsistent with relevant State and local planning policy, the General Residential Zone and Clauses 55 and 56 of the Moorabool Planning Scheme.

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Ballan as a town intended to support increased population growth. The proposal would contribute to consolidated growth of the town and take advantage of existing infrastructure without any detriment to neighbourhood character. Growth must be balanced with the need for new development to respect the existing neighbourhood character and integrate with the surrounding urban environment.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is mostly developed with single dwellings but with several examples of medium density housing and associated subdivision nearby.

The purpose of the GRZ includes the following:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

The purpose of the GRZ indicates that a balance must be achieved in responding to the range of applicable policies.

The key issues for discussion are considered to be:

- Does the proposal respect neighbourhood character?
- Is the proposed vehicle access and car parking layout appropriate?

The site and surrounding area is part of a well-established area of Ballan, between the main street and the railway station. The underlying subdivision pattern is a grid layout, with minor variations mostly reflecting recent subdivisions associated with medium density housing developments. Nearby dwellings are predominantly single storey and of a range of styles, reflecting the incremental development of the township and changes over time. Despite these variations, a consistent pattern of development has emerged, exemplified by mostly detached buildings with low pitched hipped roof forms, brick or weatherboard walls and generous space for front gardens. Garages and carports are typically at the side or rear of dwellings. Boundary construction is uncommon, particularly where visible in the streetscape. Side setbacks and wide street reserves combined with the low-rise scale of development contribute to a spacious character typical of many country towns.

The proposed development would comprise cottage style dwellings, with weatherboard cladding, low pitched Colorbond roofs and front verandahs to Units 1 and 2 with skillion roofs. The form and appearance of the dwellings is generally consistent with development in the area.

However, all dwellings would be partially constructed to the side boundaries, with Unit 1 and 2's boundary walls readily visible from Edols Street. It is not uncommon for medium density housing to incorporate boundary wall construction, as evidenced in Ballan where it is typically incorporated to a minimal extent. Boundary walls readily visible from the street are uncommon, and generally do not fit comfortably with the character of Ballan's residential areas as described above. The issue is exacerbated by Unit 1 and 2's front setback of 6.0m, less than the 7.8m standard required under Clause 55, which also reduces opportunities to meaningfully landscape the front setback. The visual impact of Unit 1 and 2's proposed walls in the streetscape and 6.0m front setbacks are not considered appropriate and should not be supported.

Proposed units 3 and 4 to the rear of the site would be semi-detached and partially constructed for the entire width of the site. Whilst it is acknowledged that the site is suitable for more intensive development than what currently exists, the extent of building mass, particularly on the rear of the site, is not considered to be site responsive. The 'backyard realm' typical of Ballan's residential areas nearby is typified by open space and often a garage, shed and sometimes trees. Medium density housing typically provides substantially less open space in the 'backyard realm', and therefore must be designed to minimize any amenity impacts and have regard for the character of the area. Minimising building bulk, providing acceptable side and rear setbacks and locating boundary walls to reduce amenity impacts can mitigate the visual appearance and increased site coverage of new dwellings. Unit 3 and 4's single storey form with low pitched roofs and location relative to existing outbuildings on adjoining properties to the south and east would reduce their visual impact. However, the site coverage of 54.7%, whilst satisfying the Rescode standard, is not considered to be in keeping with neighbourhood character. The large building mass of Unit 3 and 4's attached construction and minimal areas of private open space, and minimal rear setbacks for 1/3 of the rear boundary length do not respond positively to Ballan's township character.

The proposed layout of the vehicle accessway and garages would compromise the safety and convenience for future residents. Access is proposed via a single crossover and central accessway to four single garages. Unit 3 and 4's garages would be constructed to the side boundaries, and access and egress would require tight manoeuvring to an extent which would be considered inconvenient and potentially unsafe for drivers. Additionally, vehicles exiting all garages would all be required to manoeuvre within the same area of the accessway, with limited visibility due to the overall design, which also presents safety issues for all drivers.

Overall, the proposed development and subdivision is not considered to be suitably site responsive. The proposal does not respect the neighbourhood character, and the design of vehicle access and car parking areas would compromise the convenience and safety of future residents to an unacceptable level. Furthermore, the internal amenity of the principal living areas is compromised by limited solar access with correspondingly poor passive energy efficiency. It is considered that the proposal is fundamentally an overdevelopment of the site and should not be approved.

General Provisions

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

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

Referrals

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

Authority	Response
Western Water	Consent
Southern Rural Water	Consent with conditions
Melbourne Water	Consent with conditions
Central Highlands Water	Consent with conditions
Powercor	Consent with conditions
Downer	Consent with conditions
Infrastructure	Consent with conditions

Financial Implications

The recommendation of refusal of this application would not represent any financial implications for Council.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

An alternative recommendation would be to approve the application subject to conditions.

Approving the application would not result in any appeal of Council's decision at VCAT given there were no objections to the application.

Conclusion

The proposed development and subdivision does not adequately respond to relevant State and local planning policy, the General Residential Zone or Clauses 55 or 56 of the Moorabool Planning Scheme.

Whilst the proposal would contribute to consolidated township growth, the lot design and aspects of the development would not be in keeping with neighbourhood character. Additionally, the layout of the development makes poor use of passive energy efficiency and the layout of the vehicle access and parking areas would not allow safe or convenient access for future residents. For these reasons the proposal is not considered to be sufficiently site responsive and should be refused.

Recommendation:

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant a Permit for PA2016-229 for a Development of Four (4) Dwellings, Four (4) Lot Subdivision and Vegetation Removal at Lot 1 on TP 447220E, 89 Edols Street, Ballan, on the following grounds:

- 1. The proposed subdivision does not satisfy the relevant provisions of the Moorabool Planning Scheme regarding neighbourhood character.**
- 2. The proposal does not satisfy the relevant provisions of Clause 52.06 of the Moorabool Planning Scheme in relation to safe and easy car parking.**
- 3. The proposal does not satisfy all the relevant objectives of Clause 55 of the Moorabool Planning Scheme.**

Resolution:

Crs. Tatchell/Bingham

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Permit for PA2016229 for Development of Four (4) Dwellings, Four (4) Lot Subdivision and Vegetation Removal at Lot 1 on TP 447220E, 89 Edols Street, Ballan, subject to the following conditions:

Endorsed Plans

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority. All buildings and works must be located clear of any easements or water and sewer mains or septic tank and effluent lines unless written approval is provided by the relevant authority.***
- 1A. Remove the store from the Units 3 and 4 garage spaces and provide for separate externally accessible storage sheds with minimum size of 6 cubic metres.***

2. ***The formal plan of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.***

Telecommunications

3. ***The owner of the land must enter into agreements with:***
 - a. ***A telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
 - b. ***A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provide by optical fibre.***
4. ***Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:***
 - a. ***A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
 - b. ***A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.***

Subdivision

5. ***Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.***

Infrastructure

6. ***Prior to the issue of a Statement of Compliance for the subdivision, the new proposed vehicle crossing must be constructed to urban residential standard to the satisfaction of the Responsible Authority.***

Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.

7. ***Prior to the issue of a Statement of Compliance for the subdivision, the common property driveway must be constructed in reinforced concrete to a depth of 125mm. The layout of the driveway must be designed and constructed in accordance with Clause 52.06-8 of the Moorabool Planning Scheme.***

8. ***Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:***

- a. ***The development as a whole must be self draining.***
- b. ***Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.***
- c. ***Each lot must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.***
- d. ***Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.***

9. ***Prior to the commencement of the development design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.***

10. ***Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.***

11. ***Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).***
12. ***A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements.
The landscape plan must include a plant legend with botanical name, quantity, pot size at time of planting and details of ground treatments.***
13. ***Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.***
14. ***Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***
15. ***Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:***
 - a. ***location of vehicle crossings.***
 - b. ***details of the underground drainage.***
 - c. ***location of drainage legal points of discharge.***
 - d. ***standard details for vehicle crossings and legal points of discharge.***
 - e. ***civil notes as required to ensure the proper construction of the works to Council standard.***

Amenity

16. ***External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.***
17. ***The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the responsible authority.***
18. ***Any security alarm or similar device installed must be of a silent type.***

Landscape Plans

19. ***Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.***

Central Highlands Water

20. ***Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.***
21. ***Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.***
22. ***A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.***
23. ***The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.***
24. ***If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.***

Melbourne Water

25. ***Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.***
26. ***Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.***

Southern Rural Water

27. ***The development must be connected to the town sewerage system and approved drainage infrastructure.***

28. ***The plan of subdivision submitted for certification must be referred to Southern Rural Water in accordance with Section 8 Subdivision Act 1988.***
29. ***Sediment control measures outlined in EPA's publication No 275, Sediment Pollution Control, shall be employed during all construction works including vegetation removal and maintained until disturbed areas have been revegetated.***

Downer Utilities

30. ***The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.***

Powercor

31. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.***
32. ***The applicant shall:***
 - a. ***Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required).***
 - b. ***Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.***
 - c. ***Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.***
 - d. ***Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.***
 - e. ***Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan.***

These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.

- f. Where buildings or other installations exist on the land to be subdivided connected to supply prior to 1992 and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
The requirements for switchboard and cable labelling contained in the Electricity Safety (Installations) Regulations are to apply.***
- g. Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.***
- h. Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.***
- i. Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.***
- j. Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.***

Permit Expiry

- 33. This permit will expire if one of the following circumstances applies:***
 - a. The development is not started within two years of the date of this permit;***
 - b. The development is not completed within four years of the date of this permit; and***
 - c. The plan of subdivision is not certified within two (2) years of the date of issue of the 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.

Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certification.

Permit Note

34. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 281135.

CARRIED.

Cr. Sullivan returned to the Meeting at 5.14 pm.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu 
Title: General Manager Growth and Development
Date: Friday, 10 February 2017

Consideration of Presentation - Planning Scheme Amendment C76 (Moorabool Agribusiness Industrial Area); Consideration of Submissions

Ms. Julie Lancashire addressed Council in relation to the Planning Scheme Amendment C76 (Moorabool Agribusiness Industrial Area); Consideration of Submissions.

The business of the meeting then returned to the agenda.

10.2.2 Planning Scheme Amendment C76 (Moorabool Agribusiness Industrial Area); Consideration of Submissions

File No.: 13/06/080
Author: Rod Davison
General Manager: Satwinder Sandhu

Executive Summary

This report considers submissions made in response to the recent public exhibition of Amendment C76 (the Amendment). The amendment facilitates the development of the Moorabool Agribusiness Industrial Area, by rezoning 190 hectares of land at 3922 Geelong-Bacchus Marsh Road, Parwan from Farming Zone (FZ) to Industrial 1 Zone (IN1Z); rezones 116 hectares of land described as PC362391Y from IN1Z to FZ, and amends Clauses 21.01, 21.04 and 21.07 and Development Plan Overlay Schedule 1 (DPO1).

The Amendment is proponent-driven.

Council received nine submissions during the exhibition period, including one submission which objects to the Amendment.

It is recommended that Council:

- adopt a position on the submissions; and
- request the Minister for Planning to appoint a Planning Panel to hear submissions regarding the Amendment.

The amendment is generally in accordance with the findings of the *Agribusiness Analysis – Proposed Parwan Employment Precinct* (CBRE, 2015) (adopted 2015). It is also broadly supported by the *Central Highlands Regional Growth Plan* and work to date on the *Bacchus Marsh Urban Growth Framework*.

Introduction

Subject Site and Surrounds

The amendment affects land known as Geelong-Bacchus Marsh Road Parwan (described as PC362391) and 3922 Geelong-Bacchus Marsh Road Parwan (described as Lots 1 and 2 TP188461, Lot 1 TP253271 and Lot 1 TP175583).

The subject site is located approximately 5.5 kilometres south of the Bacchus Marsh urban area. The land has a total area of 308 hectares and has frontages to the Geelong-Bacchus Marsh Road, Nerowie Road and Parwan South Road, of 2.28 kilometres, 1.90 kilometres and 1.48 kilometres respectively.

The land described as PC362391 is currently within the IN1Z, and is vacant farming land. The land at 3922 Geelong-Bacchus Marsh Road is currently within the FZ, and is farming land containing an old weatherboard dwelling and sheds. The topography is mildly undulating with a number of depressions which contain remnant wetlands.

The surrounding land is generally within the FZ and used for agriculture, with the exception of the following:

- Bacchus Marsh Aerodrome (FZ) – located to the west of Geelong-Bacchus Marsh Road;
- Sir Jack Brabham Park (speedway) (Comprehensive Development Zone Schedule 1) – located immediately to the east of the subject site (east side of Parwan South Road);
- Parwan Recycled Water Plant (Public Use Zone 1) – located immediately to the north-east of the subject site (east side of Parwan South Road);
- Thelma Ross Memorial Uniting Church (FZ) - located immediately to the south of the subject site (south side of Nerowie Road).

Geelong-Bacchus Marsh Road is an arterial road within the Road Zone Category 1. Nerowie Road is within the Road Zone Category 2.

What the Amendment Does

Amendment C76 seeks to make the following changes to the Moorabool Planning Scheme:

- Rezones PC362391Y from IN1Z to FZ.
- Rezones 3922 Geelong-Bacchus Marsh Road Parwan from FZ to IN1Z.
- Deletes DPO1 from PC362391Y.
- Applies DPO1 to Lots 1 and 2 TP188461.
- Amends Clause 21.01 to introduce the Moorabool Agribusiness Industrial Area as a key economic development opportunity for Bacchus Marsh.
- Amends Clause 21.04 to insert the Moorabool Agribusiness Industrial Area as a new strategy to achieve Clause 21.04-4 – industry objective.
- Amends Clause 21.07 to insert the Moorabool Agribusiness Industrial Area as a new strategy for accommodating township growth and updates the Bacchus Marsh Framework Plan to show the Moorabool Agribusiness Industrial Area.
- Amends DPO1 to facilitate the future development of Lots 1 and 2 TP188461 for industrial uses associated with agribusiness.



Figure 1: Land affected by the Amendment

Background

The Role of Council as a Planning Authority

In accordance with section 8A(1) of the *Planning and Environment Act 1987*, Moorabool Shire Council is a planning authority for the Moorabool Planning Scheme.

Section 12 of the Act sets out the duties and powers of planning authorities. In preparing a planning scheme amendment, a planning authority:

- must have regard to the Minister's directions; and
- must have regard to the Victoria Planning Provisions; and
- must have regard to any municipal strategic statement, strategic plan, policy statement, code or guideline which forms part of the scheme; and
- must take into account any significant effects which it considers the amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the amendment; and
- must take into account its social effects and economic effects.

Minister's Direction Number 11 '*Strategic Assessment of Amendments*' requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. Planning Practice Note 46 (July 2014) '*Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments*' provides a consistent framework of strategic considerations for preparing and evaluating a proposed planning scheme amendment and its outcomes.

Attachment 1 includes a flowchart which shows where Amendment C76 is currently up to in the planning scheme amendment process.

Authorisation of Amendment C76

At its Ordinary Meeting on 3 December 2014, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C76 to the Moorabool Planning Scheme. On 6 February 2015, Council was granted authorisation by the Minister to prepare and exhibit the Amendment, subject to four conditions (see Attachment 2) which have been complied with.

Public Exhibition Process

Amendment C76 was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* from 24 November 2016 to 13 January 2017. Notice was provided to all relevant Government departments, agencies and affected landowners and occupiers. Notices were placed in the Moorabool News and Victorian Government Gazette publications.

A list of all documents that were placed on exhibition is included in Attachment 3.

A total of ten submissions were received (eight of which were from agencies) in response to the Amendment, including three late submissions. The three late submissions were received within 11 days of the closing of the exhibition period. Four submissions support the Amendment, one submission supports the Amendment subject to changes, four submissions make comments on the Amendment and one submission objects to the Amendment.

Consideration of Submissions

The table in Attachment 4 outlines the specific issues raised in the submissions and provides an officer response. In the event that Council resolves to proceed with the Amendment and refer these submissions to a Planning Panel appointed by the Minister for Planning, these responses will form the basis for Council's presentation to the Panel. Five out of the nine submissions cannot be resolved through minor changes to the proposed Amendment.

The key issues raised in relation to the Amendment include:

1. Strategic planning process;
2. Proposed planning controls;
3. Industrial land supply and demand;
4. Transport / traffic;
5. Infrastructure levies;
6. Environmental / amenity Impacts;
7. Bacchus Marsh Aerodrome.

Key issues and other matters raised in the submissions are discussed in detail below.

Key Issues

1. Strategic Planning Process

Issue 1a (Submission No. 8):

“The Amendment is premature, lacks proper support and will create just a standard industrial estate, and potentially accommodate heavy industry.

.....If an agribusiness/industrial precinct in the area is necessary, the northern part of Parwan adjacent to the railway line would be a superior location; it could accommodate an interchange facility to allow for transfer of goods from road to rail, and would still have similar access to the Geelong port.

In addition, this area is closer to the Western Freeway and other existing infrastructure.... An agribusiness/industrial precinct closer to existing infrastructure would reduce the costs of the development to the community.

This amendment on its own does not go far enough, in that it is not supported by a clear vision for the precinct or directions on how it is to be achieved.

...There would be greater benefit in first obtaining clear strategic justification for land use changes, and preparing a master plan for all land south of Bacchus Marsh before rezoning the land.

...The planning needs to provide greater clarity around the vision for the area and how this will be achieved, including incentives and strategies for facilitating preferred agribusiness related uses.”

Response to Issue 1a:

The Amendment implements the *Central Highlands Regional Growth Plan* (CHRGP) regional policy to ensure that Bacchus Marsh retains a strong local employment focus to reduce its role as a commuter town. The CHRGP identifies Parwan as an area with opportunities for a flexible range of rural and industrial uses.

The *Moorabool Industrial Areas Strategy* (MIAS; adopted 2015) identifies Parwan for a range of agribusiness and industrial uses and supports Amendment C76. However, the MIAS recommends that consideration should be given to finding suitable sites further to the north, closer to the Western Freeway, railway line and proposed eastern bypass road.

Council is currently working with the Victorian Planning Authority (VPA) to prepare a UGF for Bacchus Marsh. A key focus of this work will involve planning for a regionally-significant employment hub in Parwan (referred to hereafter as the ‘Parwan Employment Precinct’ [PEP]). Council has applied for State Government funding for the development of a PSP and associated background studies.

Amendment C76 was initiated by the landowners of the subject site, and Council has resolved to seek authorisation to prepare and exhibit the Amendment. Council therefore has a duty, as the planning authority, to process and consider the Amendment on its merits.

The amendment supports the following elements of the State Planning Policy Framework:

- Clause 11.02 by providing an adequate supply of urban land, specifically industrial land supply to 2051 and beyond, in an appropriate location where heavy industry can be accommodated on large sites with adequate separation from sensitive uses.
- Clause 11.06 in particular the Central Highlands Regional Growth Plan which identifies Bacchus Marsh as a growth town and more particularly Parwan as having opportunities for agricultural and industrial use and development.
- Clause 11.06-2 supports greater economic self-sufficiency for the region and facilitates economic development opportunities based on the emerging and existing strengths of the region. The amendment provides and protects buffer areas for industry from the encroachment of sensitive uses.
- Clause 11.06-3 by facilitating industrial development along existing transport infrastructure to maximise use of the network.
- Clause 11.06-5 by creating local jobs.
- Clause 11.06-6 by facilitating the establishment of new industry and the expansion of existing industry.
- Clause 11.06-8 by supporting the ongoing viability of agricultural land for primary production and agriculture, including intensive agriculture.
- Clause 14.01-2 by encouraging sustainable agriculture and associated rural land use to support and assist genuine farming enterprises to adjust flexibility to market changes. This amendment supports the establishment and expansion of cattle feedlots, piggeries, poultry farms and other intensive animal industries. The amendment requires measures to minimise the quantity and retard the stormwater runoff from the industrial land.

The amendment supports the following objectives and strategies of the Municipal Strategic Statement (MSS):

- Clause 21.03 by directing employment growth to Bacchus Marsh and to providing a supply of land zoned for industry to meet population growth.
- Clause 21.04 by supporting Bacchus Marsh's role by providing adequate supplies of fully-serviced industrial land to accommodate development opportunities and create local employment. This amendment develops land with locational advantages and access to key road and rail transport links. The amendment focuses large scale employment development to suitable located and buffered sites in Bacchus Marsh and an increase in industrial and transport related activity in and around the Bacchus Marsh Aerodrome.

Issue 1b – Parwan Employment Precinct

The VPA advised as follows:

“The VPA and Council are working collaboratively to prepare an Urban Growth Framework (UGF) for Bacchus Marsh. This document is being prepared in response to State policy which earmarks Bacchus Marsh for significant growth. The State policy direction is for a regionally-significant employment hub in Parwan.

Parwan is earmarked as a future employment hub by State policy. The proposed zones of industrial and farming are both generally consistent with an employment hub use.

Any planning for an employment precinct will likely be undertaken at the precinct level via a Precinct Structure Plan (PSP), accompanied by the application of zoning and overlay provisions as appropriate. If the precinct includes the subject sites, it is likely the same zone and overlay provisions will be applied on the subject sites, consistent with planning of the broader precinct. Assessment of the current Amendment should give consideration as to how this could impact on the subject sites.”

Response to Issue 1b:

At this point in time, zone and overlay provisions it is uncertain what zone and overlay provisions might be applied to the broader PEP as a result of any PSP process. However, it is noted that the adopted *Agribusiness Analysis; Proposed Parwan Employment Precinct* (CBRE, 2015) suggests (in Clause 13.2) that planning controls should encourage a well-defined mix of farming/agribusiness and industrial type uses. The CBRE report suggests the possibility application of the Special Use Zone (SUZ) or the Rural Activity Zone (RAZ). It is also possible that the Urban Growth Zone (UGZ) may be applied to the PEP as an interim control.

Amendment C76 proposes to rezone part of the subject site to IN1Z, to facilitate the development of an abattoir and rendering plant. These uses are consistent with the vision for the PEP. It is difficult to determine the extent to which the proposed application of IN1Z to the subject site may or may not be compatible with the ultimate application of another zone control to the broader PEP. The application of IN1Z to the subject site may result in some uses establishing which ultimately become prohibited uses under a future precinct wide zone control. It may also result in a subdivision density and/or pattern which is incompatible with a future zone control.

2. Proposed Planning Controls

Issue 2a - Proposed use of an abattoir in the proposed IN1Z:

With regard to the proposed use of an abattoir in the proposed IN1Z, the VPA advised as follows:

“It is noted that a planning permit application did not accompany the planning scheme amendment application.

In relation to land use, an 'abattoir' is included in 'rural industry' which falls within the 'industry' group. This is a section 1 use, providing the conditions of the Table of Uses at 33.01-1 are met. Should any of these 2 conditions not be met, an abattoir is a Section 2 use and requires a planning permit. During a planning permit application process, Council must have regard to the existing residential dwellings and any other sensitive land use proximate to the subject site to ensure their amenity is not adversely affected by a proposed abattoir.

As an abattoir is a section 1 use (providing the conditions of 33.01-1 are met), the application requirements for landscaping treatment within the IN1Z and the DPO1 will be integral to manage amenity impacts and integrate the facility into the surrounding area."

Response to Issue 2a:

Well designed perimeter landscaping will be integral to managing amenity impacts and integrating development into the surrounding landscape. The exhibited draft DPO Schedule 1 requires that a development plan must include an 'Urban Design Masterplan' that includes (amongst other matters) landscaping consistent with a 'Landscape Masterplan'. The requirements for a 'Landscape Masterplan' include details, including dimensions, species selection and planting densities, of a landscape buffer area around the perimeter of the land at the interface between the site and neighbouring land uses, including all perimeter road frontages

Issue 2b (Submission No. 8) - Zone selection:

"The proposed use of the Industrial 1 Zone (IN1Z) highlights that there is still uncertainty, at least in Council's view, about the future of this precinct, and is even more reason why further assessment and master planning work should be undertaken. It appears that the IN1Z is being sought by the developer in order to provide the greatest flexibility for future uses to locate in the precinct, rather than a bona fide agribusiness precinct. The IN1Z provides for a range of potential uses (either as-of-right or permit required) which may be incompatible with agribusiness uses. Also, the IN1Z lacks appropriate guidance for the exercise of discretion as to whether a use has a direct association with agribusiness.

... the focus appears to be on the use of the IN1Z across all or part of the area to accommodate heavy industry and modern industrial developments, which appears contrary to, and could undermine, the current and future agribusiness role of the wider precinct.

The lack of clarity or uncertainty about the future of this precinct supports the premise of rezoning the land to a precinct based Special Use Zone (SUZ). The SUZ would be the most appropriate planning instrument to implement the strategic objectives of an agribusiness precinct and would allow provisions to be tailored to facilitate a range of agribusiness and related uses. A SUZ could explicitly support agribusiness and related uses while preventing the establishment of incompatible industrial and other uses that would undermine the role of the precinct.

The application of SUZ would still require further supporting strategic work to be completed, being the preparation of an agribusiness precinct master plan, Also, stipulations should be developed and included for deciding if a proposal has a direct association with agribusiness.

There appears to be a lack of guidelines for future development ... Controls need to be put in place, including standards of quality design and building appearance, so that the development provides an attractive appearance (high level of visual amenity) when viewed from adjacent transport routes and surrounding land."

Response to Issue 2b:

Zone Provisions

The submission has some merit. The IN1Z provisions do allow for a large number of uses to establish without the need for a planning permit. For example, industry (other than materials recycling and transfer station) and warehouse uses (other than mail centre and shipping container storage) don't require a planning permit, subject to satisfying the specified adverse amenity conditions. Consequently, it will not be possible to limit potential uses to those associated with agribusiness.

Council officers discussed this matter with the proponents and suggested that the SUZ may be more suitable, as a SUZ Schedule could be drafted to suit the desired mix of land uses. Importantly, a SUZ Schedule could:

- Require a planning permit for uses that have potential for adverse amenity potential, and thus enable the consideration of buffer requirements and the application of permit conditions relating to the use.
- Prohibit certain uses that might be considered detrimental to the desired outcome for the precinct.

The proponents expressed their desire to proceed with the proposed IN1Z which can be 'tested' via a Panel process. Council officers, however, would not be opposed to the use of the SUZ with an appropriate schedule to manage use and development.

Regardless of the fact that a permit is not required for large number of uses in the IN1Z, a permit is required to subdivide land, and a permit is generally required to construct a building or construct or carry out works.

Overlay Provisions

The proposed DPO requires that a development plan must be prepared to the satisfaction of the responsible authority prior to a permit being granted to use or subdivide land, construct a building or construct or carry out works. A permit granted must be generally in accordance with the development plan. The exhibited draft DPO Schedule 1 requires that a development plan must include an 'Urban Design Masterplan' that includes (amongst other matters):

- The distribution of uses, including the location of uses which require a larger separation distance from sensitive uses or food production/processing activities centrally within the site with buffers to meet the requirements of Western Water and the Environment Protection Authority.
- Buffer areas to minimise air emissions beyond the curtilage of the land, to meet the requirements of Western Water and the Environment Protection Authority.
- Landscaping consistent with the Landscape Masterplan.

3. Industrial Land Supply and Demand

Issue 3a (Submission No. 8):

“There has been limited demand for industrial development in Bacchus Marsh/Parwan, and there is no demonstrated need for a significantly larger area of industrial land in Parwan. .

... The proponent and Council have not presented adequate justification for the increase in industrial land at Parwan. ... There is vacant industrial land adjacent to the old CSR factory, which is either serviced or closer to services than the Parwan site, and land adjacent to the Maddingley coal mine.

Land adjacent to the old CSR factory is relatively flat and approval was previously granted by VCAT for an abattoir on part of the land”.

...The land to the west of the coal mine, between the SUZ1 and IN2Z, could be investigated for industrial type uses as it is unlikely that residential development could be sandwiched between these two areas.”

Response to Issue 3a:

The Moorabool Industrial Area Strategy 2015 (MIAS), which was adopted by Council in December 2015, reviewed the supply and demand of industrial land in the municipality in the context of the Shire’s current and future population growth. The MIAS found that:

- the Municipality currently contains a total of approximately 346 hectares of industrial zoned land, with approximately 227 hectares being vacant or not currently used for industrial purposes;
- demand for industrial zoned land, particularly for service industry, manufacturing, and freight and logistics, is expected to increase from 146 hectares today (i.e. 2016) to 193 hectares in 2051; an increase of 47 hectares;
- a significant quantity of the remaining industrial land is affected by the encroachment of sensitive (typically residential) uses; and
- there is a need for alternative locations capable of accommodating heavy industry and, in particular, identified Parwan as the best location.

Council officers subsequently undertook a further review of industrial land supply in Moorabool (see Attachment 5), which found that only approximately 107 hectares of industrial zoned land is available for development due to environmental constraints such as steep topography, native vegetation, water features or drainage issues.

Table 1 below presents a summary of the Council officer review of industrial land supply compared with the MIAS findings.

Table 1: Summary of Council Review of Industrial Land Supply

	Total zoned industrial land	Demand (existing industrial use)	Environmentally constrained industrial land	Total available supply	20% vacancy allowance	Net available supply
MIAS (2011)	346.0	117.7	-	228.3	23.5	204.8
Council review (2016)	345.4	109.3	107.0	129.1	21.9	107.2

Council officer review of the MIAS identified some limitations in the assumptions made. Consequently, Council engaged SGS Economics and Planning in early 2017 (authors of the MIAS) to undertake a fresh review of industrial land demand, in particular:

- to align the BLU categories used in the MIAS with land use terms used in the VPPs;
- determine any increased demand associated with non-core industrial land uses (i.e. land uses that have potential to locate in industrial zones as well as other zones);
- consider the impact of rapid urban growth occurring outside of Moorabool, particularly the City of Melton to the east; and
- consider the impact of Council's revised industrial land supply figures.

SGS produced a report titled *Moorabool Industrial Areas Strategy Update*; January 2017 (MIAS Update), a copy of which is included in Attachment 6. Below is an extract from the Executive Summary of the MIAS Update:

“Demand assessment:

In reconsidering demand for industrial land are a range of non-core industrial uses that are permitted within industrial zones that sit outside of the broad land use (BLU) categories used by SGS in formulating the MIAS....

Taking account of demand associated with these non-core industrial land uses, an additional 37.1 hectares will be demanded by 2031, rising to 44.7 hectares by 2051.

Take-up of land in Moorabool may occur more rapidly as a result of demand associated with the expansion of Melton....

....Assuming economic growth in Melton contributes to a 10 per cent increase in industrial land take-up in Moorabool, an additional 13.7 hectares of land will be taken up by 2031, and 16.2 hectares by 2051.

Taking into account an assumed 20% vacancy rate, this additional take-up results in reductions in available supply for 2031 and 2051 of 16.5 hectares and 19.3 hectares respectively.

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Revised market assessment and conclusion:

The following table outlines the findings of the revised model, showing how the demand and supply assumptions reduce the available supply of industrial land. The table also shows the impact of the rezoning, with a net of 124 hectares¹ added to total supply.

(¹ This figure is the sum of the developable portion of proposed IN1Z land resulting from C76 [i.e. 190 – 43 = 147ha] minus the developable portion of existing IN1Z land [i.e. 116 – 93 = 23ha]).

Table 2: Summary of Revised Market Assessment

	MIAS	With revised supply figures	With revised supply figures and accounting for non-core industrial uses	With revised supply figures and accounting for non-core industrial uses and growth in Melton	Including net increase in industrial land associated with Amendment C76
Total supply	346.0	238.4	238.4	238.4	362.4
Demand (2031)	136.8	136.8	173.9	187.6	187.6
With 20% vacancy allowance	164.1	164.1	208.7	225.1	225.1
Gap (2031) (i.e. net available supply)	181.9	74.3	29.7	13.3	137.3
Demand (2051)	161.0	161.0	205.7	221.9	221.9
With 20% vacancy allowance	193.1	193.1	246.8	266.3	266.3
Gap (2051) (i.e. net available supply)	152.9	45.3	-8.4	-27.9	96.1

Taking into account the revised supply figures and potential growth in demand, by 2031 the net available land supply is projected to be only 13.3 hectares², which is substantially less than the 181.9 hectares projected by the MIAS

(² This figure excludes the increase in industrial land that would occur as a result of C76).

The MIAS model predicted that there would be a total of 152.9 hectares or surplus industrial land by 2051. The revised model produced as part of this engagement predicts that industrial land within Moorabool will be exhausted by around 2038, with a deficit rising to around 27.9 hectares by 2051.

Taking into consideration the new demand and supply assumptions detailed in this report, there is at most 22 years of industrial land supply remaining in Moorabool. However, accounting for constraints associated with existing land and uncertainties in relation to the impact of growth on the Melton economy, the supply of industrial land in Moorabool may be exhausted much sooner.

Given this, to ensure that the future growth of Moorabool's economy is not stymied by a lack of suitable land, there is a need for further industrial land to be made available in the near future."

In response to the issues raised regarding the existing SUZ1 land, Council is currently working with the VPA to prepare a UGF for Bacchus Marsh (as discussed above). A key focus will involve planning for a regionally-significant 'Parwan Employment Precinct' (PEP). The PEP, as currently defined (refer to map on page 14 of *Agribusiness Analysis; Proposed Parwan Employment Precinct*; CBRE) encompasses a large portion of the SUZ1 land. Council could give consideration to revising the PEP boundaries, to encompass all of the SUZ1.

4. Transport / Traffic

Issue 4a: Department of Economic Development, Jobs, Transport and Resources (DEDJTR) Submission:

"The Department of Economic Development, Jobs, Transport and Resources is working to achieve a more integrated approach to planning coordination and management of all transport modes. In particular, one of the Department's agendas is to improve productivity and liveability, and how these outcomes are delivered in a spatial context, i.e. through integrated transport and land use planning.

Public Transport Victoria, VicRoads and DEDJTR have reviewed the exhibited documentation.... Reference is also made to our previous comments provided by email of 3 October 2016.... These comments still stand and are reproduced below:

'The Traffic Engineering Assessment report indicates that there are no issues that would require further work/resolution prior to the proposed rezoning of the land at 3922 Geelong-Bacchus Marsh Road, Parwan to an industrial zone. However, it is considered that the traffic report lacks detail, does not discuss requirements for an eastern bypass road and is not consistent with the more objective assessment provided in the Planning Report.

Figure 9 of the Traffic Engineering Assessment shows "likely traffic routes" between the site and Melbourne, Ballarat, Geelong and Werribee. There are concerns with the nominated route between the site and Ballarat, which indicates traffic would travel along Geelong-Bacchus Marsh Road, Grant Street and Bacchus Marsh Road to access the Western Freeway. The Traffic Engineering Assessment fails to consider how additional truck traffic generated to/from a future Moorabool Agribusiness Industrial Area in Parwan would impact upon existing congestion in Grant Street.

Figure 9 also suggests two routes to Melbourne – one via Geelong-Bacchus Marsh Road, Woolpack Road, Hopetoun Park Road to the Western Freeway and the other via Nerowie Road, Exford Road, Greigs Road and Hopkins Road to the Western Freeway. Whilst both options are approved B-Double routes, it is considered more desirable that truck traffic utilises the most direct route to the Western Freeway - which would be via a new eastern bypass road.

On this basis, the submitted documentation by Traffix Group does not demonstrate the adequacy of the existing transport network to service the future needs of Parwan.

The Planning Report acknowledges that Parwan scores lowest for manufacturing suitability presently but states its limitations can be addressed more readily than other precincts. Its major disadvantage is the lack of infrastructure, specifically - an eastern bypass road, gas and water. The Planning Report states that whilst infrastructure provision and/or upgrades will be costly, they can still be resolved.

It is agreed that an eastern bypass road is required for a range of reasons including:

- Growth management in Bacchus Marsh
- Reducing congestion in Gisborne Road and Grant Street
- Reducing freight movements within the town to those that service the town
- Better accessing planned future residential land releases in the broader Bacchus Marsh district.

VicRoads confirm that a brief will be issued to consultants in the coming months for an eastern bypass road corridor strategy. It is considered that the provision of an eastern bypass road is critical to the efficient operation of a future Agribusiness Industrial Area in Parwan. It also needs to be acknowledged that there are significant risks in securing an alignment for such a road, as previous work has shown.'

It is reiterated that the 2014 Traffic Engineering Assessment report prepared by Traffix Group fails to demonstrate the adequacy of the existing transport network to service the future needs of the Agribusiness Industrial Area in Parwan and should be revised prior to the rezoning of the land. The revised report should provide more detail regarding the types of industries that may be established on the site, the type and number of vehicles likely to service the site and the anticipated distribution of these trips to and from the site...

It is advised that the Victorian Government has committed to implementing road safety improvements along the Geelong-Bacchus Marsh Road along the site's frontage to address the poor safety record of this stretch of road. As part of Towards Zero 2016-2020, a wire rope barrier will be installed along the centreline to prevent crashes and a new roundabout constructed at the intersection of Geelong-Bacchus Marsh Road, Glenmore Road and Nerowie Road. These works will be completed within the next 12-18 months. VicRoads has advised that the proposed fully directional intersection at Geelong-Bacchus Marsh Road and the internal street would not be approved as it would compromise these committed safety improvements.

Any future access to Geelong-Bacchus Marsh Road would be restricted to left-in/left-out movements only. The revised Traffic Engineering Assessment prepared on behalf of the applicant should reflect these constraints.

There is general agreement that an eastern bypass road is required for the proposed Agribusiness Industrial Area in Parwan to operate efficiently. This is highlighted in the Bacchus Marsh Integrated Transport Strategy 2015 as a key network improvement required to accommodate expected growth in the township and surrounding areas and to remove freight movements from the town centre. VicRoads is currently seeking funding to progress the preparation of an eastern bypass road corridor study. However, this may take time to secure.

It is noted that the proposed Schedule 1 to the Development Plan Overlay requires the preparation of an integrated Traffic Management Plan that would consider the views of VicRoads before the development plan is approved. This is supported. It is important that any integrated Traffic Management Plan details the road infrastructure improvements required both within the site and on the wider road network. (and the associated trigger points for implementation) for two scenarios:

- a) The interim road infrastructure improvements required for existing conditions (i.e. prior to the construction of an eastern bypass road), and*
- b) The ultimate road infrastructure improvements required post-construction of the eastern bypass road.*

PTV, VicRoads and DEDJTR look forward to working closely with Council to progress the eastern bypass road corridor study once funding is secured."

Response to Issue 4a:

Council's Infrastructure Department has advised as follows:

The Traffic Engineering Assessment (TEA) assesses only the increase in traffic generated by the increase in area between the existing Industrial Land (120 hectares) and the proposed site (190 hectares). Given that there is no activity on the site now, the TEA should be based on the whole site, unless there is evidence that the traffic increase was accounted for in the original zoning of the existing site.

Allowing for the encumbered land (HZ2 and HZ3), approximately 150 hectares of land will be available for development. Infrastructure needs will consume 25%, leaving 112 hectares, and 40% of this will be the traffic generating gross floor area (GFA) of 44 hectares.

Given that the future uses of the land are unknown, traffic generation rates can only be based on other experience. The figure of 3 vehicles per day (vpd) per 100 square metres GFA is not unreasonable based on other research, however, this indicates a daily generation rate of 13,000 vpd, and a peak rate of 1,300 vehicles per hour. The heavy vehicle component must be assumed to be at least 10%, based on existing traffic data around Bacchus Marsh.

The most recent traffic count on Geelong-Bacchus Marsh Road is 5,700 vpd, so the development represents a trebling of the traffic load on the surrounding road network.

Potential External Impacts:

Truck traffic accessing the subject site from the west and north via available approved B-double / Higher Mass Limits routes will have to travel through Bacchus Marsh via Gisborne Road, Grant Street, Parwan Road and Geelong-Bacchus Marsh Road. Grant Street / Gisborne Road is operating at or near capacity now.

Truck traffic accessing the subject site from the east will travel via the Western Freeway, the Avenue of Honour, Woolpack Road and Geelong-Bacchus Marsh Road. Truck traffic accessing the subject site from the south will travel via Geelong-Bacchus Marsh Road.

There is a further eastern access via Nerowie Road, however, this road is not an approved B-double route within Moorabool Shire. This route leads traffic to the Western Highway at Rockbank. Given that there is only a three minute difference between using the Western Freeway and Nerowie Road, it is unlikely that Nerowie Road will experience a big increase in traffic volumes.

For general vehicle access, the new Halletts Way / O'Leary Way north-south route will be available, with a potential bypass route via Bacchus Marsh-Balling Road / Glenmore Road.

The intersections of Geelong-Bacchus Marsh Road / Woolpack Road, Avenue of Honour / Woolpack Road, Geelong-Bacchus Marsh Road / Nerowie Road, are all likely to require upgrades. All three intersections are under the jurisdiction of VicRoads.

It is difficult to predict the likely distribution of traffic across the three main directions west, east and south, however, even if the three split evenly, 4000+ extra vehicles must find their way through the centre of Bacchus Marsh each day to/from the Western Freeway. Another 4000+ will travel to/from the east via Woolpack Road and Nerowie Road.

External Works:

The TEA does not identify any external works specific to the development. A number of items are identified in the *Servicing and Development Contributions Report*, all of which are adjacent and integral to the development.

The TEA does not consider the broader impacts of the rezoning, other than charting routes on existing roads. The potential of an eastern bypass route to relieve traffic pressure within Bacchus Marsh is not discussed. While the construction of a bypass is a long term project, the TEA should at least address it, and consider the implications of the rezoning on the Bacchus Marsh Integrated Transport Strategy 2015.

Strategic Planning Officer Response:

It is recommended that:

- The TEA be reviewed to identify:
 - The full extent of traffic generated by the industrial development of the proposed IN1Z land at 3922 Geelong-Bacchus Marsh Road (i.e. rather than based on the net increase of IN1Z land).
 - The road infrastructure improvements necessary to accommodate traffic generated on the wider road network. (and the associated trigger points for implementation) for two scenarios:
 - ❖ The interim road infrastructure improvements required for existing conditions (i.e. prior to the construction of an eastern bypass road); and
 - ❖ The ultimate road infrastructure improvements required post-construction of the eastern bypass road.
- The DPO Schedule be amended under Clause 3.0, to require that the Integrated Traffic Management Plan identify the road infrastructure improvements necessary to accommodate traffic generated on the wider road network. (and the associated trigger points for implementation) for the above two scenarios.

5. Infrastructure Levies

Issue 5(a) - Victorian Planning Authority (VPA) Submission:

“Any future planning for an employment precinct on a greenfield site such as Parwan will likely require a Development Contributions Plan (DCP) and associated overlay to ensure the precinct is appropriately serviced and infrastructure costs apportioned between landowners and service providers. At the time of precinct planning, it may be considered necessary to combine the development contributions agreement proposed by Amendment C76 with a DCP that accompanies a Precinct Structure Plan. Assessment of the Amendment should give consideration as to how this could impact on the subject sites.

Site-specific responses for infrastructure, transport and drainage will be required on the subject sites. Assessment of the Amendment should give consideration as to how these might respond to a broader precinct.”

Response to Issue 5(a):

It is recommended that the draft section 173 agreement relating to 3922 Geelong-Bacchus Marsh Road (i.e. the proposed IN1Z land) be amended, to include a sunset clause in respect to the *development infrastructure levy* (i.e. clause 4 of the agreement). Upon any future DCP (or Infrastructure Contributions Plan [ICP]) coming into effect, the DCP (or ICP) levy would apply to the subject land, and the *development infrastructure levy* under the section 173 agreement would discontinue.

The amendment as drafted addresses a number of known infrastructure requirements. It is however acknowledged that infrastructure requirements for the wider PEP need to be considered as development occurs on the subject land as well as the wider precinct. Referral of planning applications to relevant agencies will be critical to identifying many of these off-site issues and the required responses (road works, drainage, etc.).

Development facilitated by amendment C76 will be subject to conditions which require necessary infrastructure to be provided at developer cost. The wider PEP area will be assessed for infrastructure needs as part of future PSP preparation. It should be noted, that Council has also undertaken preliminary infrastructure planning for the wider PEP and responses will continue to evolve as planning continues in the area.

Issue 5(b) - Submission No. 8:

“The subject land is akin to a growth area or strategic development area where the scale of development will necessitate new infrastructure in its own right or more expensive upgrades to infrastructure than would normally be expected of infill developments.

However, it appears that the developer is attempting to take advantage of a ‘get in early’ approach, before planning has been undertaken for the wider area and infrastructure requirements and funding arrangements have been developed.

... There is considerable uncertainty with the approach proposed by Council and the proponent, particularly in relation to the cost of infrastructure items in the absence of a costed DCP. This lack of certainty exposes Council to potential risk of addressing the gap of underfunded infrastructure, which may impact upon Council’s service delivery and spending in the future.

It may be prudent to await the preparation of a DCP for the area before finalising the rezoning. This will provide the opportunity to match the infrastructure requirements to the final form of the DCP and better enable Council to properly plan how it will implement infrastructure projects and fund any shortfall.”

Response to Issue 5(b):

As per the VPA’s comments above, it is likely that the Parwan Employment Precinct will be the subject of a future PSP and an accompanying DCP. Upon any future DCP (or ICP) coming into effect, it is envisaged that the development infrastructure levy under the section 173 agreement would discontinue. Thus, the DCP (or ICP) levies would apply to the portion of the proposed IN1Z land that remains undeveloped at that point in time, and to which the development infrastructure levy under the s173 agreement has not been previously applied.

Issue 5(c) - Submission No. 8:

“The exhibited draft section 173 agreement is vague and uncertain in relation to the delivery of drainage works and infrastructure projects. It appears that the responsibility for delivery of the works can be passed on from the original subdivider to future owners. This appears to be contrary to the practice of requiring the subdivider to provide all infrastructure before selling the land, and may require Council to negotiate with multiple owners to gain delivery of the works and/or projects.”

Response to Issue 5(c):

The intention of the draft section 173 agreements is that the developer will be responsible for the delivery of the following works at the time of development, as required by conditions of any relevant planning permit:

- ‘Localised infrastructure’; meaning works, services or facilities on the subject land necessitated by the subdivision or development of land.
- ‘Infrastructure project’; meaning an infrastructure project in the general vicinity of the subject land.
- ‘Drainage works’; meaning:
 - the construction of a retarding basin on the adjoining land (described as PC362391Y);
 - the provision of water sensitive urban design treatments to the drainage lines leading to and from the retarding basin on the adjoining land;
 - any water storage or distribution infrastructure associated with the reuse of stormwater or treated wastewater; and
 - any other drainage related works that are required in a planning permit issued in respect of the development of the subject land.

As per standard practice, the draft section 173 agreements will be registered on title and will be binding on future landowners to the extent that any works remain unfulfilled. The draft agreements are merely explicit in this respect.

Issue 5(d) - Submission No. 8:

“At this stage, Council doesn’t appear to have an adopted position on the provision of infrastructure within the Parwan area. There is considerable uncertainty with the approach proposed particularly in relation to the cost of infrastructure items in the absence of a costed DCP.

The basis for the levy for ‘general infrastructure works’ is vague and uncertain and the ‘development infrastructure levy’ of \$2,631.58 per hectare of land appears to be well below levies for similar development in neighbouring municipalities; e.g. Melton and Wyndham. In addition, the recommended standard levies for industrial/employment land in growth areas are \$63,000 (non-metropolitan) and \$80,000 (metropolitan) per net developable hectare.

A \$500,000 contribution by the developer is only a token payment towards the major infrastructure upgrades, for example, transport infrastructure, required to cater for the development of the area. ... The plan seems to include several if not tens of millions of dollars of infrastructure which is un-costed and to which only \$500,000 seems to be apportioned to the developer.

...indexation of the levy is based on the CPI rather than by reference to an appropriate industry index to ensure that the levy reflects contemporary infrastructure requirements. Such an approach has been regarded as inappropriate elsewhere ...

It is critically important that the real value of any proposed development infrastructure levy is maintained over time. The failure of some of the DCPs approved in the early to middle part of the last decade, to properly adjust for price and value changes has led to significant funding gaps for the Councils involved...”.

Response to Issue 5(d):

The *development infrastructure levy* is based on an overall contribution of \$500,000, being a figure that was negotiated between the landowner and Council senior management. As discussed above, upon any future DCP (or ICP) coming into effect, it is envisaged that the development infrastructure levy under the s173 agreement would no longer apply. Thus, the DCP (or ICP) levies would apply to the portion of the proposed IN1Z land that remains undeveloped at that point in time, and to which the development infrastructure levy under the section 173 agreement has not been previously applied.

The draft section 173 agreements were prepared by legal consultants on behalf of Council. The purpose of the draft agreements, as outlined in the exhibited documents, is to ensure the provision of developer funded outfall drainage works, and road and drainage infrastructure projects within the general vicinity of the subject land.

6. Environmental / Amenity Impacts

Issue 6a - Separation distances (i.e. buffers):

a) The EPA has advised as follows:

“Separation Distances

Within the immediate vicinity of the site there are several agribusiness or agricultural related industries currently operating, including the Parwan Western Water Treatment Plant, Genetics Australia, poultry farms and the Parwan Valley Mushroom.

EPA notes that there are also some existing residents to the south and west of the site. Potential amenity impacts to existing residents will need to be considered.

The Moorabool Agribusiness Industrial Area includes a proposed abattoir and rendering plant, as well areas for manufacturing and sales, and storage and distribution. The scale and intensity of these types of land uses will dictate appropriate buffer zones from sensitive uses in accordance with EPA Publication 1518 Recommended separation requirements for industrial residual air emissions (2013).

... The Moorabool Agribusiness Industrial Area Concept Plan has been provided in schedule 1 to the Development Plan Overlay, however in order for the EPA to determine potential amenity impacts, the scale and locations of operations would need to be further considered. There are various uses in Section 1 (permit not required) and Section 2 (permit required) of the Industrial 1 Zone ...”.

Noise

Management of noise will also be a key issue into the future. EPA Publication 1411 Noise from Industry in Regional Victoria (NIRV; 2011) will need to be considered. This publication sets recommended maximum noise levels that apply to noise impacting on noise sensitive areas. Council will need to ensure that recommended noise levels at surrounding sensitive receptors can be met.”

b) The VPA has advised as follows:

“An abattoir development, or another industrial use with off-site air emission impacts, on the subject site may require consideration of cumulative impacts due to proximity of the Parwan Wastewater Treatment Plant which also has off-site air emission impacts.”

c) Western Water has advised that it has no objection to the Amendment, provided that the following items are taken into consideration:

- *“A buffer is set around the Parwan Recycled Water Plant (RWP) that takes into account both the current and future expected populations in accordance with the relevant EPA guidelines on separation distances.*
- *Uses of the industrial land are consistent with the EPA guidelines on separation distances and do not impact upon the operation of the plant. These proposed uses cannot compromise the continued operation or expansion of the recycled water plant facilities to service both current and future growth of the shire without express approval from Western Water.*
- *Any use of the proposed industrial land includes the requirement for an odour assessment for the proposed use. The odour assessment should take into account other nearby odour generating sources. There may be occasions that multiple odour generating sources may impact upon a larger area requiring larger buffer distances.*
- *Any development or land use application proposal must be accompanied by plans indicating distances of property boundaries and any proposed buildings to the property boundary of the RWP, an estimate of the number of persons drawn to the buffer area as a result of the proposal and an odour impact assessment if the proposed use will generate odours.*

- *Work commences shortly on the creation of an Environmental Significance Overlay (ESO) to identify and enforce a buffer from significant odour sources within the Parwan area.*
- *Land owners and developers shall be made aware of the current and future buffer around the recycled water plant and its likely expansion and/or intensification over time.*

On this occasion, Western Water is supportive of the rezoning of industrial land to Farming Zone in close proximity to the recycled water plant. Generally farming land is an acceptable use within land that may be affected by the operation of the plant.

...Western Water would be concerned with any new proposals to rezone land within the buffer to the Parwan Recycled Water Plant to industrial. Western Water's preference is for land within the buffer to remain as Farming Zone.

To determine the most appropriate buffer for the Parwan Recycled Water Plant, Western Water has been in consultation with the Victorian Planning Authority and will be looking at commencing an odour study shortly. It is hoped that this will inform future zoning decisions by both Moorabool Shire Council and the Victorian Planning Authority and form the basis of an ESO."

d) Submission 8 commented that:

"There is a lack of analysis of buffers required from future industrial development to existing uses in the area, including the broiler and mushroom farms, or potential impacts on harness racing training establishments...."

Response to Issues 6a

As discussed above, the proposed IN1Z will result in potential for a large number of uses to establish without the need for a planning permit. Consequently, separation distance (i.e. buffer) requirements for dust, odour and noise will need to be determined as part of the development plan approval process under the proposed DPO schedule. However, the difficulty with this approach is that the exact type and intensity of uses will not be known at the time of development plan preparation, with the possible exception of the proposed abattoir and rendering plant.

In order to provide some opportunity for consideration of cumulative off-site air emission impacts (i.e. odour), it is recommended that the proposed DPO schedule be amended to include a requirement for:

- A Parwan Recycled Water Plant (RWP) Impact Assessment Report prepared in consultation with Western Water and the Environment Protection Authority that includes:
 - An odour assessment for the proposed abattoir and rendering plant, that gives due consideration to cumulative impacts due to the proximity of the Parwan RWP and other nearby odour generating sources.

- Buffer areas around the Parwan RWP, abattoir and rendering plant, that take into account both the current and future expected populations, designed in accordance with the relevant EPA guidelines on separation distances. (N.B. Multiple odour generating sources may impact upon a larger area, thereby requiring larger buffer distances.)

It is also noted by staff that the concerns raised in submission 8 could be addressed by use of the SUZ. Uses with potential for significant adverse amenity impacts could be scheduled as Section 2 (permit required) uses, thereby enabling due consideration of separation distances and the application of appropriate permit conditions.

Issue 6b - State Environment Protection Policies (SEPPS)

The EPA has advised that:

“It is recommended that the requirements for the development plan include an assessment of the proposal against relevant State Environment Protection Policies (SEPP’s).

Consideration of the issues identified above will assist in protecting both the viability of industry and human health and amenity.”

Response to Issue 6b

The proposed DPO Schedule 1 requires that a development plan must be prepared to the satisfaction of the responsible authority prior to a permit being granted to use or subdivide land, construct a building or construct or carry out works. A permit granted must be generally in accordance with the development plan.

The purpose of the development plan is to set a ‘framework’ for the consideration of future land development proposals, and for future land use proposals in instances where a planning permit is required. The DPO offers only limited potential for consideration of SEPP requirements, as the exact details of uses will not be known at the time of development plan preparation, with the possible exception of the proposed abattoir and rendering plant.

The exhibited draft DPO Schedule 1 includes a requirement for:

*“An **Integrated Water Management Plan** prepared in consultation with Melbourne Water, Western Water, the Environment Protection Authority and Moorabool Shire Council that includes (amongst other matters):*

- *Details of how the harvesting and reuse of stormwater and treated wastewater will be appropriately managed in accordance with the requirements of State Environment Protection Policies, the Environment Protection Authority, Melbourne Water and Western Water.”*

It is recommended that the draft schedule be amended to refer specifically to the relevant SEPPs, these being the SEPP (Waters of Victoria) and the SEPP (Groundwaters of Victoria).

It is not possible for the DPO Schedule 1 to refer to other SEPPs, such as:

- SEPP (Ambient Air Quality)
- SEPP (Air Quality Management)
- SEPP (Prevention and Management of Contamination of Land)
- SEPP (Control of Noise from Commerce, Industry and Trade)

The proposed IN1Z will mean that any consideration of these SEPPs will be limited to future land use proposals in instances where a planning permit is required.

Issue 6c - EPA Works Approval

The EPA has advised that *"a works approval will be required for the abattoir and rendering plant in accordance with the Environment Protection (Scheduled Premises and Exemptions) Regulations 2007"*.

Response to issue 6c

This matter is beyond the scope of the Amendment. A future planning permit application will be required for the development of the proposed abattoir and rendering plant; and possibly also for the use, if the proposal does not satisfy the adverse amenity conditions under Clause 33.01-1 (IN1Z) of the Moorabool Planning Scheme.

Issue 6d - Potential Land Contamination

The VPA has advised that *"In accordance with PPN30, consideration should be given to the potential for land contamination and the need for an associated assessment given the land will be rezoned to FZ which will allow as-of-right agriculture uses"*.

Response to Issue 6d

The VPA is referring to the land described as PC362391, which is proposed to be rezoned from IN1Z to FZ.

Planning Practice Note 30 (Potentially contaminated land; 2005) notes that Section 12 of the *Planning and Environment Act 1987* requires a planning authority when preparing a planning scheme amendment to 'take into account any significant effects which it considers amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the amendment'.

Ministerial Direction No. 1 – Potentially Contaminated Land (Direction No. 1) requires planning authorities when preparing planning scheme amendments, to satisfy themselves that the environmental conditions of land proposed to be used for a sensitive use (defined as residential, child-care centre, pre-school centre or primary school), agriculture or public open space are, or will be, suitable for that use.

If the land is potentially contaminated and a sensitive use, agriculture or public open space are proposed, Direction No. 1 provides that a planning authority must satisfy itself that the land is suitable through an environmental audit.

Potentially contaminated land is defined in *Ministerial Direction No. 1 – Potentially Contaminated Land*, as “land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land)”.

In this instance, the land proposed to be rezoned from IN1Z to FZ is currently used for agriculture and is not known to have been previously used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel. Therefore, the land is not considered to be potentially contaminated, and an environmental audit is not deemed necessary.

7. Bacchus Marsh Aerodrome

The Bacchus Marsh Aerodrome is located to the west of the subject site, with the closest runway being approximately 1.3 kilometres away. The Aerodrome comprises two runways, with one being oriented approximately north-south and the other being oriented approximately east-west.

Issue 7a – Not a CASA Regulated Aerodrome

The Civil Aviation Safety Authority (CASA) has advised that the aerodrome is an ‘Aeroplane Landing Area’ and is not a regulated aerodrome or subject to CASA oversight. However, the exhibited Development Plan Overlay Schedule 1 (DPO1) requires that the development plan must include a ‘Bacchus Marsh Aerodrome Impact Assessment Report’, prepared in consultation with CASA, the Aerodrome manager and Moorabool Shire Council, that is consistent with the National Airports Safeguarding Framework.

Response to Issue 7a

It is recommended that the DPO1 be amended by deleting the reference to CASA.

Issue 7b - Obstacle Limitation Surface (OLS) Penetrations

CASA advised that, further to the management of obstacle limitation surface (OLS) penetrations (i.e. as proposed under the exhibited DPO1), the approach to runway 27 and take-off from runway 09 are directly over the site. There is commentary about wildlife in the exhibited documentation but there is no analysis of the potential impact of wildlife activity on aircraft activities. There may be the potential for aircraft to be operating at low levels over the site and an interaction with birds. From a duty of care perspective it may be advisable to understand this risk further.

Bacchus Marsh Aerodrome Management Inc. advised that the Amendment will be advantageous, as it will move the proposed industrial estate further away from the aerodrome. In particular, it will move the industrial estate away from under the flight path of powered aircraft landing on runway 27 which is the most heavily used of all the runways.

Response to Issue 7b

The Amendment and ultimate industrial development is likely to result in reduced risk to aircraft.

The exhibited DPO1 requires that the development plan must include an 'ecological assessment report', and that any future permits for subdivision must include a 'habitat zone management plan' for Bingham's Swamp and any other habitat zones to be retained. The 'habitat zone management plan' must include management actions for each habitat zone and associated buffer areas to mitigate risks to ecological values during subdivision and construction and from the industrial use of the balance of the land. The implementation of management plans for Bingham's Swamp and other habitat zones is unlikely to result in increased bird numbers or movements.

Is a Planning Panel Required?

In accordance with section 22 of the *Planning and Environment Act 1987*, Council must consider all submissions made on or before the closing date set out in the notice.

Pursuant to section 23 of the Act, after considering any submission which requests a change to the amendment, Council as the planning authority must:

- a) change the Amendment in the manner requested in any submissions; or
- b) refer the submissions to an independent Planning Panel appointed under Part 8 of the Act; or
- c) abandon the Amendment or part of the amendment.

In this instance, Council is not able to resolve all the issues raised in submissions by changing the Amendment. Thus, Council must either refer the submissions to a Planning Panel, or abandon the Amendment.

A Planning Panel hearing is recommended. The Planning Panel will give submitters an opportunity to be heard in an independent forum and in an informal, non-judicial manner.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area 1	Community Wellbeing
Objective	A strong and diverse local economy.
Strategy	Investigate and plan areas for potential employment zones. Collaborate with other agencies/business partners in pursuing agricultural value adding industries in the region.

The proposed changes to the planning scheme are consistent with the 2013-2017 Council Plan.

Financial Implications

Proceeding with the Amendment has directly associated costs generated by the appointment of a legal representative or alternatively an independent planning consultant to present Council's submission at the Panel Hearing. It is estimated this is likely to cost in the range of \$20,000 - \$50,000 for a three to four (3-4) day hearing (including preparation time and evidence/submissions).

The Amendment to date has had significant financial implications with respect to staff time and legal advice (estimated at \$30,000 to \$40,000 over several years). Council staff attendance at the Panel as well as further reports post the Panel hearing will involve additional commitment of staff resources on what is a proponent driven amendment.

Risk & Occupational Health & Safety Issues

The Amendment poses complex strategic issues which need to be managed to avoid reputational risk, as follows:

- Council is yet to complete a UGF for Bacchus Marsh, in collaboration with the VPA. The Amendment therefore needs to be carefully drafted so as not to jeopardise any preferred future directions for the PEP and PSP to follow.
- Avoiding future financial risks, through underfunded infrastructure, being passed on to ratepayers. Any future planning for the PEP will likely require a DCP and associated overlay to ensure the precinct is appropriately serviced and infrastructure costs apportioned efficiently between landowners and service providers.
- Choice of appropriate zoning. This is best resolved in a Panel hearing process with the proponent and any submitters given opportunity to further consider the optimal option for investment delivery upon the subject land.

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial – Inadequate funds to provide external infrastructure	Inadequate financial management	High	Await completion of the UGF for Bacchus Marsh and a DCP for the PEP.

Communications and Consultation Strategy

Consultation occurred during the formal exhibition period, with affected property owners/occupiers and relevant authorities. If Council proceeds with the Amendment, a Planning Panel will be appointed to hear submissions to the Amendment. All submitters would be notified by Planning Panels Victoria and provided the opportunity to address the Panel.

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 – Rod Davison

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

Conclusion

As Council is not able to resolve the issues raised in submissions by changing the Amendment, it is considered appropriate that Council should refer the submissions to a Planning Panel.

Resolution:

Crs. Sullivan/Dudzik

That Council, having considered all submissions to Moorabool Planning Scheme Amendment C76, resolves to:

- 1. Request the Minister for Planning to appoint a Planning Panel under Part 8 of the Planning and Environment Act 1987 for Amendment C76.***
- 2. Refer Amendment C76 (including submissions) to the Planning Panel for consideration.***
- 3. Adopt a position on submissions to Panel as outlined in the Table to Attachment 10.2.2 (4).***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday, 10 February 2017

10.2.3 Amendment C78 – Small Towns and Settlement Strategy

Introduction

File No.: 13/06/62
Author: Geoff Alexander
General Manager: Satwinder Sandhu

Background

In September 2016, Council adopted the Moorabool Shire Small Towns and Settlements Strategy, which is a component of Moorabool 2041. Since this time, Council staff have been working on the preparation of an Amendment (known as C78) to implement the Strategy within the Moorabool Planning Scheme.

The purpose of this report is to seek Council support to seek Ministerial authorisation to proceed with the amendment and exhibit for public comment.

The Small Towns and Settlements Strategy (2016) provides an overarching vision for how the Shire will manage the future of its small towns and settlements through to the year 2041. The Strategy addresses a community aspiration to maintain and enhance the sustainability of the Shire's small towns and settlements by providing a framework identifying what is possible, efficient and justifiable in terms of population growth, public realm improvements, economic development, the environment, changes to the planning controls and other measures. The recommendations relate to sixteen small towns and settlements.

In order to give the Small Towns and Settlements Strategy weight Amendment C78 has been prepared based on the Strategy.

Proposal

Amendment C78 seeks to carry over key recommendations from the Small Towns and Settlements Strategy and include it as a reference document within the Planning Scheme. It was developed after internal consultation involving relevant Council staff, as well as officers from the Department of Environment, Land, Water and Planning (DELWP).

The Amendment includes a long term work program for Council in the Small Towns and Settlements, with a scope based on the opportunities identified in the settlements. In most cases recommendations are town specific but a limited number of overarching strategies apply to many Small Towns and Settlements (such as flood investigations, heritage, tourism trail opportunities).

The most resource dependent recommendations carried over from the Small Towns and Settlements Strategy are Structure Plans, which would be used to identify needed infrastructure to facilitate population growth, review the zoning and overlay controls for the existing parts of the town and identify public realm improvements. These are long term plans to guide Council decisions about changes to land use on public and private property for existing and new areas. Separate funding bids will be required for each structure plan.

Amendment C78 specifies the need for Structure Plans for Bungaree and Wallace followed, as resources allow, by structure plans for Dunnstown and Myrning. The provision of reticulated sewer within these towns, as well as water in the case of Dunnstown will be necessities.

A Structure Plan is recommended for Blackwood to manage a wide range of issues from heritage conservation, to landscape and local wastewater solutions. This initiative is already foreshadowed as a priority in the existing Planning Scheme (as is also the case for Myrning). A Structure Plan for Blackwood is unlikely to expand the settlement boundaries of the town because of constraints including extreme bushfire risk.

Other key recommendations included within Amendment C78 include preparing an Urban Design Framework for Elaine, Greendale, Lal Lal and Mount Egerton. More limited local projects are also identified (as Settlement Improvement Plans) for Balliang and Balliang East, Clarendon and Korweinguboora/Spargo Creek and Yendon.

The Amendment also carries over particular recommendations which relate to various areas of Council such as investigating opportunities for the resource sharing of facilities within nearby towns, mapping flood risk where needed, supporting the establishment of heritage walks, investigating the potential for safety improvements along particular roads, mitigating the potential for subdivision and town growth in areas with known extreme bushfire fire risk, advocating for natural gas and other measures.

Specifically, the amendment proposes updates to the following Clauses of the Moorabool Shire Planning Scheme:

Updated Clauses can be viewed at **Appendix 1** to this report.

Clause 21.01 (Municipal Context) has been updated to:

Include reference to the Small Towns and Settlements Strategy (2016) and the need for reticulated sewer and a supportive business case in order for towns within the Special Water Supply Catchments to grow.

Include a revised Municipal Framework Map showing the hierarchy of towns in the Shire, drawing on terminology from the Small Towns Strategy.

Clause 21.02 (Natural Environment) has been updated to:

Include reference to limited growth prospects for towns that lack reticulated sewer.

Include reference to supporting the installation of reticulated sewer in Bungaree, Dunnstown, Wallace and Myrning subject to a viable business case.

Clause 21.03 (Settlement and Housing) has been updated to:

Include reference to the Central Highlands Regional Growth Plan as the key Strategic Planning document for the region.

Include reference to key recommendations and components of the Small Towns and Settlements Strategy.

Clause 21.09 (Small Towns and Settlements) has been updated to:

Include a section with overarching strategies for Small Towns and Settlements, including some strategies for particular towns (where specified). Components from a former section on Blackwood have been incorporated into this section, other parts of the Blackwood have been deleted to improve policy clarity.

Include specific sections for Bungaree, Wallace, Dunnstown and Myrning with a vision and recommendations from the Small Towns and Settlements Strategy.

Modify the existing section on Gordon to conform to other parts of the document.

The name of Clause 21.09 has been changed from "Small Towns" to "Small Towns and Settlements".

Clause 21.11 (Reference Documents) has been updated to:

Include the Small Towns and Settlements Strategy as a Reference Document within the Moorabool Planning Scheme.

Timeline and Next Steps

A brief summary of the typical steps with an amendment are outlined as follows:

- Step 1: Requesting an amendment (if proponent based)
- Step 2: Authorisation (Council resolution – current stage)
- Step 3: Preparation
- Step 4: Exhibition
- Step 5: Submissions, panels & advisory committees
- Step 6: Adoption
- Step 7: Approval

Subject to receiving permission from Council to proceed to seek Ministerial; Authorisation, the amendment will be placed on public exhibition with a report on submissions to be tabled in coming months.

Policy Implications

The 2013 – 2017 Council Plan provides as follows:

Key Result Area Enhanced Infrastructure and Natural and Built Environment.

Objective Effective and integrated strategic planning in place to create sustainable communities.

Strategy Development of Urban and Rural Growth Strategies in conjunction with other related plans.

The Amendment reflects a part of the implementation phase of a key Rural Growth Strategy.

Financial Implications

Preparation and processing of the amendment is being undertaken in-house by Council's Strategic and Sustainable Development team.

Costs for the amendment including any Panel hearing is already provided within the 2016/17 budget of Strategic and Sustainable Development.

Risk & Occupational Health & Safety Issues

There are no identified risks associated with the amendment.

Communications and Consultation Strategy

Implementation of the amendment will include statutory notification processes. Submitters to the Planning Scheme Amendment will have the ability to present to a Planning Panel to be appointed by the Minister for Planning.

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 – Geoff Alexander

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

Conclusion

Moorabool 2041, the Small Towns and Settlements Strategy presents Council with an opportunity to develop a consolidated and coordinated vision and plan for its smaller settlements.

Amendment C78 has been prepared to implement the Small Towns and Settlement Strategy.

It is considered appropriate to submit the Amendment to the Minister for Planning for Authorisation to prepare and exhibit the Amendment.

Resolution:

Crs. Sullivan/Tatchell

That Council:

- 1. Resolve, in accordance with Section 8A (2) of the Planning and Environment Act 1987, to request authorisation to prepare Amendment C78 to the Moorabool Planning Scheme.***
- 2. Exhibit Amendment C78 in accordance with the Planning and Environment Act 1987, subject to receiving authorisation from the Minister for Planning.***
- 3. Following receipt of authorisation exhibit the amendment in accordance with the requirements of the Planning and Environment Act 1987.***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu 
Title: General Manager Growth and Development
Date: Friday, 10 February 2017

10.2.4 Planning Scheme Amendment C79 - Implementation of Bacchus Marsh Housing Strategy

File No.: 13/06/083
Author: Tim Doolan
General Manager: Satwinder Sandhu

Introduction

This report presents Planning Scheme Amendment C79 for Council to seek Ministerial authorisation to prepare a planning scheme amendment to implement Council's adopted housing strategy, *Housing Bacchus Marsh to 2041*.

Background

In July 2012 Council established the Moorabool 2041 (M2041) project to develop a vision and planning principles to guide and manage future growth and development across the Shire. M2041 has two main components; an Urban Growth Strategy (UGS) based on Bacchus Marsh and the surrounding district, and a Small Towns and Settlement Strategy (STS) based on the smaller towns and settlements west, north and south of Bacchus Marsh.

The UGS addresses housing, retail, industrial, community facilities, infrastructure needs and the transport network along with other required infrastructure. As part of the UGS Council has commissioned and adopted *Housing Bacchus Marsh to 2041*.

Housing Bacchus Marsh to 2041 was adopted by Council at its Ordinary Meeting on 3 August 2016. The Strategy provides a framework for housing development in existing urban areas of Bacchus Marsh. This includes directing growth to appropriate existing locations and ensuring new development is in accordance with preferred character as identified in the Strategy.

What the amendment does

Planning Scheme Amendment C79 will implement the findings of *Housing Bacchus Marsh to 2041*.

As outlined in the attached explanatory report;

The Amendment implements the findings of the Bacchus Marsh Housing Strategy... The Strategy sets the direction for residential development within Bacchus Marsh to 2041 with specific directions in regards to neighbourhood character, housing supply and demand, housing diversity and affordability. The Strategy also sets out a residential settlement framework for Bacchus Marsh to ensure appropriate residential development is directed to appropriate locations.

More specifically, the amendment:

- *Amends the Municipal Strategic Statement by updating Clause 21.01 (Municipal Context), Clause 21.03 (Settlement & Housing), Clause 21.07 (Bacchus Marsh) and Clause 21.11 (Reference Documents).*
- *Introduces a Residential Settlement Framework Plan and updates the Bacchus Marsh Framework Plan at Clause 21.07 of the Municipal Strategic Statement as per the recommendation of Housing Bacchus Marsh to 2041.*
- *Includes Housing Bacchus Marsh to 2041 as a Reference Document in Clause 21.11.*
- *Removes the Low Density Residential Zone, Schedule 1 and General Residential Zone Schedule 1 from residential land within Bacchus Marsh.*
- *Deletes the General Residential Zone Schedule 2 and Schedule 3.*
- *Introduces a new Schedule 2, Schedule 3, Schedule 4 and Schedule 5 to the Neighbourhood Residential Zone.*
- *Introduces a new Schedule 2 and Schedule 3 to the General Residential Zone.*
- *Introduces a new Schedule 2 to the Low Density Residential Zone.*

Figure 1 depicts the 32 precinct areas as identified in *Housing Bacchus Marsh to 2041*. Each of these precinct areas has a corresponding character and level of growth that will be implemented through Amendment C79, through changes to local policy, zoning and zone schedules in the Moorabool Planning Scheme.

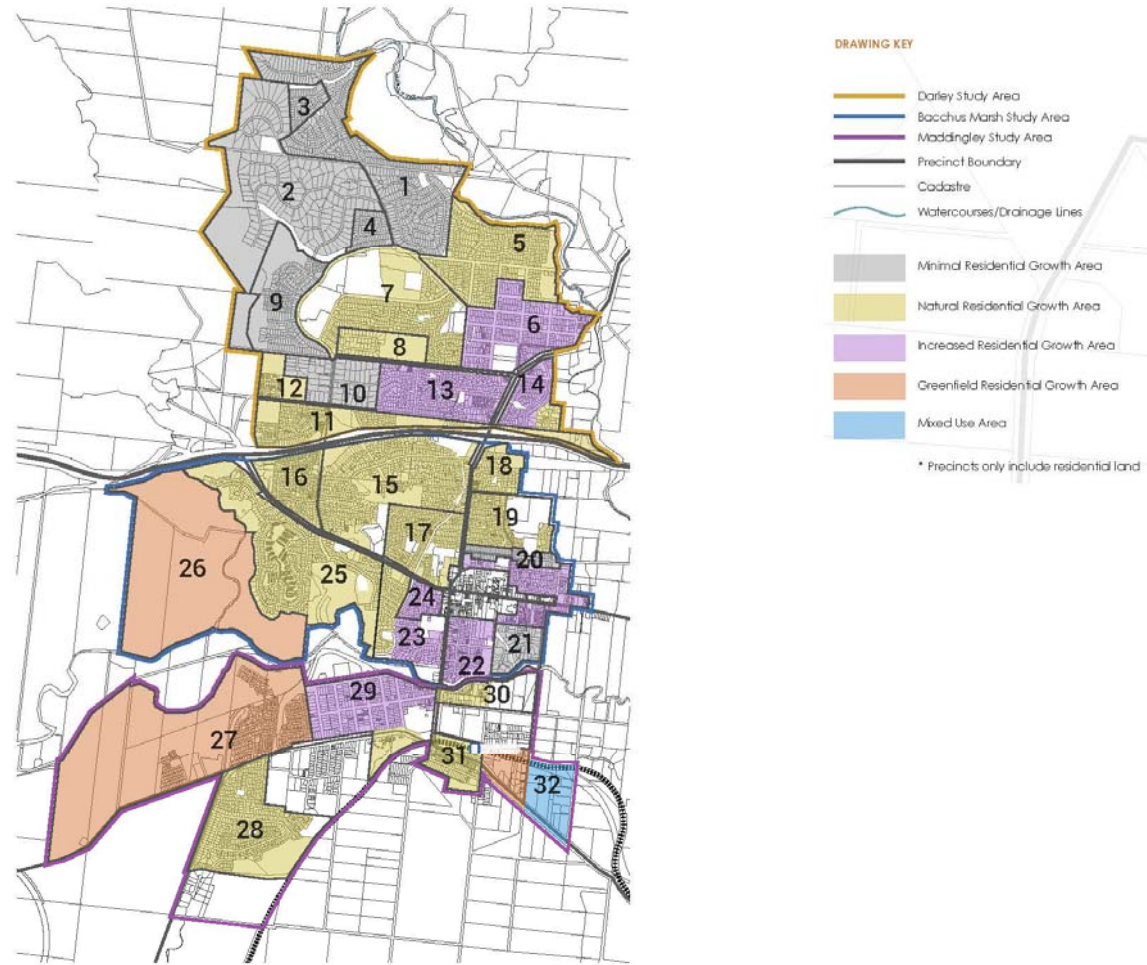


Figure 9 - Settlement Framework Plan

Figure 1: Map identifying the location of proposed neighbourhood character precincts and zones to be applied under Amendment C79

Further detail on these areas including specific proposed zoning, schedules and neighbourhood character guidelines can be found contained in *Housing Bacchus Marsh at 2041* and in the planning scheme amendment documentation contained as appendices to this report.

The amendment process

Council is required to seek Authorisation from the Minister for Planning to prepare and proceed with the Planning Scheme Amendment process. This process is illustrated in Figure 2.

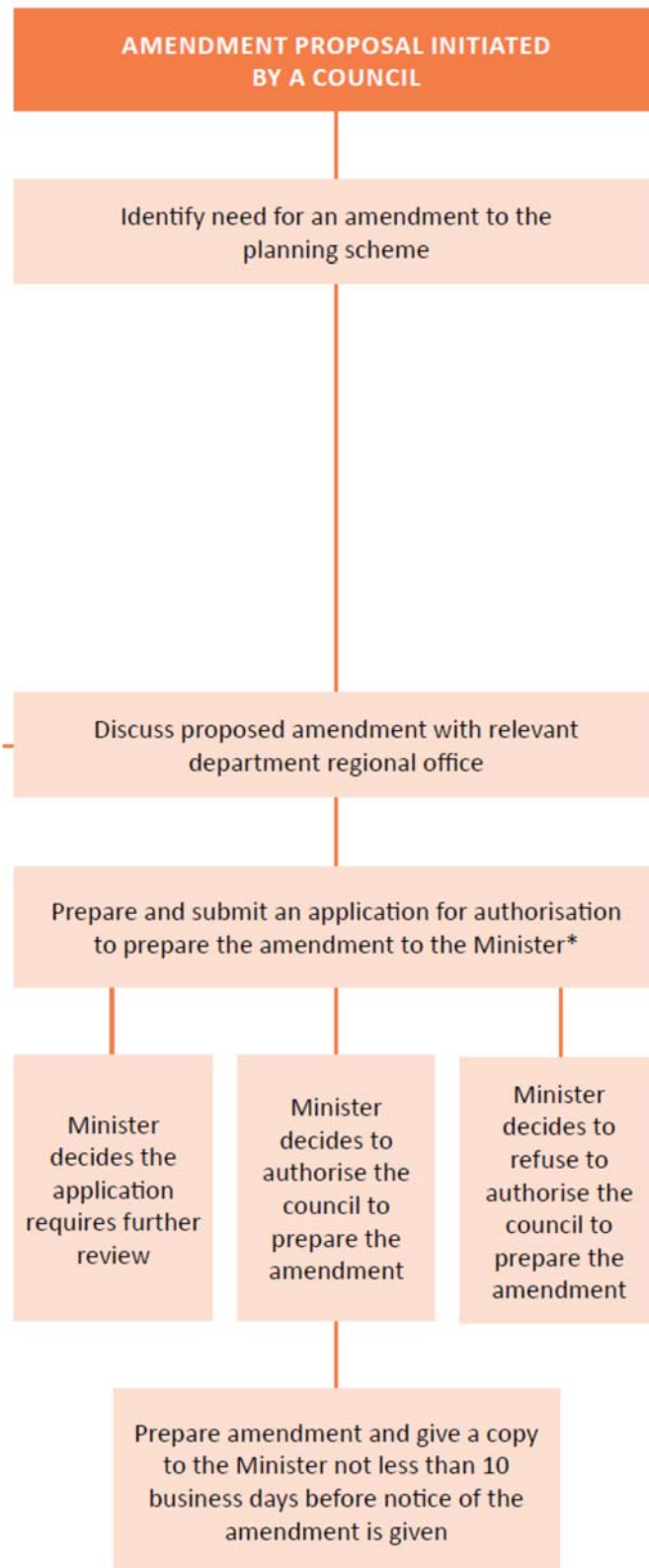


Figure 2: Authorisation from the Minister for Planning (excerpt from 'Using Victoria's Planning System', DELWP)

Upon authorisation, Council has 40 business days to prepare and give notice of the amendment. The remainder of the process is outlined in the *Planning and Environment Act 1987* and is illustrated in Figure 3.

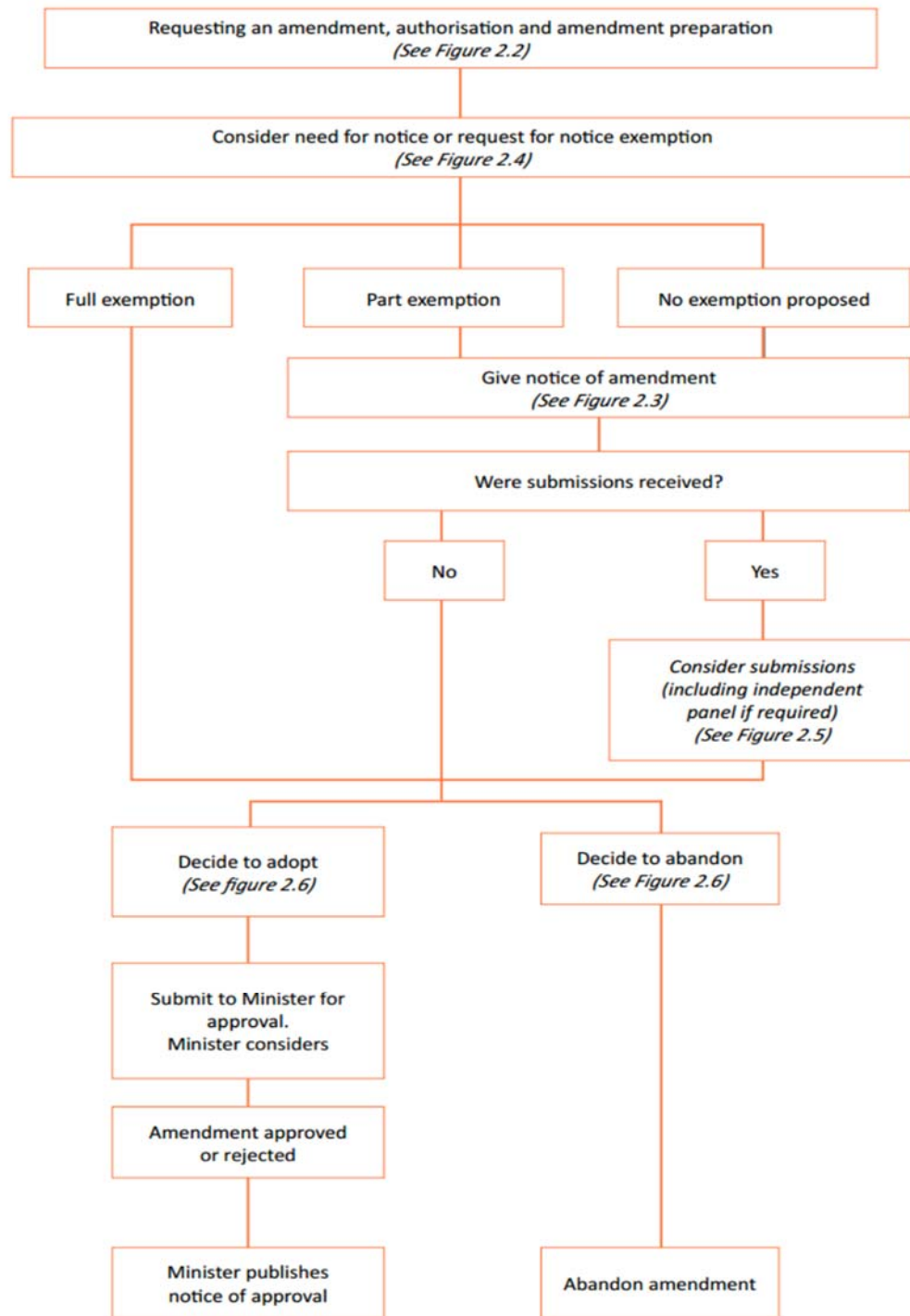


Figure 3: Planning scheme amendment process (excerpt from “Using Victoria’s Planning System”, DELWP)

To date, Council and the consultants Mesh (authors of the housing strategy) have been in ongoing discussions with the Department of Environment, Land, Water and Planning (DELWP) to ensure the content and format of the amendment is well resolved and suitable for Authorisation. This is in accordance with various guidelines provided by the State Government that encourage early consultation with the Department's relevant regional office.

It is noted that a key recommendation from *Housing Bacchus Marsh to 2041* involved preparation of residential design and sustainability guidelines to improve built form outcomes in Bacchus Marsh. These guidelines are currently under preparation and will be implemented separate to C79 as part of a full planning scheme review in 2017/18 (subject to funding bid).

Timeline and Next Steps

A brief summary of the typical steps with an amendment are outlined as follows:

- Step 1: Requesting an amendment (if proponent based)
- Step 2: Authorisation (Council resolution – current stage)
- Step 3: Preparation
- Step 4: Exhibition
- Step 5: Submissions, panels & advisory committees
- Step 6: Adoption
- Step 7: Approval

Please note that Amendment C79 along with C78 Small Towns are both being tabled concurrently at the March 2017 Ordinary Meeting of Council to achieve efficiencies and cost savings on likely future Panel hearings and simplify the amendments proposed to the planning scheme. This approach has been discussed and is broadly supported by DELWP officers.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment.
Objective	Effective and integrated strategic planning in place to create sustainable communities.
Strategy	Adoption of Moorabool 2041 Framework and vision. Development of Urban and Rural Growth Strategies in conjunction with other related plans. Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.

Objective	Promote, and enhance places of heritage, landscape and environmental significance.
Strategy	Develop future planning policy to ensure it: <ul style="list-style-type: none"> - Preserves the unique character and sense of place - Maintains the rural setting of the Shire - Provides a sense of connection with the town's origins and familiarity with the country town feel
Objective	Effective and efficient land use planning and building controls.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications. <p>Ensure the Planning Scheme is reviewed and updated in order to facilitate land use and development to support the social economic environment and wellbeing of the Shire.</p> <p>Ensure that development is sustainable, resilient to change and respects the existing character.</p>

The implementation of *Housing Bacchus Marsh at 2041* through Amendment C79 is consistent with the 2013-2017 Council Plan.

Financial Implications

Financial implications include costs for ongoing engagement of Mesh planning consultants, planning scheme amendment process fees such as planning panel fees, and notice and exhibition costs, as well as associated Council staff costs.

Costs can be covered under the SSD budget for 2016/17 financial year.

Risk & Occupational Health & Safety Issues

There are no immediate risks associated with the consideration 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 – Satwinder Sandhu

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

Author – Tim Doolan

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

Conclusion

Planning Scheme Amendment C79 seeks to implement Council's adopted housing strategy and provide a substantial update to the Moorabool Planning Scheme relating to neighbourhood character and housing growth in Bacchus Marsh.

Resolution:

Crs. Tatchell/Bingham

That Council:

- 1. Resolve, in accordance with Section 8A (2) of the Planning and Environment Act 1987, to request authorisation to prepare Amendment C79 to the Moorabool Planning Scheme.***
- 2. Exhibit Amendment C79 in accordance with the Planning and Environment Act 1987, subject to receiving authorisation from the Minister for Planning.***
- 3. Following receipt of authorisation exhibit the amendment in accordance with the requirements of the Planning and Environment Act 1987.***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu 
Title: General Manager Growth and Development
Date: Friday, 10 February 2017

10.3 SOCIAL AND ORGANISATIONAL DEVELOPMENT

Consideration of Presentation – Expressions of Interest for Rental of Darley Civic and Community Hub

Mr. Bill Mansell addressed Council in relation to the Expressions of Interest for Rental of Darley Civic and Community Hub.

Ms. Gabrielle Shanahan addressed Council in relation to the Expressions of Interest for Rental of Darley Civic and Community Hub.

Mr. John Spain addressed Council in relation to the Expressions of Interest for Rental of Darley Civic and Community Hub.

The business of the meeting then returned to the agenda.

10.3.1 Expressions of Interest for rental of Darley Civic and Community Hub

Introduction

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

The purpose of this report is to recommend that the Council approve the rental of space at the Darley Civic and Community Hub by the Country Women's Association (CWA); Apple FM; Bacchus Marsh Arts Council; allocate space for use as a Youth Space and reserve the remaining space for priority services including Family Violence Intervention and Support Services.

Background

At the Ordinary Meeting of Council on the 6 August 2014, the Council resolved that designated areas at the Darley Civic and Community Hub ("Hub") be available for rental to community organisations. In the report to the Council, the following service areas were to be accorded priority use of the vacant spaces at the Hub.

Government

- Victorian Department of Justice and Regulation
- Commonwealth Department of Human Services
- Victorian Department of Education and Training (formerly Department of Education and Early Childhood Development) - Bacchus Marsh College
- Federation University, Ballarat

Non-Government Organisations

- Family Violence Support Services
- Mental Health Services
- General Health and Aged Services
- Community Legal Services

- Drug & Alcohol Services
- Vocational Education providers
- Community Enterprises- hospitality and other service industries

Community Groups

- University of the Third Age (U3A)
- Country Women's Association
- Community Arts

Expression of Interest Process

An expression of interest (EOI) process for rental of space at the Hub was conducted in February 2015 with five expressions of interest received by the closing date from the following organisations: Country Women's Association Bacchus Marsh; Apple FM; Bacchus Marsh College (Avenue Program); Department of Justice; and Federation University (VCAL program).

At the Ordinary Meeting of Council held on the 5 August 2015, the Council resolved to grant a lease to the CFA for use of buildings at the Hub for an initial term of 12 months with plus an option for further six month periods. As a result of this resolution there were no longer any spaces available for the EOI applicants at the Hub until after the CFA vacated the site.

At the Ordinary Meeting of Council held on the 2 September 2015, the Council resolved to (i) enter into a lease agreement with the Department of Justice and Regulation for an initial period of two years with a further option of two years under a commercial rent agreement; and (ii) defer consideration of the Expressions of Interest received from the Country Women's Association (Bacchus Marsh), Federation University, Apple FM and Bacchus Marsh College until the lease with the CFA expires and the construction of the Darley Early Years Hub and Darley Hub Multi-purpose pavilion are completed. Unfortunately the Department of Justice and Regulation was not able to take up the lease of space.

The construction of the Darley Early Years Hub and Darley Hub Multi-purpose pavilion are now complete. The CFA relinquished their lease in January 2017. Following this, groups that had submitted an expression of interest which was subsequently deferred were contacted in February 2017 to determine if they still required rental space at the hub, and asked to confirm this in writing. As the spaces available for rental had changed since the expression of interest process, a floor plan of the available spaces was sent to each applicant. At the closing date, the CWA and Apple FM had reconfirmed their interest in renting space. A further expression of interest was also received from the Bacchus Marsh Arts Council.

The consideration of the expression of interest deferred by Council are being re-presented to the Council given the Council initially considered the applications along with the new application from the Bacchus Marsh Arts Council. The CEO under delegation (Section 190 of the Local Government Act) has recently considered and approved two further applications for rental of space at the Hub from the RSPCA (Victoria) and Latrobe Community Health Services acting as the Central Highlands Local Area Coordination Service for the National Disability Insurance Scheme.

In considering a report on the rollout of the National Disability Insurance Scheme (NDIS) in Moorabool, at its Ordinary Meeting held on the 7 September 2016, the Council resolved to: “work with Latrobe Community Health Services as the Local Area Coordination Service in the Central Highlands Region to support clients to transition to the National Disability Insurance Scheme and mainstream support services”.

Following the September 2016 Council meeting, discussions commenced with Latrobe Community Health Services about rental of space at the Hub from where they could provide the local coordination services.

The health service subsequently lodged an expression of interest. The expression of interest was assessed as meeting the criteria for rental of the space based on the nature of the service being to provide support and assistance to people with disabilities; the intention of the service to make a capital contribution through the fit out of the space; employing new staff members; pay additional fees for room bookings and reception services; and to work closely with the council on the rollout of the NDIS in Moorabool. The CEO under delegation agreed to enter into a lease with Latrobe Community Health Services for rental of space. La Trobe Community Health Services are due to commence operation from the site on the 1 March 2017.

The RSPCA (Victoria) also contacted Council in relation to the availability of space to base regional inspectors that would service Moorabool and the broader district. The RSPCA subsequently lodged an expression of interest. The expression of interest was assessed as meeting the criteria for rental of the space based the nature of the service; its charitable status; reliance on donations; limited government funding; proposal to work closely with Council’s community safety staff and to make capital improvements to the site. The CEO under delegation agreed to enter into a lease with the RSPCA for rental of space. The RSPCA commenced operation from the site on the 21 February 2017.

Proposal

The CWA and Apple FM have confirmed in writing their interest in renting space at the Hub. A new expression of interest has been received from the Bacchus Marsh Arts Council for rental of space at the Hub.

Apple FM proposes to use the facility for office accommodation and the operation of the community radio station. The station provides a voice for a broad range of individuals and community groups to be involved in broadcasting and governance of the organisations. The station operates in Moorabool and provides for local content. Apple FM have indicated a preference for five areas in priority order. The first preference is the space in the former technology wing and the space being recommended for rental. The other four spaces in priority order are the adjacent space (also sought by Bacchus Marsh Arts Council); space in the former creative arts wing (now proposed for use as a Youth Space); space in the former creative arts wing (also sought by the Country Women’s Association); and vacant space in the North Wing (northern section).

The Bacchus Marsh Arts Council proposes to use the facility as an arts workshop space. The Bacchus Marsh Arts Council have expressed interest in three adjoining spaces which are the spaces recommended for rental.

The spaces in priority order are the workshop area in the former technology wing; and adjoining space including a storeroom.

It is proposed that the Council enter into a licence agreement with the Country Women's Association; Apple FM and the Bacchus Marsh Arts Council for use of space at the Hub with conditions as contained in **Attachment 10.3.1(a)**. A licence agreement is considered a more appropriate arrangement than a lease as all three parties have indicated they are willing to share their space with other users. (A lease agreement is an arrangement that provides exclusive use of the space).

It is proposed that space be allocated for use as a youth space. A youth space is a dedicated space providing a point of first contact, referral and information for young people and their families which incorporates, space for programmed activities, a range of youth services including but not limited to health and mental health, counselling and support. A youth space encourages youth engagement with family, support services and the community and can be a dedicated youth environment within a larger community space. The space at the Hub is deemed suitable to house visiting youth support services, provide opportunities for programmed activities and the potential to link into other services at the site now and into the future.

The spaces currently rented, proposed for rental and remaining available spaces are represented on the site plan contained in **Attachment 10.3.1(b)**.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Community self-reliance and resilience
Strategy	Provide community development support and partnership projects.

The proposal use of space at the Darley Civic and Community Hub is consistent with the 2013-2017 Council Plan.

Financial Implications

The lease with the RSPCA and Latrobe Community Health Services will involve the payment of rental at a discounted market rent plus a share of the outgoings. The licences with the CWA; Apple FM and Bacchus Marsh Arts Council at a peppercorn rental plus a share of the outgoings.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Limited space for community groups and organisations	There is currently limited space for community groups in the Shire.	Medium	Complete expression of interest process.

Communications Strategy

The outcomes of this report will be communicated to the EOI applicants via a letter and in formal licence agreements.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Danny Colgan

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

Conclusion

An Expression of Interest process for rental space at the Darley Civic and Community Hub was conducted in February 2015, with five applications received. Due to the Council entering into a lease with the CFA for use of the space for CFA Fiskville staff, Council resolved to defer consideration of the Expressions of Interest received from the Country Women's Association (Bacchus Marsh), Federation University, Apple FM and Bacchus Marsh College until the lease with the CFA expires and the construction of the Darley Early Years Hub and Darley Hub Multi-purpose pavilion are completed.

The construction of the Darley Early Years Hub and Darley Hub Multi-purpose pavilion are now complete. The CFA also relinquished their lease effective January 2017. Given this, the groups that initially lodged an expression of interest and which were deferred, were contacted in early February asking that if they were still interested in renting space at the hub to confirm their intention in writing. Apple FM and the Country Women's Association Bacchus Marsh re-confirming in writing their interest in renting space. A new expression of interest has also been received from the Bacchus Marsh Arts Council for rental of space. An opportunity exists to establish a youth space at the hub that will provide the opportunity for visiting services to provide support to young people and program activities.

Recommendation:**That the Council:**

1. Enters into a licence agreement with the Country Women's Association (Bacchus Marsh) for an initial period of three years with a further option of two years under a peppercorn rental plus outgoings;
2. Enters in a licence agreement with Apple FM for an initial period of three years with a further option of two years under a peppercorn rental plus outgoings;
3. Enters into a licence agreement with the Bacchus Marsh Arts Council for an initial period of three years with a further option of two years under a peppercorn rental plus outgoings;
4. Allocate space for use as a youth space to be managed directly by Council; and
5. Reserve the remaining space for priority services including Family Violence Intervention and Support Services and Mental Health Services.

MOTION:

Crs. Sullivan/Toohey

That the Council:

1. *Enters into a licence agreement with the Country Women's Association (Bacchus Marsh) for an initial period of three years with a further option of two years under a peppercorn rental plus outgoings;*
2. *Enters in a licence agreement with Apple FM for an initial period of three years with a further option of two years under a peppercorn rental plus outgoings;*
3. *Enters into a licence agreement with the Bacchus Marsh Arts Council for an initial period of three years with a further option of two years under a peppercorn rental plus outgoings;*
4. *Allocate space for use as a youth space to be managed directly by Council; and*
5. *Reserve the remaining space for priority services including Family Violence Intervention and Support Services and Mental Health Services.*

AMENDMENT:

Crs. Bingham/Tatchell proposed the following Amendment:

That the Council:

- 1. Enters into a licence agreement with the Country Women's Association (Bacchus Marsh) for an initial period of three years with a further option of two years under a peppercorn rental plus outgoings;***
- 2. Enters in a licence agreement with Apple FM for an initial period of three years with a further option of two years at full commercial rent;***
- 3. Enters into a licence agreement with the Bacchus Marsh Arts Council for an initial period of three years with a further option of two years under a peppercorn rental plus outgoings;***
- 4. Allocate space for use as a youth space to be managed directly by Council; and***
- 5. Reserve the remaining space for priority services including Family Violence Intervention and Support Services and Mental Health Services.***

The Amendment was voted upon and defeated the Motion.

Cr. Dudzik left the meeting at 5.57pm.

Resolution:

The Amendment then became the Motion and was CARRIED.

Cr. Dudzik returned to the Meeting at 6.05pm.

Report Authorisation:

Authorised by:



Name:

Danny Colgan

Title:

General Manager Social & Organisational Development

Date:

Tuesday 21 February 2017

10.4 INFRASTRUCTURE SERVICES

10.4.1 Inglis Street, Ballan Streetscape Masterplan

Introduction

Author: Sam Romaszko
General Manager: Phil Jeffrey

Background

The purpose of this report is to present the Inglis Street, Ballan Streetscape Masterplan to Council for adoption, following the public exhibition period.

At the Ordinary Meeting of Council on Wednesday 21 December 2016 the following was resolved:

That Council:

- 1. Endorses in principle the draft Ballan Streetscape Master Plan for the purposes of a public exhibition period of four weeks.*
- 2. Receive a further report at the conclusion of the exhibition period seeking adoption of the Ballan Streetscape Master Plan.*
- 3. Authorises officers to pursue external funding opportunities for the overall project.*
- 4. Recommends that a Terms of Reference for the Community Reference Group is developed to define its purpose, scope and duration.*

CARRIED.

The draft masterplan (MP) has been through an engagement process with the community prior to being formally placed on exhibition.

Community Reference Group (CRG)

This group was established to oversee the MP development phase. The CRG includes various traders, a representative from the Ballan Chamber of Commerce, the Ward Councillor and a member of the Ballan community. Following the finalisation of the MP, there is interest from the group to continue on through the detailed design and implementation phases of the project. The CRG provided guidance in relation to the draft document.

Trader Discussions

Prior to each community engagement session, various traders from within the Inglis Street precinct were consulted and their thoughts documented and considered through the MP development phase.

Community

A number of open house sessions were held to provide an opportunity for the community to feed in their thoughts and help set the future direction of capital upgrades within the Inglis Street precinct.

The first session was held on 23 August 2016 from 4.30pm-7.00pm where members of the CRG and the community were invited to view a number of visual images and precinct themes on display to facilitate discussion, with questions posed to the community in relation to:

1. Pavement treatments (eg. asphalt/bluestone, exposed aggregate concrete, pavers).
2. Potential seating and furniture themes (eg. existing furniture, contemporary aluminium/steel, traditional timber/steel).
3. Potential street tree themes to guide replacement (eg. replace with similar, replace with evergreen trees, replace with flowering trees).
4. Existing grassed naturestrip locations (eg. maintain existing, replace with pavement and/or landscaping treatment).
5. Potential focal spaces within the Inglis Street precinct.
6. Proposal to increase parking within the Inglis Street precinct.

The meeting was attended by 35-40 people. Key outcomes of the session were:

- Preference for an asphalt and bluestone paving treatment, to ensure simplicity of the streetscape and allow a strong focus on built form and landscape outcomes.
- A preference for traditional street furniture.
- New street tree plantings to complement existing species.
- A move towards removal of grassed naturestrips within the precinct.
- The provision of additional parking within the precinct, whilst maintaining amenity.
- Undergrounding of power was a strong push from the community.

A second community engagement session was held on Monday 14 November providing an opportunity for the community to view the initial draft MP that has been developed. General feedback received on the night was positive, with the draft MP responding to the vision of the traders and community, the project key objectives and design consideration with respect to context, creating a sense of place and establishing people friendly public places.

This feedback has been used to inform the draft masterplan that was presented to Council on 21 December 2016.

During the formal public exhibition period a number of actions were taken to seek community feedback on the draft masterplan. The public submission process was advertised in the local newspaper and on the Council website, with copies also available to view at Council's Customer Service locations including the Lerderderg Library.

Proposal

It is proposed that the Council adopts the Inglis Street, Ballan Streetscape Masterplan as attached.

Key issues raised in feedback

Three submissions were received during the public exhibition period and included a range of comments in relation to the draft masterplan.

Some of the feedback received through the consultation process was in relation to McLean Reserve that did not form part of the original scope. It is acknowledged that this reserve is integral in the function of the Inglis Street and that a masterplanning for this reserve should also be developed as a future project. Other items identified through the feedback included the provision of shade and a bubbler within the precinct and should be considered through the McLean Reserve project.

Concerns relating to proposed street themes and parking capacity improvements were also raised. Through the community engagement process a number questions in relation to these items were put to the community, including those relating to parking, various street themes and landscaping treatments. The masterplan has been drafted with consideration to the feedback obtained through the community engagement sessions, and represents the general themes most supported through this process.

It was also identified that the Peter Blizzard sculpture was not included in the draft masterplan documentation. This will be rectified in the final masterplan document.

A copy of submissions and associated responses can be found in the attachment.

Staging of Works

Council has budgeted \$400,000 in the 2016/17 Capital Improvement Program for the replacement of footpaths in Inglis Street, Ballan. The masterplan will be used to inform the design and construction of the paving replacement.

The difficulty in replacing footpath in isolation is that future works will most likely disturb any works completed. This is especially the case if grant funding became available to underground the power in the street or if kerb alterations were implemented.

With the power lines on the north side of the street, it is considered that stage 1 should concentrate on the south side of Inglis Street between Stead and Fiskin and include kerb alterations and undergrounding of overhead power property connections. An expression of interest for funding is currently being prepared and works should not commence until the outcome of this is known. Detailed design can commence however.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Representation and leadership of our community
Objective	Advocate for services and infrastructure that meets the Shire's existing and futures needs
Strategy	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

Council has included in the 2016/17 Capital Improvement Program an allocation of \$400,000 for the replacement of footpaths in Inglis Street, Ballan (between Fiskin Street and Stead Street). Stage 1 works will be scoped to fit within this budget allocation. The MP development has been funded from this allocation.

Following completion of works funded in 2016/17, the remaining works will be referred to the Long Term Capital Improvement Program for consideration in future budgets or through grant opportunities.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community need and reputation	Exposes Council to a number of risks if items within the MP are not implemented	Medium	Future planning for recommendations identified in context of other capital priorities
Financial	Ability to fund items within the MP	High	Pursue external funding options

Communications and Consultation Strategy

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

Masterplan Development

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community Reference Group	Meetings & Informal Discussions	Ballan	2016	Feedback including concerns raised were reflected in the draft MP
Consult	Various Traders	Informal Discussions	Ballan	23 Aug 2016 14 Nov 2016	Feedback including concerns raised were reflected in the draft MP
Consult	Community	Open house session Issues and opportunities document presented with feedback requested Draft MP was displayed for comment	Ballan	23 Aug 2016 14 Nov 2016	Feedback including concerns raised were reflected in the draft MP

Public Exhibition

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community	Draft MP displayed for comment	Ballan, Bacchus Marsh	2017	Feedback considered and reflected in draft MP
Consult	Community	Draft MP advertised for comment	Council website, local newspaper	2017	Feedback considered and reflected in draft MP

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Sam Romaszko

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

Conclusion

To help guide footpath renewal works, a Masterplan has been prepared for the Inglis Street precinct (between Cowie Street and Stead Street). This MP addresses footpath materials, street plantings, street furniture, seating areas and other points of focus.

This project has been initiated through the recently adopted Ballan Structure Plan that aims to improve streetscape amenity within the Inglis Street precinct and surrounding residential areas.

Community consultation has occurred through the development of this Masterplan, including a 4 week public exhibition period to ensure input from key stakeholders and the community. A copy of the feedback received through the public exhibition process is attached, along with officers' response and a summary of amendments made to the Masterplan as a result. It is now recommended that the Council adopts the Inglis Street, Ballan Streetscape Masterplan as attached.

Resolution:

Crs. Sullivan/Tatchell

That Council:

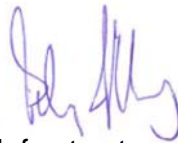
- 1. *Adopts the Inglis Street, Ballan Streetscape Masterplan as attached.***
- 2. *Authorises a Stage 1 project on the south side of Inglis Street between Stead Street and Fisken Street.***

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Thursday 22 February 2017



10.4.2 Request for Maintenance; Cathcart Street, Clarendon

Introduction

Author: John Miller
General Manager: Phil Jeffrey

Council has received several requests from residents of Clarendon requesting maintenance be undertaken on Cathcart Street. The residents have raised concerns about the current condition of the road surface, safety issues particularly in wet weather, the ability for emergency services to find and access their properties in an emergency, and increased risk during fires and ability for them to be able to safely evacuate.

A report was presented to the Place Making Advisory Committee meeting on Wednesday 15 February 2017, where the following was resolved:

That the Place Making Advisory Committee:

1. *Receives the report in relation to Cathcart Street 'paper road'.*
2. *Requests that the report be presented to Council endorsing the following recommendation:*
 - a) *That Cathcart Street not be added to the Register for Public Roads until upgrades are undertaken in accordance with Council standards.*
 - b) *Requests officers to write to property owners along Cathcart Street 'paper road' proposing the implementation of a Special Charge Scheme.*
 - c) *Acknowledge that the public and property owners are legally permitted to use this road reserve (ie. Cathcart Street 'paper road') to access property.*

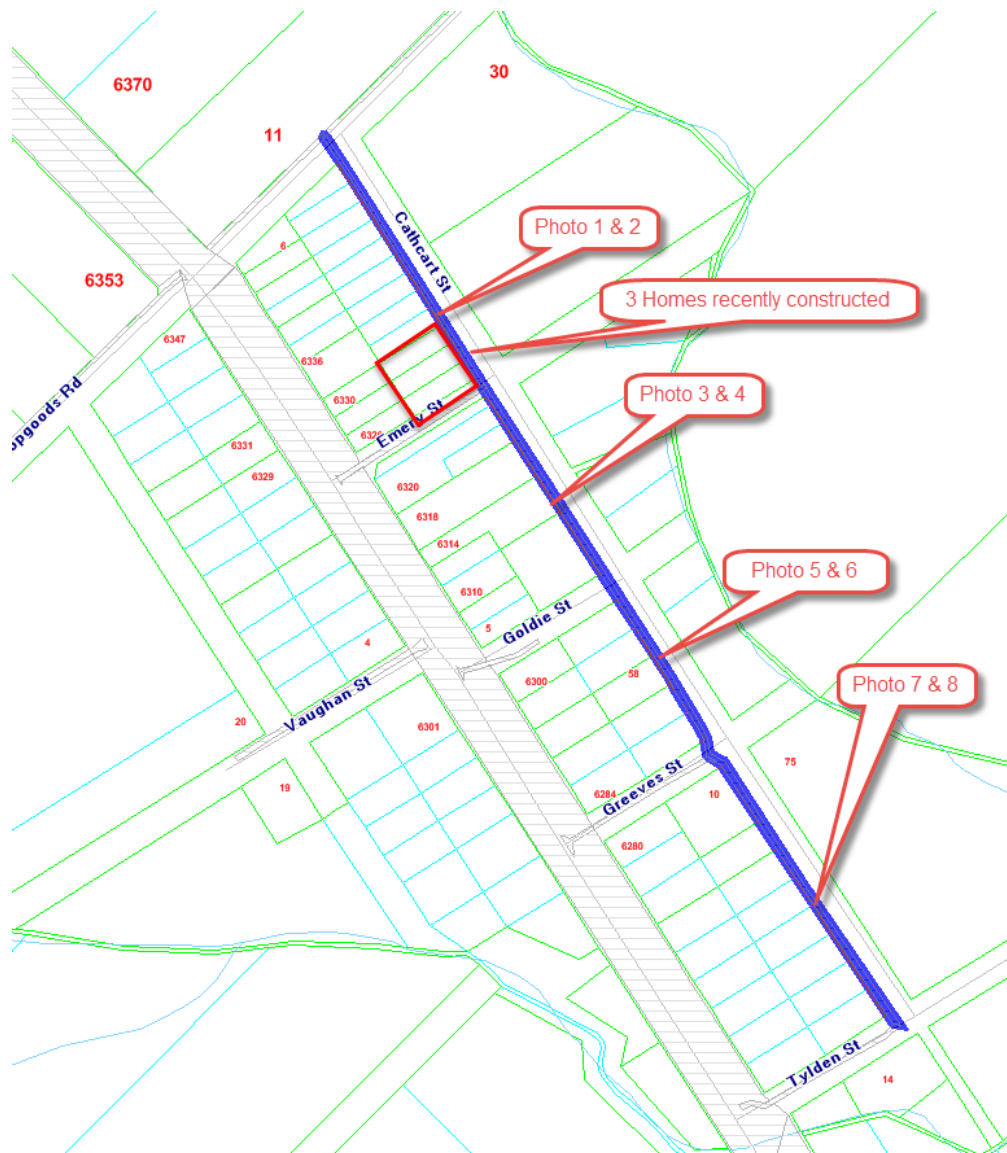
Background

The various roads in Clarendon were created prior to its official proclamation as a 'town' in 1861, whilst still known as the 'Parish of Clarendon'. All roads were created as 'government roads' and therefore are 'public highways'.

Many government roads within the Shire are undeveloped. Any person is legally permitted to access such roads, which are often referred to as 'paper roads'. Roads that the Council determines that it will maintain are set out and categorised in its Road Management Plan (RMP). Other roads, often called 'paper roads', are not maintained by the Council and are not listed in the Council's Register of Public Roads in the RMP.

This section of road is approximately 1,000m in length and runs between Clarendon-Lal Lal Road and Tylden Street.

The request for maintenance of this 'paper road' has recently become topical as the original land owner is selling separate allotments. This does not require a Planning Permit as the lots have individual titles, however as a result, houses are being constructed without access to a formal road. Three homes have been recently constructed, however there is potential for another 30 homes to be constructed in the future. See the map and image below.



Cathcart Street (paper road) is a 1,000m long natural surface currently fenced off for a length of 205m from the intersection of Clarendon-Lal Lal Road by the owner of 30 Clarendon-Lal Lal Road, Clarendon. A notice has been sent to the adjoining property owner to remove the existing fences from the road reserve.

The remaining part of road is mostly unformed with a natural surface and is accessible by vehicles. However, the section between Emery Street and Golden Street, and Greeves Street to another 108m towards Tylden Street has been surfaced with gravel by neighbouring property owners. These sections are not properly constructed as an 'unsealed road' in accordance with Council or Australian Standards for road construction.

The images below show the current condition of Cathcart Street (paper road).



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8

Proposal

Notwithstanding the above, Council is not obliged to assume responsibility for any 'paper road' until it has made a decision under the Road Management Act 2004, that the road is reasonably required for general public use. Council's Road Management Plan (RMP) sets the criteria for when a road will be

deemed required for general public use and subsequently added to its Register of Public Roads and managed accordingly.

In this case, even with the construction of dwellings, the criteria under the RMP is not met and typically would not be considered for addition to the Road Register.

There are 2 options available for Council to consider:

1. Maintain the Status Quo

Do nothing, leaving access to properties as the responsibility of the property owners and continue to receive complaints.

2. Initiate a Special Charge Scheme

The Local Government Act 1989 provides Council with the ability to introduce a Special Rate or Charge Scheme seeking property owner contributions toward infrastructure projects such as roads.

Council formally adopted a Special Rates and Charges Policy on 5 February 2014. The policy acknowledges that Council does not necessarily have the financial resources or receive enough external grants funding to meet all of the infrastructure demands in the municipality and that where it can be demonstrated that properties will receive a special benefit from implementing necessary infrastructure work, Council may implement a Special Rate or Charge process to provide some or all the necessary funds.

This also provides an avenue for projects that may be a low priority in Council's Long Term Capital Improvement Program to be fast tracked.

A special charge scheme could be implemented to construct the road with contributions from adjoining land owners. This would provide a further two options for Council to consider.

1. Construct a 100m section of Cathcart Street to service the 3 recently constructed residences and wait for further development to take place and construct the sections as demand requires which could be up to 30 residences.
2. Construct 1,000m of Cathcart Street to service all of the properties fronting the Road. This will provide advantages in economies of scale and having to replicate the process every time a new dwelling is built.

It is officer's recommendation to construct the 1,000m of Cathcart Street for the reasons mentioned above.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and natural and built environment
Objective	Management of assets and infrastructure

Strategy Proactive maintenance of roads, bridges and footpaths at documented standards in the Road Management Plan

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

Financial Implications

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

However, if Council resolved to construct the road, the upgrade would cost approximately \$80,000 depending on the extent of drainage works.

Risk & Occupational Health & Safety Issues

There are no Occupational Health & Safety issues associated with the recommendation within this report.

Communications and Consultation Strategy

The property owners will be notified of the outcome following a formal resolution of Council.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – John Miller

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

Conclusion

Correspondence has been received requesting that Council construct and maintain the 'paper road' known as Cathcart Street (approximately 1000m). This request has been assessed against the criteria contained within Council's RMP and does not meet the minimum requirement for Council to consider adding this section of Road to its Road Register. There is little option but to propose a Special Charge Scheme.

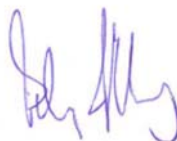
Resolution:**Crs. Sullivan/Tatchell*****That Council:***

1. ***Receives the report in relation to Cathcart Street 'paper road'.***
2. ***Confirms that Cathcart Street not be added to the Register for Public Roads until upgrades are undertaken in accordance with Council standards.***
3. ***Requests officers to write to property owners along Cathcart Street 'paper road' proposing the implementation of a Special Charge Scheme for the construction of 1,000m of Cathcart Street.***
4. ***That a further report be provided to Council after the consultation with the property owners in Cathcart Street has concluded.***
5. ***Acknowledge that the public and property owners are legally permitted to use this road reserve (ie. Cathcart Street 'paper road') to access property.***

CARRIED.

Report Authorisation**Authorised by:**

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Thursday 22 February 2017



11. OTHER REPORTS

11.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

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

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

- Assembly of Councillors – Wednesday 25 January 2017 – Leisure Services In House Modelling
- Assembly of Councillors – Wednesday 25 January 2017 – Bacchus Marsh Racecourse Recreation Reserve
- Assembly of Councillors – Wednesday 25 January 2017 – Draft Council Plan 2017-2021

Resolution:

Crs. Bingham/Tatchell

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

- ***Assembly of Councillors – Wednesday 25 January 2017 – Leisure Services In House Modelling***
- ***Assembly of Councillors – Wednesday 25 January 2017 – Bacchus Marsh Racecourse Recreation Reserve***
- ***Assembly of Councillors – Wednesday 25 January 2017 – Draft Council Plan 2017-2021.***

CARRIED.

11.2 Section 86 - Delegated Committees of Council - Reports

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

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

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

Committee	Meeting Date	Council Representative
Greendale Recreation Reserves Committee of Management	Monday 17 November 2016	Cr. Toohey
Greendale Recreation Reserves Committee of Management	Monday 16 February 2017	Cr. Toohey
Development Assessment Committee <i>To download a copy of the minutes, go to the MSC website:</i> www.moorabool.vic.gov.au/my-council/council-meetings/council-committees	Wednesday 8 February 2017	Cr. Dudzik, Cr. Keogh, Cr. Tatchell Cr. Toohey

Resolution:

Crs. Toohey/Sullivan

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

- ***Greendale Recreation Reserves Committee of Management Meeting of Monday 17 November 2016***
- ***Greendale Recreation Reserves Committee of Management Meeting of Monday 16 February 2017***
- ***Development Assessment Committee Meeting of Wednesday 8 February 2017.***

CARRIED.

11.3 Advisory Committees of Council - Reports

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.

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

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

Committee	Meeting Date	Council Representative
Bacchus Marsh and District Trails Advisory Committee	Tuesday 7 February 2017	Cr. Bingham

Resolution:

Crs. Tatchell/Bingham

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

- ***Bacchus Marsh and District Trails Advisory Committee Meeting of Tuesday 7 February 2017.***

CARRIED.

12. NOTICES OF MOTION

Nil.

13. MAYOR'S REPORT

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

<i>Cr. Edwards– Mayor's Report</i>	
<i>February - March 2017</i>	
<i>8 February</i>	<ul style="list-style-type: none"> <i>Special Meeting of Council</i>
<i>15 February</i>	<ul style="list-style-type: none"> <i>Assembly of Councillors – Review of Community Development Fund</i>
<i>16 February</i>	<ul style="list-style-type: none"> <i>Central Highlands Mayors & CEOs Forum</i>
<i>17 February</i>	<ul style="list-style-type: none"> <i>Peri Urban Group of Rural Council's Meeting</i>
<i>19 February</i>	<ul style="list-style-type: none"> <i>Ballan Vintage Machinery Rally and Tractor Pull</i>
<i>20 February</i>	<ul style="list-style-type: none"> <i>Councillor Induction – Shire Tour</i>
<i>23 February</i>	<ul style="list-style-type: none"> <i>Councillor Induction – Shire Tour</i>
<i>24 February</i>	<ul style="list-style-type: none"> <i>Ballan Lioness Breakaway Convention Opening Dinner</i>
<i>1 March</i>	<ul style="list-style-type: none"> <i>Victorian Population Policy Taskforce Regional Forum</i> <i>Assembly of Councillors – Future Use of the Lerderderg Children's Centre</i> <i>Ordinary Meeting of Council</i>

Resolution:

Crs. Sullivan/Tatchell

That the Mayor's report be received.

CARRIED.

14. COUNCILLORS' REPORTS

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

Cr. Sullivan	
<i>February 2017</i>	
<i>10 February</i>	<i>Grampians Central West Waste Resource Recovery Forum, Ararat</i>

Cr. Bingham	
<i>February 2017</i>	
<i>February</i>	<i>Addressed the Bacchus Marsh Secondary College – Year 11 Legal Studies Class</i>

Resolution:

Crs. Toohey/Keogh

That the Councillors' reports be received.

CARRIED.

15. URGENT BUSINESS**15.1 Year 12 Attainment Levels in Moorabool**

Resolution:

Crs. Keogh/Dudzik

That Council write to the Minister for Education seeking a meeting to discuss the matter of Year 12 attainment levels in Moorabool.

CARRIED.

15.2 Councillor Code of Conduct Proposed Review

Resolution:

Crs. Bingham/Tatchell

That Council conducts a review of the Councillor Code of Conduct in the next three months specifically including the following:

- 1. Remove the requirement for the mayor to notify all other councillors in the event of a dispute.***
- 2. Councillors must not privately record constituents, councillors or officers without the consent of the other party, doing so must be considered as an act of gross misconduct under the Code of Conduct.***
- 3. Councillors must not use a pseudonym on any media platform – including social media, doing so must be considered an act of gross misconduct under the Code of Conduct.***

LOST.

16. CLOSED SESSION OF THE MEETING TO THE PUBLIC**ADJOURNMENT OF MEETING – 6.25PM**

Crs. Sullivan/Toohey

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

CARRIED.

Cr. Tatchell left the meeting at 6.25pm and did not take any further part in the meeting.

RESUMPTION OF MEETING – 6.40PM

Crs. Toohey/Sullivan

That the meeting now be resumed.

CARRIED.

16.1 Confidential Report**CLOSURE OF THE MEETING TO THE PUBLIC – 6.40PM**

Resolution:

Crs. Sullivan/Keogh

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.

17. MEETING CLOSURE

The meeting closed at 6.43pm.

Confirmed.....Mayor.