



# **MINUTES**

## **Ordinary Council Meeting Wednesday, 2 October 2019**

**Time: 6.00pm**

**Location: Council Chamber, 15 Stead Street, Ballan**

**Order Of Business**

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**1. OPENING OF MEETING AND PRAYER**

Almighty God be with us as we work for the people of the Shire of Moorabool. Grant us wisdom that we may care for the Shire as true stewards of your creation. May we be aware of the great responsibilities placed upon us. Help us to be just in all our dealings and may our work prosper for the good of all. Amen.

**2. ACKNOWLEDGEMENT OF COUNTRY**

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

**3. RECORDING OF MEETING**

In accordance with Moorabool Shire Council's Meeting Procedure Local Law, the Council will be recording this meeting.

**4. PRESENT**

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

**Officers:**

Derek Madden	Chief Executive Officer
Phil Jeffrey	General Manager Community Assets & Infrastructure
Ms Sally Jones	General Manager Community Strengthening
Mr Henry Bezuidenhout	Executive Manager Community Planning & Economic Development
Ms Yvonne Hansen	Manager Governance, Risk & Corporate Planning
Mr Rob Fillisch	Manager Statutory Planning & Building Services
Ms Sarah Kernohan	Coordinator Strategic Planning
Ms Michelle Morrow	Coordinator Governance

**5. APOLOGIES**

Nil.

**6. CONFIRMATION OF MINUTES****RESOLUTION****Moved:** Cr John Keogh**Seconded:** Cr Jarrod Bingham

That the minutes of the Ordinary Council Meeting held on Wednesday 4 September 2019 be confirmed.

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**CARRIED****7. DISCLOSURE OF CONFLICTS OF INTEREST**

7.1 Cr Sullivan declared an Indirect Conflict of Interest in relation to the following Items:

12.1 - Planning Scheme Amendment C88 - Ballan Strategic Directions - Adoption. The nature of the Conflict of Interest is due to Cr Sullivan's client making a submission to the amendment.

12.3 - PA2019113 - 4 Lot Subdivision at 53 Camerons Road. The nature of the Conflict of Interest is due to Cr Sullivan having prepared the plan of subdivision for the applicant.

14.1 - Proposed Land Exchange - Bellevue Tops Estate, Bacchus Marsh. The nature of the Conflict of Interest is due to Cr Sullivan acting as a surveyor on behalf of Bellevue Tops Pty Ltd.

7.2 Cr Keogh declared an Indirect Direct Conflict of Interest in relation to Item 14.1 - Proposed Land Exchange - Bellevue Tops Estate, Bacchus Marsh. The nature of the Conflict of Interest is due to Cr Keogh acting as a consultant for the contractor who is contracted to do the construction works on the proposed subdivision.

**8. PUBLIC QUESTION TIME**

Nil.

**9. PETITIONS**

Nil.

**10. PRESENTATIONS/DEPUTATIONS**

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

<b>Item No</b>	<b>Description</b>	<b>Name</b>	<b>Position</b>
12.1	Planning Scheme Amendment C88 - Ballan Strategic Directions - Adoption	Urick Ivchenko	Submitter
12.1	Planning Scheme Amendment C88 - Ballan Strategic Directions - Adoption	Janine Mitchell	Objector
12.2	PA2018293 – Place of Assembly at 30 Yuulong Road, Scotsburn	Clem Newton-Brown	Applicant
12.2	PA2018293 – Place of Assembly at 30 Yuulong Road, Scotsburn	James Iles	Objector
12.2	PA2018293 – Place of Assembly at 30 Yuulong Road, Scotsburn	Wayne Pelchen	Objector
12.4	PA2018137 - Staged Subdivision, Removal of Vegetation, and Building and Works within ES02. 174 Mortons Road, Pentland Hills	Allan Carlsson	Applicant
12.5	PA2019070 - Construction of one dwelling to the rear of an existing dwelling and vegetation removal. 78 Simpson Street, Ballan	James Robson	On behalf of applicant
12.5	PA2019070 - Construction of one dwelling to the rear of an existing dwelling and vegetation removal. 78 Simpson Street, Ballan	Steven Golding	Objector
12.5	PA2019070 - Construction of one dwelling to the rear of an existing dwelling and vegetation removal. 78 Simpson Street, Ballan	Marriane Golding	Objector
12.5	PA2019070 - Construction of one dwelling to the rear of an existing dwelling and vegetation removal. 78 Simpson Street, Ballan	Bev Herd	Objector
12.5	PA2019070 - Construction of one dwelling to the rear of an existing dwelling and vegetation removal. 78 Simpson Street, Ballan	Helen Jarvis	Objector
14.1	Proposed Land Exchange - Bellevue Tops Estate, Bacchus Marsh	Hugh McMaster	Applicant

**11 CHIEF EXECUTIVE OFFICER REPORTS****11.1 2017/18 MOORABOOL SHIRE COUNCIL ANNUAL REPORT****PURPOSE**

The purpose of this report is to present the Annual Report to Councillors at the Ordinary Meeting of Council.

**EXECUTIVE SUMMARY**

- Under the Local Government Act 1989 Council is required to prepare and Annual Report.
- Council is required to hold a meeting to consider the report.

**RESOLUTION**

**Moved:** Cr Tonia Dudzik

**Seconded:** Cr Tom Sullivan

That Council resolves to receive the 2018/19 Annual Report in accordance with section 134 of the Local Government Act 1989.

**CARRIED**

**BACKGROUND**

Under Section 133 of the Local Government Act (1989), Council is required to prepare an Annual Report and submit it to the Minister for Local Government within three months after the end of the financial year reported on. The Moorabool Shire Council Annual Report 2018/19 was submitted to the Minister for Local Government on Tuesday 24 September, 2019.

Under Clause 17 of the Local Government (Finance and Reporting) Regulations 2004 No. 30 of the Act, Council must hold a meeting to consider the Annual Report within one month of providing the Annual Report to the Minister pursuant to section 131(6) of the Act.

Council is also required to advertise that the Annual Report will be presented to Council for consideration.

Public notice has been given in the Moorabool News on 24 September, 2019 and 1 October, 2019 and the Ballarat Courier on 28 September, 2019 that the 2017/18 Annual Report is being presented to Council on Wednesday 2 October, 2019. Social media posts via Council's Facebook page have also been made.

Further advertisements have been scheduled to appear in the Ballarat Courier (5 October, 2019) and the Moorabool News (8 October, 2019) stating that the report is available for public inspection at Council offices and on Council's website.

**PROPOSAL**

In accordance with requirements of the Local Government Act (1989), the 2018/19 Annual Report has been advertised and is presented to Council to consider and receive the report. Advertising during this period will outline the places from which copies of the Annual Report can be obtained prior and post the meeting.

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

The Annual Report distributed with this Agenda has been produced to meet the requirements of the Local Government Act 1989.

**COUNCIL PLAN**

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1C: Our Business and Systems**

The proposal to consider the 2017/18 Annual Report is consistent with the Council Plan 2017 – 2021.

**FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this report.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

There are no risk or occupational health and safety issues to consider in relation to this report.

**COMMUNICATIONS & CONSULTATION STRATEGY**

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community	Social media and media advertising	Various	September/ October	Community is aware that the Annual Report is being presented to Council.

Social media posts via Council’s Facebook page and traditional newspaper advertisements have been placed (in the Moorabool News) advising that the Annual Report is being presented to Council for consideration and that the report will be available for inspection at Council offices. An electronic copy of the 2017/18 Annual Report has been lodged at the office of the Minister for Local Government.

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

**VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006**

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



**OFFICER'S DECLARATION OF CONFLICT OF INTERESTS**

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

*Chief Executive Officer – Derek Madden*

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

*Author – Genevieve Clark*

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

**CONCLUSION**

Having complied with the requirements of the Local Government Act (1989), the 2018/19 Annual Report can now be made a public document and either distributed to stakeholders or made available for inspection on request.

**11.2 AUSTRALIA DAY AWARD RECIPIENT SELECTION PANEL****PURPOSE**

The purpose of the report is to seek Councillor nominations to a selection panel to determine the award recipients for Australia Day 2020.

**RESOLUTION**

**Moved:** Cr Tom Sullivan

**Seconded:** Cr David Edwards

That Council:

1. Establishes an Australia Day Award Selection Panel to determine award recipients for 2020.
2. Appoints the following Councillors as members of the Australia Day Award Selection Panel:
  - (a) Cr Paul Tatchell
  - (b) Cr Jarrod Bingham
  - (c) Cr John Keogh

**CARRIED**

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**BACKGROUND**

Moorabool Shire Council Australia Day 2020 celebrations are scheduled to be held on Sunday 26 January, 2020 in the Mechanics Institute, Ballan and will include a community breakfast and award presentations.

Advertisements have been placed in the local papers, on Council’s website and via Social Media calling for nominations for Moorabool Shire Council’s Australia Day Awards. Nomination forms have also been circulated to various secondary schools in the area to encourage participation in the Young Citizen of the Year award category.

The categories and eligibility of awards is as follow:

**Australia Day Citizen of the Year Award** - To be eligible, the person must be 30 years or older on January 26 next year and reside in Moorabool Shire.

**Australia Day Young Citizen of the Year Award** - To be eligible, the person must be under 30 years of age on January 26 next year and reside in Moorabool Shire.

**Community Event of the Year Award** - Presented to the person or group who has staged the most outstanding community event within Moorabool Shire during the year.

Persons who have made noteworthy contributions during the current year and/or given outstanding service to the local community over a number of years are eligible to be nominated. It is also worth noting that no current sitting Councillor and no Council run event can be nominated for an award.

Nominations for all award categories will close on 15 November, 2019.

**PROPOSAL**

A selection panel for the Awards made up of three Councillors will be required to meet in late November to determine the award recipients for 2020.

**COUNCIL PLAN**

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1B: Our People**

The proposal to have a selection panel made up of Councillors to determine the 2020 award recipients is consistent with the Council Plan 2017 – 2021.

**FINANCIAL IMPLICATIONS**

There are no financial implications identified in this report.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

There are no risk or occupational health and safety issues identified in this report.

**COMMUNICATIONS & CONSULTATION STRATEGY**

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community	Social Media, advertising	Various	September – November	Community are aware of the event and make nominations.

Advertising and media releases will be prepared leading up to Australia Day celebrations, including utilising social media as a promotional tool.

### **VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006**

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

### **OFFICER'S DECLARATION OF CONFLICT OF INTERESTS**

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

*Chief Executive Officer – Derek Madden*

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

*Author – Dianne Elshaug*

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

### **CONCLUSION**

That a selection panel for the Australia Day Awards be made up of three Councillors and will meet in late November to determine the award recipients for 2020.

## **11.3 OFFICE ARRANGEMENTS - CHRISTMAS / NEW YEAR PERIOD 2019/20**

### **PURPOSE**

The report proposes closure arrangements for the 2019/20 Christmas/New Year period for the Council offices, Works Depots, Library Services, Maternal & Child Health Centres, Darley Early Years Hub, Outdoor Pools, Bacchus Marsh Leisure Centre and Aged and Disability Services.

### **RESOLUTION**

**Moved:** Cr David Edwards

**Seconded:** Cr Tonia Dudzik

That Council:

1. Approves the closure of Council offices, Works Depots, Library Services, Maternal & Child Health, Darley Early Years Hub and Aged & Disability Services for the period from 12.30pm on the afternoon of Tuesday 24 December, 2019 with the offices reopening on Thursday 2 January, 2020.
2. That appropriate public notices be placed in the local media and on Council's website to inform the public of the closure, emergency and after hours telephone numbers and contacts available during the closure.

**CARRIED**

**BACKGROUND**

In previous years the practice has been to close the offices during the Christmas/New Year period and have in place emergency and basic maintenance operations. Officers have reviewed arrangements for the forthcoming Christmas/new Year period for 2019/2020.

**PROPOSAL**

Public holidays provided to staff are to be in accordance with gazetted public holidays provided for by the State Government. Public Holidays for 2019/20 are as per the information provided by Victorian State Government.

With respect to the upcoming Christmas period, the public holiday arrangements are as follows:

2019	The Christmas Day Public Holiday will be held on: <b>Wednesday 25 December, 2019</b>  Boxing Day 2016 Public Holiday will be held on: <b>Thursday 26 December, 2019</b>
2020	New Year’s Day Public Holiday will be held on: <b>Wednesday 1 January, 2020</b>

Subject to Council approval, it is proposed that Council’s offices will be closed to the public for the period commencing from 12.30pm Tuesday 24 December, 2019 with the offices reopening on Thursday 2 January, 2020 at 8.30am. This is set out in detail below:

- Tuesday 24 December, 2019 from 12.30pm
- Wednesday 25 December, 2019 (Christmas Day Public Holiday)
- Thursday 26 December, 2019 (Boxing Day Public Holiday)
- Friday 27 December, 2019
- Monday 30 December, 2019
- Tuesday 31 December, 2019
- Wednesday 1 January, 2020 (New Year’s Day Public Holiday)

In accordance with the proposal to close the Council offices for the Christmas period, it is also proposed to close the Darley Early Years Hub for the same period.

Waste and recycling collections will be collected on an alternative date which will be advertised closer to the collection day.

The Ballan Transfer Station, Mt Egerton Transfer Station and Bacchus Marsh Transfer Station will be closed on:

- Christmas Day – Wednesday 25 December, 2019
- New Year’s Day – Wednesday 1 January, 2020

Given that the Leisure Centre and pools have been directly managed by Council as of 1 July 2017, Council officers have determined that these services will be closed on Christmas Day.

Opening of the pools on Boxing Day and New Years' Day will be dependent upon temperatures exceeding 23 degrees.

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

## **COUNCIL PLAN**

The Council Plan 2017-2021 provides as follows:

### **Strategic Objective 1: Providing Good Governance and Leadership**

#### **Context 1B: Our People**

The proposal to close Council's offices to the public for the period commencing from 12.30pm on Tuesday 24 December, 2019 up to and including Wednesday 1 January, 2020 is consistent with the Council Plan 2017 – 2021.

## **FINANCIAL IMPLICATIONS**

During this period staff will be paid for each gazetted public holiday and leave for the other days will be taken via normal annual leave or rostered day off entitlements which are budgeted for.

## **RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

There are no risk or occupational health and safety issues identified.

## **COMMUNICATIONS & CONSULTATION STRATEGY**

Closure of Council offices will be communicated via public notices in the local media, Council's website and appropriate signage at Council offices.

## **VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006**

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

## **OFFICER'S DECLARATION OF CONFLICT OF INTERESTS**

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

*Chief Executive Officer – Derek Madden*

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

*Author – Karen Jansen*

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

## **CONCLUSION**

Council approval is sought to close Council offices, Works Depots, Library Services, Maternal & Child Health, Darley Early Years Hub, Outdoor Pools, Bacchus Marsh Leisure Centre and Aged &

Disability Services between the Christmas and New Year period.

Emergency arrangements will be put in place in areas such as Works, Maternal & Child Health and the Aged & Disability Services. Recommencement of occasional care sessions will be advertised closer to the Christmas period.

Waste and recycling collection will be collected on an alternative date which will be advertised closer to the collection day.

## **12. COMMUNITY PLANNING REPORTS**

Having declared a Conflict of Interest in relation to Item 12.1, Cr Tom Sullivan left the meeting at 6.06pm.

Mr Urick Ivchenko addressed Council as a submitter to Item 12.1.

Ms Janine Mitchell addressed Council as an objector of the recommendation to Item 12.1.

### **12.1 PLANNING SCHEME AMENDMENT C88 - BALLAN STRATEGIC DIRECTIONS - ADOPTION**

#### **PURPOSE**

This report considers the Planning Panel's report relating to Moorabool Planning Scheme Amendment C88 (the Amendment) and recommends that Council adopt the Panel's recommendations and submit the Amendment to the Minister for Planning for approval.

#### **EXECUTIVE SUMMARY**

The Amendment was prepared by Council and seeks to implement the findings of *Ballan Strategic Directions* 2018. The Amendment was exhibited for a period of six weeks, from 30 August 2018 to 11 October 2018 and 39 submissions were received. Council considered the submissions on 6 March 2019 and resolved to refer the submissions to an independent Planning Panel.

A Planning Panel was appointed and a public hearing was held between 28 and 30 May 2019. The Panel considered 42 submissions, including the 39 submissions that were considered by Council and three late submissions. The Panel report (Attachment 1) supports the Amendment, noting that "*the Amendment is generally well-founded*".

The Panel report recommends that the Amendment be adopted as exhibited, subject to some changes that were recommended by Council during the Panel hearing, and further changes recommended by the Panel.

It is important to note that while the Panel has recommended some changes, this is not uncommon, particularly for an amendment of this size and nature. The overall framework, and intent of the Amendment has been supported by the Panel, which is reflective of the significant amount of work that has gone into preparing *Ballan Strategic Directions* and the Amendment.

**RESOLUTION****Moved:** Cr David Edwards**Seconded:** Cr John Keogh

That Council:

1. Resolves to:

- (a) Consider the Planning Panel's report (Attachment 1) and accept the Panel's recommendations in relation to Moorabool Planning Scheme Amendment C88, pursuant to Section 27 of the *Planning and Environment Act 1987*.
- (b) Adopt Moorabool Planning Scheme Amendment C88, in accordance with the documents included in Attachment 4 to this report, pursuant to Section 29 of the *Planning and Environment Act 1987*.
- (c) Submit the adopted Amendment, together with the prescribed information, to the Minister for Planning for approval, pursuant to Section 31 of the *Planning and Environment Act 1987*.

**CARRIED****BACKGROUND**

The Amendment seeks to implement the findings of *Ballan Strategic Directions 2018*, which is a long-term strategic document that provides guidance for the future growth of Ballan through to 2041. *Ballan Strategic Directions* was adopted by Council on 1 November, 2017 and amended by Council on 6 June, 2018. *Ballan Strategic Directions* is a key component of Council's Moorabool 2041 framework. The purpose of the Moorabool 2041 framework is to develop a vision and strategies to guide future sustainable development in appropriate locations in the Shire, addressing land use, amenity and lifestyle opportunities, while matching growth with the provision of physical and social infrastructure.

Other key Moorabool 2041 strategies which have already been implemented by recent planning scheme amendments include:

- Bacchus Marsh Urban Growth Framework (Amendment C81);
- Housing Bacchus Marsh to 2041 (Amendment C79); and
- Small Towns and Settlements Strategy (Amendment C78).

**What the Amendment Does:**

The Amendment, as exhibited, seeks to make the following changes to the Moorabool Planning Scheme:

- Revises Clause 21.08 (Ballan) by:
  - Updating the summary of key issues and influences;
  - Introducing new objectives and strategies for achieving the desired planning outcomes sought by *Ballan Strategic Directions* June, 2018; and

- Updating the Ballan Framework Plan to provide clear directions for future development, including identification of areas for natural growth, minimal growth and future greenfield growth.
- Introduces *Ballan Strategic Directions* June 2018 as a reference document in Clause 21.11.
- Introduces the Neighbourhood Residential Zone Schedules 6 and 7 (NRZ6 and NRZ7) to the planning scheme, and rezones land from the General Residential Zone Schedule 1 (GRZ1) to the NRZ6 and NRZ7.
- Introduces the General Residential Zone Schedule 4 (GRZ4) to the planning scheme and applies Schedule 4 to land in the General Residential Zone.
- Applies\* the Low Density Residential Zone Schedule 1 (LDRZ1) to land in the Low Density Residential Zone.
- Rezones part of the Ballan Golf Club from the GRZ1 to the Special Use Zone Schedule 3 (SUZ3).
- Rezones the Ballan Industrial Estate from the Industrial 2 Zone (IN2Z) to the Industrial 1 Zone (IN1Z).

*(Note\*: The exhibited Amendment proposed to 'introduce' the LDRZ Schedule 1 to the planning scheme and 'apply' it to land in the LDRZ. However, the LDRZ Schedule 1 was 'introduced' into the planning scheme as a result of Amendment C79 being gazetted on 15 November 2018.)*

It is important to note that this amendment only rezones land within the established areas of Ballan. It does not rezone land within the growth areas. Future planning scheme amendments will be required to rezone land in the growth precincts. Such amendments will be subject to the normal planning scheme amendment process, including public exhibition in accordance with the provisions of the *Planning and Environment Act 1987*.

#### Authorisation of the Amendment:

At its ordinary meeting on 6 June 2018, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment. On 13 September 2018, Council was granted authorisation by the Minister to prepare and exhibit the Amendment.

#### Public Exhibition of the Amendment:

Amendment C88 was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* from 30 August 2018 to 11 October 2018. 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 total of 39 submissions were received, including 35 submissions which object or seek changes to the Amendment.

#### Council's Consideration of Submissions:

The submissions were considered at the Ordinary Meeting of Council on 6 March 2019. Council resolved to request the Minister for Planning to appoint an independent Planning Panel to hear submissions relating to Amendment C88.



## PROPOSAL

### Planning Panel's Consideration of Submissions:

A Directions Hearing was held on 4 April 2019, followed by a Panel hearing from 28 to 30 May 2019. Both hearings were held in Ballan. The Panel considered 42 submissions to the Amendment, including the 39 submissions that were considered by Council and three late submissions.

Council made the following submissions to the Panel:

- Part A submission: – distributed to all parties one week prior to the commencement of the Panel hearing. The Part A submission included Council's recommended changes to planning scheme Clause 21.08, consistent with Council's resolution of 6 March 2019.
- Part B submission: – presented on day one of the Panel hearing. The Part B submission expanded on Council's Part A submission.
- Closing submission: - presented on the final day of the Panel hearing. The closing submission sought to refine Council's position in response to submissions made by other parties during the hearing.

Following the close of the Panel Hearing, Council provided the Panel with an updated version of planning scheme Clause 21.08 including the Ballan Framework Plan (as requested by the Panel), to reflect Council's position as presented in its closing submission.

### Panel Report

Officers received a copy of the Planning Panel's report on 4 July 2019 (Attachment 1). The Panel report states that the Amendment is supported and notes that "*the Amendment is generally well-founded*". The Panel has recommended that the Amendment be adopted as exhibited, subject to some changes that were recommended by Council during the panel hearing, and further changes recommended by the Panel. The changes recommended by Council during the Panel hearing were generally consistent with those outlined in the report to Council on 6 March 2019. The changes recommended by the Panel can be categorised as follows;

- Minor changes to planning scheme text (Recommendations 1 and 2);
- Changes to the Ballan Framework Plan (Recommendation 3); and
- Site Specific Changes (Recommendation 4).

**Attachment 2 contains a detailed discussion on the Panel's recommendations, to be read in conjunction with Attachment 3 which shows the precinct boundaries.**

It is important to note that while the Panel has recommended some changes, this is not uncommon, particularly for an amendment of this size and nature. The overall framework, and intent of the Amendment has been supported by the Panel, which is reflective of the significant amount of work that has gone into preparing *Ballan Strategic Directions* and the Amendment.

The Panel agreed with Council's proposed application of the Neighbourhood Residential Zone, as a broadly appropriate strategic approach for limiting development densities north of the Werribee River. However, the Panel concluded that some portions of established precincts have experienced recent development, such that the character identified in *Ballan Strategic Directions* is no longer accurate and some precinct boundaries (and associated proposed zones) should be adjusted accordingly.

With respect to growth precincts, the Panel considered that the future zones and minimum lot sizes should not be determined as part of this Amendment. The Panel noted that the growth precincts will be rezoned as part of future planning scheme amendments, and zones and minimum lot sizes should be determined as part of such future process.

#### Updated Amendment Documents:

Attachment 4 contains an updated version of the following Amendment documents, in accordance with the Panel's recommendations:

- Clause 21.08, including the updated Ballan Framework Plan; and
- Planning scheme maps.

#### Ballan Strategic Directions:

Although the Panel's recommendations deviate to some degree from details provided in *Ballan Strategic Directions*, officers do not consider it necessary to update the document. *Ballan Strategic Directions* has served its main purpose, by providing strategic justification for the Amendment. *Ballan Strategic Directions* will be a reference document in Clause 21.11 of the planning scheme and it will serve as background to the Panel's report. While future planning decisions will be based on the relevant provisions of the planning scheme, *Ballan Strategic Directions* will help to inform such decisions by providing greater detail.

### **COUNCIL PLAN**

The Council Plan 2017-2021 provides as follows:

#### **Strategic Objective 3: Stimulating Economic Development**

##### **Context 3A: Land Use Planning**

The proposal to adopt Moorabool Planning Scheme Amendment C88 is consistent with Council Plan 2017 – 2021 action to include the Ballan Strategic Directions into the Planning Scheme .

### **FINANCIAL IMPLICATIONS**

Costs associated with adopting and seeking approval of the Amendment will be minimal and include a planning scheme amendment fee payable to the Department of Environment, Land, Water and Planning. Subject to the approval of the Amendment by the Minister for Planning, costs will be limited to publishing an approval notice in the local papers. These costs are provided for within the 2019/20 Council budget.

### **RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

There are no identified risks associated with adopting the Amendment.

### **COMMUNICATIONS & CONSULTATION STRATEGY**

All submitters were notified in writing of this meeting. If the Amendment is ultimately approved by the Minister for Planning, notices of approval will be published in the Moorabool News and the Victorian Government Gazette.

**VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

*Executive Manager – Henry Bezuidenhout*

In providing this advice to Council as the Executive 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**

The Amendment is important as it seeks to implement *Ballan Strategic Directions*, by ensuring that new development is directed to appropriate locations within Ballan, is consistent with the preferred neighbourhood character objectives, and providing for new growth areas to accommodate the growth of Ballan up to at least 2041.

The Amendment has been through a rigorous public exhibition and Panel process, and it is now considered appropriate that Council adopt the Amendment with the changes recommended by the Panel, in accordance with the documents included in Attachment 4. This will enable the Amendment to be submitted to the Minister for Planning for approval

Cr Tom Sullivan returned to the meeting at 6.22pm.

Mr Clem Newton-Brown addressed Council as the applicant of Item 12.2.

Mr James Iles and Mr Wayne Pelchen addressed Council as objectors of the recommendation to Item 12.2.

Cr Jarrod Bingham left the meeting at 6:48pm and returned at 6.49pm.

## **12.2 PA2018293 - PLACE OF ASSEMBLY AT 30 YUULONG ROAD, SCOTSBURN.**

### **RESOLUTION**

**Moved:** Cr Tonia Dudzik

**Seconded:** Cr Tom Sullivan

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues that Council issue a Notice of Decision to Grant a Planning Permit for the Use of the land for a Place of Assembly (Host farm including short stay camping accommodation ancillary to farm experience tourism and function centre) at 30 Yuulong Road Scotsburn, otherwise known as Lots 1 & 2 on TP 014401R, subject to the following conditions:

#### **Endorsed Plans:**

1. Before the use and/or development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must show:
  - a) A Site Management and Activities Plan in accordance with condition 10.
  - b) An amended site plan showing:
    - i. where weddings would be held and a notation that all music for weddings would be restricted to the woolshed precinct.
    - ii. areas for specific uses notated to ensure that "action areas" are defined and contained.
    - iii. Designated smoking areas in accordance with Condition 15.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

#### **Amenity:**

2. Mechanical noise emanating from the premises must comply with the State Environment Protection Policy N-1 'Control of Noise from Commerce, Industry and Trade.'
3. Music emanating from the premises must comply with the State Environment Protection Policy N-2 'Control of Noise from Public Premises'.
4. Any public address system installed must not be audible beyond the boundaries of the site.
5. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.

6. Music for any events must be contained within the woolshed precinct only and must cease at 11pm and cannot be varied without the written consent of the responsible authority.
7. Motor bikes, 4-wheel drive vehicles or any other vehicles used by patrons are to be restricted to a nominated area in accordance with condition 1b) ii.

**General Conditions:**

8. The number of events permitted to be held per annum is 10 with a maximum of 150 patrons at each event for a maximum 3-night, 4 day stay for each event which cannot be altered without the written consent of the responsible authority.
9. The following activities can be undertaken on the property and cannot be varied without the written consent of the Responsible Authority:
  - a) Farm experience including sheep, cattle and horse related activities
  - b) Leisure and recreation including water activities on the lake and fishing
  - c) Farmer and artisan markets for guests only
  - d) Obstacle courses in designated areas only
  - e) Farm walks and excursions to Mt Buninyong
  - f) Talks and immersive cooking and local food events
  - g) Art displays and creative activities
  - h) Educational programs ancillary to the host farm activities
  - i) Camping
  - j) Weddings limited to the woolshed and homestead precinct.
10. Events must be supervised by a site and event manager at all times. Before any events are conducted on the site a detailed Site Management and Activities Plan (SM&AP) must be provided to the satisfaction of Council and will be endorsed as part of the permit. The SM&AP must cover the range of events that would occur on the property. The SM&AP may be amended to the satisfaction of Council if new events are to be added that are not included in the original SM&AP.
11. Portable toilets and shower blocks must to be brought onto the site no earlier than five days prior to the event and must be removed within five days of the completion of each event.

**Materials and Colour:**

12. All external walls and roof areas of any proposed temporary or permanent structures installed to conduct events are to be clad with non-reflective materials (zincalume prohibited) to the satisfaction of the Responsible Authority.

**Native Vegetation:**

13. Native vegetation including dead standing native vegetation is not to be removed from the land, unless an exemption applies under the Moorabool Planning Scheme, without the written consent of the responsible authority.

**Camping Events:**

14. Temporary camping areas must be appropriately fenced and/or secured to ensure that vehicles or livestock cannot enter the camping area to the satisfaction of the responsible authority.
15. Smoking must be restricted to designated smoking areas only which must be noted on the site plan.

**Infrastructure:**

16. The existing vehicle crossing on Yuulong Road must be widened to allow space for two-way traffic, to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
17. The Traffic Management Plan must be amended to incorporate the following items, to the satisfaction of the responsible authority:
  - a) A temporary speed limit of 40 km/h must be established in Yuulong Road between the site entrance and the Midland Highway for the duration of any events.
  - b) All traffic signs and light tower(s) shown on the Traffic Guidance System must be removed within 24 hours after the completion of each event.
18. Prior to the use commencing, the car park areas must be constructed with an all-weather surface, marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
  - a) Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
  - b) The parking areas shall be provided with an all-weather surface and associated drainage.
19. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
20. 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).
21. 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.
22. 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.

23. The proponent must at their own cost upgrade Yuulong Road from the intersection of Midland Highway to the property entrance to the following standard:
- i. the existing pavement shall be widened and constructed to a minimum 5.5m width with 5% crossfall with an approved granular material to the satisfaction of the Responsible Authority;
  - ii. table drainage as required to minimum width of 2.0 metres and depth of 0.2 metres;
  - iii. existing cross culverts to be cleaned and extended with installation of endwalls to the satisfaction of the Responsible Authority;
  - iv. vegetation to be trimmed as required to provide a minimum clearance of 2.0 metres from edge of shoulder
  - v. Traffic signage as required;
  - vi. all work to be subject to a 3 months defect maintenance period
  - vii. all works to be completed to the satisfaction of the Responsible Authority.
24. 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:
- i. location and extent of the works
  - ii. typical cross-section details
  - iii. location of culverts as required
  - iv. civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

**Environmental Health:**

25. The event organiser must ensure all businesses and community groups providing food are registered with Street trader and have submitted a Statement of Trade (SOT) for the event. Statement of Trades must be submitted at least 5 days prior to the event.
26. As per the Tobacco Act 1897, smoking is banned in all outdoor eating areas and new controls apply to public events. The event organiser is responsible for ensuring compliance with smoking bans. Smoking is banned in all outdoor public areas at a food fair (an event where the main activity is the sale or supply of food). For an event where the focus is not on food smoking bans apply within 10 metres of a food stall or food vendor. Further information and event signage can be provided by MSCs Health Department.
27. Amplified music or loud noise cannot be audible outside of the property before Midday or after 11pm, or 10pm for concerts, which are more than five hours in duration without the written consent of the Responsible Authority. Sound levels must not exceed reasonable outputs as outlined in the State Environment Protection Policy – Control of music noise from public premises (SEPP N-2).
28. Ensure there is no negative impact on surrounding vegetation and waterways (including wastewater). All litter must be removed from the site and disposed of in a recycling or waste bin. No left over food to be left on site. No substances to be poured over road surfaces.

Only clean, fresh water is to be poured into drainage pits. Garden beds or vegetated areas are not to be walked over.

29. Provisions must be made for regular pick-ups of rubbish, emptying bins, cleaning of toilets and removal of rubbish during the event. A thorough clean-up of the site must be undertaken after the event. A sufficient number of bins must be provided throughout the event site and in particular around food eating areas.
30. The number of toilets to be provided is determined by the duration of the event, the number of people onsite and if alcohol is available. Minimum of 1 toilet for every 60 female patrons and 1 toilet or urinal for every 200 male patrons. 1 Hand wash basin is to be provided for every 200 patrons. If existing toilet facilities available onsite are not adequate additional portable toilets will be required.

**Country Fire Authority:**

31. A draft copy of the event emergency management plan is to be submitted to:

Operations Manager  
District 15  
WEST REGION

No less than three (3) months prior to any proposed event (annually if the event permit is for a number of years) to allow CFA operations opportunity to provide comments to the Responsible Authority.

32. A finalised copy of the event emergency management plan is to be submitted to:

Operations Manager  
District 15  
WEST REGION

No less than three (6) weeks prior to any proposed event (annually if the event permit is for a number of years) to allow CFA operations opportunity to provide comments to the Responsible Authority.

33. Any significant changes/alterations to the event planning that could impact on the fire preparedness for the event including but not restricted to:

- a) Increase in number of patrons
- b) Increase in number of hours/days of operation
- c) Changes to event operation, layout etc.

will require the event organiser to engage a suitably qualified risk management practitioner that to the satisfaction of the Responsible Authority has recognised qualifications and experience to conduct a full risk assessment and response plan meeting (AS/NZS) ISO 31000 'Risk management – Principles and guidelines. The event plan will be revised according to the risk assessment to the satisfaction of CFA.

34. No fires are to be permitted without the written consent of CFA. This may need to be reviewed on a daily basis at the discretion of CFA.
35. Food vendors, display stalls, market stalls and other providers are not to have their stalls/tents/vans or other temporary or permanent structures within a distance of not less than six (6) metres of each other or may have a lesser distance where the event organiser



- has demonstrated to the satisfaction of the Responsible Authority that fire spread between stalls will not occur.
36. Each food vendor, stall holder or other provider is required to get an individual permit (no blanket or group permit for these operators are to be issued).
  37. Access and egress routes are to be clearly marked to a width of not less than six (6) metres and are to meet the following conditions:
    - a) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
    - b) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres.
    - c) Dips must have no more than 1 in 8 (12%) (7.1 degrees) entry and exit angle.
  38. Car parking areas, vehicular routes, camping areas and emergency assembly areas are to maintain the vegetation to the following conditions to the satisfaction of the Responsible Authority:
    - a) Grass within the event site must be maintained to less than 100 millimetres in height.
    - b) Leaf litter must be less than 10 millimetres deep
    - c) There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most sparse, with very little dead material.
  39. The internal perimeter of the event site for a distance of not less than ten (10) metres is to have any surface fuel reduced to the following conditions to the satisfaction of the Responsible Authority:
    - a) Grass must be no more than 100 millimetres in height.
  40. All fires or pyrotechnical effects must comply with the CFA Act / Regulations or any other required regulations in regard to use and conditions.
  41. The event organiser is to appoint Safety Officers for the event(s), who have successfully completed the 'Safety Officer – In a Place of Public Entertainment', training that is available from the Melbourne Metropolitan Fire Brigade.
  42. Any use of CFA resources and/or personnel is to have the written approval from:  
Operations Manager  
District 15  
WEST REGION
  43. Any identified firefighting resources and personnel are to be available at the site and available for use during set-up, duration and demobilisation of the event.
  44. Assembly areas, vehicular traffic, parking or paths of access and egress are not to impinge on responding CFA vehicles or the operational requirements of CFA.
  45. The site is located within a designated bushfire prone area with nearby areas of bushfire management overlay. The targeted risk assessment and event emergency management plan do not adequately address the risk of bushfire to the site. The emergency management plan will need to address grassfire / bushfire separate to structural fires (i.e. food stalls, tents, buildings etc.).

46. With events being held periodically throughout the year, CFA anticipate some may occur during the declared Fire Danger Period (typically December to March). The current plans provide very little or no detail in relation to the following:
  - a) Monitoring of Fire Danger Rating (FDR) / bushfire warnings / weather forecasts etc.
  - b) Trigger points for site evacuation (e.g. CFA “Watch & Act” / bushfire within? km’s)
  - c) Trigger points for event cancellation (e.g. FDR – ‘Extreme’ & ‘Code Red’ days).
47. Fire protection equipment for the camping area needs to be considered (e.g. portable fire extinguishers located along paths of travel).
48. The onsite dam is located more than 200 metres from the camping area; CFA would recommend that 45,000L static water storage tank(s) be installed. The tank(s) would need to be located such that all camping sites were covered by 60 metres of hose laid from the tank.
49. In the event emergency management plan – internal emergency, the emergency response procedure for hazardous chemical spills should also include calling 000.

**VicRoads:**

50. Before the use approved by this permit commences, the following roadworks on the Midland Highway must be completed at no cost to and to the satisfaction of the Roads Corporation:
  - a) A Basic Right Turn (BAR) Treatment as per Austroads Guide to Road Design Part 4A: *Unsignalised and Signalised Intersections* (design modified to VicRoads approval).
49. Prior to the works commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approvals processes, including the determination of fees and the level of VicRoads’ service obligations.
50. Traffic control will be required under Memorandum of Authorisation permission from VicRoads for any events catering for over 50 patrons. Contact [wr.moa@roads.vic.gov.au](mailto:wr.moa@roads.vic.gov.au)

**Permit Expiry:**

51. This permit will expire if one of the following circumstances applies:
  - a) The use is not started within two years of the date of this permit.

**Permit Notes:****VicRoads**

Separate consent for works within the road reserve is required under the Road Management Act.

**Environmental Health**

If access to potable water is not available at the event all food providers are to be informed, they will need to bring sufficient water for their operations to last the duration of the event and inform them of appropriate points for discharging the waste water.

**Building**

A Place of Public Entertainment (POPE) permit may be required for each event. Contact with Councils Building Department should be made at least 90 days prior to each event to confirm if a POPE is required.

**Planning Department**

This permit is based on accommodation tents being removed from the property at the end of each permitted event. If any tents are to remain on the site, then the permit must be amended to add the use of the land for a camping ground.

**Signage**

No signage has been proposed for this application and therefore no signage has been approved. If business identification signage is required on a permanent, or temporary, basis the application must be amended in accordance with the Moorabool Planning Scheme.

**Liquor Licencing:**

The application has not applied for a licenced premise permit and no red line area has been submitted or approved. If alcohol is to be served to patrons at events, then appropriate liquor licencing requirements must be met. If a permit for a licenced premise is required, then this permit must be amended.

**CARRIED ON THE CASTING VOTE OF THE MAYOR**

<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Yes
Notices on site:	No
Notice in Moorabool Newspaper:	No
Number of objections:	4
Consultation meeting:	15 April 2019

**POLICY IMPLICATIONS**

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 3: Stimulating Economic Development**

**Context 3A: Land Use Planning**

The proposal is consistent with the Council Plan 2017 – 2021.

**VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

*Executive Manager – Henry Bezuidenhout*

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

*Author – Victoria Mack*

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

**EXECUTIVE SUMMARY**

Application referred?	Yes, to Central Highlands Water, VicRoads, Victoria Police, State Emergency Service, Ambulance Victoria and internally to Council Departments including Economic Development, Community Safety, Infrastructure and Moorabool Emergency Management.
Any issues raised in referral responses?	No concerns were raised
Preliminary concerns?	Amenity impacts on neighbouring farms from the proposed events and activities.
Any discussions with applicant regarding concerns?	Extensive discussion about objector concerns. A meeting was held with the applicant, an objector representative and the General Manager of Community Planning to discuss these concerns.
Any changes made to the application since being lodged?	The car parking area was re-located from an area in a paddock to an area along the front driveway. Discussion with applicant resulted in general agreement to review the maximum number of patrons at any event; that music events would be restricted to the woolshed precinct south-east of the homestead to constrain night time noise; and that activity areas would be clarified and constrained where applicable, such as motor bike riding.
Brief history.	The property is a working farm and also contains the historic Yuulong homestead. The homestead is registered with the National Trust, but a Heritage Overlay does not apply to the site. There is a large 1km long lake on the property.
Previous applications for the site?	Not listed
General summary.	The application is to conduct specialised “events” on the heritage property. The events would be for corporate groups and special interest groups, and the property may also be made available for functions such as weddings. No large-scale music festivals would be considered. The application proposes the following; <ul style="list-style-type: none"> <li>• Glamping style tent accommodation would be provided for overnight accommodation.</li> </ul>

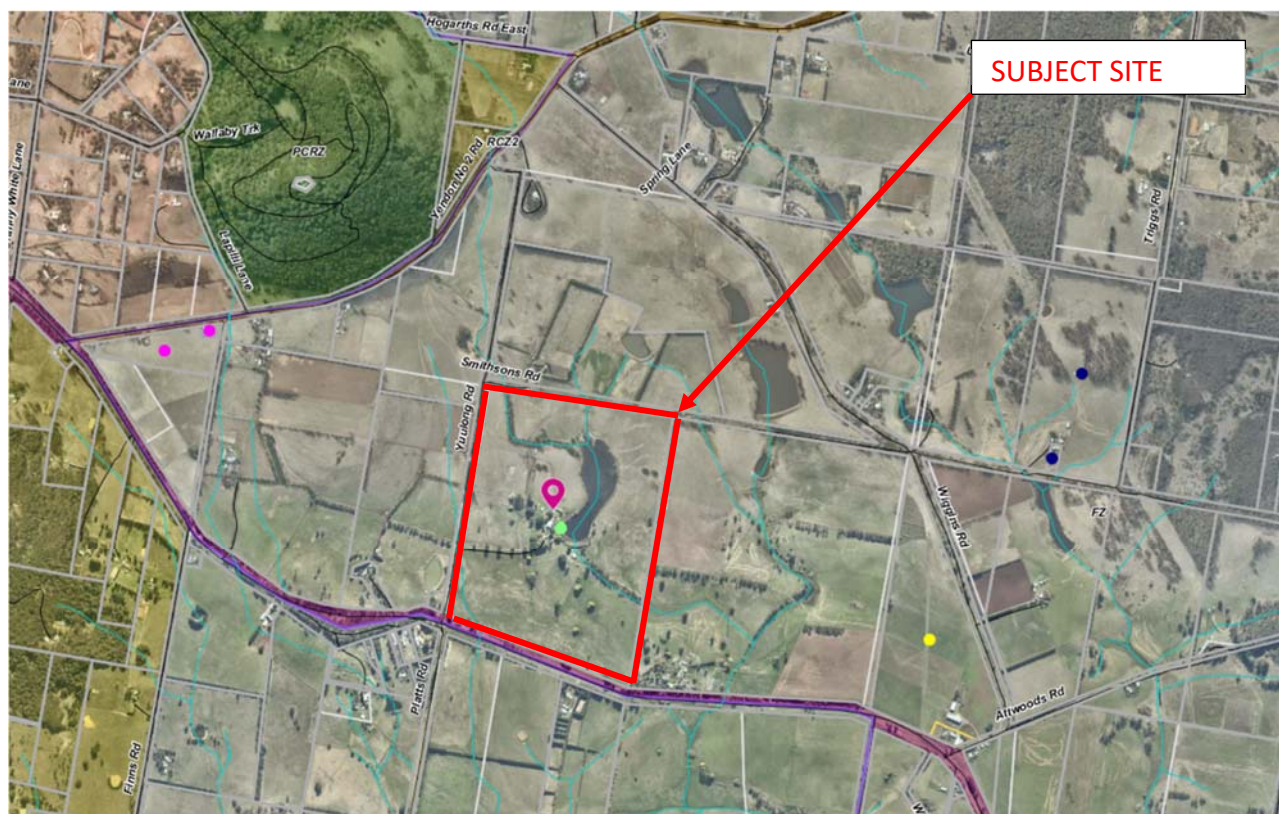
	<ul style="list-style-type: none"> <li>No more than 10 events per annum with a maximum of 150 patrons per event and a maximum 3-night, 4 day stay per event.</li> </ul> <p>The application received 4 objections which are discussed further in this report. In summary the objectors are all local farmers who are concerned that bringing large groups of people into the area for recreation and a short-term lifestyle experience will negatively impact on their rural amenity, farm businesses and livestock.</p> <p>The proposal would potentially provide a high-quality rural experience for guests and a unique adjunct to the Shire’s tourism offering.</p>
<p><b>Summary Recommendation</b></p>	
<p>That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i>, Council issue a Notice of Decision to Grant a Planning Permit for the Use of the land for a Place of Assembly (Host farm including short stay camping accommodation ancillary to farm experience tourism and function centre) at 30 Yuulong Road Scotsburn, otherwise known as Lots 1 &amp; 2 on TP 014401R, subject to conditions.</p>	

**SITE DESCRIPTION**

The site is a 68.28ha working farm running beef cattle. It contains the Yuulong Springs National Trust listed homestead, circa 1889, as well as farm outbuildings and stock yards. There is a large spring-fed lake located in the north central section of the property which has a surface area of approximately 4.2ha.

The homestead is not covered by a heritage overlay under the Moorabool Planning Scheme. The site is approximately rectangular and is flat to undulating pastured grazing land with scattered exotic and native trees. The site has a licenced agricultural irrigation bore.

Below is an aerial photo of the site:



Several waterways dissect the property. Two separate waterways run from the north side boundary to the lake and exit the site as one waterway on the east side boundary. Another waterway dissects the south-west corner of the site. Two sections of these waterways have vegetation plantings along part of their length.

The subject land is surrounded by working farms which are predominantly cleared for grazing. The area is renowned for productive soil, ample water and high-quality agricultural production. Access to the property is from Yuulong Road which runs north-south on the western boundary of the property from the Midland Highway. The Midland Highway runs along the southern boundary of the site, and Smithsons Road, which is predominantly an unused road, runs along the northern boundary.

Mount Buninyong is located approximately 1.6km from the Yuulong Springs homestead to the north-west.

The wider area comprises predominantly working farms on allotments of similar size to the subject site or slightly smaller.

The nearest neighbouring dwelling is located 301m to the north. The next nearest neighbouring dwellings are located 513m to the south-east; 366m to the south; 402m to the south south-west; and 375m to the south-west.

**PROPOSAL**

It is proposed to operate a boutique farm and tourism experience on the property, in addition to the beef cattle production business which would not change.

The application stated that the farm currently has: 85 head of angus cattle, 14 goats, 24 lambs, 5 horses, a pig and several chickens.

It also stated that

*Yuulong Springs is located at the foothill of the picturesque extinct volcano Mount Buninyong and is a truly unique country retreat and haven for abundant wildlife and fauna. Offering tranquillity and privacy, lush established gardens, a 1.1km lake flanked by willow trees, original shearing quarters, work sheds and stables and an elegant heritage listed homestead built in 1889 ... is located 80 minutes from Melbourne ... the temporary utilisation of the property for leisure use by a group enjoying the Australian countryside would arguably add to the visual interest and the amenity of the area, particularly when many members of the local community will be involved in delivering the events.*

The proposal is to run Yuulong Springs Events to corporate and special interest groups which may include the following options which are indicative only:

- Authentic Australian menu of food from the wild inspired by nature;
- Welcome ride on tractors and tour of the property;
- Obstacle course and challenges on and around the lake;
- Sunrise walk up Mount Buninyong;
- Local market on the farm with local craftspeople (for guests only);
- Early morning yoga and meditation in the paddocks;
- Talks and immersive cooking events with local farmers, growers and food artisans;
- Reptile display and animal petting;
- Horse riding;
- Kayak or stand up paddle boarding on the lake;
- Pontoon picnic;
- Giant slip and slide on the hill;
- Cattle muster and sheep shearing immersives;
- Great Aussie yard games scattered around the farm;
- Trout fishing; and
- Indigenous art exhibition and bush painting sessions.

The proposal states that the Yuulong Springs events would provide a small income stream to assist with the preservation and repairs on the property, and the events would be an opportunity for more people to visit and appreciate the wonderful history of the farms in the region.

The original request was for 12 events to be permitted each year, with 4 events for up to 300 guests, and 8 events for up to 50 guests. The number of guests to be permitted at events, and the number of events to be permitted is discussed in the assessment section of this report with a recommendation that these are varied.

Bespoke camping accommodation would be provided by *“Australia’s leading provider of luxury camping and accommodation services, Flashcamp”*. The tents would be similar to *“glamping tents”*.

The objective is to *“take campers on a wild Australian journey in rural Australia with a series of activities and experiences that inspire connection, discussion and collaboration”*.

The application documentation provided an events summary as follows:

Events would be tailored to each client but primarily camping, activities and low key entertainment would be provided.

Accommodation for the events, which may run over several days, would be provided with canvas bell tents. However, it was generally considered that one or two nights would be the norm. The tents would be dismantled at the completion of each event.

Event guests would be serviced by catering marquees (powered by generators) and portable ablution blocks, the latter provided by *“Splashdown”*. The ablution blocks would consist of upmarket portable toilet and shower services which would be dismantled at the end of each event.

Each event would be conducted on a basis of *“leave no trace with zero environmental impact”*. It is proposed that alcohol would be served in moderation by caterers who are licenced to serve alcohol, and that any additional liquor licencing will be sought ahead of each event. A liquor licencing consultant would be engaged to ensure that each event has appropriate liquor licencing.

A permit has not been requested for a licenced premise as part of this application.

It is also proposed to provide sustainable water by tapping into the existing stock and irrigation bore on the site. An application has been made to Southern Rural Water to change the licence conditions to allow the water to be used for human consumption for drinking, showers and catering. The water has been tested to be of excellent drinking water quality.

The application stated that open fires will not be lit unless specifically deemed permissible by the Country Fire Authority (CFA) and monitored and controlled to their satisfaction.

Access to the site would be from the Midland Highway along Yuulong Road for 292m to the property entrance. Yuulong Road is a single lane gravel road in only fair condition.

It is anticipated that for many events guests/patrons would arrive at the venue by chartered bus and not individual cars. However, service providers would all arrive by car, trade vehicles, trucks and trailers.

A long-term plan was also nominated to more widely promote the *Yuulong Springs* brand of water and make it available at other outlets and events in the municipality. It is noted that if commercial water bottling was to occur on the property a permit for the use of land for a utility installation would be required.



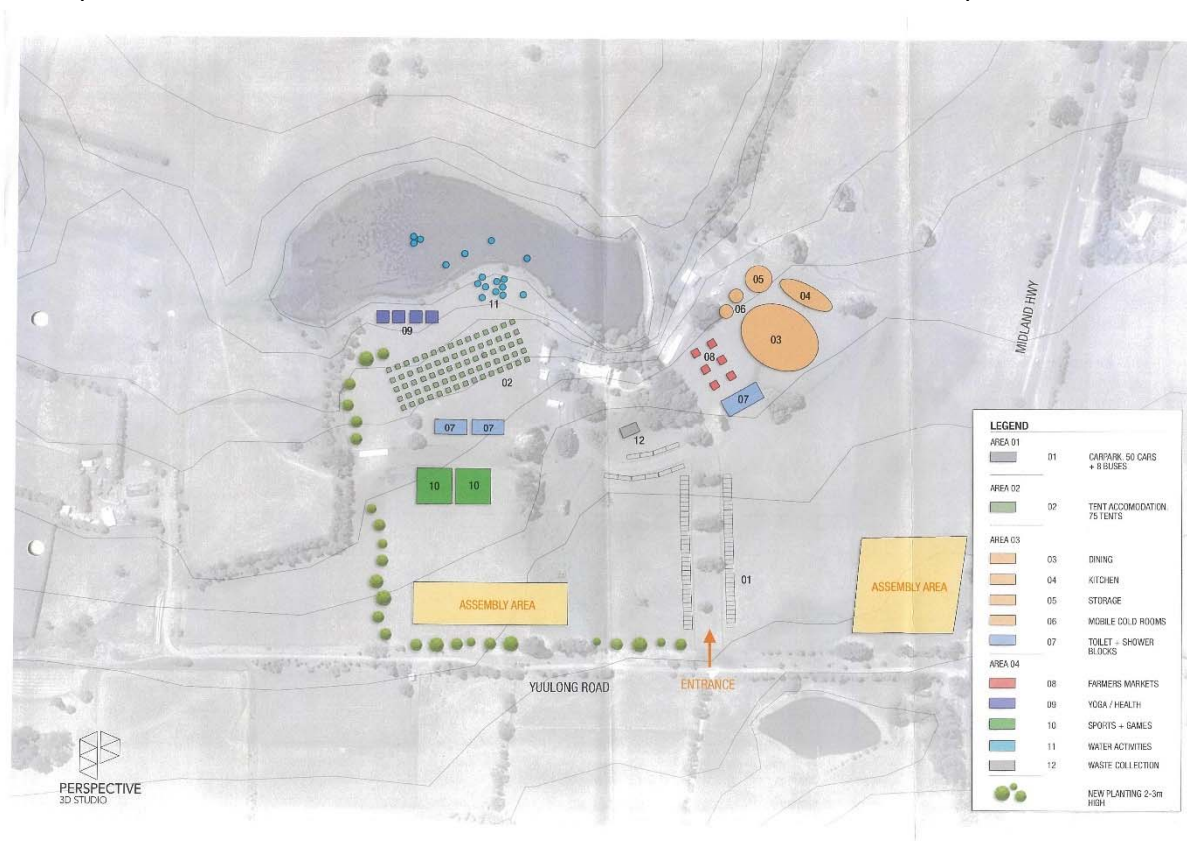
The application was amended slightly during the assessment process as follows:

1. While weddings were not specifically nominated as an event type in the original application, the applicant has subsequently advised that the occasional wedding could also be held on the property.
2. The car parking area was moved from a paddock location to an area along the access driveway. This was due to the surface treatments required for a car parking area not being compatible with the livestock grazing enterprise.
3. An acoustic assessment was provided in relation to limiting all events with music to the woolshed area only.

The application was accompanied by the following documents:

- a) Planning application report;
- b) Targeted risk assessment report;
- c) Traffic management plan;
- d) Emergency management plan;

A site plan is shown below and is also included as an Attachment to this report.



**HISTORY**

A search of council records indicates that no permits have been issued on the subject site.

**PUBLIC NOTICE**

The application was notified to adjoining and surrounding landowners by letter. 4 objections were received.

**SUMMARY OF OBJECTIONS**

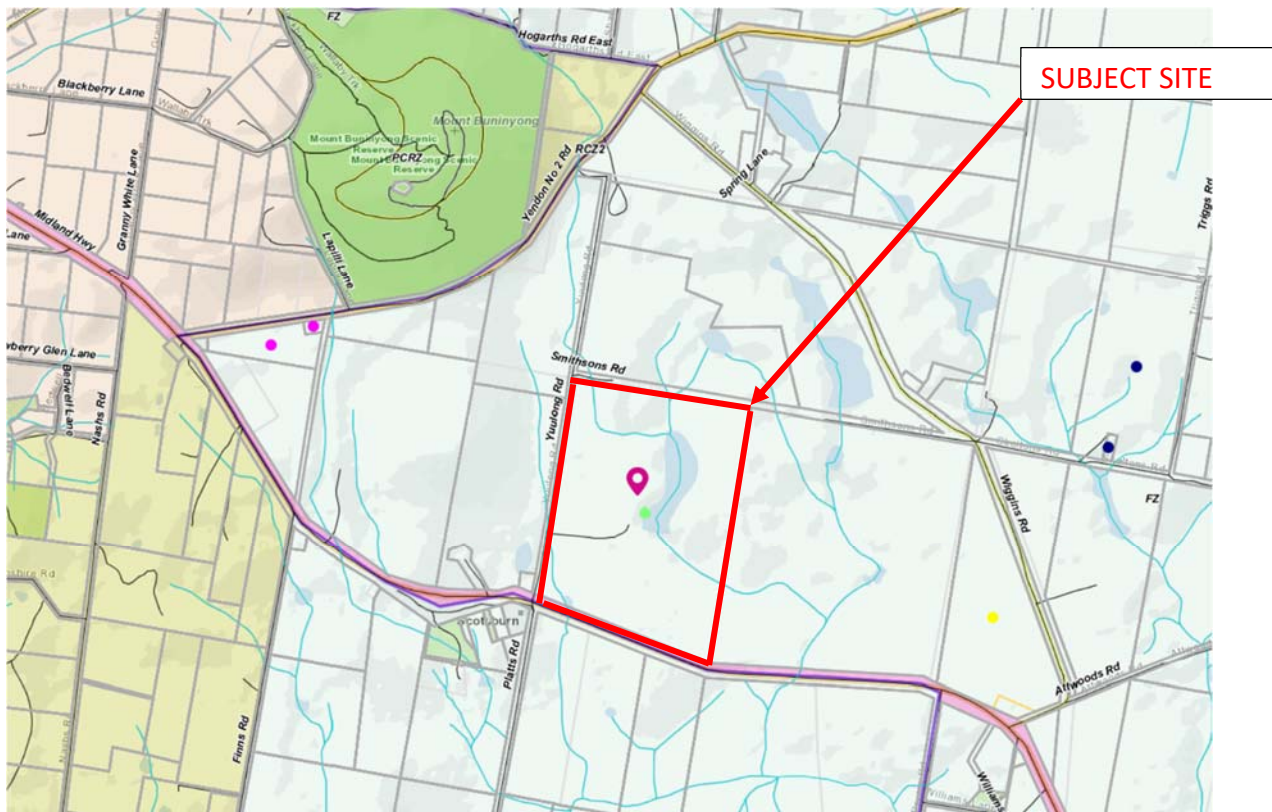
The objections received are detailed below with officer’s comments accompanying them:

Objection	Any Relevant Requirements
<p>Inappropriate use of farming land. The area has been farmed for over 180 years. The farming lifestyle will be impacted; hard working farmers who make a living from the land will be disadvantaged by the owners of Yuulong who say they cannot make adequate income to maintain their heritage property.</p> <p>Non-agricultural use of this land will detrimentally affect quality of life of neighbouring farmers and the operation of neighbouring rural businesses.</p>	<p>Farming Zone decision guidelines</p>
<p><b>Officer’s Response:</b> The events proposed are temporary in nature and would run for only 2-4 days each month or less – the proponents have no clear direction as to their market and time will tell what the demand might be for this service. Permit conditions would control noise and other emissions from the site including restricting music at events, such as weddings, to the woolshed area south-east of the homestead.</p>	
<p>Likelihood of excessive noise from human activity and large gatherings of people; similarly, a negative impact on local livestock - particularly lambing ewes and horses (mares and foals) from such things as motor bikes and four-wheeled drive buggies racing around the property.</p>	<p>Environmental Protection Authority – SEPP-No. N-2 (Control of music noise from public places)</p>
<p><b>Officer’s Response:</b> Permit conditions would be used to control noise and other emissions.</p>	
<p>Impact of the use of spring water extraction for non-agricultural activities. The flow of spring water is already reduced and slowed (due to over allocation).</p>	<p>Southern Rural Water</p>
<p><b>Officer’s Response:</b> The granting of a water licence to allow for commercial bottling of spring water is the jurisdiction of Southern Rural Water. If approved the owners would need to apply for a permit from Council for a “utility installation”.</p>	

<p>Risk of careless human behaviour increasing fire risk across the Scotsburn area. The fire season is beginning earlier and lasting longer into the autumn. Fire risk increases with larger numbers of people.</p>	<p>CFA – the site is not covered by a Bushfire Management Overlay.</p>
<p><b>Officer’s Response:</b> No fires will be allowed to be lit on the property without the consent of the CFA. Smoking would be managed through Environmental Health’s permit conditions and also a condition that smoking is only permitted on the site in designated areas. The CFA have provided an extensive number of conditions in relation to fire risk management.</p>	
<p>Waste – contamination of neighbouring property and waterways within the Williamson Creek catchment. Water is used for stock, domestic and irrigation purposes. Concern also expressed about dust and odour emissions from the site.</p>	<p>Council’s Environmental Health</p>
<p><b>Officer’s Response:</b> All waste will be collected and removed from the site; no waste will be discharged to land; and no waste water will be allowed to be discharged to any waterway.</p>	
<p>Midland Highway intersection with Yuulong Road would provide increased risk to local traffic such as local church patrons to the Church also located at this intersection. Yuulong Road is not suitable for large numbers of vehicles – poorly maintained - and in an emergency would be a significant issue for evacuating many people from the site.</p>	<p>Midland Highway is controlled by VicRoads; Yuulong Road is controlled by Council.</p>
<p><b>Officer’s Response:</b> the application was referred to both VicRoads and Council’s Infrastructure Department both of which consented to the application subject to conditions.</p>	
<p>Devaluation of land values due to the operation of non-agricultural activities.</p>	<p>VCAT</p>
<p><b>Officer’s Response:</b> Property values is not a planning consideration.</p>	
<p>Security concerns from people wandering onto neighbouring properties – being where they should not be.</p>	<p>Victoria Police</p>
<p><b>Officer’s Response:</b> Guests at Yuulong events would be trespassing if they enter other private properties. The Yuulong Management needs to ensure that event boundaries are made clear to guests and that they do not stray onto anyone else’s land.</p>	
<p>Noise from night time activities, generators and lighting will all impact on the amenity of local residents and safety of livestock.</p>	<p>Environmental Protection Authority – SEPP-No. N-2 (Control of music noise from public places)</p>
<p><b>Officer’s Response:</b> See response in the assessment section of this report</p>	

**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 Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

The proposal complies with the relevant sections of the PPF and LPPF:

PPF	Title	Response
Clause 11.03-5S	Distinctive areas and landscapes	It is considered that the temporary nature of the proposed events and activities would not detract from the rural landscape.
Clause 13	Environmental Risks and Amenity	The events would be short stay and all waste would be collected and removed from the property at the end of each event.

Clause 13.02-1S	Bushfire planning	The land is not within a bushfire management overlay however the application was referred to the CFA for the Use of the land for a Place of Assembly.
Clause 13.05-1S	Noise abatement	It is considered that noise can be controlled though permit conditions.
Clause 14.01-1S	Protection of agricultural land	It is not considered that the agricultural productivity of the land would be compromised by the temporary use of the land for short duration events.
Clause 14.02-2S	Water quality	The events would be of short duration and all waste would be collected and removed from the property at the end of each event.
Clause 17.04-1S	Facilitating tourism	The proposal would expand on and add to the tourism potential of the Shire.
<b>LPPF</b>		
Clause 21.04	Economic Development and Employment	The intention of the owners is to utilise local people to provide services, food and artisan products to the events.
Clause 21.06	Heritage	The Yuulong homestead is not covered by a Heritage Overlay, nor is it included in the West Moorabool Heritage study. The homestead is however on the National Trust register. It is not considered that the temporary nature of the proposed events would detract from the homestead, and in fact the homestead would be a feature of some of the proposed activities.

## **ZONE**

### Farming Zone

In accordance with Clause 35.07-1, Section 2, of the Moorabool Planning Scheme a permit is required to use land for a Place of Assembly and for camping.

The purpose of the Farming Zone is to:

- Implement the Municipal Planning Strategy and the Planning Policy Framework.
- Provide for the use of land for agriculture.
- Encourage the retention of productive agricultural land.
- Ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- Encourage the retention of employment and population to support rural communities.
- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- Provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The Decision Guidelines at Clause 35.07-6 of the Moorabool Planning Scheme state that the Responsible Authority must consider as appropriate the following matters:

- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

It is considered that the temporary nature of the proposal, and that all waste and rubbish would be removed from the site at the completion of each event that there would be minimal if any impact on the soil or water quality. The proposal would not remove land from agricultural production except for a few days at a time.

Neighbours who have objected to the application has stated that the proposal is incompatible with adjoining and nearby land uses and will negatively impact on livestock operations. There is concern that there would be a long term impact on right to farm by introducing a non-agricultural use to this location.

#### Road Zone Category 1

In accordance with Clause 36.04 of the Moorabool Planning Scheme a permit is not required to use land for a Place of Assembly.

**OVERLAYS****Design and Development Overlay, Schedule 2 - Visual Amenity and Building Design**

In accordance with Clause 43.02 of the Moorabool Planning Scheme, and Schedule 2, a permit is not required under this overlay as no permanent buildings or works are proposed.

However, a condition of the permit should require that non-reflective materials are used in all temporary structures proposed to conduct events.

**Relevant Policies**

There are no local policies that are relevant to this application.

**Particular Provisions****Clause 52.05 – Signage**

In accordance with Clause 52.05 of the Moorabool Planning Scheme a permit is required for permanent business identification signage. In the Farming Zone signage is Category 4. In the Farming Zone the total area of all business identification signage is 3sqm. There are some exemptions for temporary signage contained in Clause 52.05-10.

As the applicant has not proposed any signage in this application a permit is not required under this clause. If signage is proposed the permit must be amended.

**Clause 52.06 - Car parking**

In accordance with Clause 52.06-5 and Table 1 of the Moorabool Planning Scheme a permit is required for car parking for a Place of Assembly. The number of car spaces required is 0.3 car spaces for each patron permitted.

This equates to 90 car spaces for 300 patrons, 45 car spaces for 150 patrons and 15 car spaces for 50 patrons.

The site plan shows that 88 car spaces can be accommodated along the entrance driveway. However, as there is plenty of space available on the site is considered that car parking demand can be readily satisfied and no reduction in car parking is required.

**Clause 52.17 – Native vegetation**

No vegetation is proposed to be removed to undertake the use of the land and a permit is not triggered under this provision.

**Clause 52.29 - Land Adjacent to a Road Zone, Category 1**

In accordance with Clause 52.29 of the Moorabool Planning Scheme a permit is not required as the application does not propose to alter the access to a road zone - from Yuulong Road to the Midland Highway.

However, the application was referred to VicRoads and they require modifications to be made to the Midland Highway/Yuulong Road intersection to accommodate increased traffic from the use.

## DISCUSSION

The proposal is to conduct high-end boutique farm experience events on the Yuulong property. The events would potentially be conducted over several days with overnight accommodation provided, but some events may not require an overnight stay.

A range of outdoor activities would be offered tailored to each group's interests and may include farm tours, farm activities and/or lifestyle experiences such as cooking, yoga or activities on the lake.

Local food and beverage suppliers would be used where possible and local artisans would also be encouraged to be involved in events where appropriate. The use of the property for wedding functions may also be accommodated around the homestead site.

The application requested 12 events per year, being made up of 4 events for up to 300 people and 8 events for up to 50 people. However, it is recommended that these numbers are altered to 10 events per year for up to 150 people at each event with the maximum duration of each event being 3 nights and 4 days. It is recommended that these limits to events are conditioned.

Accommodation, when required, would be offered in glamping style tents. Toilets and showers would be provided using fully portable facilities. Both tents and the bathroom facilities would be removed from the property at the end of each event and no waste would be discharged to the land. Hard waste would be collected in appropriate receptacles and also removed from the site.

The application was referred to Council's Environmental Health which consented to the application subject to conditions.

The application did not include any signage or licenced premises. If these are required at a later stage, then this permit must be amended.

The application also did not include the use of a camping ground. This was due to the camping proposed being temporary in nature with no permanent camping infrastructure being proposed. However camping has been included in the preamble as ancillary to the use of the land for a Place of Assembly.

The application was referred to VicRoads who consented to the application subject to conditions. These included that some significant road works are undertaken on the Midland Highway including the installation of a Basic Right Turn (BAR) Treatment as per Austroads Guide to Road Design Part 4A: *Unsignalised and Signalised Intersections* (design modified to VicRoads approval).

The application was referred to Council's Infrastructure Department which consented to the application subject to conditions.

The application was referred to the Country Fire Authority who consented to the application subject to conditions. The application was also referred to relevant emergency service providers, and only Victoria Police responded. They consented to the application without conditions.



The potential issue with this application is the impact on neighbour’s amenity due to noise, particularly at night. This could be from music and generators or indeed from the guests. It is essential that noise is controlled and managed to acceptable levels as specified in relevant EPA policies and publications to protect the amenity of neighbouring residents. This should be conditioned.

To ensure music is controlled it is recommended that music specifically for weddings is contained to within the woolshed precinct south-east of the homestead and ceases at 11pm and that this should be conditioned and amended plans provided.

The application was advertised, and four objections were received. While the objectors’ concerns are understood, it was also considered that they may be overly concerned about the potential risks to their livestock which would normally be exposed to on-farm and off-farm noise.

The objectors were also concerned about the impact of these events on Yuulong Road and that if many people were required to exit the site in an emergency this would increase risk to local residents.

Finally, there was considerable concern about such events occurring at all in a quiet agricultural area disrupting regular farming activities and farmers and their families.

However, on balance it is considered that the proposal could provide benefits to the Shire including increased tourism and related employment and commercial activities that would add to the local economy. It is considered that possible adverse impacts can be controlled with permit conditions.

**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**

Authority	Response
VicRoads	Consent with conditions
Country Fire Authority	Consent with conditions
Victoria Police	Consent
Ambulance Victoria	No response
State Emergency Services	No response
Infrastructure	Consent with conditions
Environmental Health	Consent with conditions
Moorabool Emergency Management	No response
Economic Development	Consent

**FINANCIAL IMPLICATIONS**

There are no financial implications for Council in approving the application.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

The recommendation of approval of this proposal 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) ii. 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**

Council could consider the following options:

- Issue a notice of decision in accordance with the recommendation of this report;
- Issue a notice of decision with amendments to the recommended conditions of this report; or
- Should Council wish to consider refusing the application, Councillors need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme.

**CONCLUSION**

The proposal to use a heritage homestead and farm to offer farm and rural lifestyle experiences for groups. The number of events should be restricted to 10 per year. At this stage whether the owners would achieve that number is unknown. Farm tourism is an acceptable use of rural land. It is considered that permit conditions would ensure that the events are managed to avoid amenity impacts on neighbours. It is recommended that the application is supported subject to conditions.

Having declared a Conflict of Interest in relation to Item 12.3, Cr Tom Sullivan left the meeting at 6.48pm.

### **12.3 PA2019113 - 4 LOT SUBDIVISION AT 53 CAMERONS ROAD.**

#### **RESOLUTION**

Moved: Cr David Edwards

Seconded: Cr John Keogh

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a Notice of Decision to grant a Planning Permit, subject to the conditions outlined below:

#### **Endorsed Plans**

1. Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:
  - (a) the location of the fence line between the four lots, showing the native vegetation that could be impacted by the development of a fence. The plan should show native vegetation that is on site and all avoidance measures or type of fencing to be constructed to ensure that no removal of native vegetation is to occur.

#### **Subdivision:**

2. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
3. 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 percent 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.
4. The dwelling envelope as shown endorsed plan is to be registered on title by a Creation of Restriction added to the Plan of Subdivision. All lots will have benefit and burden of this restriction. The restriction cannot be altered without further planning permission. The dwelling envelope area only applies to a dwelling and does not include any detached ancillary shed, outbuilding, garage or carport.

#### **General Conditions:**

5. Prior to the issue of a Statement of Compliance for the subdivision, each vacant lot must be provided with a standard rural residential vehicle crossing with a culvert on Camerons Road or Lerderderg Gorge Road to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
6. All new fencing is to be constructed in a way to avoid removal or otherwise not impact the native vegetation that is on the site.

**Servicing:**

7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
8. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
9. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

**Infrastructure:**

10. 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).
11. 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.
12. 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.

**Country Fire Authority:**

13. The Bushfire Management Plan prepared by Terramatrix Pty Ltd, (Bushfire Management Statement for 53 Camerons Road, Darley – Version 1.1, Map 1, Page 9, dated 29/04/2019) must be endorsed to form part of the permit and be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-5 of the Moorabool Planning Scheme. The plan must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
14. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

**CFA Section 173 Agreement:**

15. In addition to the requirements of Clause 44.06-5 of the Moorabool Planning Scheme, the section 173 Agreement prepared in accordance with that clause must also specify:

- a) Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the Moorabool Planning Scheme:

*'A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-5'.*

**Powercor:**

16. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.

17. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributors electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

18. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

19. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

i. RESERVES established by the applicant in favour of the Distributor.

ii. SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

20. The applicant shall establish easements on the subdivision, for all existing Powercor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

i. Existing easements may need to be amended to meet the Powercor's requirements

ii. Easements required by Powercor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Purpose: Power line

Origin: Section 88 - Electricity Industry Act 2000

Land Benefited / In Favour Of: Powercor Australia Ltd

**Permit Expiry:**

21. This permit will expire if the plan of subdivision is not certified within two (2) years of the date of issue of the permit.

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

**Permit Note:**

Note from Western Water: This development is remote from Western Water's water and sewerage systems and these services are not available to this property.

**CARRIED**

<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Yes,
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of objections:	Two objections.
Consultation meeting:	No

**POLICY IMPLICATIONS**

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 2: Minimising Environmental Impact**

**Context 2B: Natural Environment**

The proposal for a Four (4) Lot Subdivision at 53 Camerons Road is consistent with the Council Plan 2017 – 2021.

**VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

*Executive Manager – Henry Bezuidenhout*

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

*Author – Samuel Duff*

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

**EXECUTIVE SUMMARY**

Application referred?	Downer Infrastructure Services, PowerCor, Country Fire Authority and Western Water were the external referrals for this application. Councils Infrastructure department was also notified
Any issues raised in referral responses?	No
Preliminary concerns?	NIL
Any discussions with applicant regarding concerns?	No

Any changes made to the application since being lodged?	No
Brief history.	The application was lodged in May 2019, seeking approval for a four lot subdivision of the subject site. As part of this application, the proposal was advertised. As a result of the application, Council received two submissions.
Previous applications for the site?	On the Southernmost lot, Lot 1 on TP 080424E, an application for the development of a shed ancillary to an existing dwelling was approved under Planning Permit PA2019-099.
General summary.	The subject site is within the Rural Conservation Zone, and is subject to the Design and Development Overlay, Schedule 14, as well as the Bushfire Management Overlay, Schedule 1.  The application is largely consistent with the appropriate zone and overlay provisions of the planning scheme.
<b>Summary Recommendation</b>	
That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , Council issue a Notice of Decision to grant a Planning Permit.	

## SITE DESCRIPTION

The subject is comprised of two titles, which are:

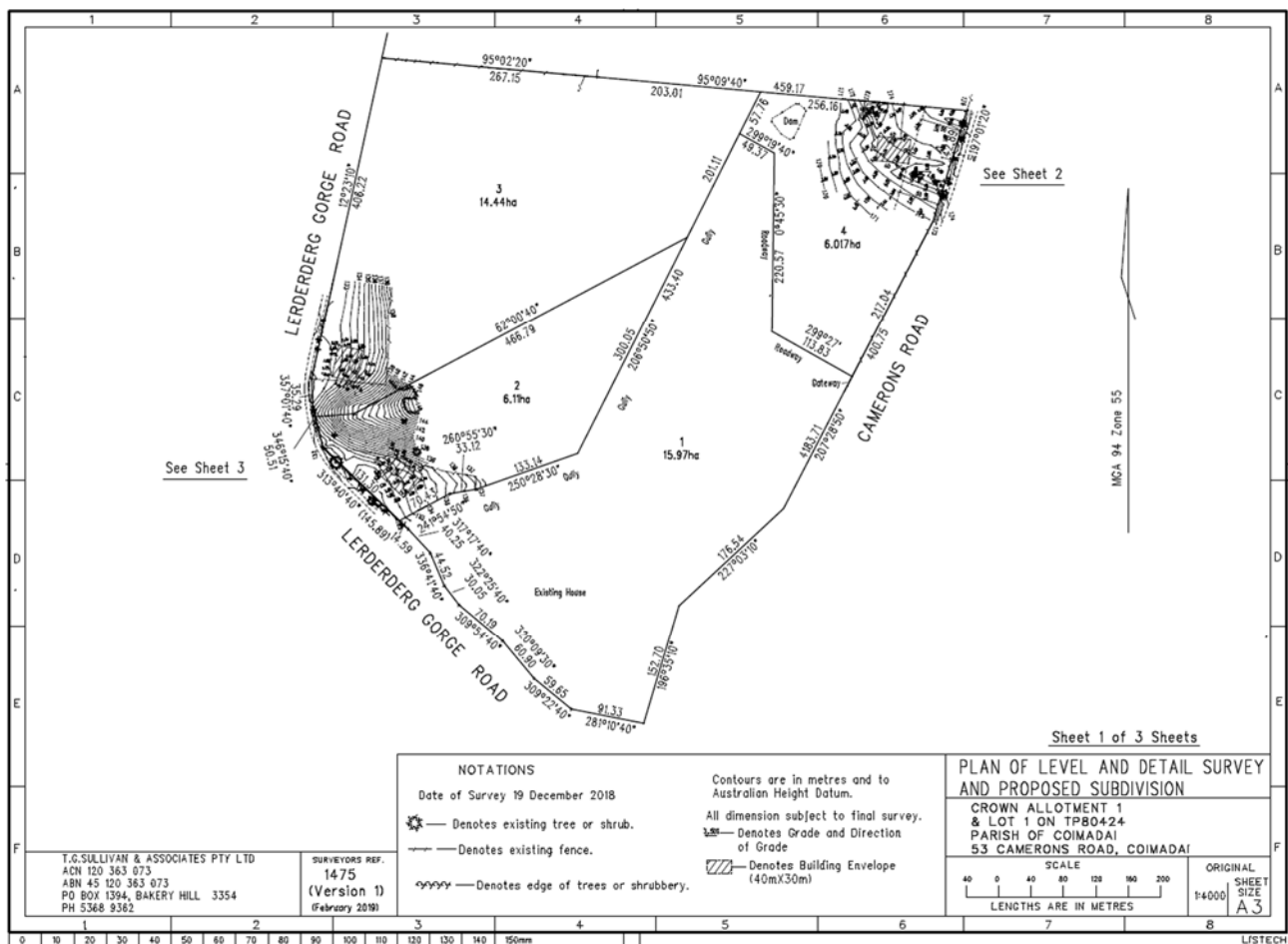
- Crown Allotment 1, Parish of Coimadai (northern lot)
- Lot 1 on TP 080424E (southern lot)

These titles equate to 42.37 Ha of land in the Rural Conservation Zone, Schedule 2. The northern lot is a more regularly shaped, approximately rectangular, parcel of land that is 27.69 Ha while the southern lot is an irregular shaped, approximately triangular that is 14.68 Ha of land. The southern lot has an existing dwelling on the land. Both lots are predominantly vegetated, although there are some areas that are not heavily vegetated that correlate with the proposed building envelopes.

The topography of the site is varied with a highpoint on the eastern side of the northern lot. The pattern of subdivision creating lots was designed having consideration of the topography, with at least one of the lot boundaries being defined by topographical constraints of the site. That boundary corresponds with a gully that runs approximately northeast – southwest.

## PROPOSAL

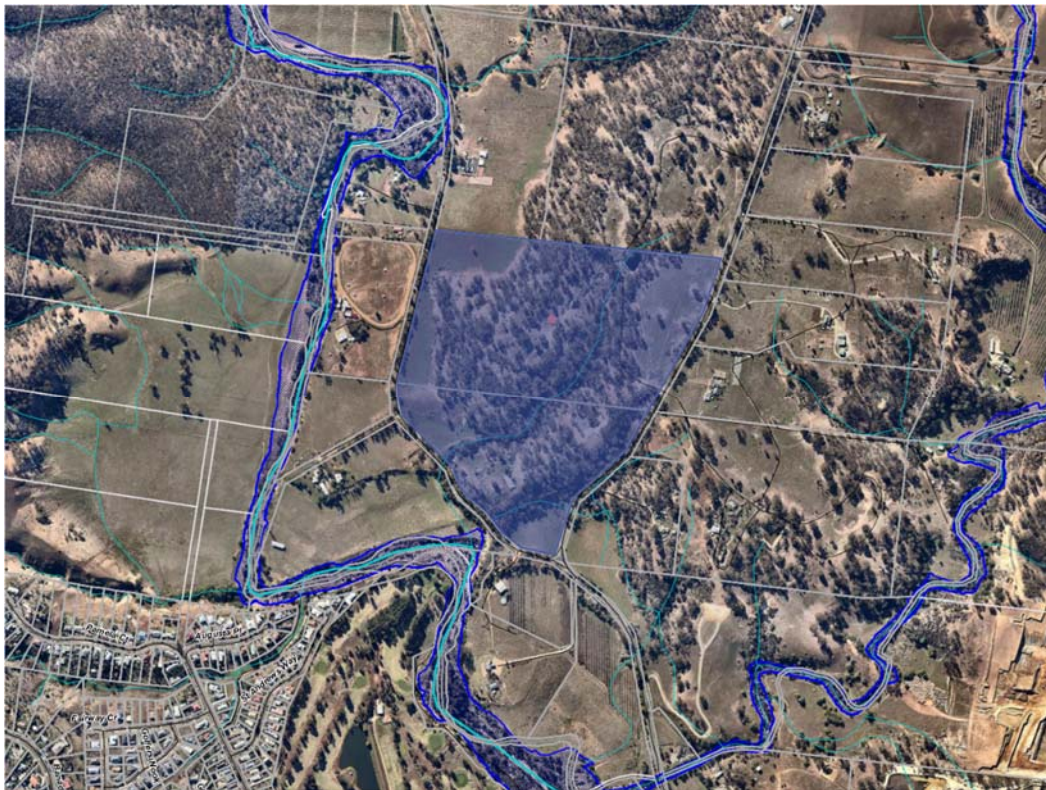
It is proposed to subdivide the two existing titles into four lots. The four lots range from 6.01 ha through to 15.97 ha in area.



Details of the proposed four lots are as follows:

- Lot 1 – Would be 15.97 ha and would contain the existing dwelling, and has access via Camerons Road
- Lot 2 – Would be the smallest of the 4 lots at 6.01 ha and would be located in the north east of the subject site. The dam would also be included on this site. Access would be to Camerons Road.
- Lot 3 - Would be 14.44 hectares and would be in the north west of the site. Access to would be provided to Lerderderg Gorge Road.
- Lot 4 – would be 6.017 and would have access to Lerderderg Gorge Road.





The three of the four lots would have building envelopes on them as part of the planning permit application. The building envelop would be 30 meters x 40 meters in size equating to 1200m<sup>2</sup> in area which can be developed on site. Access would be provided via access routes and crossover that have been designed to avoid roadside vegetation removal and minimise impacts on the created lots.

**A FULL COPY OF PLANS HAS BEEN INCLUDED AS AN ATTACHMENT TO THIS REPORT. HISTORY**

On the Southernmost lot, Lot 1 on TP 080424E, an application for the development of a shed ancillary to an existing dwelling was approved under Planning Permit PA2019-099.

**PUBLIC NOTICE**

The application was notified to adjoining and surrounding landowners. As a result of the public notification, two objections were received by Council.

**SUMMARY OF OBJECTIONS**

The objections received are detailed below with officer’s comments accompanying them:

Objection	Any Relevant Requirement
First objection highlights concerns over the increase in traffic, especially in bushfire situations and that the size of the lots don’t exceed 15 acres.	

**Officer’s Response:**

There would be an increase in the traffic from the three proposed additional dwellings that would be able to be constructed on the site. The lot sizes meet the minimum lot size under the zone of 6 ha. The new three lots do not propose an unreasonable traffic increase for the area.

The second objection comes from a representative of a mining group who has purchased a neighbouring property. Their particular site(s) (48 Camerons Road and 222 Lerderderg Gorge Road) have had exploratory drilling undertaken, where deposits of sand have been found. This objection is based on the land being within a buffer area for their future sand mining operation.

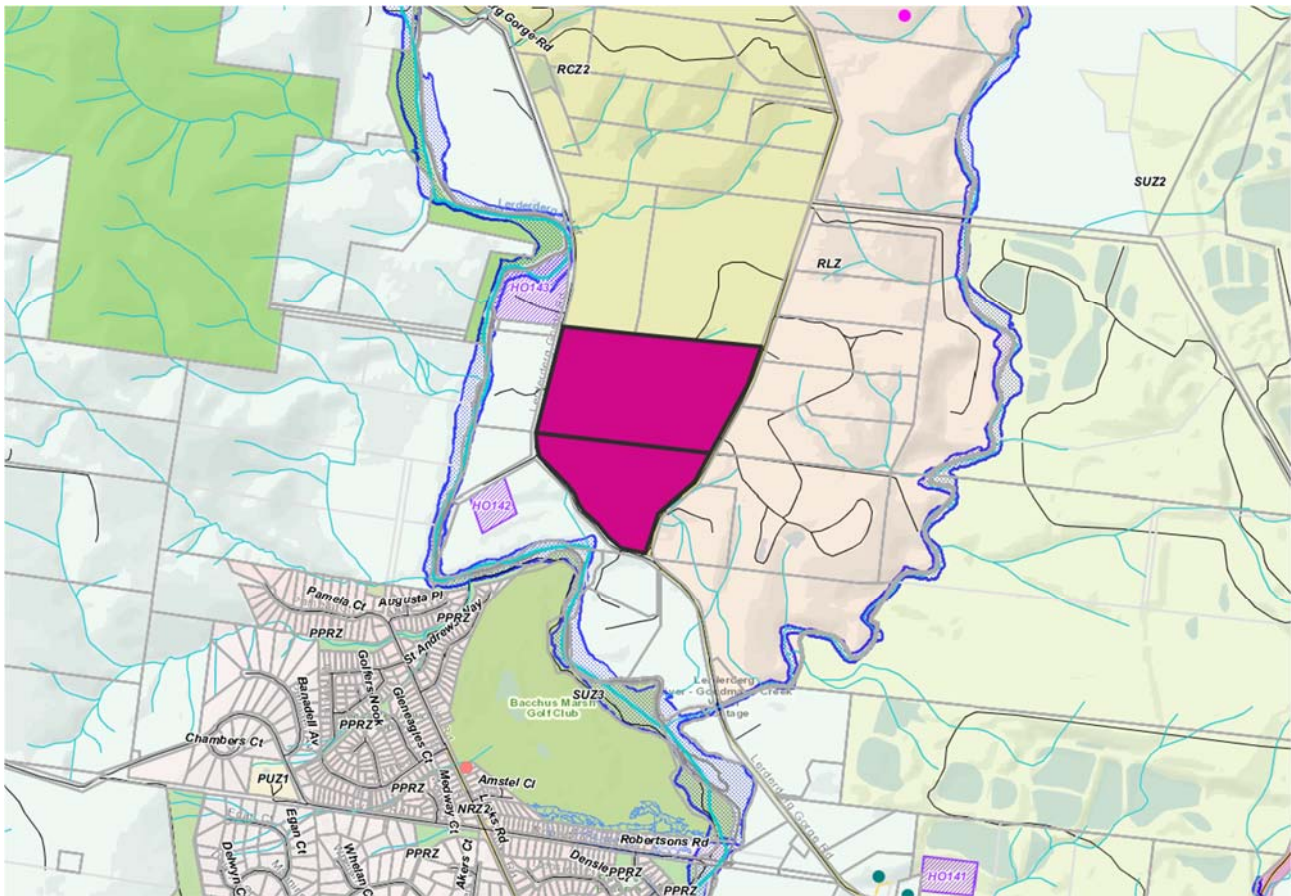
Discussions have been held with the relevant State Government Department.

**Officer’s Response:**

It is understood that the developer/landowner of the objection wishes to commence sand mining activities on 222 Lerderderg Road and 48 Camerons Road, Coimadai. This land is zoned Rural Living Zone and Council is yet to receive an application nor have they obtained a permit for the subject sand mining use. Based on this and that it has not been strategically identified within state or local policy it is considered that this submission should not impact this application being determined.

**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:

- Clause 11.03 Planning for Places
- Clause 12.01 Biodiversity
- Clause 12.05 Significant Environments and Landscapes
- Clause 13.02 Bushfire
- Clause 14.02 Water
- Clause 21.02 Natural Environment

The proposal complies with the relevant sections of the Planning Policy Frame and LPPF

**ZONE**

Clause 35.06 – Rural Conservation Zone

The land is within the Rural Conservation Zone, Schedule 2, the Conservation Values of this schedule are:

- To protect the treed landscape values of the land.*
- To retain and protect remnant native vegetation and wildlife habitat of the land.*

*To protect the nature conservation values and habitat values of the adjacent Lerderderg State Park.*

*To protect the water quality of Goodmans Creek and the Lerderderg River.*

*To ensure that the location, siting and design of any development does not adversely impact upon nearby sensitive environments.*

*To ensure buildings are sited where appropriate bushfire protection measures can be readily implemented without adverse impacts on environmental values or sustainable land management.*

The purpose of the Rural Conservation Zone is:

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To conserve the values specified in a schedule to this zone.*

*To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.*

*To protect and enhance natural resources and the biodiversity of the area.*

*To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.*

*To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.*

*To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes*

There is a planning permit requirement for subdivision under the Zoning controls. Any future dwelling would be subject to an additional planning permit under the zoning controls.

## **OVERLAYS**

### Clause 43.02 – Design and Development Overlay, Schedule 2

The design objectives to be achieved under this schedule to the Design and Development Overlay are:

*To enhance visual amenity in rural, township and vegetated areas of the Moorabool Shire.*

*To encourage the use of external cladding, such as non-reflective materials for building construction.*

*To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on amenity.*

### Clause 43.02 – Design and Development Overlay, Schedule 14

The design objectives to be achieved under this schedule to the Design and Development Overlay are:

*To provide for limited rural living development in locations that protect the treed landscape values and land capability of the area.*

*To ensure a building is sited to protect and retain remnant native vegetation and wildlife habitat and the treed landscape values of the land.*

*To ensure a building is sited to protect the nature conservation values and habitat values of the Lerderderg State Park and the water quality of Goodman's Creek and the Lerderderg River.*

*To ensure a building used for accommodation is separated by an appropriate distance from a quarry to avoid adverse impacts on the operation of existing extractive industries.*

*To ensure a building used for accommodation is sited where bushfire risk associated with the site, the immediate area and the broader landscape is mitigated to an acceptable level without adverse impacts on environmental values,*

**Clause 44.06 Bushfire Management Overlay, Schedule 1**

The purpose of the Bushfire Management Overlay is:

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*

*To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*

*To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

The land is within the Bushfire Management Overlay, Schedule 1, where the bushfire objectives to be achieved are:

*To specify bushfire protection measures to reduce the risk to life and property from the broader landscape to an acceptable level in the Camerons Road area.*

*To require a combination of more generous defendable space and robust construction standards to mitigate the effect of flame contact, radiant heat and embers on buildings from the surrounding landscape to an acceptable level.*

**RELEVANT POLICIES**

Moorabool Rural Strategy Plan – April 2009. This plan formed the policy basis of the C58 Amendment to the Moorabool Planning Scheme, which implemented the controls that exist on the land currently.

**PARTICULAR PROVISIONS**

**Clause 52.17 Native Vegetation**

The purpose of this particular provision is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

- 1. Avoid the removal, destruction or lopping of native vegetation.*
- 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

*To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

**Clause 53.02 Bushfire Planning**

The purpose of this particular provision is:

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*

*To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*

*To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*

*To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

## **DISCUSSION**

Overall, the subdivision proposed by this application is generally in accordance with the relevant State and Local Planning Policies, and is consistent with the strategic planning documents, as well as what has been implemented in the Planning Scheme, specifically the Zones and Overlays.

The Moorabool Planning Scheme identifies the Camerons Road as an area for limited intensification. The site is within Map 1 of the Design and Development Overlay, Schedule 14(DDO14). This map identifies the parcels of land in the Camerons Road Living area that has further subdivision potential, as well as the proposed dwelling envelopes of the subject site. The application is in accordance with this map. One of the primary purposes of the DDO14 is to provide for limited rural living development in locations that protect the treed landscape values and agricultural land. This application is consistent with those controls. The proposed dwelling envelopes that are proposed are in an area where no native vegetation would have to be removed in order to facilitate the future development of a dwelling.

The applicant has stated within the planning report prepared by Spectrum Planning Solutions that all new fencing would be constructed to avoid vegetation removal. They have suggested a permit condition in order to secure this outcome. This has been included in the recommended conditions.

The land is subject to the Bushfire Management Overlay, and a dwelling envelope has been identified and assessed by the consultant who prepared the Bushfire Management Statement. The CFA have consented to the application, subject to conditions. The applicant has identified building envelopes on the subdivision plan which include the dwelling envelopes as identified on the Bushfire Management Statement.

The subdivision is consistent with the zone and overlay controls allows for further subdivision of this site. Any future dwelling would be assessed on its merits in context of the decision guidelines.

## **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**

<b>Authority</b>	<b>Response</b>
Powercor	Consent with Conditions
Downer Utilities	Consent
Western Water	Consent
Infrastructure	Consent with Conditions
CFA	Consent with Conditions

**FINANCIAL IMPLICATIONS**

The recommendation of approval is not thought to have any financial implications to Council.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**COMMUNICATIONS STRATEGY**

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

**OPTIONS**

Council could consider the following options:

- Issue a Notice of Decision to grant a Planning Permit for PA2019-113 in accordance with the recommendations of this report;
- Issue a Notice of Decision to grant a Planning Permit with amendments to conditions within the recommendation of this report; or
- Should Council wish to consider refusal of the application, Councillor's need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme.

**CONCLUSION**

The proposal is consistent with the zone, overlay controls and relevant policies which allows for further subdivision of this site. Any future dwelling would be assessed on its merits in context of the decision guidelines. It is therefore recommended that the application be approved, subject to conditions.

Cr Tom Sullivan returned to the meeting at 6.53pm.

Mr Allan Carlsson addressed Council as the applicant of Item 12.4.

**12.4 PA2018137 - STAGED SUBDIVISION, REMOVAL OF VEGETATION, AND BUILDING AND WORKS WITHIN ES02. 174 MORTONS ROAD, PENTLAND HILLS**

**RESOLUTION**

**Moved:** Cr Tom Sullivan

**Seconded:** Cr David Edwards

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, Council supports the application PA2108137 and consent for VCAT to issue a planning permit subject to the following conditions:

**Endorsed plans**

1. Prior to certification of a plan of subdivision, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the Subdivision Masterplan Package (Revision 15) prepared by Taylors Development Strategists Pty Ltd but amended to show:
  - the portion of the western side of Korkuperrimul Creek shown as Creek/River Environs in stage 9 incorporated into stage 20;
  - Lot E, Lot F, the road between Lots E and F and the road to the east of Lots E and F incorporated into stage 13; and
  - the Eastern Escarpment to be included in Stage 9.
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.

**Subdivision**

3. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
4. Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the developer will manage the environmental and construction issues associated with the development. The plan must address, but not be limited to the following:
  - how the land is to be accessed during the construction period;
  - all measures to be introduced to ensure that construction on the land does not impact on any vegetation to be retained;
  - all measures to be introduced to minimise soil erosion and runoff;
  - details relating to the storage of all plant and equipment during the construction period; and
  - measures to be implemented to ensure the containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside of the site.



5. Prior to a Statement of Compliance for each stage of the subdivision, development contributions for that stage of the subdivision must be paid to Moorabool Shire Council in accordance with Section 173 Agreement AQ206447X registered on title.

### Operational

6. Stages must be completed in their numerical sequence unless with the written consent of the Responsible Authority.
7. Prior to certification, the plan of subdivision submitted for certification must include the following:
  - Restriction No. 1

**Land to be Burdened:** All lots (except the four marked lots and super lots) contained in the Subdivision Masterplan.

**Land to Benefit:** All lots on this plan

**Creation of Restriction:** Upon registration of this plan, the following restriction is created.

**Description of Restriction:** No building to be constructed or allowed to remain on a lot unless in complete compliance with the endorsed Design Guidelines November 2016.
  - Restriction No .2

**Land to be Burdened:** The four marked lots contained in the Subdivision Masterplan.

**Land to Benefit:** All lots on this plan.

**Creation of Restriction:** Upon registration of this plan, the following restriction is created.

**Description of Restriction:** No building to be constructed or allowed to remain on a lot unless in complete compliance with the endorsed Special Design Guidelines August, 2019.
8. The Design Guidelines November 2016 and the Special Design Guidelines August 2019 cannot be altered unless with the written consent of the Responsible Authority.
9. Prior to the certification of a Plan of Subdivision for Stage 9, submission of an exploratory geotechnical report prepared by a suitably qualified expert that clearly identifies the area of high geotechnical risk and all details (including timing) of mitigation works and/or mitigation measures. The report must include any ongoing maintenance/management program.
10. Prior to the issue of a Statement of Compliance for each relevant stage, completion of mitigation works or measures within that stage in accordance with the requirements of geotechnical report for areas of intolerable geotechnical risk.

### Telecommunications

11. The owner of the land must enter into agreements with:
  - 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
  - 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 provided by optical fibre.

12. 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 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
  - 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.

### **Landscaping**

13. Prior to the certification for the relevant stage, a detailed landscape plan must be submitted for all stages and approved to the satisfaction of the Responsible Authority, and for Stages 9, 15 and 20 to the satisfaction of Melbourne Water. The landscape plan must show public open space reserves including the location of playground equipment; any site services such as toilets/drinking fountains/lighting; footpath location, width, material, and associated safety signage; bike path location, width, materials and associated safety signage; and any landscape features and irrigation systems.
14. Local parks must be completed to the satisfaction of the Responsible Authority as follows:
- in relation to Local Park 1, within six months of a Statement of Compliance of Stage 9; and
  - in relation to all other local parks prior to the issue of a Statement of Compliance of the relevant stage.
15. Street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.
16. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
17. A security deposit equal to 150% of the cost of planting street trees for each stage must be lodged with the Council. The deposit will be returned after the final inspection of street trees for each stage, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.
18. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.
19. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.

20. A security deposit equal to 150% of the cost of the landscaping for each stage must be lodged with the Council. The deposit will be returned after the final inspection of landscaping for each stage, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.

### **Infrastructure**

21. The stormwater system for the development must be designed in accordance with the endorsed Stormwater Management Plan, to the satisfaction of the responsible authority.
22. The subdivision must be provided with a drainage system designed to the satisfaction of the Responsible Authority including the following:
- the subdivision as a whole must be self-draining;
  - all drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision;
  - all outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision;
  - volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s), if required, to the satisfaction of the Responsible Authority;
  - flow paths of the 1% AEP storm must be determined, and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans;
  - the drainage system must be designed to include provision to intercept litter.
  - all lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority;
  - the drainage design must consider any applicable drainage or flood management strategy. If required, the layout of the subdivision must be modified based on the approved stormwater design; and
  - stormwater harvesting system reticulated to the active sports reserve and other open space reserves to the satisfaction of the Responsible Authority.
23. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:
- the requirements for drainage of the whole site;
  - if the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development; and
  - if additional outfall drainage or upgrading of the existing drainage network is required.
24. The internal road network layout must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.

25. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.
26. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.
27. 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.
28. Sediment discharges must be restricted from any construction activities within the property and any truck movements beyond the site that creates sediment discharges must be in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995)
29. Traffic management treatments must be provided in the form of line-marking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
30. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be "Standard" fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.
31. Street names and street signs must be provided to the satisfaction of the responsible authority.
32. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.
33. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:
  - 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
  - 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.
34. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, after all engineering works pertaining to the stage have been completed, the following "as constructed" details must be submitted in the specified format to the Responsible Authority:
  - Drainage construction details in "D-Spec" format.
  - Roadworks construction details in "R-Spec" format.
35. Subject to the consent of the responsible authority, the data may be provided prior to the end of the maintenance period for the relevant stage of the subdivision.
36. All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.

37. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
38. 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.

**Western Water**

39. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment;
40. Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water;
41. Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of Western Water;
42. The existing water mains traversing the land must be relocated so as not to be located within private property, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water;
43. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water;
44. The owner shall reach an agreement with Western Water regarding the construction of any Shared Assets (potable water mains that are greater than 150mm diameter and gravity sewerage mains that are greater than 225mm diameter), required to service the subdivision/development. The construction of Shared Assets reimbursable by Western Water shall comply with Western Water's Procurement Procedure and Guide to New Customer Contributions.

**PowerCor Australia**

45. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
46. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards. Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
47. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

48. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations. Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements: RESERVES established by the applicant in favour of the Distributor. SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.
49. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements. Notes: ☐ Existing easements may need to be amended to meet the Distributor's requirements ☐ Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows: Easement Reference Purpose Width (Metres) Origin Land Benefited / In Favour Of Power Line Section 88 - Electricity Industry Act 2000 Powercor Australia Ltd

### **Transport for Victoria**

50. Cross section for roads identified as potential bus routes must be in accordance with the approved cross sections within the Traffic Engineering Assessment prepared by Traffix Group Pty Ltd (dated May 2018). To the approved cross sections in Traffic Engineering Assessment prepared by Traffix Group Pty Ltd (May 2018) must be referred to Public Transport Victoria for approval.
51. Any roundabouts constructed on roads designated a future public transport route within the subdivision, must be designed to accommodate ultra-low floor buses to the satisfaction of Public Transport Victoria.
52. Intersections, slow points, splitter islands and any other local area traffic management treatments must be designed and constructed in accordance with the Public Transport Guidelines for Land Use and Development. The use of speed humps, raised platforms, one-way road narrowing, and weave points must not be constructed on any portion of a road identified as a potential bus route.

### **Downer Utilities**

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

### **Department of Environment Land Water and Planning**

54. Prior to certification of the subdivision, an arborist report must be submitted to and approved by the Responsible Authority. The arborist report must provide recommendations, including any specified tree protection zone, to ensure the protection of indigenous trees to be retained within 15 metres of proposed works.
55. Prior to certification of the plan of subdivision an amended biodiversity assessment, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) must be prepared and submitted to the Responsible Authority for further Approvals.

56. Prior to certification of the plan of subdivision, native vegetation offsets must be undertaken in accordance with the amended biodiversity assessment report to the satisfaction of the Responsible Authority. The amended offset requirement must be obtained following the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017).
57. Before removing any native vegetation, evidence that required offset OR for each stage of the subdivision/project has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:
  - an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
  - credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
58. A copy of the offset evidence endorsed by the responsible authority will form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning - Grampians regional office via email: [grampians.planning@delwp.vic.gov.au](mailto:grampians.planning@delwp.vic.gov.au).
59. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
60. Before works start, a plan to the satisfaction of the Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.
61. Except with the written consent of the Responsible Authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
  - vehicular or pedestrian access;
  - trenching or soil excavation;
  - storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
  - entry and exit pits for the provision of underground services; and
  - any other actions or activities that may result in adverse impacts to retained native vegetation.
62. If the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

**Country Fire Authority**

63. Before the certification is issued under the *Subdivision Act 1988*, a bushfire management plan, which is generally in accordance with the *Subdivision Masterplan (version 15, dated 15/8/19)*, thereafter referred to as the 'Subdivision Masterplan', must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

***Defendable space as follows:***

- a 'no-build' zone on lots as shown in the Subdivision Masterplan, and
- areas shown as:
  - i. local parks as shown in the Subdivision Masterplan to be maintained as low threat vegetation, and
  - ii. escarpments as shown in the Subdivision Masterplan to have no increase in fuel loads,

to be managed generally in accordance with the following requirements:

- i. grass must be short cropped and maintained during the declared fire danger period;
- ii. all leaves and vegetation debris must be removed at regular intervals during the declared fire danger period;
- iii. shrubs must not be located under the canopy of trees;
- iv. individual and clumps of shrubs must not exceed 5 sqm in area and must be separated by at least 5 metres;
- v. the canopy of trees must be separated by at least 5 metres; and
- vi. there must be a clearance of at least 2 metres between the lowest tree branches and ground level.

***Construction standards***

- Bushfire Attack Level of BAL--12.5 that the buildings on lots will be designed and constructed.

***Water Supply***

- Reticulated water supply which meets the following requirements:
  - i. operable hydrants, above or below ground must be provided to the satisfaction of CFA;
  - ii. the maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart;
  - iii. hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)); and
  - iv. if required, static water supply with the capacity and location to the satisfaction of the CFA.



**Access**

- Access for firefighting purposes which meets the following requirements:
  - i. roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width; and
  - ii. the average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

## 64. Maintenance of defensible space

Before the Statement of Compliance is issued for each stage of the subdivision under the *Subdivision Act 1988*, defensible space must be implemented and maintained for that stage of the subdivision as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

**Melbourne Water**

65. Prior to the certification of the Plan of Subdivision for Stage 9, a functional layout plan for the vehicle crossing must be submitted to the satisfaction of Melbourne Water.

66. Prior to the issue of a statement of compliance for Stage 9, the vehicle crossing must be completed to the satisfaction of Melbourne Water and the Responsible Authority.

67. Prior to the commencement of works, an amended Storm Water Management Plan to the satisfaction of the responsible authority and Melbourne Water must be endorsed by the responsible authority. Once endorsed the Stormwater Management Plan will then form part of the permit. The Stormwater Management Plan (**SMP**) must be generally in accordance with the Stormwater Management Plan prepared by Engeny Water Management dated October 2018 but amended to include:

- the recommendations of the Korkuperrimul Creek Stability Assessment prepared by Alluvium dated August 2019 (and supplementary reports); and
- details of future ownership and maintenance requirements of all relevant assets.

68. Prior to the the certification of the Plan of Subdivision for Stage 9, the reports referred to in condition 67(a), must be updated to:

- confirm the suitability of any finished batter works along the waterways and/or erosion management works; and
- the timing of those works—

to the satisfaction of Melbourne Water.

69. The works to the waterway must be completed in accordance with the timing set out in any supplementary report required under condition 67(a), to the satisfaction of Melbourne Water.

70. Prior to the issue of a Statement of Compliance for a stage of subdivision that includes, or are adjacent to, Melbourne Water's Waterways (Stages 17, 19 and 20), all works within the waterway corridors within that stage must be completed to the satisfaction of Melbourne Water.

71. Prior to the certification of a Plan of Subdivision for Stage 20, functional layout plans indicating hardstand areas, fences, buildings, pedestrian bridge and other associated infrastructure must be prepared for the sports precinct to the satisfaction of the responsible authority and Melbourne Water and must be endorsed by the responsible authority. When endorsed, the plans will then form part of the permit.
72. The development permitted by this permit must not be commenced until a satisfactory waterways landscape plan for the riparian corridor along Melbourne Water's waterways is submitted to the satisfaction of Melbourne Water and the responsible authority and is endorsed by the responsible authority. When endorsed the plan will then form part of the permit. Such plan must be generally in accordance with the Werribee River and Korkuperrimul Creek Corridor Concept plan forming part of the Riverview Precinct Landscape Vision document prepared by Urbis dated July 2019 but amended to include a schedule of all proposed trees, shrubs and groundcover (including size at maturity and botanical names) along with the removal of non-native plant species. The Werribee River core riparian zone must be revegetated with indigenous vegetation corresponding to the relevant Ecological Vegetation Classes – Stream Bank Shrub land and Red Gum Swamp (Bioregion Central Victorian Uplands) to the satisfaction of Melbourne Water.
73. Landscaping within stages of the subdivision that include, or are adjacent to, a Melbourne Water Waterway (stages 17, 19 and 20) must be completed to the satisfaction of Melbourne Water, prior to the issue of a statement of compliance for the relevant stage.
74. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other related matters in accordance with the statutory powers of Melbourne Water.
75. Prior to commencement of works, a Construction Site Environmental Management Plan (**CSEMP**), must be submitted to and approved by Melbourne Water and the responsible authority to address the potential impacts of construction works. The CSEMP must be generally in accordance with 'doing it right on subdivision EPA 2004' and address methods for noise, dust, erosion and sediment control, soil stockpiles, waste and chemical management, flora/fauna protection, weed control, and archaeological/heritage impacts.
76. Prior to commencement of works, contractors must be inducted into the CSEMP and all flora and fauna conservation requirements.
77. The approved CSEMP must be implemented to the satisfaction of Melbourne Water and the responsible authority.
78. No earthworks, compaction or modification of existing drainage patterns may be undertaken which present a risk to any remnant trees, understorey, or revegetation areas, unless shown on the endorsed plans.
79. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Stormwater runoff from the development must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.

**Permit Expiry**

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

- The first stage of the plan of subdivision is not certified within two (2) years of the date of issue of the permit;
- Each subsequent stage is not certified within two years of the date of certification of the previous stage.

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

**Powercor Note**

It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor’s web portal, “mySupply” which can be accessed via the following link: <https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

**CARRIED**

<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	No exempt from the notice provisions.
Notices on site:	No.
Notice in Moorabool Newspaper:	No.
Number of objections:	No objections received.
Consultation meeting:	Yes, as part of the compulsory conference with VCAT.

**POLICY IMPLICATIONS**

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 3: Stimulating Economic Development**

**Context 3A: Land Use Planning**

The proposal is consistent with the Council Plan 2017 – 2021.

**VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

*Executive Manager – Henry Bezuidenhout*

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

*Author – Mark Lovell*

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

**EXECUTIVE SUMMARY**

Application referred and re-referred?	Southern Rural Water, Western Water, Melbourne Water, Transport Victoria, Powercor Australia, Country Fire Authority, Downer Utilities, DELWP, Council’s Infrastructure and Council’s SSD.
Any issues raised in referral responses?	Not with the latest set of plans.
Preliminary concerns?	Yes, in the initial concerned with the layout being inconsistent with the development plan this included road layout variations, design variations, lot size reduction, risk of reduction of full sized football oval to a junior oval.
Any discussions with applicant regarding concerns?	Yes, a number of meetings held with the applicant’s representatives including on site meetings.
Any changes made to the application since being lodged?	Yes, there have been number of changes made to the plans.
Brief history.	The applicant since the last Council meeting and subsequent VCAT compulsory conference has made substantial changes to the plans.
Previous applications for the site?	Yes, there have been previous subdivisions associated with the earlier stages of Underbank.
General summary.	During the compulsory conference at VCAT the applicant has agreed to make substantial changes to the plans addressing Council concerns regarding small lot sizes, small lot width, lack of perimeter road, and poorly arranged public open spaces.  The subdivision plans reflecting the Revision 15 plan (refer to Attachment 1) satisfies Council concerns and is now worthy of support subject to permit conditions.
<b>Summary Recommendation</b>	
That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , Council support the revised application, Revision 15 plans, for planning application PA2018137 at 174 Mortons Road, Pentland Hills subject to permit conditions.  VCAT is to be notified of the proposed conditions and Council consents for VCAT to issue a Planning Permit.	

**SITE DESCRIPTION**

The subject site is located on the northern side of the Werribee River and the eastern side of Moreton Road, Pentland Hills. The lot known as Lot S7 is comprised of two (2) parts with a total lot area of 117.3 hectares. Korkuperrimul Creek traverses the lot in a north-south direction near the eastern boundary of the site. The land is undulating with some low points near waterways and some high points near the western property boundary. The site was formerly used as a horse training facility called Underbank Farm. There are still the remnants of the facility, internal fencing and some of the metal stables building located in the south-east corner of the land. The subdivision is intended to connect Adelong Way which is under construction in the adjacent stage of Underbank Estate that then connect to a roundabout in Halletts Way. There are a scattering of trees throughout the site, however most of the site is grasslands. There is the significant Phar Lap tree located in the south-east of the site, this is required to be retained due to its historic value.

**BACKGROUND TO CURRENT PROPOSAL**

The permit applicant lodged an appeal to VCAT for a failure to determine the application within the prescribed time on 13 May, 2019

At Section 86 Development Assessment Committee meeting held on 15 May, 2019 it was resolved to not support the application and to advise VCAT accordingly. The ground for not supporting the application are as follows:

1. The proposed subdivision is not generally in accordance with the development plan approved under Development Plan Overlay Schedule 6 to Moorabool Planning Scheme.
2. The proposed subdivision does not comply with the objectives and strategies of Clause 15.01-3S, Subdivision Design 3
3. The lack of a plan to create, vary or remove easements does not comply with the decision guidelines of Clause 52.02.
4. The proposed subdivision represents an overdevelopment of the land.
5. The proposed lot sizes and widths, road layout, and location and configuration of the local park will result in poor design outcomes.
6. Melbourne Water, a determining referral authority has objected to the application with the following grounds
  - a) The proposed development is inconsistent with the Environmental Significance Overlay - Schedule 2 (ESO2). 21
  - b) The proposed development is inconsistent with the Design and Development Overlay - Schedule 6 (DD06).
  - c) The proposed development is inconsistent with State and Local Planning Policy relating to the protection of waterways, the natural environment and River Health.

A compulsory conference was held at VCAT on 12 August, 2019. The applicant during this process agreed to make substantial changes to the plans.

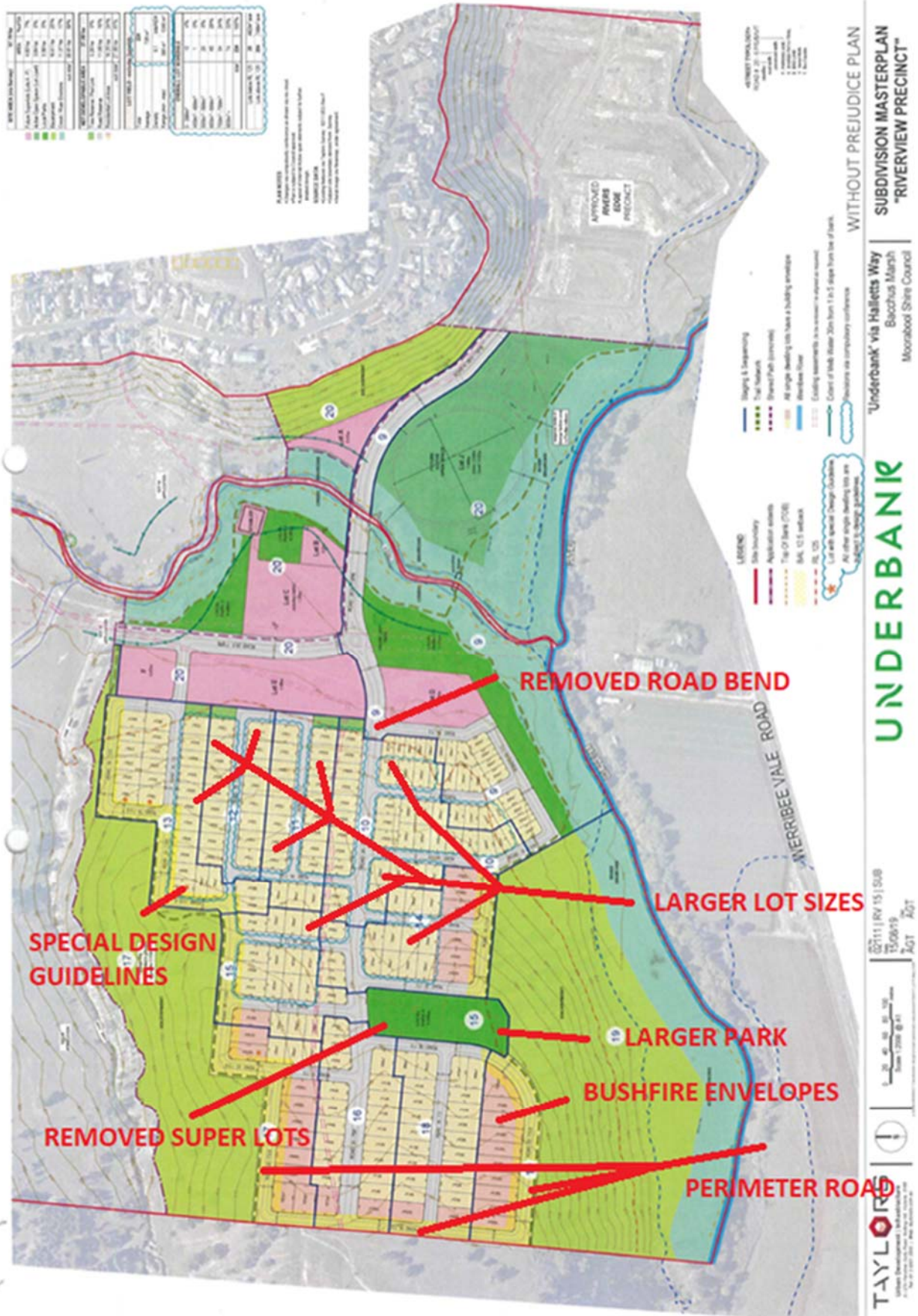
Council received the revised plans known as Subdivision Masterplan Revision 15 on 15 August, 2019. Council re-referred these plans on 16 August, 2019 with a 14 day time limit if any authority wants to alter or have new permit conditions.

A further compulsory conference was held on 4 September, 2019 which reviewed draft conditions including referral authority conditions based on the updated plan.

**CHANGES TO THE PLANS (COMPARED TO THE APPLICATION PREVIOUSLY CONSIDERED)**

- Number of lots reduced from 331 (from initial application) to 224 (after several revisions of the plans), a final reduction of 107 lots.
- The average lot size increased above the 125m contour to 749m<sup>2</sup>.
- Average lot over the entire subdivision increased to 726m<sup>2</sup>.
- Introduction of perimeter around the northern, southern and western side of the subdivision.
- Removal of a super lot and an increase in the size of public park 4 from 1 hectare to 1.03 hectares.
- Introduction of building envelopes for lots affected by a Bushfire Risk
- Introduction of special building design guidelines regarding corner lots to have at least one habitable room facing side street frontage and for special treatments of fences and garden walls.
- Removing a road bend and dangerous intersection between Super lots D and E.
- Increased the width of the main south-north carriageway.

VCAT was advised that while Council officers were satisfied with the amended plans they needed to be taken to Council for final determination. The further compulsory conference scheduled for 4 September will formalise consent from all parties' subject to this report being approved by Council on 19 September.



CURRENT SUBDIVISION PLAN, REVISION 15 WITH MARKED UP AMENDMENTS

**HISTORY**

PA2011170 was issued 11 May, 2012 for staged subdivision of land in accordance with the endorsed plans. This subdivision consisting 106 lots.

PA2016266 was issued on 31 August, 2017 for land sales signage.

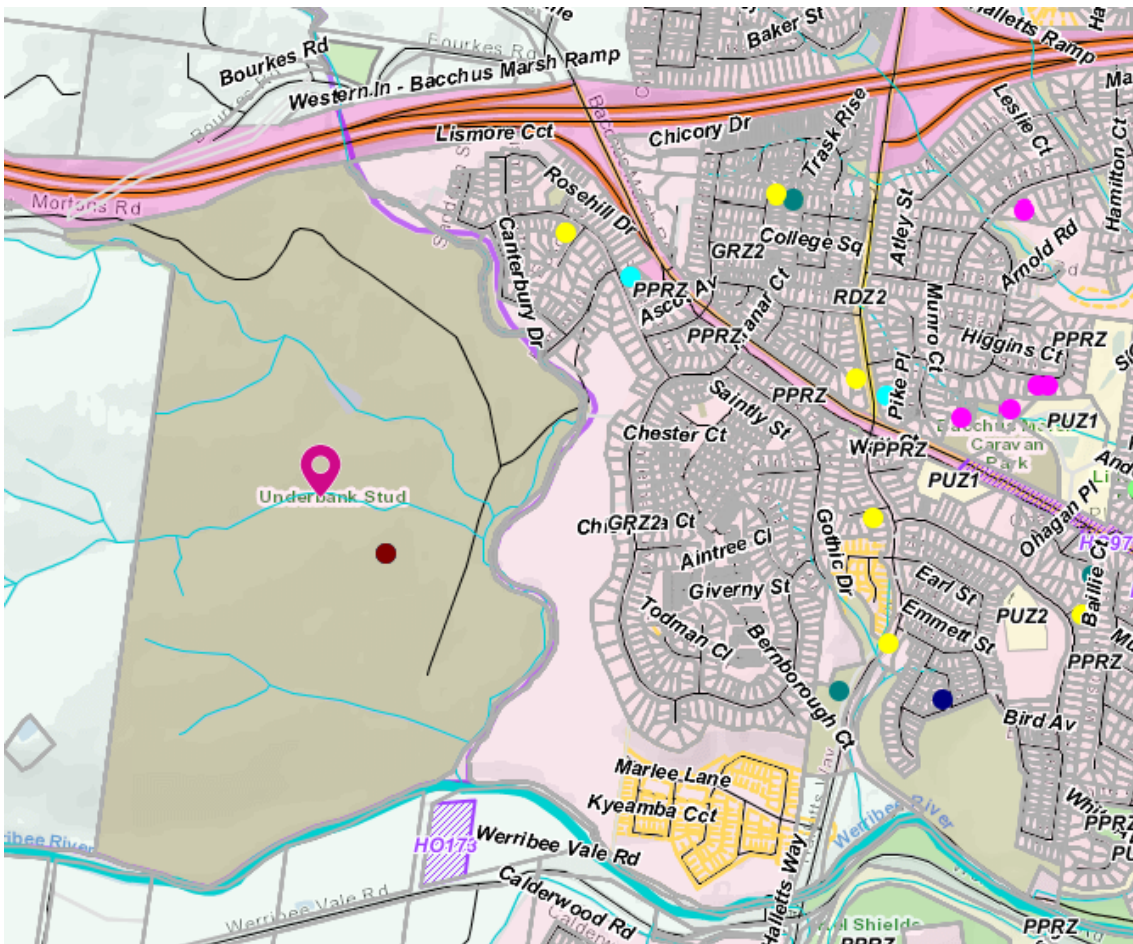
PA2017043 was issued 26 September, 2017 for a staged subdivision, variation of an easement and associated works. This subdivision consisted of 110 lots and was known as Stages 5 to 8 of Underbank Estate. The permit was amended on 9 August, 2018 to amend the permit preamble from stages subdivision, variation of an easement and associated works and building and works with ES02. The plans were amended under the secondary consent provisions on 24 August, 2018 altering the staging plan.

**PUBLIC NOTICE**

The application was considered exempt from the notice provisions in accordance with Development Plan Overlay Schedule 6.

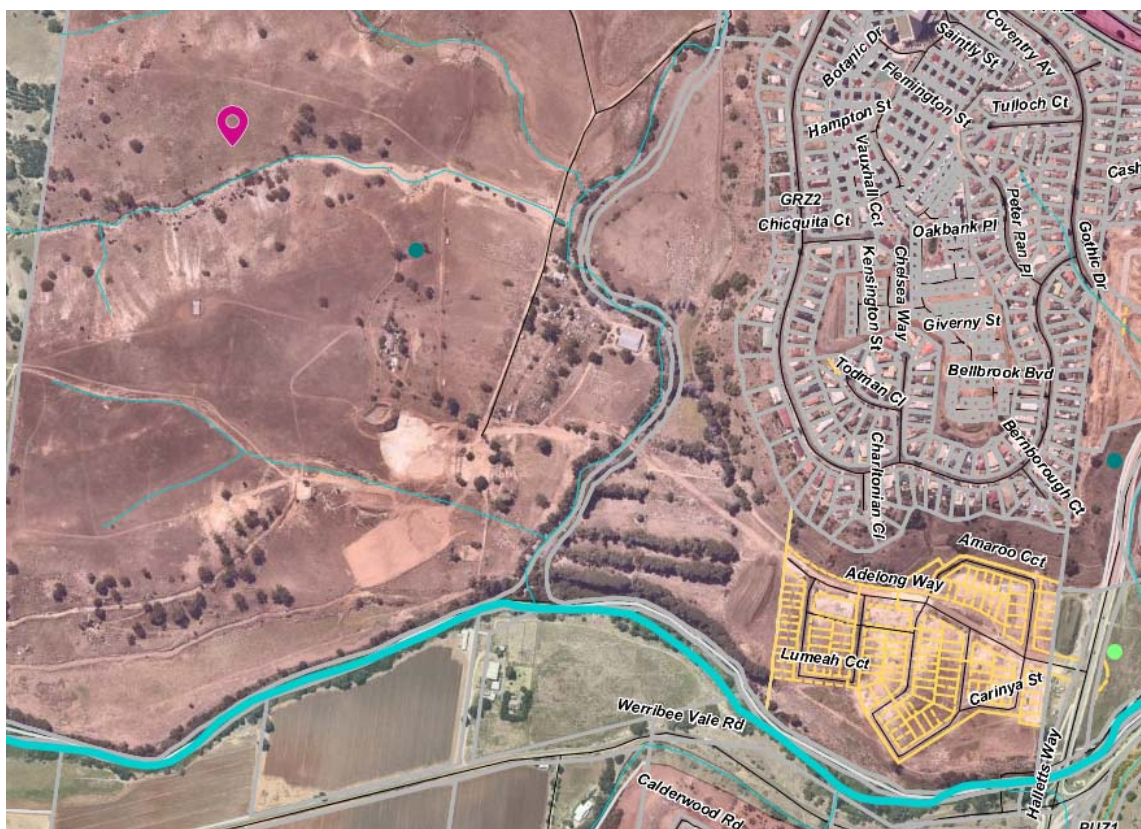
**LOCALITY MAP**

Map 1 and 2 below indicates the location of the subject site and the zoning of the surrounding area.



MAP 1 ZONE MAP





MAP 2: AERIAL PHOTOGRAPH

### 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:

- Clause 11.01-1R Settlement Central Highlands.
- Clause 11.02-1S Supply of urban land.
- Clause 11.03-3S Peri-urban areas.
- Clause 12.01-2S Native Vegetation Management
- Clause 12.05-2R Landscapes Central Highlands.
- Clause 15.01-3S Subdivision Design.
- Clause 15.01-5S Neighbourhood Character.
- Clause 16.01-2S Locational of Residential Development
- Clause 18.02-2S Public Transport
- Clause 19.03-2S Infrastructure Design and Provision
- Clause 19.03-3S Integrated Water Management
- Clause 21.03-2 Urban Growth Management.
- Clause 21.03-3 Residential Development.
- Clause 21.03-4 Landscape and Neighbourhood Character.
- Clause 21.07-2 Bacchus Marsh

## ZONE

The subject site is in the General Residential Zone, Schedule 2 (GRZ2).

The purpose of the Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under Clause 32.08-3, a permit is required to subdivide land. An application to subdivide land must meet the relevant requirements of Clause 56 for a residential subdivision.

Clause 32.08-3 states an application to subdivide land that would create a lots less than 400 square metres capable of a development for a dwelling must ensure the vacant lot contains at least 25 percent as garden space. This does not apply to a lot created in accordance with an approved development plan. With an approved development plan under the Development Plan Overlay Schedule 6, the garden space provisions do not apply.

Decision guidelines are listed under Clause 32.08-12. Under the subdivision section has the following decision guidelines:

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

With reference to Schedule 2, the neighbourhood character objectives are:

- To encourage new development, including innovative and unique development that enhances and responds positively to the existing neighbourhood character.
- To encourage an increase in landscaping within the public and private realm.
- To encourage new development to respect existing setbacks within the streetscape.
- To encourage new development to have minimal or low scale front fencing.
- To ensure garages, carports, and second storey development do not visually dominate dwellings or streetscapes

## OVERLAYS

### Development Plan Overlay Schedule 6

Pursuant to Clause 43.04-1 of the Moorabool Planning Scheme a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.

- Include any conditions or requirements specified in a schedule to this overlay in accordance with the Development Plan.

The objectives of Schedule 6 of the Development Plan Overlay are

- Planning for residential and associated development in a logical, cost effective and sequential manner.
- Efficient use of infrastructure, and land, and management of any impacts on the environment and amenity.
- Identification and effective management of sites of environmental, heritage and landscape significance.
- Co-ordinated provision of utility services and drainage.
- Co-ordinated provision of physical and community infrastructure and public open space that enhances the amenity, safety and liveability of the precinct and surrounds.
- Preparation of an integrated development plan generally in accordance with the Underbank Farm Concept Plan shown in Clause 5.0 of this Schedule.

### Environmental Significance Overlay Schedule 2

This overlay covers waterways protection. The objectives under Part 2.0 are

- To protect the habitat significance of vegetation.
- To provide for appropriate development of land within 100 metres of either side of a waterway.
- To prevent pollution and increased turbidity of water in natural waterways.
- To prevent increased surface runoff or concentration of surface water runoff leading to erosion or siltation of waterways.
- To conserve existing flora and fauna habitats close to waterways and to encourage generation and regeneration of habitats.

A permit is required under Clause 42.01-2 to subdivide land. Decision guidelines are listed Schedule 2 Part 4.0

### **Relevant Policies**

#### Housing Bacchus Marsh to 2041

Council has prepared a housing strategy titled Housing Bacchus Marsh to 2041, to address how it will manage growth pressures and preserve important neighbourhood character into the future. Bacchus Marsh has been specifically identified in Plan Melbourne and the Central Highlands Regional Growth Plan as a suitable location to accommodate growth. Key reasons for this strategic direction relate to Bacchus Marsh's regional service centre role, its relative accessibility to Melbourne, Geelong and Ballarat, its well established town centre and the availability of greenfield and infill development opportunities. Housing Bacchus Marsh 2041 is one of several key projects that will be inputs into the preparation of Moorabool 2041.

**Particular Provisions**Clause 52.17 Native Vegetation

Under Clause 52.17-2 a permit is required to remove, destroy or lop native vegetation, including dead native vegetation. Decision guidelines are listed under Clause 52.17-5. DELWP had no objection to vegetation removal subject to offset conditions.

Clause 53.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must contribute to 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. The applicant has already provided more than 5% of the land for unencumbered public open spaces.

**DISCUSSION**

The applicant has addressed Council concerns as referred to in the Revision 15 subdivision plan (see Attachment). The lot sizes have increased from an average of approximately 500m<sup>2</sup> to 726m<sup>2</sup>. The large lot sizes reflect the intent of the endorsed development plan for Underbank Estate. The lot widths have increased with most over 16 metres and a number of wider allotments at 20 metres in width. The wider lot sizes allows for side spacings between dwellings and creates a streetscape less urbanised in appearance. The wider blocks also allows the for planting of trees with spreading crowns. The introduced perimeter road now creates adequate separation for blocks affected by a bushfire risk and allow for effective maintenance of the escarpment which was previously closed off by rear fences. The public park to be utilised by most residents, public park 4, has better proportions and larger in area. This size increase to over 1 hectare can now be a central feature of the estate compared to the previously narrow public open space that was surrounded and partially closed off by future townhouse developments.

While it has taken over 1 year and several meetings with the permit applicant, the plans are now in accordance with the endorsed development plan. Council's intent that significant departures from the development plan would not be supported in contrast to the applicant who for a long period of time has been unwilling to make major changes to the plans. The Revision 15 plans are now reflective of the endorsed development plans under the Development Plan Overlay and will lead to a high quality residential estate that can easily be distinguished from other residential estates.

**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.

**RE-REFERRALS**

Authority	Response
Western Water	
Melbourne Water	
Powercor	Changed to six new conditions
CFA	Changed to two new conditions
Downer Utilities	No change to existing conditions
VicRoads	
Dept of Transport	No change to existing conditions
DELWP	
Infrastructure	No change to existing conditions

**FINANCIAL IMPLICATIONS**

There are no financial implications in approving (supporting) the subdivision application.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

The recommendation of approval (supporting) of this subdivision does not implicate any risk or OH&S issues to Council.

**COMMUNICATIONS STRATEGY**

The application was exempt under s.52 of the *Planning and Environment Act 1987*. The applicant was invited to attend this meeting and invited to address Council if required.

**OPTIONS**

Council could consider the following options:

- Issue an approval (support of the application) in accordance with the recommendations of this report;
- Should Council wish to consider maintaining the existing refusal of the application, Councillor’s need to explore reasons based on the revised proposal as not complying with the Moorabool Planning Scheme.

**CONCLUSION**

It has taken a compulsory conference at VCAT for the applicant to be receptive to make major changes to plans to address Council’s concerns which were advised in the early stages and throughout the assessment of the application. The revised plans have resulted in a large reduction in the total number of lots with a subsequent increase in lot sizes and widths for the remaining lots. The applicant has adopted a subdivision now generally in accordance with the endorsed development plan under the Development Plan Overlay Schedule 6. The lot sizes, lot widths, and road arrangements are now consistent with the development plan and will lead to the formation of a high quality residential estate meeting the requirements of the Moorabool Planning Scheme.

Mr James Robson addressed Council on behalf of the applicant to Item 12.5.

Ms Marianne Golding and Ms Helen Jarvis addressed Council as objectors of the recommendation to Item 12.5.

Cr Jarrod Bingham left the meeting at 7.19pm and returned to the meeting at 7.20pm.

**12.5 PA2019070 - CONSTRUCTION OF ONE DWELLING TO THE REAR OF AN EXISTING DWELLING AND VEGETATION REMOVAL. 78 SIMPSON STREET, BALLAN.**

**MOTION**

**Moved:** Cr Tonia Dudzik

**Seconded:** Cr John Keogh

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Refusal to grant a permit for the construction of a single storey dwelling at the rear of the existing dwelling and vegetation removal at Lot 12 on PS216019Q otherwise known 78 Simpson Street, Ballan based on the following grounds:

1. The proposed additional dwelling on the land does not respect the existing or preferred neighbourhood character of spacious secluded private open spaces and a sense of openness in the backyard scape.
2. The secluded private open spaces are minimal in area and are unlikely to meet the reasonable recreational needs of future residents.
3. The vehicle turning areas within the development can create conflicts between vehicles and is not safe or convenient.
4. The proposed development does not comply with the objective of Clause 15.01-1S as it does not create an urban environment that is safe, healthy, functional and enjoyable and that contributes to a sense of place and cultural identity.

**LOST**

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**RESOLUTION**

**Moved:** Cr Tom Sullivan

**Seconded:** Cr David Edwards

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a Notice of Decision to Grant a Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to the following conditions

Endorsed Plans:

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three A3 size copies must be provided. The plans must be generally in accordance with the plans prepared by Ultimate Design and Drafting P/L, but modified to show:
  - a) Increase the width of the secluded private open space to the existing dwelling by 1

metre achieved by moving Unit 2 and the car spaces to both dwellings 1 metre to the north

- b) Increase the western setback to Unit 2 by 450mm to achieve a minimum width of 3 metres to the boundary.
- c) Plan annotated that the western boundary fence will be replaced at the owner's expense to a minimum height of 1.8 metres and to taper down to a height of 1.2 metres within the front setback area.
- d) Specify the minimum width of the internal common driveway
- e) Submit complete elevation plans including the north elevation of the existing dwelling and the south elevation of the proposed dwelling.
- f) Specify the window sill level to the northern highlight windows to the existing dwelling.
- g) Show the location of any external air conditioning and heating unit to each dwelling.
- h) Remove the new pedestrian path to the existing dwelling that connects to the street frontage to provide for a greater landscaped area in the front setback. The new pedestrian path connecting to the common property driveway will be retained.
- i) A schedule of external building colours and materials, including colour samples.
- j) Correct the numbering of the bedrooms to the proposed dwelling.
- k) Submission of a landscape plan in accordance with condition 5 and including:
  - i. A minimum of two canopy trees with a mature height of minimum 5.0m and canopy of minimum 3.0m in the front setback area of the existing dwelling

2. 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 unless written approval is provided by the relevant authority.

#### Amenity:

3. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
4. Any security alarm or similar device installed must be of a silent type.

#### Landscape Plans:

5. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscape plan must be generally in accordance with the landscape concept plan dated (insert date) prepared by (specify consultant), except that the plan must show / The plan must show:
  - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed
  - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
  - c) details of surface finishes of pathways and driveways

- d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - e) landscaping and planting within all open areas of the site
6. 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.
  7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Infrastructure:

8. The existing gravel vehicle crossing must be constructed with concrete to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, 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.
9. The common property driveway must be constructed in reinforced concrete to a depth of 125 mm. The layout of the driveway must be designed and constructed in accordance with Clause 52.06-8 of the Moorabool Planning Scheme.
10. 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) All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.
11. Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.
12. 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.
13. 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.
14. 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.
15. Sediment discharges must be restricted from any construction activities within the property



in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991).

16. Prior to the commencement of the development, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing change 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.
17. 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 crossing and legal point of discharge.
  - e) Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

Southern Rural Water and Western Water:

18. Sediment control measures outlined in the EPA’s publication No. 275, Sediment Pollution Control, shall be employed and maintained until the disturbed area has been permanently stabilised and/or revegetated.

Permit expiry:

19. 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.

**DIVISION:**

For: Crs Jarrod Bingham, David Edwards and Tom Sullivan and Paul Tatchell.

Against: Crs John Keogh and Tonia Dudzik.

**CARRIED**

<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of objections:	Two.
Consultation meeting:	No, the applicant does not want to undertake consultation with the objectors.

**POLICY IMPLICATIONS**

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 3: Stimulating Economic Development**

**Context 3A: Land Use Planning**

The proposal is consistent with the Council Plan 2017 – 2021.

**VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

*Executive Manager – Henry Bezuidenhout*

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

*Author – Mark Lovell*

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

**EXECUTIVE SUMMARY**

Application referred?	Yes, Council’s Infrastructure.
Any issues raised in referral responses?	No.
Preliminary concerns?	Yes, concerned with the layout of Unit 2 and the car parking areas.
Any discussions with applicant regarding concerns?	The Council officer wrote to the applicant about the abovementioned concerns.
Any changes made to the application since being lodged?	Revised vehicle turning swept paths were submitted.
Brief history.	Council previously refused an application on the site for two additional dwellings to the rear of the existing dwelling.
Previous applications for the site?	PA2017206 was refused on 21 November, 2018 for the development of two (2) dwellings to the rear of the existing dwelling and vegetation removal.

<p>General summary</p>	<p>The proposal is generally consistent with the relevant provisions of the Moorabool Planning Scheme and would contribute to housing choice in an area well located in relation to infrastructure and services. There would be no unreasonable amenity impacts on neighbours and the proposal is generally respectful of the surrounding neighbourhood character. Concerns with the building layout can be addressed with the submission of revised plans.</p>
<p><b>Summary Recommendation</b></p>	
<p>That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i>, Council issue a Notice of Decision to grant a permit for construction of a single storey dwelling at the rear of the existing dwelling and vegetation removal at 78 Simpson Street, Ballan</p>	

**SITE DESCRIPTION**

The site, identified as Lot 12 on PS 216019Q and known as 78 Simpson Street Ballan, is a rectangular shape with a 17.5 metres wide frontage, 50.52 metres length for an overall area of 884sq m. The site is located on the north side of the street roughly equidistant from Roch and Blow Courts. The site contains a single storey brick dwelling with a low pitched hipped roof and ancillary outbuildings in the rear setback, with vehicle access obtained via a single width crossover adjacent to the west title boundary. The site falls by 0.5-0.6m from front to rear and is encumbered by a 2.0 metres wide drainage and sewerage easement parallel to the rear boundary.

The site and surrounding land is in the General Residential Zone, Schedule 1 and comprises mostly single dwellings although there are several unit developments nearby in Simpson Street. The site is within 400m walking distance of shopping and community facilities, the Ballan Hospital and public open space. To the north of the subject site is a single storey dwelling fronting Roch Court, to the east and west, and across Simpson Street to the south, are single storey dwellings fronting Simpson Street. All reticulated services are available.

**PROPOSAL**

It is proposed to construct a single storey dwelling to the rear of an existing three bedroom dwelling. The new dwelling will consist of four bedrooms, combined kitchen, meals and living room, bathroom, laundry and toilet. To the side of the dwelling will be a double lock up garage providing for two car spaces. The new dwelling will be comprised of face brickwork walls, aluminium framed windows, tiled roofing, Colourbond® facias and guttering, and Colourbond® panel lift garage doors. The existing dwelling will have a new single carport and a tandem visitor space, all accessed from a common driveway adjacent to the western property boundary. Some vegetation in the secluded private open space to the existing dwelling will need to be removed to facilitate this development

**HISTORY**

Planning application PA2017206 was refused on 21 November 2018 for the development of two (2) dwellings to the rear of the existing dwelling and vegetation removal. The following were the grounds of refusal

1. The proposed development does not accord with the existing neighbourhood character of this part of Ballan.
2. The development does not generally accord with the intent of Ballan Strategic directions, Precinct A, Natural Residential Growth Area as it is considered an overdevelopment of the site.
3. The proposal does not respect the existing or preferred neighbourhood character.
4. The proposal does not comply with all the relevant objectives of clause 55 of the Moorabool Planning Scheme.

**PUBLIC NOTICE**

The application was notified to adjoining and surrounding landowners.

**SUMMARY OF OBJECTIONS**

The objections received are detailed below with officer’s comments accompanying them:

Objection	Any Relevant Requirement
Incorrect information in the applicant planning report and incorrect detailing on the plans	
<b>Officer’s Response:</b> It is acknowledged the applicant has made errors on the plans and in their written documents. Plans can be amended with the correct details	
Shadow diagrams do not address 76 Simpson Street/ Overshadowing to 76 and 80 Simpson Street.	Requirement under ResCode standard B21
<b>Officer’s Response:</b> The applicant did not submit the afternoon shadow diagram (3pm during the equinox). Shadowing of both adjacent properties is not unreasonable affected by overshadowing and complies with the standard.	
Objection	Any Relevant Requirement
No stormwater plan	Council’s Infrastructure
<b>Officer’s Response:</b> A Stormwater plan does not need to be submitted at the planning stage and is effectively dealt with prior to the issue of a Building Permit.	
Objection	Any Relevant Requirement
Car lights affecting the windows to 76 Simpson Street	
<b>Officer’s Response:</b> It not unreasonable that during night time for a vehicle to have its lights on which can project onto adjacent properties for a short period of time.	

Objection	Any Relevant Requirement
Insufficient car parking / Safety in Simpson Street.	Clause 52.06
<b>Officer's Response:</b> The proposal provides the required minimum of two car spaces to each three bedroom or more dwelling.	
Objection	Any Relevant Requirement
Streetscape of Simpson Street, will change the existing and preferred neighbourhood character / Affecting lifestyle and amenity of the area.	Requirement under ResCode standard B1.
<b>Officer's Response:</b> With retention of the existing dwelling and locating one dwelling to the rear will not adversely affect the existing neighbourhood character.	
Noise impacts	
<b>Officer's Response:</b> An additional dwelling should not create unreasonable noise impacts. The location of external air conditioners or heating units can be requested as part of the submission of revised plans.	

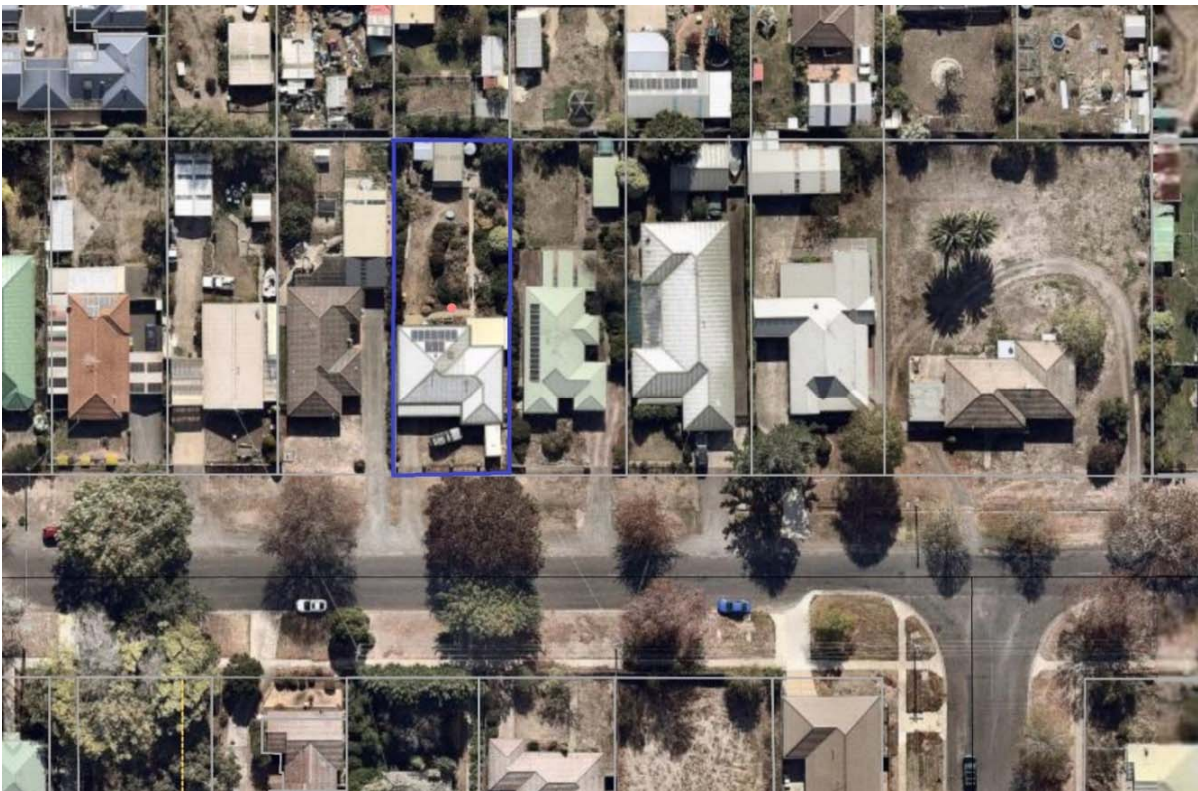
**LOCALITY MAP**

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

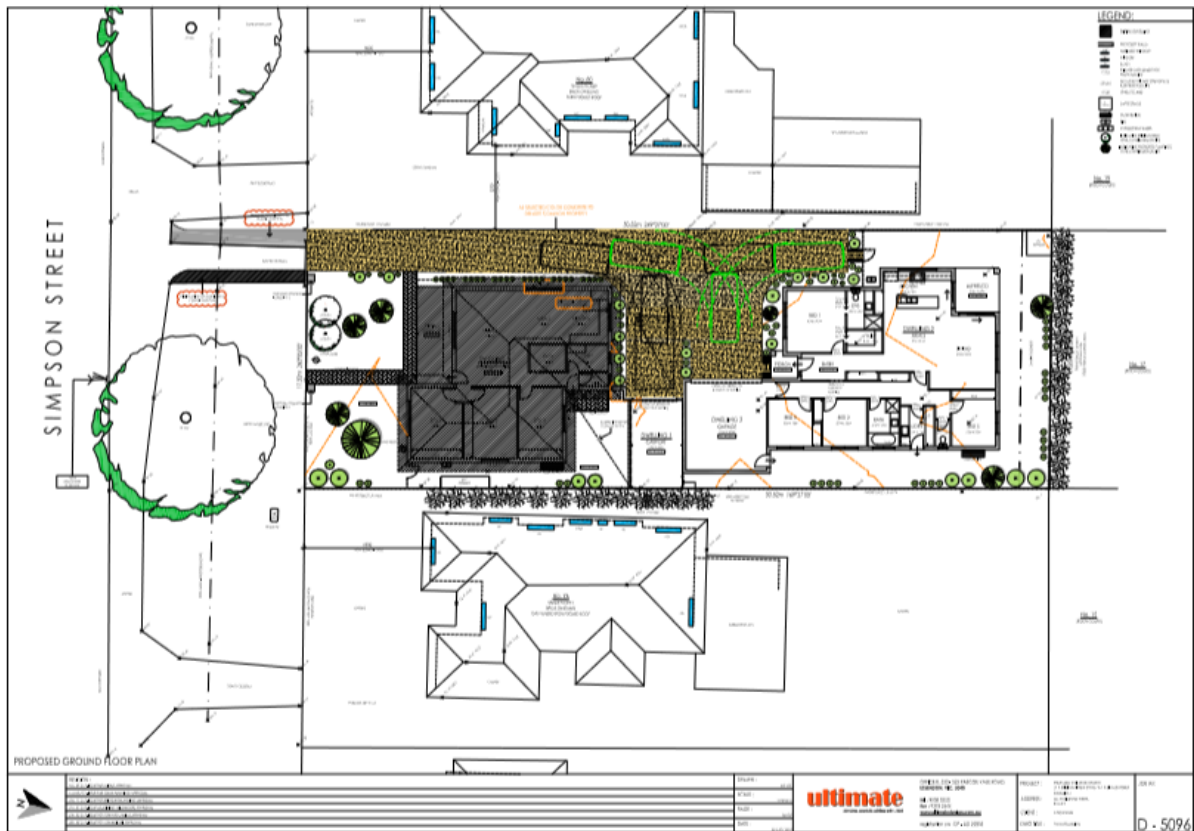
**ZONE MAP**



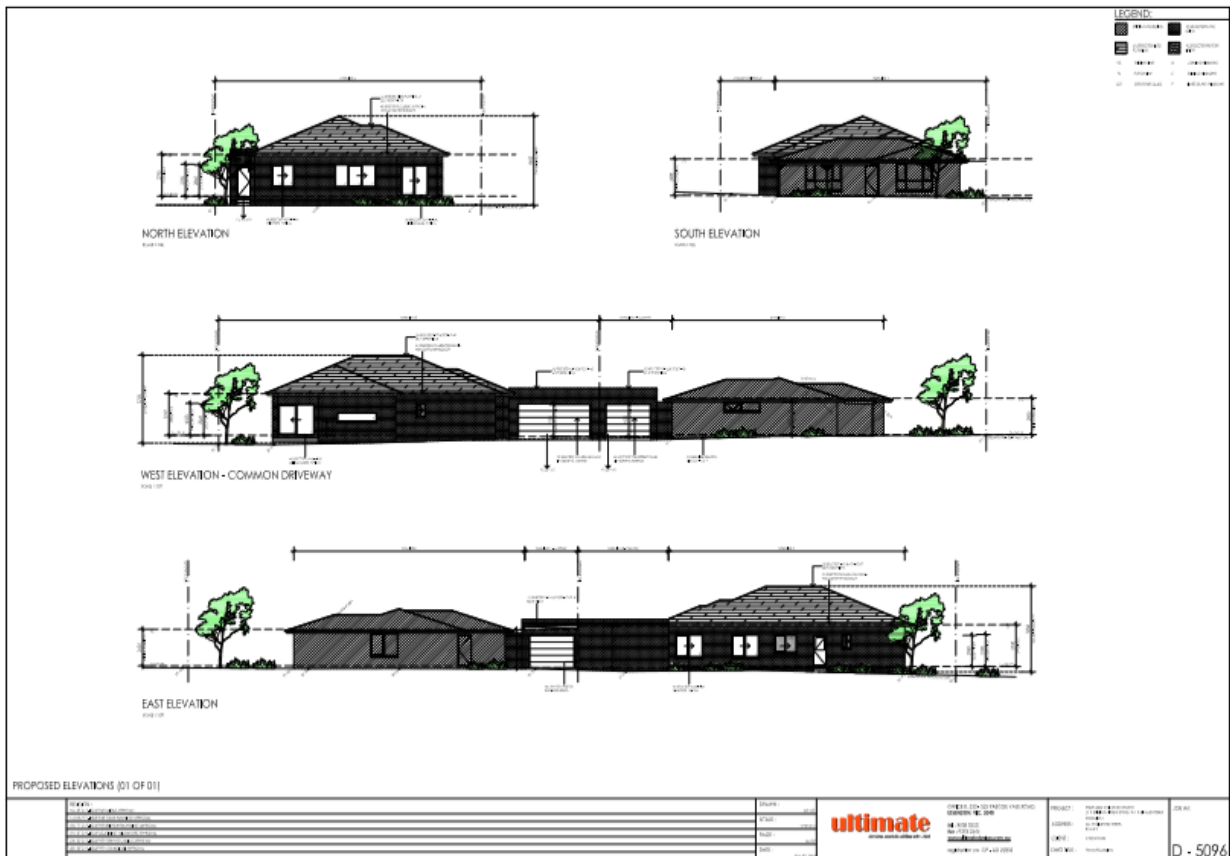
**AERIAL PHOTOGRAPH BELOW**



**FLOOR PLAN**



**ELEVATION PLAN**



**PLANNING SCHEME PROVISIONS**

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

The relevant clauses are:

- Clause 11.03-3S Peri-urban areas
- Clause 14.02-2S Water quality
- Clause 15.01-5S Neighbourhood character
- Clause 16.01-2S Location of residential development
- Clause 16.01-3S Housing diversity
- Clause 21.02-3 Water and Catchment Management
- Clause 21.03-2 Urban Growth Management
- Clause 21.03-3 Residential Development
- Clause 21.03-4 Landscape and Neighbourhood Character
- Clause 21.08 Ballan
- Clause 22.02 Special Water Supply Catchments

**ZONE**

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

The purpose of the Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly 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 32.08-4 a lot of more than 650sq m must provide a minimum 35% of the lot area as garden area.

Under Clause 32.08-6 a permit is required to construct a dwelling if there is at least one dwelling existing on the lot and construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

**OVERLAYS**

The site is affected by Environmental Significance Overlay, Schedule 1, due to the location in a Special Water Supply Catchment.

Under Clause 42.01-2 a permit is required to construct buildings and works and remove or destroy vegetation.

Under Schedule 1 there is an exemption for the development of a dwelling connected to sewer and discharging stormwater to an approved drainage system. In this instance, under this Overlay a permit is only required for vegetation removal.

**Relevant Policies****Ballan Strategic Directions**

Ballan Strategic Directions sets out objectives, strategies and actions for the longer term planning of Ballan relating to:

- Urban form and character
- Residential development
- Movement network and connectivity
- Open space and recreation
- Community facilities
- Non-residential uses and local employment
- Drainage and servicing.

The subject site is in Precinct A in the Ballan Settlement Framework Plan, with Design Objectives specified for each of the town's established residential precincts. The design objectives for Precinct A are:



- Maintain a streetscape rhythm of detached dwellings with conventional front and side setbacks.
- Built form to one boundary may be appropriate where the preferred character of the Precinct is not compromised.
- Boundary to boundary development should be avoided.
- Built form will be of a modest scale and be sympathetic to the existing character of the Precinct, however innovative and unique built form that enhances the character of the Precinct will be encouraged.
- Multi-dwelling developments should minimise the need for additional crossovers to the street, be located on lots within the Precinct that are within a walkable distance of some services and facilities and have minimal impact on the streetscape rhythm and pattern. Therefore, some lots within the Precinct may not be suitable for further intensification.
- Open front gardens will blend into the public realm, with minimal or low scale front fencing.
- Built form will not dominate the lot which will allow for generous private open space and garden plantings.
- Increasing canopy tree cover within lots will assist in improving the landscape within the Precinct, while also achieving a balance between open space and built form.
- New development located in close proximity to dwellings that exhibit historical architectural styles should ensure built form complements these dwellings.
- Increasing the diversity in housing products within the Precinct is desirable including alternative housing products that allow for a variety of housing choices in areas accessible to services and facilities.

### **Particular Provisions**

#### Clause 52.06 Car Parking

The proposal includes the required number of resident car spaces, being two spaces for each three bedroom dwelling in accordance with Clause 52.06.

#### Clause 55 Two or More Dwellings on a Lot

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

### **DISCUSSION**

The applicant compared to the previous refusal on the same parcel of land has removed one dwelling from the development to reduce amenity impacts to the adjacent properties. As identified in the early stages of the application, the layout of Unit 2 has not effectively utilised the available land area by not maximising the secluded private open spaces and creating difficult and dangerous access arrangements to the car spaces. This can be resolved by shifting all of Unit 2 and the garage/carport spaces by 1 metre to the north. The layout change allows for more useable secluded private open space to the existing dwelling; less overshadowing of the secluded private open space to the existing dwelling caused by the carport; easier access to the carport to the existing dwelling; and safe egress from the double garage to the proposed dwelling. A slight increase in the western setback to the proposed dwelling to create a useable 3 metres in width secluded private open space area is also required. Revised plans will allow for an acceptable design response.

**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.

This proposal is considered consistent with these decision guidelines.

**REFERRALS**

Authority	Response
Infrastructure	No objection subject to ten conditions

**FINANCIAL IMPLICATIONS**

The recommendation of approval of this development would not have any financial implications for Council.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**COMMUNICATIONS STRATEGY**

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

**OPTIONS**

Council could consider the following options:

- Issue a notice of decision in accordance with the recommendation of this report;
- Issue a notice of decision with amendments to the recommended conditions of this report;
- or
- Should Council wish to consider refusing the application, Councillors need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme

**CONCLUSION**

The proposal is generally consistent with the relevant provisions of the Moorabool Planning Scheme and would contribute to housing choice in an area well located in relation to infrastructure and services. The dwellings would be of a conventional design, which in the context of the area is acceptable, onsite amenity for future residents would be acceptable and there would be no unreasonable amenity impacts on neighbours. The design response is considered to be appropriately responsive to the neighbourhood character of the area. Vegetation removal will be controlled by a standard sediment control condition. Altered layouts and setbacks to the proposed dwelling can be resolved through the submission of revised plans.

**12. COMMUNITY STRENGTHENING****13.1 APPOINTMENT OF NEW MEMBER TO BACCHUS MARSH PUBLIC HALL COMMITTEE OF MANAGEMENT****PURPOSE**

The purpose of this report is to recommend Council appoint a new Community Representative to the Bacchus Marsh Public Hall Committee of Management.

**RESOLUTION**

Moved: Cr Tonia Dudzik

Seconded: Cr Tom Sullivan

That Council:

1. Appoint John Faulkner to the Bacchus Marsh Public Hall Committee of Management until November 30, 2020.
2. Authorises the Instrument of Delegation.

**CARRIED**

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**BACKGROUND**

The purpose of this report is to recommend that Council appoint a new member to the Bacchus Marsh Public Hall Council delegated Section 86 Committee of Management.

Memberships of Council appointed Section 86 Committees of Management are reviewed annually to ensure membership is current and the Instrument of Delegation is set out in accordance with Council's *Appointments and Delegations Policy (Section 86 Delegated Committees of Council for Public Halls, Heritage Facilities and Recreation Reserves)*. The Bacchus Marsh Public Hall Committee of Management has Council delegated responsibility for the management, usage and maintenance of the Bacchus Marsh Public Hall under this policy. The committee operates under an instrument of delegation authorised by the Council as required under Section 86 of the Local Government Act 1989. The Instrument of Delegation contains the members of the special committee appointed by the Council, as well as the powers and functions and exceptions, conditions and limitations.

The last review of the Bacchus Marsh Public Hall Committee of Management was in November 2018. Since this review, one new member has nominated to be part of the committee. At their meeting on 27 May, 2019, the Bacchus Marsh Public Hall Committee of Management made the following recommendation to the Council:

*"That the Bacchus Marsh Public Hall Committee of Management recommend to Council that J Faulkner be appointed as a Community Representative to the Bacchus Marsh Public Hall Committee of Management"*

These minutes will be presented at the October Ordinary Meeting of Council. In line with Council's policy, a nomination form was received from the new proposed member. The term of all appointed members will conclude on November 30, 2020.

**PROPOSAL**

It is proposed that Council endorses the following be appointed as a new member to the Bacchus Marsh Public Hall Committee of Management until November 30, 2020, to be in line with the appointments of other Council Committees of Management:

- John Faulkner          Community Representative

An updated Instrument of Delegation for the Bacchus Marsh Public Hall Committee of Management is contained in **Attachment 1**.

**COUNCIL PLAN**

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1B: Our People**

**Strategic Objective 4: Improve Social Outcomes**

**Context 4B: Community Connectedness and Capacity**

The proposal of endorsing the appointment of a member to the Bacchus Marsh Public Hall Committee of Management is consistent with the Council Plan 2017 – 2021.

**FINANCIAL IMPLICATIONS**

The support and resourcing of the Committee will be undertaken within existing budget resources. From time to time the committees may make recommendations to Council that have financial implications or require additional resources.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Committee of Management governance requirements	Inefficient operation of Committee of Management	High	Implement Committee of Management instrument of delegation
Committee of Management insurance coverage	Members of the committee are not covered by Council’s insurance whilst undertaking their duties	High	Ensure the Instrument of Delegation is current and contains endorsed members of the Committee of Management

**COMMUNICATIONS & CONSULTATION STRATEGY**

Communication with the Bacchus Marsh Public Hall Committee of Management regarding the appointment of a new committee member outside the biennial general meeting occurred via a face to face meeting with the committee in June 2019.

**VICTORIAN CHARTER OF HUMAN RIGHTS & 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 – Sally Jones*

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

*Author – Tania Barry*

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

**CONCLUSION**

The Bacchus Marsh Public Hall Committee of Management has received one nomination from community members to join the committee. In accordance with the Appointments and Delegations Policy adopted by the Council, it is recommended that the Council appoint John Faulkner to the Bacchus Marsh Committee of Management.

Cr Jarrod Bingham left the meeting at 7.28pm.

**13.2 SECTION 86 - DELEGATED COMMITTEES OF COUNCIL - REPORTS****PURPOSE**

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.

**EXECUTIVE SUMMARY**

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
Section 86 Greendale Recreation Reserves Committee of Management	Wednesday 15 May 2019	Cr. Pat Toohey
Section 86 Bacchus Marsh Racecourse and Recreation Reserve Committee of Management	Tuesday 11 June 2019	Cr. Jarrod Bingham
Section 86 Bacchus Marsh Public Hall Committee of Management	Monday 24 June 2019	Cr. Jarrod Bingham
Section 86 Bacchus Marsh Public Hall Committee of Management	Monday 29 July 2019	Cr. Jarrod Bingham
Section 86 Millbrook Community Centre	Monday 26 August 2019	Community Members
Section 86 Blacksmith's Cottage and Forge Committee of Management	Tuesday 27 August 2019	Cr. David Edwards

## RESOLUTION

**Moved:** Cr Tom Sullivan

**Seconded:** Cr Tonia Dudzik

That Council receives the reports of the following Section 86 Committee Meetings:

- a) Section 86 Greendale Recreation Reserves Committee of Management Meeting on Wednesday 15 May 2019.
- b) Section 86 Bacchus Marsh Racecourse and Recreation Reserve Committee of Management Meeting on Tuesday 11 June 2019.
- c) Section 86 Bacchus Marsh Public Hall Committee of Management Meeting on Tuesday 24 June 2019.
- d) Section 86 Bacchus Marsh Public Hall Committee of Management Meeting on Tuesday 29 July 2019.

**CARRIED**

## 14. CUSTOMER CARE AND ADVOCACY REPORTS

Cr Jarrod Bingham returned to the meeting at 7.29pm.

Having declared a Conflict of Interest in relation to Item 14.1, Cr Tom Sullivan left the meeting at 7.29pm.

Mr Hugh McMaster addressed Council as an interested party to Item 14.1.

### 14.1 PROPOSED LAND EXCHANGE - BELLEVUE TOPS ESTATE, BACCHUS MARSH

#### PURPOSE

This report seeks Council's authority to commence the statutory procedures pursuant to sections 189 and 223 of the *Local Government Act 1989* (the Act), to enter into a proposed land exchange with Bellevue Tops Pty Ltd., (the Developer) the developer of the Bellevue Tops Estate (the Estate) in Bacchus Marsh.

#### EXECUTIVE SUMMARY

- Council intends to transfer to Bellevue Tops Pty Ltd part of a Council reserve within the Estate, which resulted from an agreement under section 173 of the *Planning and Environment Act 1987*.
- Council requires to commence the statutory procedures pursuant to sections 189 and 223 of the *Local Government Act 1989* (the Act).

#### RESOLUTION

**Moved:** Cr David Edwards

**Seconded:** Cr Tonia Dudzik

That Council:

1. Commence the statutory procedures under section 189 of the *Local Government Act 1989* to enter into a proposed land exchange with Bellevue Tops Pty Ltd, the developer of the Bellevue Tops Estate in Bacchus Marsh providing for:
  - a) Council transferring to the Developer part of its land within the Estate, shown hatched on the Overall Plan attached to this report, and more particularly known as Lot 1 on Plan of Subdivision PS818729K.
  - b) the Developer having previously transferred/vested in Council the land known as Road R2 and Reserve No.1 in Plan of Subdivision PS 731412Y (Stage 2) shown stippled and cross-hatched, respectively, on the Overall Plan attached to this report, and agreeing to create a walkway providing pedestrian access between Holman Crescent and Gothic Drive and to extend Holman Crescent, shown coloured yellow on the Overall Plan and in more detail on the Enlarged Plan attached to this report.
2. Give public notice of its intention to enter into the proposed land exchange in accordance with sections 189, 223 and 82A of the Act inviting public submissions.

3. Consider all submissions received in relation to a proposed land exchange with Bellevue Tops Pty Ltd. at the Ordinary Meeting of Council to be held 6 November 2019 commencing at 6.00pm.

**CARRIED**

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## **BACKGROUND**

The Developer of the Estate in Bacchus Marsh has approached Council regarding a proposed land exchange as part of the on-going development of the Estate.

The proposed land exchange arose from an agreement under section 173 of the *Planning and Environment Act 1987* which had been entered into between the parties at the time to give effect to the construction of Halletts Way and other ancillary issues associated with the development of the Estate, in accordance with previous decisions made by Council.

## **PROPOSAL**

Under the terms of the proposed exchange:

- Council intends to transfer to the Developer part of a Council reserve within the Estate, shown hatched on the Overall Plan attached to this report, and more particularly known as Lot 1 on Plan of Subdivision PS818729K.

In exchange the Developer has:

- Previously transferred/vested in Council the land known as Road R2 and Reserve No.1 in Plan of Subdivision PS731412Y (Stage 2), as shown stippled and cross-hatched respectively, on the Overall Plan attached to this report.
- Agreed to create a walkway providing pedestrian access between Holman Crescent and Gothic Drive and to extend Holman Crescent, as shown coloured yellow on the Overall Plan and in more detail on the Enlarged Plan attached to this report.

The section of reserve which Council intends to transfer to the Developer (shown hatched on the Overall Plan) is no longer considered to be required for use as a Reserve and can more appropriately, and practically, be utilised as part of a future subdivision within the Estate by the Developer.

The acquisition of this land by the Developer will, in time, facilitate the proposed extension of Holman Crescent and the creation of a walkway from Gothic Drive through to Holman Crescent.

The land from the Road and Reserve, shown stippled and cross hatched respectively on the Overall Plan, has previously been vested in Council by the Developer, and provided for the extension of Halletts Way through a large tract of land in the middle of the Estate (this work has been completed).



The proposed walkway and extension to Holman Crescent will be transferred/vested in Council by the Developer upon the registration of PS827216Q as part of a future stage of the subdivision of the Estate.

**COUNCIL PLAN**

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1A: Our Assets and Infrastructure**

The proposal to enter into a proposed land exchange is consistent with the Council Plan 2017 – 2021.

**FINANCIAL IMPLICATIONS**

The proposed land exchange is being undertaken on the understanding that it will involve no financial compensation by either the Developer or Council for the parcels of land forming the exchange.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

There are no risk and occupational health and safety issues identified in relation to this report. with the proposed land exchange.

**COMMUNICATIONS & CONSULTATION STRATEGY**

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Public submissions	General public	Public notice in newspapers and Council website	Moorabool district	August/Sept	General public supported to submit submissions

Under section 189 of the Act, a person has the right to make a submission under section 223 of the Act in relation to Council’s intention to exchange land with the Bellevue Tops Estate, Bacchus Marsh.

Section 223 of the Act requires Council to publish a public notice inviting public submissions for a period of no less than 28 days after the date of the publication of the public notice. A person making a submission is entitled to request in the submission that the person wishes to appear in person, at a meeting, to be heard in support of the submission. Council must then consider any submissions received in accordance with the Act.

Public notice will be provided in the regional and local newspaper and on Council’s corporate website (section 82A) to provide an opportunity for the community and neighbouring landholders to support, object or make comment.

**VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006**

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues.

It is considered the recommendation contained in this report does not in any way limit, restrict or interfere with any human right established by the Victorian Charter of Human Rights.

### **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 – Sally Jones*

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

*Author – Michelle Morrow*

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

### **CONCLUSION**

Section 189 of the Act stipulates that before exchanging the land, the Council must ensure that public notice of its intention to do so is given at least 4 weeks prior to exchanging the land. Furthermore, in accordance with section 189(3), a person has a right to make a submission under section 223 of the Act on the proposed exchange.

Cr Tom Sullivan returned to the meeting at 7.30pm.

## **14.2 INSTRUMENT OF APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER SECTION 147(4) OF THE PLANNING AND ENVIRONMENT ACT 1987**

### **PURPOSE**

The purpose of this report is to update authorisations of Council officers.

### **EXECUTIVE SUMMARY**

- Under section 147(4) of the Planning and Environment Act 1987 (the Act), Council must appoint authorised officers for the purposes and regulations made under the Act.
- Only Council can appoint and revoke the appointment of authorised officers under the *Planning and Environment Act 1987*.

### **RESOLUTION**

Moved: Cr Tom Sullivan

Seconded: Cr Tonia Dudzik

That Council:

1. Approves, under the common seal of Council, the attached Instrument of Appointment and Authorisation of Council officers under section 147(4) of the *Planning and Environment Act 1987*.

2. Revoke previous Instruments of Appointment and Authorisation under the Planning and Environment Act 1987, with such revocation to take effect immediately after the execution of the Instrument of Appointment and Authorisation referred to in paragraph 1, above.

**CARRIED**

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## **BACKGROUND**

Section 232 of the *Local Government Act 1989* authorises the relevant officers generally to institute proceedings for offences against the Acts and Regulations described within the proposed Instrument of Appointment and Authorisation.

## **PROPOSAL**

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

The change to this Instrument reflects updates to the structure of the organisation and the addition of the following Statutory Planning staff:

- Robert Asquith
- Naaz Begum
- Brenton Haan

## **COUNCIL PLAN**

The Council Plan 2017-2021 provides as follows:

### **Strategic Objective 1: Providing Good Governance and Leadership**

#### **Context 1C: Our Business and Systems**

The preparation of this Instrument of Appointment and Authorisation of Council Officers under section 147(4) of the *Planning and Environment Act 1987* is consistent with the 2017 - 2021 Council Plan.

## **FINANCIAL IMPLICATIONS**

No financial implications to Council.

## **RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

No Risk and Occupational Health and Safety issues apply to Council unless the relevant Council officers do not receive the appropriate appointment and authorisation from Council.

## **COMMUNICATIONS & CONSULTATION STRATEGY**

No communication & consultation strategy is required as this is an internal process only.

## **VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006**

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

### **OFFICER'S DECLARATION OF CONFLICT OF INTERESTS**

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

*Chief Executive Officer – Derek Madden*

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

*Author – Michelle Morrow*

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

### **CONCLUSION**

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

## **15. OTHER REPORTS**

### **15.1 ASSEMBLY OF COUNCILLORS**

**Author:** Renee Hodgson, Governance Officer

**Authoriser:** Derek Madden, Chief Executive Officer

**Attachments:**

- 1. Record of Assembly of Councillors - Review of Draft OMC Agenda**
- 2. Record of Assembly of Councillors - Audit and Risk Committee Chairman's Report to Council**

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 Meeting of Council, a special committee of the Council, meetings of the Council's audit committee, a club, association, peak body or political party.

**RESOLUTION**

**Moved:** Cr Tonia Dudzik

**Seconded:** Cr David Edwards

That Council receive the record of an Assembly of Councillors, as follows:

- Assembly of Councillors – Wednesday 21 August 2019 – Review of Draft OMC Agenda
- Assembly of Councillors – Wednesday 4 September 2019 – Audit and Risk Committee Chairman’s Report to Council

**CARRIED**

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

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

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

A record of an Assembly of Councillors is provided below for consideration:

- Assembly of Councillors – Wednesday 21 August 2019 – Review of Draft OMC Agenda
- Assembly of Councillors – Wednesday 4 September 2019 – Audit and Risk Committee Chairman’s Report to Council

**16. NOTICES OF MOTION**

Nil.

**17. NOTICES OF RESCISSION**

Nil.

**18. MAYOR’S REPORT**

Since the last ordinary meeting of council, the Mayor has attended the following meetings and activities:

<b>Cr Paul Tatchell – Mayor’s Report</b>	
<i>Date: 2 October, 2019</i>	
5 September	<ul style="list-style-type: none"> <li>• Community Meeting – Providence Village, Bacchus Marsh</li> <li>• Launch of the Paperwork Lounge, Bacchus Marsh</li> </ul>
11 September	<ul style="list-style-type: none"> <li>• Community Meeting – Dunnstown Community Group</li> </ul>
12 September	<ul style="list-style-type: none"> <li>• Official Opening – McCormacks Road/Griffith Street Roundabout</li> </ul>

13 – 26 September	<ul style="list-style-type: none"> <li>• Business trip to China</li> </ul>
2 October	<ul style="list-style-type: none"> <li>• Councillor Briefing – Review of Advocacy Materials</li> <li>• Councillor Briefing – Recycling Services Update</li> <li>• Councillor Briefing – Confidential Item</li> <li>• Councillor Briefing – Maddingley Planning Study</li> <li>• Councillor Briefing – Ballan Strategic Directions Panel Outcome</li> <li>• Ordinary Meeting of Council</li> </ul>

**RESOLUTION**

**Moved:** Cr Jarrod Bingham

**Seconded:** Cr John Keogh

That the Mayor’s report be recieved.

**CARRIED**

**19. COUNCILLORS’ REPORTS**

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

<b>Cr. Sullivan</b>	
September 2019	
5 September	Lal Lal Falls Reserve Advisory Committee of Management
9 September	Biennial General Meeting – Wallace Public Hall Committee Tri-Annual General Meeting – Bungaree Recreation Reserve Committee of Management
10 September	Biannual General Meeting - Lal Lal Soldiers’ Memorial Hall Committee of Management Meeting
11 September	Dunnstown Community Group – Community Meeting
12 September	Annual General Meeting - Timber Towns Victoria
15 September	Annual General Meeting - Wallace Recreation Reserve
17 September	Represented our colleague the late Cr. Pat Toohey at the Annual General Meeting Gordon Public Park Committee
28 September	Funeral Service for Cr. Pat Toohey

<b>Cr. Bingham</b>	
September 2019	
23 September	Annual General Meeting – Bacchus Marsh Public Hall Committee
28 September	Funeral Service for Cr. Pat Toohey

**RESOLUTION**

**Moved:** Cr Tom Sullivan

**Seconded:** Cr David Edwards

That the Councillor’s report be received.

**CARRIED**

**20. URGENT BUSINESS**

**20.1 CIVIC RECOGNITION FOR CR PAT TOOHEY**

**RESOLUTION**

**Moved:** Cr David Edwards

**Seconded:** Cr Tom Sullivan

That Council receive a future report on opportunities to formally recognise the contribution made to Council and the community by the late Cr. Pat Toohey.

**CARRIED**

**21. CLOSED SESSION OF THE MEETING TO THE PUBLIC**

Nil.

**22. MEETING CLOSURE**

In closing the meeting, the Mayor thanked Moorabool Shire Council staff for their professionalism and assistance following the loss of our late colleague, Cr. Pat Toohey.

The Meeting closed at 7.44pm.

**Confirmed**

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**CHAIRPERSON**