



## ORDINARY MEETING OF COUNCIL

**Minutes** of the Ordinary Meeting of Council  
held at the Council Chamber,  
15 Stead Street, Ballan on  
Wednesday 4 April 2018, at 6:00 p.m.

### **Members:**

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

### **Officers:**

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

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

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**1. OPENING OF MEETING AND PRAYER**

*The Mayor, Cr. Tatchell, opened the meeting with the Council Prayer at 6.00 pm.*

**2. ACKNOWLEDGEMENT TO COUNTRY**

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

**3. RECORDING OF MEETING**

*As well as the Council for its minute taking purposes, the following organisations have been granted permission to make an audio recording of this meeting of Council:*

- *The Moorabool News; and*
- *The Star Weekly*

**4. PRESENT**

<i>Cr. Paul Tatchell (Mayor)</i>	<i>Central Moorabool Ward</i>
<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. Jarrod Bingham</i>	<i>East Moorabool Ward</i>
<i>Cr. John Keogh</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>

**Officers:**

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Rob Fillisch</i>	<i>Manager Statutory Planning and Community Safety</i>
<i>Mr. Ian Waugh</i>	<i>Manager, Community &amp; Recreation Development</i>
<i>Ms. Sharon McArthur</i>	<i>Manager, Children, Youth and Family</i>
<i>Mr. Mark Lovell</i>	<i>Senior Statutory Planner</i>
<i>Mr. Geoff Alexander</i>	<i>Strategic Planner</i>
<i>Ms. Michelle Morrow</i>	<i>Acting Governance Coordinator</i>
<i>Ms. Emma Szymanski</i>	<i>Minute Taker</i>

**5. APOLOGIES**

<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>
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**6. CONFIRMATION OF MINUTES**

**6.1 Ordinary Meeting of Council – Wednesday 7 March 2018**

**Resolution:**

**Crs. Keogh/Dudzik**

***That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 7 March 2018.***

**CARRIED.**

## 7. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

### Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

## 7.1 Disclosure of an Indirect Interest

***Cr. Tatchell declared an indirect interest by close association (section 78) in relation to Item 11.1.1 – Council Communications due to his wife being the Editor of the Moorabool News.***

## 8. PUBLIC QUESTION TIME

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

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

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

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

A Councillor or Council officer may:

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

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

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



**Mr. Robert McLaren submitted the following question****Question:**

Why is the Gordon Structure Plan 2011 adopted by Planning Scheme Amendment C53 in 2015 being recommended for review, especially DD05 (rural overlay)? At great expense the Council defended its decision at a VCAT challenge by Burke Land Developers. It was the DD05 that won the day.

**Response:**

The 2017-21 Council Plan requires that Council implement the Gordon Structure Plan. Under Clause 21.09-1 the current planning scheme indicates that under 'future strategic work' the Gordon Structure Plan be updated. It uses the term 'prepare a revised structure plan for Gordon.' The Council Plan and the planning scheme both confirm the current structure plan should be further reviewed

There are a range of matters to consider in Gordon. There are many exemptions under DDO5 including dwellings below 300 sq.m not requiring a planning permit. This, amongst other matters, could be reviewed if Council wants to manage built form and streetscape outcomes. The Panel decision on the Gordon Structure Plan raised a number of questions about this Plan, which is why it was ultimately not included as reference or incorporated document within the planning scheme. Like with all structure plans, it may benefit from further refinement

**9. PETITIONS**

*Nil.*

## 10. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
11.2.3	<i>Amendment C88 – Ballan Strategic Directions</i>	Bernard Reimert	Objector
11.2.3	<i>Amendment C88 – Ballan Strategic Directions</i>	Janine Mitchell <i>(did not address Council)</i>	Objector
12.2.2	<i>Section 86 – Rural Growth Strategy Committee - Report</i>	Ian Woodhouse <i>(withdrew from addressing council)</i>	Objector
12.2.2	<i>Section 86 – Rural Growth Strategy Committee - Report</i>	Robert McClaren <i>(withdrew from addressing council)</i>	Objector
12.2.2	<i>Section 86 – Rural Growth Strategy Committee - Report</i>	Alice Ogilvie <i>(withdrew from addressing council)</i>	Objector

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

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

<b>Item No</b>	<b>Description</b>	<b>Name</b>	<b>Applicant/ Objector</b>
11.2.2	<i>Planning Permit 2017-164 – 5 Frawleys Road, Leigh Creek: Building and Works Associated with Use of the Land for a Drive Thru Café, Business Identification Signage and Creation of an Access to RDZ1</i>	Michael Lagogiannis	Objector

## 11. OFFICER'S REPORTS

### 11.1 CHIEF EXECUTIVE OFFICER

*Cr. Tatchell declared an indirect interest by close association (section 78) in relation to Item 11.1.1 – Council Communications due to his wife being the Editor of the Moorabool News.*

*Cr. Tatchell adjourned from the Chair and the Meeting at 6.04pm and did not participate in voting on Item 1.1.1 - Council Communications 2018 – 2021*

#### **ACTING CHAIR**

*Crs. Edwards/Toohey*

*That Cr. Keogh be appointed Acting Chair for consideration of Item 11.1.1 - Council Communications 2018 – 2021*

**CARRIED.**

*Cr. Keogh assumed the Chair for consideration of Item 11.1.1 - Council Communications 2018 – 2021*

#### 11.1.1 Council Communications 2018 – 2021

##### **Introduction**

Author: Dianne Elshaug  
CEO: Rob Croxford

##### **Background**

The 2017-2021 Council Plan requires Officers to review the PR Communications and Marketing Strategy and to develop and implement an Action Plan. There is no formally adopted Council PR Communications & Marketing Strategy. The development of a PR & Marketing Strategy is a significant piece of work, and requires further resources for progression at a later stage. As such, this report focuses on Council Communications.

##### **Proposal**

An Assembly of Councillors was held on Wednesday 22 November, 2017 and a draft Communications Plan was presented to Councillors. The aim of a Communication Plan is to provide information to the community, utilising various print and online methods. This report reviews the Council's four main communication streams.

## 1. Customer Service

Customer service, including face to face communication, occurs both internally and externally to the organisation and should result in a positive experience for those who interact with Council. We currently communicate with our customers via telephone, email, in person and through meetings.

Council's current Customer Services Charter (<https://www.moorabool.vic.gov.au/sites/default/files/Customer-Service-Charter-2014.pdf>) outlines what customers can expect when they contact Council. Given the Charter is due for review in 2018-2019, it is not discussed further in this report.

## 2. Publications

Council produces various publications such as the Council Plan, Annual Report and Moorabool Matters. The Council Plan and Annual Report are statutory obligations, and innovative ways of presenting information are being investigated to assist in reducing costs, with annual reviews occurring to ensure the publications meet best practice, reach target audiences and meet all statutory requirements. Moorabool Matters is discussed further in this report.

## 3. Social Media

Communication methods have changed significantly over recent years, with additional emphasis now being placed on more immediate communication approaches. Council has, over the last number of years, embraced the use of social media as another way to communicate with our customers.

Council first approved a trial of the use of social media on 4 February, 2015, following the presentation of a draft Social Media Policy. Council then approved the ongoing use of social media at the Ordinary Meeting of Council held on 2 September, 2015.

Across Council there are a number of Service Units using social media as one of the main tools to communicate with their customers, which has resulted in:

- Increased communication and interaction between Council and the community;
- Overwhelmingly positive feedback from users;
- More timely provision of information to the community;
- More channels of communication in which to promote opportunities for the community to actively discuss and participate in the decision making process;
- Increased access to timely Council information for commuters and those without mobility;
- Strong preference from some areas of the community for Council to interact via social media.

A summary of facebook posts made across Council's various social media pages are provided each week in the Councillor Information Bulletin (CIIB). An additional summary of the number of posts made from March 2017 to February 2018 is contained in **Attachment 1.1.1a**. It is recommended that details of social media posts continue to be provided to Councillors via the CIB on a weekly basis.

Given the success of social media to date, it is recommended that Council continue to endorse the use of social media to engage with target audiences across all Council services. There are opportunities to expand the social media offerings of Council, which will continue to be explored.

#### 4. Moorabool Matters, Radio and Newspaper Media

##### (i) *Moorabool Matters*

Moorabool Matters is Council's main community publication, and is produced four times per year. Each edition is approximately 12-16 pages in length, and contains information on the activities undertaken over the last quarter.

The content of the publication is sourced internally, and produced externally. Approximately 18,200 copies are printed and delivered via Australia Post to residents living in the Shire. The current cost of each edition of Moorabool Matters is \$15,500.

An article was placed in the last 2017 edition of Moorabool Matters seeking feedback from the community on the relevancy and content of Moorabool Matters, and also whether property owners living outside Shire still wanted to receive a hard copy of the publication. The feedback received was poor, and no requests were received from those living outside the Shire to continue receiving a hard copy of Moorabool Matters.

Feedback on the content of Moorabool Matters was received from two people, both of which expressed interest in continuing to receive a hard copy of the publication.

Officers have also investigated the possibility of including advertising in Moorabool Matters to offset the costs and potentially increase the frequency of publication.

Feedback was sought from other Councils. Mt Alexander Shire, Indigo Shire Council, City of Greater Bendigo and City of Wodonga provided responses. All advised that they do not include paid advertising in their community newsletters. Comments from all four Councils suggested that it was too difficult to manage, very resource intensive and did not fit within the style of publications being produced.

Benchmarking was also undertaken with a range of other Councils to explore how they managed their community publications. Twelve responses were received which are included in **Attachment 1.1.1b**.

There are a range of other options that Council may wish to consider:

Option 1 Status Quo	Four editions per year	No increase in costs.
Option 1A	No postage to property owners who live outside the Shire	Saving of postage costs of approx. \$7,200 per year.
Option 2 Hard Copy	Decrease editions to two (2) per year	Savings of approx. \$31,000 could be made by decreasing the number of editions per year.
Option 3 Online	Produce an online version of the newsletter four (4) times per year	Production of four online newsletters would cost approx. \$10,000 (template development, software licences).  Savings could be made of approximately \$28,500 per year in printing costs and \$17,600 in bulk postage costs.
Option 4	Increase the number of editions to six (6) per year	Additional budget of \$31,000 would be required to produce, print and distribute two additional newsletters.  The increased workload would require an additional resource to manage production of the publication. It is estimated this would cost approximately \$10,000 for two extra editions.
Option 5	Introduce paid advertising into Moorabool Matters	Additional budget and resources would be required, plus there would be a risk of the advertising not offsetting the costs involved.

As a trial, Officers have ceased posting hard copies of Moorabool Matters to ratepayers living outside the Shire (approx. 2,000 people). There have been no requests to post copies, and no complaints received by those not receiving the publication. Officers recommend that we formally cease posting the publication to those living outside the Shire. Promotion of the publication on Council's website will continue via social media.

Given the trend in the sector is to either reduce the number of hard copy publications produced or move to an electronic publication, it is timely for Council to also consider this issue. Also, as there are significant financial constraints on the organisation, the proposed move to an on-line publication will result in savings to Council.

Moving to an on-line publication will also provide greater flexibility for Council in terms of content and production deadlines, and will provide opportunities for the content to be more forward looking than reactive.



Officers recommend Council move to an online newsletter which will result in a savings of \$36,000 and adopt Option 3 above.

(ii) *Radio*

There are a range of benefits to Council in increasing our radio presence. These include reaching a different audience, having a tailored range of messages that can be targeted to specific groups, it is often cheaper than other forms of advertising, and it is often more flexible in its approach.

Discussions have been held with AppleFM and further work is being undertaken to develop a regular spot on the radio for Councillors and officers. AppleFM are supportive of developing a closer relationship with Council, and are working with Officers on this issue.

ABC Ballarat and 3BA Ballarat also transmit into the western area of the Shire. There are opportunities for Councillors and senior officers to have regular time on these stations, and further discussions will be held with both radio stations to progress this issue.

(iii) *Newspapers*

There are a range of newspapers available to residents, including Moorabool News, Star Weekly (Melton), Ballarat Courier and a wide variety of State wide daily papers (The Age, Herald Sun etc.).

Council's Meeting Procedure Local Law, under section 2.4 Notice of Meeting – Public states that “Reasonable notice of Council Meetings must be given to the public by advertising on the Council website and in local newspapers generally circulating within the municipality unless time does not permit.” The Local Government Act also requires a Council to give public notice of a meeting.

Various Acts and particularly S223 of the Local Government Act set out a formal process to allow persons to make a submission to Council. Historically notice this has been served via the local press. The current review of the Local Government Act may remove this formality and allow digital solutions to replace formal advertising.

Council advertises in the Moorabool News under a current advertising contract due to expire in December 2018. Information generally includes notices of various meetings (Ordinary Meetings of Council, S86 Delegated Meetings of Council), statutory notices required under the LG Act, information for the community on consultations that may be seeking input and vacant jobs.

A further report on the form of a new tender for newspaper advertising will be brought to Council in August, 2018.

### **Policy Implications**

The Council Plan 2017 – 2021 provides as follows:

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

**Context 1B:** Our People

The draft report is consistent with the Council Plan 2017 – 2021.

**Financial Implications**

If Council wishes to increase the number of editions of Moorabool Matters further budget will be required. Enhancements to Council's website and social media pages will be accommodated through the ICT Strategy budget bids.

Option	Increased Budget Required
Produce two additional newsletters per year	\$31,000 per year (to produce, print and post two additional newsletters)
Staffing Resource	\$10,000 (estimated)
Introduce paid advertising	\$30,000 (estimated) for staff resources

**Risk & Occupational Health & Safety Issues**

If Council resolves to introduce paid advertising into Moorabool Matters, there would be a risk of the advertising not offsetting the costs involved.

**Community Engagement**

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community	Opportunity to provide feedback in Moorabool Matters	Shire-wide	Summer, 2017	Feedback received from limited numbers
Consult	Local Government sector	Feedback on what other Councils are undertaking	Neighbouring Councils	Summer, 2017	Feedback provided in Attachment 1.1.1b

**Communications and Consultation Strategy**

Feedback will continue to be sought from the community in relation to Moorabool Matters. Feedback opportunities will be included in future editions of the publication to check the importance and value of the publication.

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

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

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

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

*Chief Executive Officer – Rob Croxford*

In providing this advice to Council as the General Manager, 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**

Communication methods have changed significantly over recent years, with additional emphasis now being placed on more immediate digital communication approaches. In order to reach various sectors of the community, Council employs a range of communication methods including social media, print and radio and produces a range of publications to inform the community as set out in this report.

## **Recommendation:**

### **That Council:**

- 1. Receives the report on Council Communications (April, 2018).**
- 2. Requests a future budget bid to undertake a PR & Marketing Strategy.**
- 3. Notes that Officers will continue to improve and review Statutory Council publications.**
- 4. Notes the success of social media in targeting and communicating with residents and customers of Council services.**
- 5. Continues to receive metric reports on the reach of social media communications via the Councillor Information Bulletin.**
- 6. Requests a further report in August, 2018 on the form of a newspaper tender for Council advertising.**
- 7. Produces four (4) on-line editions of Moorabool Matters per year published on Council's website.**

## **Resolution:**

**Crs. Dudzik/Edwards**

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

- 1. Receives the report on Council Communications (April, 2018).***
- 2. Requests a future budget bid to undertake a PR & Marketing Strategy.***

3. ***Notes that Officers will continue to improve and review Statutory Council publications.***
4. ***Notes the success of social media in targeting and communicating with residents and customers of Council services.***
5. ***Continues to receive metric reports on the reach of social media communications via the Councillor Information Bulletin.***
6. ***Requests a further report in August, 2018 on the form of a newspaper tender for Council advertising.***
7. ***Produces four (4) on-line editions of Moorabool Matters per year published on Council's website.***
8. ***Makes a limited number of hard copies available in council offices, libraries and at significant buildings in remote locations for those without connections to the internet.***

**LOST.**

**Resolution:**

**Crs. Dudzik/Edwards**

***That Council:***

1. ***Receives the report on Council Communications (April, 2018).***
2. ***Requests a future budget bid to undertake a PR & Marketing Strategy.***
3. ***Notes that Officers will continue to improve and review Statutory Council publications.***
4. ***Notes the success of social media in targeting and communicating with residents and customers of Council services.***
5. ***Continues to receive metric reports on the reach of social media communications via the Councillor Information Bulletin.***
6. ***Requests a further report in August, 2018 on the form of a newspaper tender for Council advertising.***
7. ***Produces four (4) hard copy editions of Moorabool Matters per year (Status Quo).***

**CARRIED.**

### Report Authorisation

Authorised by: 

**Name:** Rob Croxford

**Title:** Chief Executive Officer

**Date:** Thursday 15 March 2018

***Cr. Keogh adjourned from the role of Acting Chair at 6.14 pm.***

***Cr. Tatchell resumed the Chair for the remainder of the meeting at 6.14pm.***

## **11.1.2 Ballarat Rail Line Action Committee (BRAC)**

### **Introduction**

Author: Rob Croxford

### **Background**

The Council previously considered this item at the 7 March 2018 meeting and resolved:

*Crs Edwards / Sullivan*

- 1. That the report on the Ballarat Rail Line issues lay on the table for one month to enable a conversation to be commenced with the community via press and social media.*
- 2. That officers advertise the report on Have Your Say web page and provide a summary of responses at the next Ordinary Meeting of the Council.*
- 3. That a further report setting out a proposed Council position on BRAC issues be considered at the April Ordinary Meeting of Council.*
- 4. That an executive summary of the BRAC report be prepared by Council as it relates to Moorabool Shire and that this summary document form part of the community consultation.*

***CARRIED.***

The creation of a summary report has been completed and the community consultation process commenced.

The report previously considered by Council is now being presented after being updated with community feedback and to enable the Council to adopt a position on BRAC issues.

### **Proposal**

The Ballarat Rail Line Action Committee was formed in late 2015 with a brief to advance investment in the Ballarat rail line following concerns over congestion, reliability and predictions of rapid growth in passenger numbers. The Committee is a united voice for priority projects. In July 2017 the Committee met to consider priority actions and to engage consultancy Rail Futures to assist the Group to develop future priorities and advocacy material ahead of the upcoming State and Federal elections.

In early 2017 the State Government announced Stage 1 of upgrade works totalling \$518M on the Ballarat Line that will occur over the period 2018-2022.

This report addresses further studies and works required to 2030 to address future needs of the communities along the line.

Attached (Attachment 11.1.2a and 11.2.2b) are two advocacy documents that were considered by the BRAC at the meeting on 9 February, 2018.

A summary fact sheet document has also been prepared and this is included as Attachment 11.1.3.

The documents can be used in totality or in part depending on the issue and audience

The first document recognises the unique aspects of the Ballarat line in the more urban areas of Brimbank, Melton and Bacchus Marsh.

The second document recognises the regional and rural aspects of the line. Both documents focus on passenger functions and are cross referenced.

The third document sets out a summary that relates to Moorabool communities.

A range of infrastructure projects have been listed in the brochures for each Council and the BRAC collectively to advocate for appropriate modern services into the future.

Of significance is the request for preparation by government of a Network Development Plan (business case) that proposes projects relating to:

- Electrification
- Duplication / Quadruplication
- Line upgrades
- Level crossing removals
- New stations
- New rolling stock
- Removal and creation of passing loops
- Park and ride station at Warrenheip
- New station at Parwan

Discussion on key issues facing Moorabool is set out below:

### **Electrification**

In discussing the Melton / Bacchus Marsh document at the last BRAC meeting, it is evident that decisions about the extension of electrification to Melton and then to Bacchus Marsh are likely to be made in the lead up to the State election in November.

The stabling of trains will be a key issue at Melton and Maddingley.

Melton electrification has been discussed for many years now and is essential for the current and future population.

Electrification to Bacchus Marsh in 2026 is now under consideration in the total network planning that picks up urban services including Wyndhamvale, and regional services through Ballarat, Maryborough, Ararat and beyond.

The pros and cons of electrification can be summarised as follows:

Pros	Cons
Triple the carrying capacity of VLine trains (444 seats to 1500 people per train).	Slower journey when VLine gets stuck behind frequently stopping electric service.
Bacchus Marsh can become a transport interchange with electric and diesel services.	Amenity of suburban trains is poorer.
Residents will have carriage choice and more flexible destinations.	Risk of VLine trains bypassing Bacchus Marsh in peak and /or off peak timetables.
More frequent service is possible.	
Will lead to duplication of full track and quadruplication to Melton eventually.	Likelihood that a number of peak services won't stop at Bacchus Marsh.
Stabling of trains at Kerrs Road, Maddingley will enable Bacchus Marsh to be at the start of the line for morning services and resolve stabling issues in Melton.	Electric train journeys could take up to 20 minutes longer than current services.
Adequate land for stabling at Kerrs Road, Maddingley.	

As required by the Council the BRAC issues and that of electrification has been placed in the public forum for discussion and feedback. Feedback received to date is set out in the section under Community Engagement below.

It is suggested that the Council support the potential electrification to Bacchus Marsh in principle, subject to the completion of a Network Development Plan and broad community support through ongoing consultation. Further, the opportunity for Bacchus Marsh to be a transport interchange for VLine and metro services will be critical in providing flexibility and enhanced services for the community.

A Council budget bid will be prepared for local community consultation and the development of information to inform community opinion.

### **Removal of Passing Loops (Bungaree and Wallace loop included)**

As part of the \$518M investment in the current (2018 – 2022) program, it is proposed to provide a new bypass in the vicinity of Bungaree and Wallace and discontinue the existing loop.

The Council and officers have met with the Melbourne Metro Rail Authority, VLine and written to the Minister for Transport to point out that the closure of the loop is short sighted given the potential for population growth in Bungaree and Wallace that could then lead to a transport interchange at Wallace.

The Minister has responded in writing (Attachment 11.1.4) and VLine and MMRA verbally advised that the loop will be discontinued in order to remove five level crossings and will not entertain keeping the loop open.



Officers have also met with VicTrack to discuss ongoing maintenance of the loop to avoid weed and vermin infestation and to explore other options for the loop.

VicTrack has advised that it would be willing to transfer the loop alignment to Council to manage as a committee to facilitate a rail trail or tourism activity. The use of the loop as an historic rail tourism activity was not supported given other options around the State.

A further option would be the sale of the rail alignment to adjoining property owners.

A further report will be required to advance the future of the loop.

On a related matter, discussions have also been held over the past few years on the future reinstatement of the Gordon Railway Station, particularly as the township grows as a key town in the Shire. At this stage the feedback from VLine in particular is that it is highly unlikely to be reinstated. Officers will continue to raise this matter as it forms part of Council's advocacy strategy.

### **New Park and Ride Station at Warrenheip**

The Minister's advice re the Bungaree / Wallace loop then precludes the option of an interchange at Wallace. Work by Rail Futures suggests that the old Warrenheip Station/siding is in a strategic location that could be maximised.

Warrenheip is at the confluence of the Geelong and Ballarat lines and is ideally located for passenger services to Geelong, and as a park and ride for Ballarat commuters on the eastern side of the city and for Moorabool residents.

The concept is preliminary and would need significant work to address land use, infrastructure and traffic issues into the future. The City of Ballarat and BRAC support further investigation of this concept.

A further report could be provided on this to Council.

### **New Station at Parwan**

The draft Bacchus Marsh Framework Plan being prepared in partnership with the VPA makes provision for the reinstatement of a station at Parwan to the south east of Bacchus Marsh.

This is a long term plan that will support future population growth and the Parwan Employment Precinct.

There are implications for timetabling and electrification for the re-introduction of this station.

A further report to Council will be required on this aspect.

### **Network Development Plan (NDP)**

A Network Development Plan is a complex and detailed business case for the whole of the Ballarat line. It will also provide for planning scheme overlays and reservations.

Transport for Victoria, set up by Government to provide high level strategic integrated transport planning, has met with BRAC and Council officers.

The NDP is an essential step for government investment. Indications are that the Plan could cost \$20M and take at least 12 months to complete.

A key part of advocacy to government will need to be for the completion of the NDP incorporating the other projects discussed in this report.

### **Policy Implications**

The proposed Council Plan 2017 – 2021 provides as follows:

**Strategic Objective** Minimising Environmental Impact

**Context** Built Environment

The proposal to advocate and plan for the future of the Ballarat Rail Line is consistent with the proposed Council Plan 2017 – 2021.

### **Financial Implications**

The operation of the BRAC is funded largely by the City of Melton who provide secretarial services on behalf of the Group.

Project work undertaken by the Group is funded collectively by contributions on a pro rata population basis by each Council after procurement through the City of Melton.

The cost of the attached advocacy work is around \$20,000 that will be shared by the seven Councils.

A budget bid for further advocacy and strategic work will be contained in the Moorabool 2018/19 budget to provide adequate working budgets.

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

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Reputational	Poor planning now could lead to a diminished reputation of Council into the future.	Low	Advocacy and preparation of strategic work by Council.

### **Community Engagement Strategy**

At the last Council meeting there was concern that the electrification to Bacchus Marsh is a new issue that has not been exposed to community consultation and discussion.

As such the Council required that further consultation be undertaken.

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Date</b>	<b>Outcome</b>
Inform and Consult	Community Groups	Social media, Have Your Say and local press.	Shire wide	Since 9 March	Feedback to the close of the agenda is set out in Attachment 1. Further feedback will be circulated prior to the meeting.

Feedback received from the community consultation is contained in Attachment 11.1.5.

The feedback is broad and inconclusive at the close of the agenda for this meeting.

Further feedback received up to the April meeting will be circulated separately. It is suggested that this is the start of ongoing engagement with the community on BRAC and specifically electrification issues.

### **Communications and Consultation Strategy**

A communications strategy for this Council and BRAC will be developed after further raising awareness in the community via the press and social media, and after an in principle position is provided by Council on electrification to Bacchus Marsh and the Network Development Plan.

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

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

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

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

*Author – Rob Croxford*

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

### **Conclusion**

The BRAC has been working collaboratively with Councils along the Ballarat Rail Line, State Government and consultants to influence future works on the line for the benefit each Council's communities.

A key issue for resolution in this report is the potential for electrification of the rail line to Bacchus Marsh.

The Council has sought feedback from the community over the past month to assist in forming a position on BRAC issues and specifically electrification of the line to Bacchus Marsh whilst retaining VLine services.

**Recommendation:**

**That Council:**

1. **Supports, in principle, the electrification of the Ballarat Rail Line to Bacchus Marsh subject to the completion of a Network Development Plan by the State Government incorporating significant community consultation and Bacchus Marsh being recognised as a transport interchange for VLine and Metro services.**
2. **Notes the list of projects for the Ballarat Line to 2030 as set out in the attached brochures.**
3. **Requests officers to prepare a 2018/19 budget bid for ongoing BRAC advocacy and community engagement activities, to allow local conversations to continue to be held on the current and proposed works along the Ballarat line.**
4. **Notes the response from the Minister for Transport and VicTrack in relation to the Bungaree/Wallace bypass loop and requests a further report from officers on options for the discontinued part of the line that may include transfers to adjoining owners and a rail trail.**
5. **Adds the attached three brochures on the Ballarat Line issues to the advocacy plan previously adopted by Council in November 2017 for use in the lead up to the State and Federal elections in 2018.**
6. **Requests regular updates on the activities of BRAC.**

**Resolution:**

**Crs. Edwards/Bingham**

***That the Ballarat Rail Line Action Committee (BRAC) report be deferred to the next Ordinary Meeting of Council to allow for further public feedback from railway station patrons and for feedback to also be sought through social media patrons.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:** 

**Name:** Rob Croxford

**Title:** Chief Executive Officer

**Date:** Wednesday, 28 March 2018

## 11.2 GROWTH AND DEVELOPMENT

### 11.2.1 Proposal to Create an Economic Development Taskforce

#### Introduction

Author: Andy Waugh  
General Manager: Satwinder Sandhu

#### Background

The Council Plan 2017-2021 calls for the establishment of an Economic Development Taskforce (EDT) as a key mechanism to drive investment and development in the Shire.

The role of the EDT would be to have oversight of economic development objectives, and to provide advice on the development, promotion and implementation of strategies and initiatives. This would include the identification and development of investment opportunities.

There are various examples currently in place internationally whereby an EDT has been implemented. The objectives of the group and the structure vary. These are a determinant of the funding levels available and the size of the economy it is operating within.

EDT's have been identified operating on a city wide or regional scale whereby they are governed by a Board of Directors and have employees with portfolio driven outputs. Examples have also been identified whereby the scale is of an area within a city or a town. In these cases, the EDT is operated by a Council and/or a business group, commonly relying on volunteer labour or operating on a limited resource base. The focus of the groups vary depending on these factors with objectives ranging from defining the role of business in an export driven economy to local business engagement through training and workshops.

There is no one model which generically achieves higher levels of success over another. The models are adapted to suit each particular business environment. However, there are different governance and management structures would could influence operation and outputs. This specifically relates to whether it is a Council driven process or driven by industry.

#### Option 1: Council Driven Process

A Council driven process may include or exclude business representation. It will recognise and work toward operating within Council budgets. It will generally have a focus of producing outputs for the entire business community, drawing on wider economic objectives for the area it is operating within. However, if it excludes business, there is the potential risk that non-participation is viewed as intentional exclusion. This will be mitigated through a series of business meetings to inform and engage industry participants.

### Option 2: Industry Driven Process

If the EDT was driven by industry leaders, inclusion is introduced which could build a strong level of trust with Council in creating shared outcomes. In addition, an independent opinion is offered as representatives of the (entire) business community.

However, the adoption of an industry driven model comes with a number of potential risks for Council. The first is for unrealistic expectations to be placed on what Council can achieve by establishing expected outcomes but not aligning them with available resources. This can be compounded when the proposed industry initiatives do not align with the goals of the Council Plan and its associated budgets. If this happens, the EDT could question its role and instead of working collaboratively with Council, could move toward an industry watch dog role whereby the focus moves to what is not being achieved as opposed to building a strong and beneficial partnership. Finally there is the potential for the output focus to be on EDT members own business sector as opposed to adopting a holistic approach to business needs within Moorabool Shire.

To provide the optimum opportunity for establishing the EDT and facilitating its development, Option 1 is preferred. This will provide a framework for operating within the resource and financial constraints whilst establishing a line of communication through to industry.

### **Proposal**

The proposals are based on creating an additional resource to focus on attracting and developing investment within Moorabool Shire.

1. Establish the EDT with a committee consisting of the following:
  - Councillors (number to be determined, however three Councillors has been proposed in the draft Terms of Reference);
  - CEO, General Manager Growth & Development or Manager Strategic & Sustainable Development; and
  - Coordinator Economic Development (secretary function).
2. Adopt the Interim Terms of Reference (see Attachment 11.2.1) and set a date for the first meeting.
3. At the first meeting the EDT member determine the key focus are for the next 12 months and in line of reporting.

### **Policy Implications**

The Council Plan 2017 – 2021 provides as follows:

**Strategic Objective 3:** Stimulating Economic Development

**Context Number 3B:** Investment and Employment

The establishment of an Economic Development Taskforce is consistent with the Council Plan 2017 – 2021.

### Financial Implications

The establishment of the EDT will incur both operational and strategic expenses. The operational component will consist of the cost of hosting a breakfast meeting every six months to inform the business community on the work of the EDT.

Additional expense will be generated through the development of initiatives to achieve strategic goals established by the EDT. Future reports will address the budget requirements based upon the determined program

### Risk & Occupational Health & Safety Issues

The purpose of the EDT is to identify initiatives which benefit the community through higher levels of investment and job creation.

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Business community perception of exclusion from EDT under recommended model	Loss of business confidence	Low	Business breakfast conducted every 6 months

### Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consultation	Business community	Email	Various	March 2018 and on going	Business community informed of EDT
Meeting - Individual	Business community	Travel to business premises	Various	March 2018 and on going	Individual business needs assessment
Meeting - Group	Business community	Business breakfast	Local hospitality business – TBD	May and November 2018	Business community is informed and supportive of EDT actions

### Communications and Consultation Strategy

The proposal to create an Economic Development Taskforce is an action identified in the Council Plan. Outcomes from the project will be made available on Council's website and communicated through business meetings and via email.

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

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

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

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

*General Manager – Satwinder Sandhu*

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

*Author – Andy Waugh*

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

### **Conclusion**

The establishment of the EDT is a new initiative detailed in the current Council Plan. It will serve the purpose of overseeing the work completed by Council's Economic Development Team with a focus on investment attraction and employment outcomes.

### **Resolution**

**Crs. Dudzik/Edwards**

***That Council:***

- 1. Resolves to approve the establishment of an Economic Development Taskforce with the recommended structure as set out within this report.***
- 2. Adopt the Interim Terms of Reference set out at Attachment 11.2.1.***
- 3. Ratify the Economic Development Taskforce meet within the next two months and report back to Council on the agreed key focus area along with line of reporting and any proposed interim Terms of Reference.***

**CARRIED.**

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### **Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Thursday, 15 March 2018



***Mr. Michael Lagogiannis addressed Council as an objector to the granting of a planning permit for the application.***

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

**11.2.2 Planning Permit 2017-164 – 5 Frawleys Road, Leigh Creek: Building and Works Associated with Use of the Land for a Drive Thru Café, Business Identification Signage and Creation of an Access to RDZ1.**

<b>Application Summary:</b>	
Permit No:	PA2017164
Lodgement Date:	18 August, 2017.
Planning Officer:	Mark Lovell
Address of the land:	Land in Plan of Consolidation 168341M 5 Frawleys Road, Leigh Creek
Proposal:	Building and Works Associated with Use of the Land for a Drive Thru Café, Business Identification Signage and Creation of an Access to RDZ1.
Lot size:	10.25 hectares
Why is a permit required	Clause 36.01-1 – Public Use Zone - Use of the land. Clause 36.01-2 – Public Use Zone – Building and Works. Clause 45.01 – Public Acquisition Overlay – Building and Works. Clause 52.05 – Advertising signs – Signage. Clause 52.29 – Adjacent to RDZ1 – Creation of an access.
Why is this application being presented to Council?	At the request of a Councillor.
<b>Public Consultation:</b>	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of Objections:	Two (2)
Consultation meeting:	Yes, between the applicant and objectors. Issues discussed in detail but no resolution achieved between the parties.

<b>Policy Implications:</b>	
<b>Strategic Objective: 2</b>	Stimulating Economic Development
<b>Context: 2A</b>	Built Environment
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
<p>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.</p>	
<b>Officer's Declaration of Conflict of Interests</b>	
<p>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.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Mark Lovell</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
<b>Executive Summary:</b>	
Application Referred?	Yes, Council's Infrastructure, CFA, Central Highlands Water, VicRoads, and EPA Victoria.
Any issues raised in referral responses?	No.
Preliminary Concerns?	Yes, with the objectives of the Public Use Zone which is the management of a water supply reservoir.
Any discussions with applicant regarding concerns	Yes, the applicant responded with additional written information.
Any changes made to the application since being lodged?	No.
VCAT history?	No.
Previous applications for the site?	No.

General summary (Pro's/Con's of the proposal)	The proposal provides adequate building setbacks to the property boundaries, a modest built form and ample on site parking for staff and additional area for waiting vehicles.  The zoning of the land can allow for a non-related activity to a water reservoir. The site is in an isolated position and the surrounding land uses would not be adversely affected by a small temporary commercial use.
<b>Summary Recommendation:</b>	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for building and works associated with use of the land for a drive thru café, business identification signage and creation of an access to RDZ1 on the land at 5 Frawleys Road, Leigh Creek in accordance with Section 61 of the <i>Planning and Environment Act 1987</i> .	

### **Background**

The site is controlled and owned by Central Highland Water who are responsible for the management of the Pincott Reservoir located to the north of this lot. Central Highlands Water have provided owner's consent for the applicant to lodge this use and development proposal.

Council at its Ordinary Meeting Council on 7 March, 2018 decided to defer the application to the next Council meeting and instructed that further discussions with the Applicant, Central Highlands Water and the Lessees be held pertaining to the land use and that Central Highlands Water review their conditions under the Planning Permit.

Central Highlands Water responded with revised conditions and Council officers have had discussions with the lessee, PGG Wrightson Seeds.

### **Public Notice**

The application was notified to adjoining and surrounding landowners by mail and placing a large on site for period of fourteen days. A statutory declaration verifying display of the large notice was received on 24 October, 2017.

### **Summary of Objections**

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

Objection	Any relevant requirements
Vehicle access/traffic danger/Traffic congestion/ Lack of a detailed traffic engineering assessment	Clause 52.06
<b>Officer's response</b> – VicRoads have consented to the access arrangement subject to conditions including a left out only egress from the site. A separate traffic engineering assessment is not required for this application.	
Lack of car parking, patrons parking has not been considered/ low parking availability	Clause 52.06
<b>Officer's response</b> – This application has provided a dedicated drive thru activity and subject to conditions will not provide any on site seating or access to the kitchen area by the public. The activity does not require patron parking. The proposal complies with the minimum car parking rate.	
Inappropriate use of Public Zoned land with reference to VCAT decisions	Clause 36.01
<b>Officer's response</b> – The Public Use Zone does allow for a variety of alternative uses including commercial uses.	
No public toilets provided	
<b>Officer's response</b> – Subject to conditions, there will be no dedicated seating area and therefore no public toilets need to be provided. A toilet is provided for staff use only.	
Leasee operates a working farm where agricultural activities conducted including spraying, fertilising and cultivation.	
<b>Officer's response</b> – The applicant is aware the adjacent land is operating as a working farm and will not object to their operation. A written confirmation has been provided by the applicant.	

## Proposal

It is proposed to construct a building for a drive thru café. The building is 16.39 metres in length and 4.39 metres in width and will be comprised of food and coffee preparation areas, coolroom, storage, office and staff toilet. The building will have a floor to ceiling height of 3.0 metres. The building will consist of cement sheet cladding with rendered finish, Alcobond feature cladding, Colorbond® roofing and aluminum framed windows. The building is proposed to be setback approximately 8.4 metres from the street frontage and well setback from the side and rear property boundaries. The proposal will include a 4.0 metres wide single lane accessway for patrons to place an order then travel around the building to a separate collection area with two side waiting bays. All vehicle access is via an internal roundabout located near the south-east corner of the site which will connect to a new double car width crossover. There would be six (6) staff car parking spaces located adjacent to the eastern property boundary.

The café would operate from 5am to 6pm, Monday to Sunday. The café menu includes coffee, tea, cold drinks, food rolls, muffins, toasted sandwiches, sausage rolls and quiches. The applicant advised that it is a temporary use and should it be approved would occupy the site for ten years.

A 3m<sup>2</sup> in area business identification sign would be placed against the southern side of the building facing towards the freeway with the words '143<sup>o</sup> East Coffee Food'.

### **Site Description**

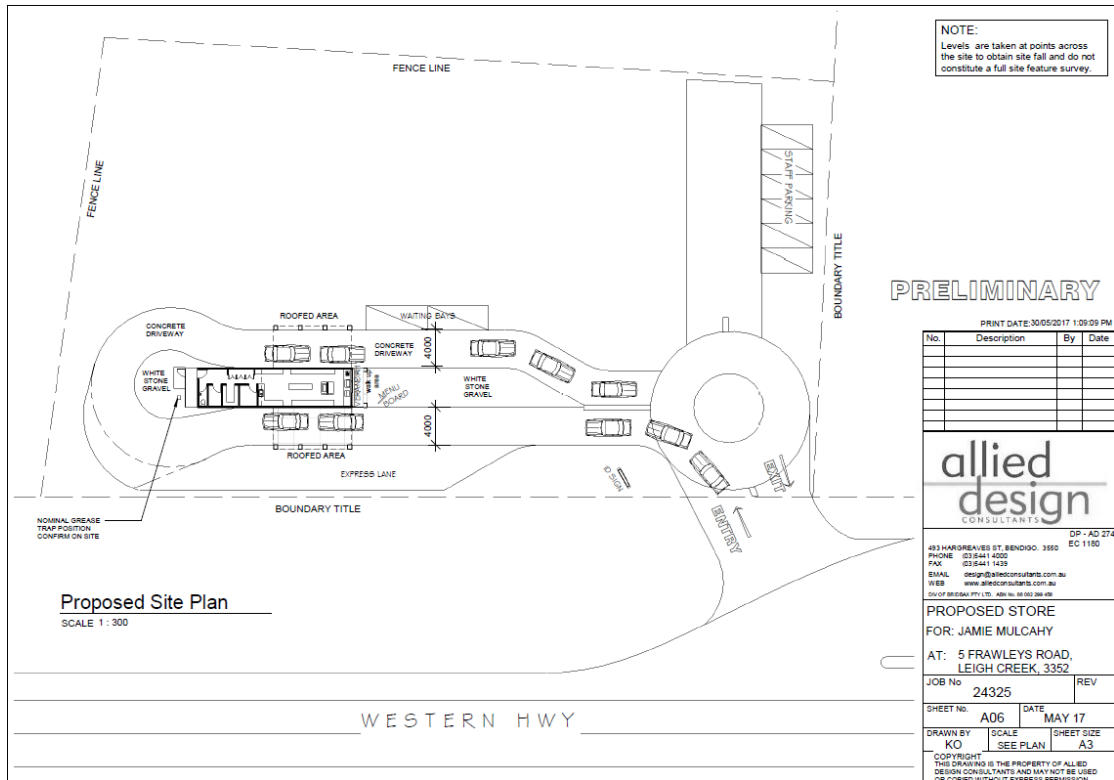
The subject site is located on the northern side of the Western Highway and the western side of Frawleys Road, Leigh Creek. The lot is irregular in shape and does not include the immediate corner lot where the streets intersect. The lot has a total land area of 10.25 hectares.

There is 51.29 metres wide electricity easement that cuts through the north-west corner of the lot. The site contains open fields and a small shed building located near the Western Freeway frontage. The land is one of many lots that are associated with Pincott Reservoir (located to the north) and are under the management control of Central Highlands Water.

Central Highlands Water have advised that the lease arrangement for this 10.25 hectare title is 96% of the land is for Wrightsons Seeds intended for crop trails and approximately 4,050m<sup>2</sup> will be for the drive-thru café.

The property to the immediate east is café/roadhouse with vehicle parking in gravel area adjacent to the Western Highway. Surrounding land is predominately open grazing fields with a scattering of dwellings. Visible from the site to the south is Kryal Castle, a major tourist facility. The site has convenient access to the Ballarat Activity Centre located to the west.

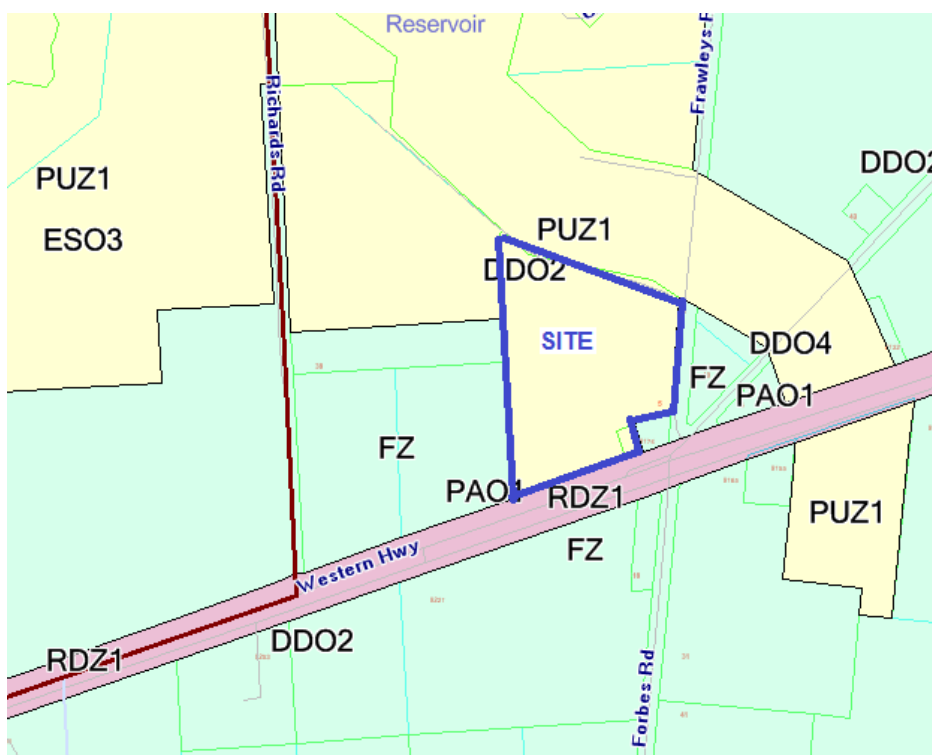
### Proposed Site Plan



### 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 11.07-2 Peri-urban areas
- Clause 11.08 Central Highlands
- Clause 11.06-2 A diversified economy.
- Clause 13.04-1 Noise abatement.
- Clause 17.01-1 Business.
- Clause 18.02-5 Car Parking.
- Clause 21.04-3 Commerce.

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

SPPF	Title	Response
Clause 17.01-1	Business	A strategy of this clause is to locate commercial facilities in existing or planned activity areas. The subject site is not located within an existing or proposed commercial centre.

## **Zone**

### Public Use Zone Schedule 1

The subject site is in a Public Use Zone Schedule 1.

The purpose of the zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To recognise public land use for public utility and community services and facilities.
- To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

Under Clause 36.01-6, a permit is not required for use and for building and works associated with service and utility. With reference to the subject land, this would be works associated with a reservoir.

The proposal requires a permit for use of the land as a café under Clause 36.01-1 and for building and works under Clause 36.01-2.

Before deciding on a an application, the responsible authority should consider:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

Under Clause 36.06-7, a permit is required to display a sign where the Road Zone is the nearest adjoining zone.

## **Overlays**

### Environmental Significance Overlay Schedule 1

The subject site is in the Environmental Significance Overlay Schedule 1 and the provisions of Clause 42.01 apply.

The purpose of the overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

Under Part 2 of Schedule 1 of the overlay has the following environmental objectives to be achieved.



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

Under Clause 42.01-2 a planning permit is not as there is no site cut or stormwater discharge within 100 metres of a waterway.

### **Public Acquisition Overlay Schedule 1**

The front part of the site is located within a Public Acquisition Overlay Schedule 1.

The purpose of this overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify land which is proposed to be acquired by a Minister, public authority or municipal council.
- To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.
- To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.

Under Clause 45.01-1, a permit is required for building and works to a Section 1 or 2 use.

Under Clause 45.01-5 the land must not be spoiled or wasted so as to adversely affect the use of the land for the purpose for which it is to be acquired.

Under Clause 45.01 an acquiring authority is the Minister, public authority or municipal council specified in the schedule to this overlay as the acquiring authority for the land. Under Schedule 1 of the overlay, the acquiring authority is VicRoads for the purpose of the Western Highway realignment.

### **Bushfire Management Overlay**

The subject is partly covered by a Bushfire Management Overlay but it does not affect the works area. It must be noted the application was lodged before the Amendment VC132 was gazetted on 19 September, 2017. This planning scheme amendment resulted in changes to the BMO mapping and the subject site went from been fully contained with the BMO to been partly covered by the BMO.

The purpose of this Overlay is

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To 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.

#### Design & Development Overlay Schedule 2

The subject site is located in Design & Development Overlay Schedule 2.

The purpose of Schedule 2 is:

- 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.

A permit is required to construct a building in reflective materials. A corresponding condition can ensure non-reflective materials are used to accord with this overlay provision.

#### Design & Development Overlay Schedule 4

The front part site is covered by Design & Development Overlay Schedule 4.

The purpose of Schedule 4 is:

- To ensure the development of land near the future alignment of the Western Freeway between Leigh Creek and Woodmans Hill is undertaken with appropriate noise attenuation measures to minimise the impact of traffic noise on noise sensitive activities.

VicRoads were notified of the applicant and did not require any noise attenuation measures for this use and development.

#### Relevant Policies

There are no relevant Council policies.

#### Particular Provisions

##### Clause 52.05 Advertising Sign

Category 4 signage controls (sensitive areas) apply to a business identification sign in a Public Use Zone under Clause 52.05-10 on the condition that the total advertising area to each premise must not exceed 3 square metres.

The purpose of Clause 52.05 is:

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

The purpose of Category 4 signage controls is:

- To provide for unobtrusive signs in areas requiring strong amenity control.

Decision guidelines are listed under Clause 52.05-3. VicRoads were notified of the application as the site is adjacent to a Road Zone Category 1.

#### Clause 52.06 Car Parking

The proposed use is a drive thru café with no seating. Under Clause 52.06-5, a food drink premise requires four (4) car spaces to each 100m<sup>2</sup> of leasable floor area which equates to a requirement of three (3) car spaces. The applicant has provided six (6) car spaces marked as staff parking that achieves the minimum car parking rate and the layout of the car spaces and the access ways complies with the design standards of Clause 52.06-9.

#### Clause 52.29 – Adjacent to Road Zone Category 1

The land is adjacent to a Road Zone Category 1 which is the Western Highway.

The purpose of this particular provision is:

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

Under Clause 52.29 a permit is required to alter access to a Road Zone Category 1.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

VicRoads had no objection to the new access subject to conditions.

### **Discussion**

#### Planning policy

The proposal involves a new commercial business which is supported by the broad State Planning Policy Framework which seeks to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development so each district may build on its strengths and achieve its economic potential.

## Streetscape

The proposal has the advantage of being located on a large land area to mitigate off site impacts and the simple building form that is well setback from all property boundaries ensures minimal streetscape impacts. The proposed business identical signage is modest in scale and attached to the host building which will not cause any undue visual clutter or any distraction to passing motorists in accordance with the objectives of Clause 52.05.

## Access/Car parking

The proposal development is appropriately positioned on the land to ensure vehicles can enter the site from the adjacent Western Highway without causing traffic disruptions, has a looped driveway to ensure vehicles have separate take away order and collection areas with waiting bays, and the front roundabout assists in reducing speeds and creates a safe exiting arrangement. Subject to conditions, there will be no on site café seating and ample parking provided for staff. VicRoads have reviewed the traffic arrangements and have consented to the application subject to conditions including a left out only via the Black Swamp Road intersection to prevent vehicles immediately accessing the highway from the gravel verge at a low speed with inadequate sight lines. The car parking and access are suitable for this development proposal and it does not conflict with the Public Acquisition Overlay Schedule 1 that covers the Western Highway realignment.

## Use of the land

The site is located in a Public Use Zone. These zones do allow for a variety of land uses subject to obtaining consent from the public authority or the land owner, in this instance, Central Highlands Water. A number of private commercial developments have occurred on public zoned land especially on railway land which has vast railway corridors with some locations having excellent access to services.

Central Highland Water have consented to the application and have control of a large section of land covering the Pincotts Reservoir which was constructed 1867. The proposed development site is at the southern extremity of their land holdings.

The drive thru café is not linked with the existing reservoir and is not required for the operation of the reservoir. The drive thru café is designed to capture passing freeway traffic in an area well separated from the nearest activity centre and commercial areas. With the proposed building site covered by a Public Acquisition Overlay for the Western Freeway expansion, the applicant has advised that the use would only operate for ten years. The applicant is aware the building would need to be demolished to facilitate the freeway expansion. Given the small building area and temporary arrangement, the use and development is appropriate as a short term use of currently vacant land.

The proposed use and development is considered to comply with the purpose of the Public Use Zone.

## Amenity impacts

The applicant will not be providing a toilet for customer use however has shown a seating area and pedestrian access to the eastern side of the building. This could create issues for customers rather than a genuine drive thru arrangement. These seats should be removed and a condition in place to prevent a 'dine in café' without adequate amenities. Food premises can generate waste and there is the potential of littering from customers. The applicant would be required to show the location of a screened bin area and for waste to be removed from the site on a daily basis. There would be standard amenity conditions to control noise, smells and other nuisances.

## General Provisions

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

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

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

## Referrals

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

Authority	Response
Central Highlands Water (catchment authority response)	Consent with three conditions
VicRoads	Consent with four conditions
CFA	Consent with one condition
EPA Victoria	Consent with four conditions
Infrastructure	Consent with eight conditions
Environmental Health	Consent with five conditions

## Financial Implications

The recommendation of approval of this application would not represent any financial implications to Council. Should Council consider refusing this application there would be costs associated with any VCAT appeal by objectors.

## Risk and Occupational Health and Safety Issues

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

## Communications Strategy

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

## Options

An alternative recommendation would be to refuse the application on the basis it does not comply with the planning scheme provisions including the Public Use Zone and its commercial use not located within a defined commercial area.

Refusing the application may result in any of the applicant lodging an application for review of Council's decision with VCAT.

## Conclusion

The proposed use and development are considered consistent with the objectives of the Public Use Zone by allowing for an alternative use of the land for a short term period of ten years. The proposed use and development should be supported.

### Resolution:

#### Crs Edwards / Dudzik

***That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Permit for Building and Works Associated with Use of the Land for a Drive Thru Café, Business Identification Signage and Creation of an Access to RDZ1 in Land in Plan of Consolidation 168341M otherwise known as 5 Frawleys Road, Leigh Creek, subject to the following conditions:***

#### ***Endorsed Plans***

- 1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:***
  - a. Show the location of a secure and screened designated bin/refuge area.***
  - b. Remove the pedestrian access and seating area at the eastern end of the building.***
  - c. Show the setback of the Land Application Area (LAA) for management of wastewater to existing fence lines and road frontages.***

***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.***

#### ***Materials and Colours***

- 2. All external walls and roof areas of the proposed building/s are to be clad with non-reflective materials (zincalume prohibited) to the satisfaction of the Responsible Authority.***

#### ***Amenity***

- 3. The amenity of the area must not be detrimentally affected by the use or development, through the:***
  - a. Transport of materials, goods or commodities to or from the land;***
  - b. Appearance of any building, works or materials;***
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
  - d. Presence of vermin; and***
  - e. Any other way.***
- 4. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'***
- 5. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.***
- 6. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.***
- 7. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.***
- 8. Waste materials must be securely stored in the designated bin area.***
- 9. The site must be maintained and kept in a clean state including the removal and disposal of all waste products, food wrappers, and packaging on a daily basis.***
- 10. Unless with the written consent of the Responsible Authority, no on site dining or seating is permitted.***
- 11. Unless with the written consent of the Responsible Authority, the hours of operation are from 5.00am to 6.00pm Monday to Sunday***

#### ***Infrastructure***

- 12. The property must be provided with a vehicle crossing in accordance with the standards specified by VicRoads, to the satisfaction of the responsible authority.***

13. ***The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 52.47-3 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.***
14. ***Storm water drainage from the proposed buildings and impervious surfaces must be disposed of within the boundaries of the site to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.***
15. ***Prior to the use commencing, the internal driveways and car parking areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:***
  - i. ***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.***
  - ii. ***Designated loading areas shall be shown on layout plans.***
  - iii. ***The parking areas shall be provided with a sealed surface and associated drainage.***
  - iv. ***Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.***
  - v. ***The internal driveway must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the Medium Rigid Vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.***
16. ***The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.***
17. ***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).***
18. ***Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over any drainage pipes and easements on the property.***
19. ***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.***



**CFA**

20. ***The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.***

**Defendable Space**

21. ***Defendable space for a distance of 10 metres around the proposed building or to the property boundary, whichever is the lesser, where vegetation (and other flammable materials) during the declared fire danger period will be managed in accordance with the following:***
- ***Grass must be short cropped.***
  - ***All leaves and vegetation debris must be removed at regular intervals.***
  - ***Flammable objects must not be located close to the vulnerable parts of the building***
  - ***Shrubs must not be located under the canopy of trees.***
  - ***Trees must not overhang or touch any elements of the building.***
  - ***The canopy of trees must be separated by at least 2 metres.***
  - ***There must be a clearance of at least 2 metres between the lowest tree branches and ground level.***

**VicRoads**

22. ***The existing access at the Western Highway and the service road is to be upgraded to the satisfaction and at no cost to VicRoads.***
23. ***Access from the subject site is to be a left out only, with all vehicles exiting onto the Western Highway via the Black Swamp Road intersection.***
24. ***Appropriate street lighting is to be installed at the primary access point to the subject land.***
25. ***Prior to the works on Western Highway commencing, the applicant must enter into a Works Agreement with VicRoads, confirming design plans and works approvals process, including the determination of fees and the level of VicRoads' service obligations.***

**Environmental Health**

26. ***Registration under the Food Act 1984 is required prior to operating.***
27. ***Submit detailed floor plans of the premises to the Health Department prior to commencing fit out for assessment against the Food Standards Code.***

28. ***An onsite waste water management system with the capacity to treat effluent to a minimum of 20/30/10 (BOD/Suspended Solids and Chlorination) must be installed.***
29. ***The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.***
30. ***All setback distances must be adhered to as dictated by Table 5 of the Code of Practice, Onsite Wastewater Management, EPA Publication Number 891.4***

#### ***Central Highland Water***

31. ***The café and effluent disposal system must be located in accordance with the Land Capability Assessment by Ballarat Soil Testing JM260717 dated 31 July, 2017.***
32. ***The café must not be operated prior to a wastewater management system, that provides a secondary level of treatment of wastewater and disposal of effluent, having been installed in accordance with the site plan in Attachment 3 of the Land Capability Assessment by Ballarat Soil Testing JM260717 dated 31 July, 2017.***
33. ***The Operator of the café (“the Operator”) must have any wastewater treatment facility and effluent disposal system for the café inspected annually by a qualified environmental health officer (“the EHO”) and must provide annually to both the Shire and to CHW a written report from the EHO on the condition of the wastewater treatment and effluent disposal system.***
34. ***The Operator must have the wastewater treatment facility desludged at least once every three (3) years or as otherwise determined by the EHO and evidence of this desludging must be provided in the EHO report referred to in Clause 3 herein.***
35. ***The Operator must carry out any works considered necessary by the EHO to ensure the satisfactory operation of the wastewater treatment facility and effluent disposal system.***
36. ***The Operator must maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.***
37. ***The Operator must meet all costs of inspections, reports and works referred to in Clauses 3, 4, 5 & 6 herein.***

#### ***EPA Victoria***

38. ***Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.***
39. ***Offensive odours must not be discharged beyond the boundaries of the premises.***

40. ***Stormwater contaminated with waste must not be discharged beyond the boundary of the premises.***
41. ***A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.***

#### ***Advertising Signs***

42. ***The location, design, content, colours and materials of all advertising signs must not be altered without the written consent of the Responsible Authority.***
43. ***The signs must not be illuminated by external or internal light except with the written consent of the responsible authority.***
44. ***The advertising sign must be not contain any moving parts or flashing light.***
45. ***The sign must be constructed and maintained to the satisfaction of the responsible authority.***

#### ***Permit Expiry***

46. ***This permit will expire if one of the following circumstances applies:***
  - a. ***The development and the use are not started within two years of the date of this permit;***
  - b. ***The development is not completed within four years of the date of this permit.***

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

#### ***Permit Note:***

47. ***The operator acknowledges the adjacent land is an operating farm which is permitted to spray, cultivate, fertilise and graze livestock which may affect the amenity of the café use.***

***Councillor Toohey called for a Division.***

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

***Cr. Bingham***

***Cr. Edwards***

***Cr. Dudzik***

***Cr. Keogh***

***Councillors voting against the resolution:***

***Cr. Toohey***

**The resolution was determined to be CARRIED.**

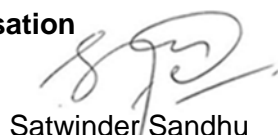
***Cr. Tatchell abstained from voting.***

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**Report Authorisation**

**Authorised by:**

**Name:**



**Title:**

Satwinder Sandhu  
General Manager Growth and Development

**Date:**

Thursday, 15 March 2018

***Mr. Bernard Reimert addressed Council in relation to Amendment C88 – Ballan Strategic Directions.***

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

### **11.2.3 Amendment C88 – Ballan Strategic Directions**

#### **Introduction**

Author: Geoff Alexander  
General Manager: Satwinder Sandhu

#### **Background**

In November 2017 Council adopted the Ballan Strategic Directions (BSD) to plan for the future residential, commercial and industrial growth of Ballan through to the year 2041. The document includes (but is not limited to) an updated suite of residential zones, the identification of residential growth areas, design guidelines for existing areas and a plan for an enhanced open space network. The BSD also identifies a number of local infrastructure needs and future actions for Council relating to movement networks, residential development, open space, community facilities, urban form and non-residential uses.

Amendment C88 has been prepared to implement key recommendations of the BSD. In the absence of an amendment, the document holds little statutory weight.

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

It should also be acknowledged that Council is in receipt of a submission received 9 March 2018 from the owners of 400 Old Melbourne Road Ballan concerning the future zoning of this property. It is not contested that this property has some further scope for residential use through re-subdivision. However this is a matter that will be best addressed in the exhibition process for C88.

#### **Proposal**

Amendment C88 seeks to implement key recommendations from the BSD and include the BSD as a reference document to the Moorabool Planning Scheme. The amendment proposes:

Substantial revisions to Clause 21.08 (Ballan) in order to:

- Recognise Ballan's role as a town which that accommodate growth and change, which aligns with the Central Highlands Regional Growth Plan.
- Implement a township boundary for the growth of Ballan.
- Promote particular strategies identified as important to Ballan under the BSD. These strategies are grouped under the following themes: "Character and Sense of Place", "Environment", "Residential Growth and Infill", "Town Centre" and "Non Residential Uses Outside the Town Centre". Strategies include consolidation around the town centre, promoting the country feel, maintaining separation distances between farms and urban uses and ensuring urban development is responsive to waterways (including the Werribee River).

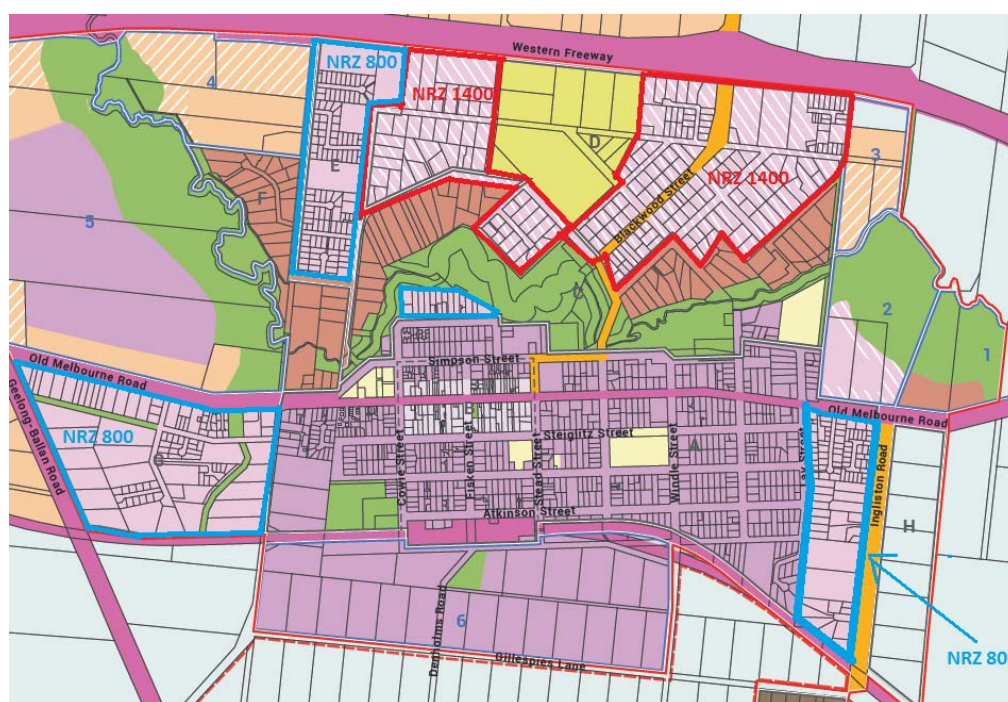
- An updated Ballan Framework Plan, which includes future growth areas for Ballan as per the BSD.
- Remove redundant information that has been superseded by the BSD, including strategies related to township growth and housing.

The proposed updated version of Clause 21.08 is included at **Attachment 11.2.3a** to this report.

Furthermore, the amendment proposes to include the BSD as a reference document to Clause 21.11 (reference documents) to give the BSD statutory weight within the Moorabool Planning Scheme. This is included at **Attachment 11.2.3b** to this report.

The amendment proposes the rezoning of some existing residential areas in Ballan. Certain land is proposed to be rezoned from the General Residential Zone (GRZ) to the Neighbourhood Residential Zone (NRZ) with schedules that include either a 1400 sq.m minimum lot size or an 800 sq.m minimum lot size depending on the area. Rezoning will help to limit development potential in the parts of the town that are less accessible from the centre, as well as to preserve the existing, low density character of these areas. Limitation of development potential north of the river has the added benefit of mitigating the potential for large amounts of future traffic on the two bridges which cross the Werribee River.

The specific land proposed for rezoning is depicted within Figure 1 below. Formal rezoning maps are included at **Attachment 11.2.3c** to this report.



**Figure 1**

In order to implement the zoning above, the amendment proposes the development of two new Neighbourhood Residential Zone schedules with key features listed below.

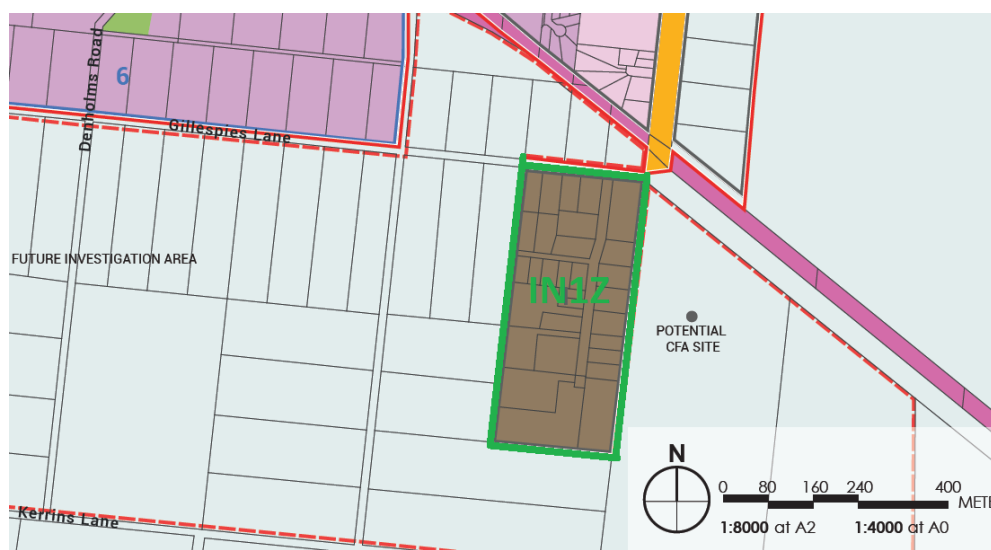
Schedule	Minimum Lot Size	ResCode variations
NRZ6 (depicted in Map 1 as the area outlined in red).	1400 sq.m	1.2m maximum front fence height (compared to the default 1.5 metre maximum)
NRZ7 (depicted in Map 1 as the area outlined in blue).	800 sq.m	1.2m maximum front fence height (compared to the default 1.5 metre maximum)

**Table 1**

The proposed new residential zone schedules are included at **Attachment 11.2.3d** and **Attachment 11.2.3e** to this report.

In addition the amendment proposes the rezoning of the Ballan Industrial estate from the Industrial 2 Zone to the Industrial 1 Zone as depicted in Map 2 below. The formal rezoning map is also viewable at **Attachment 11.2.3c**.

Rezoning of the industrial area (Figure 2) is proposed because the current Industrial 2 Zone provides for industrial land uses which require buffer distances from residential areas. The proposed Industrial 1 Zone is better suited for the precinct due to its close proximity to residential neighbours. The rezoning will not affect the existing uses in the industrial precinct but will restrict the ability for heavy industrial land uses that require buffers distances from residential properties locating within the industrial estate.



**Figure 2**



In addition the amendment proposes rezoning of a small part of the Golf club site from the General Residential Zone to the Special Use Zone 3. The SUZ3 applies to the vast majority of the golf club site and is specifically intended for golf courses.

The rezoning is depicted in Figure 3.



**Figure 3**

### **Future Amendments based on the BSD**

Amendment C88 does not, of itself, entirely implement the Ballan Strategic Directions. It does not for instance rezone identified future growth areas. This is proponent driven. What C88 does however do is guide the expectations through guidelines as to how future growth areas will be delivered.

The BSD indicates that rezoning of the western growth precinct (precinct 5) will be facilitated through a proponent lead amendment.

The BSD indicates precinct 6 (the southern growth precinct) will be likely rezoned in the long term (10+ years). The 1<sup>st</sup> of November, 2017 resolution of Council also provided land owners with circumstances under which the rezoning of this precinct could be brought forward.



## **Timeline and Next Steps**

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

- Step 1: Requesting an amendment (if proponent based)
- Step 2: Authorisation (Council resolution – current stage)
- Step 3: Preparation
- Step 4: Exhibition
- Step 5: Submissions, Panels and Advisory Committees
- Step 6: Adoption
- Step 7: Approval

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

## **Policy Implications**

The Council Plan 2017 – 2021 provides as follows:

**Strategic Objective 3:** Stimulating Economic Development

**Context 3A:** Land Use Planning

The proposed adoption of the BSD is consistent with the Council Plan 2017 – 2021.

## **Financial Implications**

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

Costs for the amendment including any Panel hearing is already provided within the 2017/18 budget of Strategic Planning and Development.

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

There are no identified risks associated with the amendment.

## **Communications and Consultation Strategy**

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

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

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

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

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

*General Manager – Satwinder Sandhu*

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

*Author – Geoff Alexander*

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

### **Conclusion**

The Ballan Strategic Directions provides a framework for the long term planning of Ballan.

Amendment C88 is proposed in order to implement the key recommendations of the BSD. It provides a substantial update to Clause 21.08 (Ballan) including a revised framework plan for the town.

The amendment also includes some rezoning. Existing residential areas far from the core of the town are proposed to be rezoned to limit their future development potential and help keep Ballan compact around the commercial centre and the train station. In addition the rezoning of the existing industrial precinct from the Industrial 2 Zone to the Industrial 1 Zone is proposed because the Industrial 1 Zone is better suited for an area within close proximity to residential neighbours.

The amendment does not propose to rezone any land within the identified future growth areas, which is anticipated to occur through separate processes.

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

### **Recommendation:**

#### **That Council:**

- 1. Resolves, in accordance with Section 8A (2) of the *Planning and Environment Act 1987*, to request authorisation to prepare Amendment C88 to the Moorabool Planning Scheme.**
- 2. Exhibits Amendment C88 in accordance with the *Planning and Environment Act 1987*, subject to receiving authorisation from the Minister for Planning for a period of no less than six (6) weeks.**

**Resolution**

**Crs. Edwards/Bingham**

*That Council defer the Amendment C88 report to next Ordinary Meeting of Council to allow officers to give due consideration to updating the Ballan Framework Plan report to reconsider 400 Old Melbourne Road for appropriate zoning.*

**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:**

  
Satwinder Sandhu

**Title:**

General Manager Growth and Development

**Date:**

Tuesday, 27 March 2018

## 11.3 SOCIAL AND ORGANISATIONAL DEVELOPMENT

### 11.3.1 Mayor and Councillor Allowances

#### Introduction

File No.: 01/03/001  
 Author: Michelle Morrow  
 General Manager: Danny Colgan

#### Background

In Bulletin 32/2017 released on 23 November 2017, the Minister for Local Government, the Hon Marlene Kairouz MP, reviewed the limits and ranges of the current Mayoral and Councillor Allowances and determined under section 73B of the *Local Government Act 1989* (the Act) that these allowances be increased by an adjustment factor of 2.0% from 1 December 2017.

This adjustment was published by notice in the Victoria Government Gazette G47 on 23 November 2017. A copy of the gazette notice appears below. Moorabool Shire Council is listed as a Category 2 Council in the Schedule below.

*Victoria Government Gazette*

*G 47 23 November 2017 2547*

#### Local Government Act 1989

#### MAYORAL AND COUNCILLOR ALLOWANCES ADJUSTMENT

In accordance with section 73B(4)(a) of the *Local Government Act 1989*, notice is hereby given that an adjustment factor of 2.0% applies to Mayoral and Councillor allowances.

In accordance with section 73B(4)(b) of the *Local Government Act 1989*, the new limits and ranges of Mayoral and Councillor allowances, adjusted in accordance with the adjustment factor, are:

Category 1	Councillors: \$8,490–\$20,231 per annum	Mayors: up to \$60,442 per annum
Category 2	Councillors: \$10,490–\$25,225 per annum	Mayors: up to \$78,051 per annum
Category 3	Councillors: \$12,614–\$30,223 per annum	Mayors: up to \$96,534 per annum

This notice does not apply to the Lord Mayor, Deputy Lord Mayor and Councillors of the Melbourne City Council, and the Mayor and Deputy Mayor of the Greater Geelong City Council.

The new adjusted limits and ranges take effect on 1 December 2017.

Dated 14 November 2017

MARLENE KAIROUZ MP  
 Minister for Local Government

At an Ordinary Meeting of Council held on Wednesday 7 February 2018, the Council considered a report in regard to the review of Councillor and Mayoral Allowances as required under section 74(1) of the *Local Government Act 1989*. At this meeting, Council resolved as follows:

1. That Council, in compliance with Section 74 of the *Local Government Act 1989*, conducts a review of Councillor and Mayoral Allowances based on the annual allowance range for a Category 2 Council as specified in the Order in Council and published in the Government Gazette on 23 November 2017.

2. *That the proposed Mayoral and Councillor and Mayoral Allowances be retained at the current level of:*
  - *Councillor Allowance \$24,730 per annum*
  - *Mayoral Allowance \$76,521 per annum*

*noting that there will be an additional payment of the equivalent of the superannuation guarantee contribution (SGC) (currently 9.5%) to the amount of Councillor and Mayoral Allowance proposed.*
3. *That under Section 223 of the Local Government Act 1989, Council gives notice of its proposed Councillor and Mayoral Allowances in regional and local newspapers, inviting any person to make a public submission and outlining how submissions will be heard; and*
4. *That Council be presented with a further report to the 4 April 2018 Ordinary Meeting of Council in order to consider any public submissions received and to determine the Councillor Allowance and Mayoral Allowance for this term of office.*

Council advertised its intentions to conduct a review of Councillor and Mayoral allowances in the regional (Ballarat Courier) and local newspaper (Moorabool News) on Saturday 10 February and Tuesday 13 February 2018 respectively. At the close of the public submission period of no less than 28 days, being 4.00pm, Tuesday 13 March 2018, no submissions had been received by Council.

### **Proposal**

Noting that the Council resolved to retain the current level of the Mayoral and Councillor Allowances, it is recommended that Council adopts, subject to any changes by an Order in Council notice published in a future government gazette, the following annual Councillor and Mayoral Allowances under Category 2 in the Schedule to the Order in Council, applicable until the next general election of Council:

- Councillor annual allowance - \$24,730 per annum
- Mayoral annual allowance - \$76,521 per annum
- in addition to the Councillor and Mayoral allowance the equivalent of the superannuation guarantee contribution (SGC) (currently 9.5%)

### **Policy Implications**

The Council Plan 2017-2021 provides as follows:

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

**Context 1B:** Our People

The proposal to review Councillor and Mayoral allowances is consistent with the Council Plan 2017-2021.

## Financial Implications

The annual expenditure for Councillor and Mayoral Allowances is presently a maximum of \$252,289.10 with this figure including the superannuation guarantee contribution. This expenditure will now continue at this level until the Minister of Local Government determines the limits and ranges of the Mayoral and Councillor under section 73B of the *Local Government Act 1989* and Council undertakes a review.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	Inadequate financial management	Medium	Close supervision

## Communications Strategy

Council has complied with section 223 of the Act that allows Council to advertise its intentions in a newspaper/s circulating generally within the Municipality inviting public submissions for a period of no less than 28 days following the advertisement appearing in the newspaper.

Council advertised its intentions to conduct a review of Councillor and Mayoral allowances in the regional (Ballarat Courier) and local newspaper (Moorabool News) on Saturday 10 February and Tuesday 13 February 2018 respectively closing at 4.00pm on Tuesday 13 March 2018.

## Victorian Charter of Human Rights and Responsibilities Act 2006

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

## Officer's Declaration of Conflict of Interests

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

*General Manager – Danny Colgan*

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

*Author – Michelle Morrow*

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

## Conclusion

In accordance with Section 74(1) of the Local Government Act 1989 the Council has now completed the review process of Councillor and Mayoral Allowances with no submissions to the review.

This report recommends that Council formally resolve to adopt the Councillor and Mayoral Allowances until the next general election to be held in 2020 subject to any changes by any Order in Council notice as published in any future government gazette.

### Resolution:

#### Crs. Bingham/Dudzik

*That Council adopts the following annual Councillor and Mayoral Allowances under Category 2 in the Schedule to the Order in Council, applicable until the next general election of Council subject to any changes by any Order in Council notice as published in any future government gazette:*

- *Councillor annual allowance - \$24,730 per annum*
- *Mayoral annual allowance - \$76,521 per annum*
- *in addition to the Councillor and Mayoral allowance the equivalent of the superannuation guarantee contribution (SGC) (currently 9.5%)*

**CARRIED.**

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### Report Authorisation

Authorised by:

Name:

Title:

Date:



Danny Colgan

General Manager Social & Organisational Development

Tuesday, 27 March 2018

### 11.3.2 Draft Child Safety Standards and Reportable Conduct Scheme Policies

#### Introduction

File No: 17/02/002  
Author: Sharon McArthur  
General Manager: Danny Colgan

The purpose of this report is recommend that the Council endorse the draft Child Safety Standards and Reportable Conduct Scheme Policies for the purpose of community engagement for a period of four weeks.

#### Background

On 17 April 2012, the Victorian Government initiated the Family and Community Development Committee's Inquiry into the Handling of Child Abuse by Religious and Other Organisations (Betrayal of Trust Inquiry). The Betrayal of Trust report was tabled in Parliament on 13 November 2013 and made 15 recommendations including compulsory minimum standards for creating child-safe environments. On 26 November 2015, the Victorian Parliament passed the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (The Act) to introduce Child Safe Standards.

The seven Child Safe Standards support organisations that provide services to children to prevent child abuse, encourage reporting of abuse and increase the effectiveness of responses to allegations of child abuse. Council will support the Child Safe Standards through the review of the following Policy documents and their supporting documentation including Council plans, strategies along with training and induction of Council staff. *The Child Wellbeing and Safety Act 2005* Amendment, requires all Councils to adopt and maintain a 'Child Safe' policy and comply with compulsory Child Safe Standards.

The 'failure to disclose' and 'failure to act' offences were introduced as part of the Crimes Amendment (*Protection of Children*) Act 2014. The failure to 'disclose act' requires that any adult over 18 who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child must disclose inform police. The criminal offence for 'failing to protect' a child imposes penalties for a 'person in authority' within Council if they know of the risk of abuse, have the power or responsibility to reduce or remove the risk, but failed to do so.

The 'reportable conduct' scheme is a child safety mechanism introduced as a result of the Betrayal of Trust report. Council has the responsibility for reporting any allegations of 'reportable conduct' raised against employees (and contractors, volunteers, and other office holders) who are 18 years or over to the Commission for Children and Young People (CCYP).

The Reportable Conduct Scheme imposes new obligations on the heads of organisations (CEO). This includes requirements to:

- Have in place systems to prevent child abuse and, if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response.
- Ensure that the Commission is notified and given updates on the organisation's response to an allegation.



It is important to note that the above are minimum standards required by Council as a whole; and some areas within Council have additional requirements and legislation in relation to children and young people due to the nature of functions.

### **Proposal**

It is proposed that the Council endorse the draft Child Safety Standards and Reportable Conduct Scheme Policies contained in **Attachment 11.3.2a** and **Attachment 11.3.2b** for the purpose of community engagement for a period of four weeks.

The **Draft Child Safety Policy** outlines:

- Council's commitment to child safety by creating and maintaining a child safe workplace that supports the health and wellbeing of all of children within Moorabool Shire.
- Council's commitment to creating and maintaining a child safe organisation where protecting children and preventing and responding to child abuse is embedded in the everyday thinking and practice of all Councillors, employees, contractors and volunteers.

The draft Policy reflects Council's legislative responsibility in meeting the requirements of the Victorian Child Safe Standards and our commitment to the community to create and sustain an environment where children are safe and protected from abuse.

The **draft Reportable Conduct Scheme Policy** outlines:

- Council's approach and commitment to managing appropriate responses to Reportable Allegations made against staff and others engaged by Council in relation to children.
- Council's responsibility for reporting any allegations of 'reportable conduct' raised against employees (and contractors, volunteers, and other office holders) who are 18 years or over to the Commission for Children and Young People (CCYP).
- The Reportable Conduct Scheme imposes new obligations on the heads of organisations (CEO). This includes requirements to:
  - Have in place systems to prevent child abuse and, if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
  - Ensure that the Commission is notified and given updates on the organisation's response to an allegation

The draft Policy reflects Council's legislative responsibility in meeting the requirements of the *Child Wellbeing and Safety Act 2005* Amendment.

It is proposed that in accordance with Moorabool Shire Council Policy Protocol, consideration of items which affect beyond the current year, the draft Child Safety and Reportable Conduct Scheme Policies lay on the table for further consideration at the next Ordinary Meeting of Council on the 2 May 2018.

## Policy Implications

The Council Plan 2017 – 2021 provides as follows:

**Strategic Objective 1:** Providing good governance and leadership

**Context 1B:** Our People

The proposed Child Safety and Reportable Conduct Scheme Policies are consistent with the Council Plan 2017 – 2021.

## Financial Implications

The draft policies were prepared within existing budgetary resources.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
People & Reputational	Child Safe Standards reportable conduct scheme not adhered to by Council  Risk to children and possible action against Council	High	Policy adopted and applied. Staff training and education.
Financial	Fines associated with failure to adhere to Child Safe Standards & Reportable Conduct Scheme	High	Policy adopted and applied. Staff training and education

## Community Engagement Strategy

The following engagement activities will be undertaken in accordance with the Council's Community Engagement Framework and Policy.

The draft policies will be made available on Have your Say, Council's online community engagement portal for comment and promoted through Council's social media platforms including Facebook. The draft policies will be made available at Council's Libraries, Customer Service and Early Years centres.

## Victorian Charter of Human Rights and Responsibilities Act 2006

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

## Officer's Declaration of Conflict of Interests

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

*General Manager – Danny Colgan*

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

*Author – Sharon McArthur*

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

## Conclusion

The draft Child Safety Standards and Reportable Conduct Scheme policies provide information and procedures that assist Council in meeting legislative requirements. It ensures that Council operates within the best interests of children and young people.

## Consideration

The Council has adopted a policy protocol relating to the consideration of items which affect beyond the current year. This policy is detailed below for the information of the Council.

*That in consideration of matters whose impact or influence will extend to directly affect the activities and/or financial planning of Council for a period beyond the term of the Current Council Budget, and whether relating to Council policy pronouncements or specific projects, the Council shall observe the following process, to assist in full and detailed consideration of items of such magnitude as part of the Council's deliberations prior to decision:*

1. *A report from Council Officers relating to the item shall be placed before the Council at an Ordinary or Special Meeting.*
2. *The Mayor as Chair, shall then entertain only the following matters in relation to the item;*
  - (i) Questions from Councillors*
  - (ii) Consideration by the Council of a motion requesting further information. Which if successful shall mean the process shall commence upon the receipt of such information.*
  - (iii) A motion that the item Lay on the Table until the next ordinary meeting of the Council. No debate on such motion shall be allowed.*
3. *In the event that the motion as per clause 2 (iii) is successfully carried, the Chief Executive Officer shall ensure the report is listed upon the Council Agenda for the next ordinary meeting.*

**Resolution:**

**Crs. Dudzik/Edwards**

***That the Council in accordance with "Moorabool Shire Council Policy Protocol, Consideration of items which affect beyond the current year", the draft Child Safety Standards Policy and Draft Reportable Conduct Scheme Policy now lay on the table for further consideration at the next Ordinary Meeting of Council on the 2 May 2018.***

**CARRIED.**

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**Report Authorisation**

Authorised by:



**Name:**

Danny Colgan

**Title:**

General Manager Social & Organisational Development

**Date:**

Wednesday 15 March 2018

### 11.3.3 Draft Ballan Recreation Reserve Master Plan

#### Introduction

File No.: 10/03/001  
Author: Ian Waugh  
General Manager: Danny Colgan

The purpose of this report is to recommend that the Council endorse the draft Ballan Recreation Reserve Master Plan for the purposes of public exhibition for a period of four (4) weeks.

#### Background

The preparation of the draft Ballan Recreation Reserve Master Plan (draft plan) is an action in the Council Plan 2017-2021 within the strategic objective of 'Improving Social Outcomes' under 'Health & Wellbeing'. The draft plan has been developed in consultation with the Ballan Recreation Reserve Committee of Management and user groups, Sport & Recreation Victoria (SRV), the Department of Environment, Land, Water and Planning (DELWP), local and state sporting bodies and the Ballan community. Insight Leisure Planning group were appointed to assist with the preparation of the draft plan.

The draft plan provides strategic direction for the future development and investment at the reserve over the next 10 years and identifies potential longer term uses of the reserve to serve the community. The draft plan provides rationale for the recommendations based on a needs assessment at the reserve to provide justification for future developments.

The priorities outlined within the draft plan are provided with an implementation plan for the short, medium and long term development of the reserve. The priorities are key components within the reserve which have been identified by the user groups to assist with club sustainability in the short-medium term, whilst also having a vision for future uses of the reserve in the broader context of recreation facilities within the Ballan community.

Cost estimates have been provided against the priorities identified, as well as proposed funding models based on Council's adopted Recreation Reserve Capital Works Contribution Policy and external funding opportunities. The draft plan provides guidance and recommendations for future strategic financial planning by Council to leverage the required funds, and direction for the Committee of Management and user groups with regards to fundraising initiatives.

The draft plan captures and integrates relevant strategy and policy documents across Council including previous reserve master plans, Recreation & Leisure Strategy 2015-2021, Recreation Reserve Management Framework, Sport Facility Demand Analysis, Ballan Strategic Directions and the Community Infrastructure Framework. Strategic documents from peak sporting bodies such as the AFL Goldfields Regional Strategy have also been considered to ensure alignment with priorities.

#### Proposal

It is proposed that the Council endorse the draft Ballan Recreation Reserve Master Plan for the purposes of public exhibition for a period of four weeks.

The draft plan includes:

- A review and audit of current facilities and usage of the Reserve's components
- Analysis of future population growth to understand the impact on future uses and role of the reserve within the community
- Analysis of tenant club strategic plans and requirements at the reserve
- A needs assessment to provide rationale for the short, medium and long term development and investment priorities at the reserve
- An implementation plan for staged capital improvements based on the needs assessment including indicative costs and timeframes around the identified priorities
- Identification of potential funding models and responsibility for priorities identified consistent with Council's Recreation Reserve Capital Works Contribution Policy and external funding opportunities
- Recommendations to consider but not limited to:
  - Building locations and design
  - Analysis of requirements of sport specific playing surfaces and infrastructure
  - Playground infrastructure
  - Reserve entrance(s)
  - Vehicle and pedestrian movement
  - Onsite car parking
  - Landscape plan (including provision of shade)
  - Accessibility, female friendly and multipurpose use
  - Site fencing
  - Site lighting (field and public)
  - Passive recreation opportunities
  - Asset renewal vs asset improvement vs asset rationalisation

As part of the consultation conducted in accordance with Council's Community Engagement Framework and the project community engagement plan, a community survey was open for a period of seven (7) weeks and had a strong response rate with 155 submissions received. The survey results have provided key information on the reserve which have informed the preparation of the draft plan. Site meetings were also held with each of the reserve user groups to gain a thorough understanding of their usage of the reserve, current issues and their priorities. The findings formed part of the preliminary site analysis and have informed the draft master plan.

The community will have another opportunity to provide input into the draft plan if the draft plan is endorsed for public exhibition for a period of four (4) weeks. The feedback from this public exhibition period will then help inform the final draft master plan which will be presented for Council adoption. Following the exhibition period and consideration of feedback, the final draft master plan will then be presented to Council on the 6 June 2018 for adoption.

The draft Ballan Recreation Reserve Master Plan is contained in **Attachment 11.3.3**.

### **Policy Implications**

The 2017– 2021 Council Plan provides as follows:

**Strategic objective 4**                      Improving social outcomes

**Context 4a****Health and Wellbeing**

The proposed draft *Ballan Recreation Reserve Master Plan* is consistent with the 2017-2021 Council Plan.

**Financial Implications**

Council's 2017/18 adopted budget includes an allocation of \$50,000 to the project.

The draft master plan has identified the need for significant financial investment in infrastructure at the reserve over the coming 10 years. These priorities have been recommended as either short term (1-2 years), medium term (3-5 years), long term (5-10 years) or future directions (10+ years) outcomes and cost estimates have been provided against each priority item.

External funding opportunities through Sport and Recreation Victoria (SRV) grant programs have also been identified as potential sources to leverage funds against to help deliver identified projects.

A strategic approach towards project funding will be required to implement the priorities outlined in the draft master plan. The priority projects and costings will be referred for consideration in Council's long term Strategic Financial Plan and Capital Improvement Program. External funding will be sourced through applications to other levels of government and funding contributions from the reserve committee of management, user groups and the community.

**Risk & Occupational Health & Safety Issues**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Community Needs	Sustainability of existing reserve user groups in the short-medium term if key infrastructure improvements are not completed to create a more appealing and user friendly venue	High	Council to develop and adopt a master plan for the reserve with priorities outlined that will address these issues and provide strategic direction to meet the communities long term needs for the reserve
Financial	Funding required to implement any of the infrastructure priorities outlined within the master plan	High	Financial resources will need to be allocated within Council's Strategic Financial Plan to allow for grant applications to be made to provide the external funding required to deliver such projects

## Communications and Consultation Strategy

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

Level of Engagement	Stakeholder	Activities	Outcome
Collaborate	Reserve Committee of Management and Sport & Recreation Victoria	Establishment of the Project Control Group (PCG) to guide delivery of the master plan project	PCG was established and has provided input and guidance in the development of the draft plan
Consult	Community members	Community survey open to be completed via the 'Have Your Say Moorabool' online community engagement portal	155 surveys completed with results informing the draft plan
Consult	Reserve Committee of Management and user groups	Onsite meetings with each reserve user group to discuss their current usage and issues	Meeting outcomes summarised and form part of the site analysis and draft plan
Consult	Council service units	Council staff workshop held onsite	Feedback from various service units compiled to form part of the site analysis and draft plan
Consult	Sporting associations and peak bodies	Phone interviews conducted	Understanding of the local and regional plans and priorities for each respective sport played at the reserve and where the reserve and clubs sits within this to inform the draft plan

The draft plan will be placed on public exhibition for four (4) weeks. The exhibition of the draft plan will involve:

- The Have Your Say website, Council's on-line engagement portal;
- Promotion to the community via Council's various communication channels including through the local newspapers, social media, email groups and website;
- Promotion to the community via the reserve Committee of Management and user groups communication channels including websites, social media, membership lists and local community networks;
- Making copies of the draft plan available at Council's Customer Service locations;



- Providing a copy of the draft plan to members of the Project Control Group (PCG) which includes members of the Ballan Recreation Reserve Committee of Management for promotion and distribution to the reserve user groups;
- Providing a copy of the draft plan to the peak sporting bodies of the sports played at the reserve

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Ian Waugh*

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

### **Conclusion**

The draft Ballan Recreation Reserve Master Plan will provide a framework and strategic approach for the future provision, development and usage of the reserve to meet the long term needs of all users and the community. The draft plan has been developed in partnership with the reserve Committee of Management and user groups and broader community input has been gathered via the strong response to the community survey with further opportunity for input through the proposed four-week public exhibition period. The feedback received from the exhibition period will inform the final draft master plan which will go back to Council for adoption.

**Resolution:**

**Crs. Edwards/Dudzik**

***That Council:***


- 1. Endorses the draft Ballan Recreation Reserve Master Plan for the purposes of public exhibition for a period of four weeks.***
- 2. Receives a further report at the conclusion of the exhibition period for consideration of feedback and finalisation of the Ballan Recreation Reserve Master Plan.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**



**Name:**

Danny Colgan

**Title:**

General Manager Social & Organisational Development

**Date:**

Monday, 26 March 2018

### 11.3.4 Draft Report- Splash Parks Feasibility Study

#### Introduction

File No.: 17/02/011  
Author: Ian Waugh  
General Manager: Danny Colgan

The purpose of this report is to recommend that the Council endorse the Draft Splash Parks Feasibility Study report for the purposes of public exhibition for a period of four (4) weeks.

#### Background

The draft report for the Splash Parks Feasibility Study (draft report) is an action in the Council Plan 2017-2021 within the strategic objective of 'Improving Social Outcomes' under 'Health & Wellbeing'. The draft report has been developed in partnership with community groups and Sport and Recreation Victoria. @Leisure Planners consultancy were appointed to assist with the preparation of the draft plan.

The draft report provides an integrated planning process to provide recommendations regarding the viability, provision, scale, location(s) and potential development of splash parks within the Shire. The draft report provides a strategic approach for decision making on future facility provision to ensure that facilities are viable, meet community needs into the future and support the provision of aquatic facilities within the Shire.

The key aims of the project include the assessment of the capital and operational costs associated with splash parks, types and scale of splash park facilities, assessment of site options, management requirements and indicative concepts and cost estimates based on the preferred sites selected. A summary of the key components of the draft report is provided as follows:

- Demand Assessment involving:
  - Moorabool demographic characteristics
  - Population growth projections
  - Urban growth areas
  - Community survey findings
- Supply analysis involving:
  - Types of splash parks
  - Splash park trends
  - Splash park issues
  - Best practice and learnings
  - Catchment analysis and benchmarking
  - Colocation opportunities
  - Site options and selection
  - Distribution and preferred locations
  - Issues and solutions
  - Costs and components
  - Concept plans

## Proposal

It is proposed that the Council endorse the Draft Splash Parks Feasibility Study report for the purposes of public exhibition for a period of four weeks.

The key findings and recommendations within the draft report include:

- A Plan to provide up to three zero depth splash parks within the Shire in the long term to cater to a district catchment
- Construction and co-location a splash park at both the existing Bacchus Marsh Outdoor Pool and the existing Ballan Outdoor Pool
- Consideration of a third splash park if Merrimu develops as a residential area
- Allocation of a budget of \$500,000 for the splash park at the Bacchus Marsh Outdoor Pool and \$450,000 for the splash park at the Ballan Outdoor Pool
- Manage and operate the splash parks as part of the seasonal pool operations
- Extending the pool operating season from November to later in March to accommodate splash park patrons
- Consideration of introducing a pricing structure that extends free entry for children under 5 years of age as an example

The rationale behind the selection of the existing outdoor pools in Bacchus Marsh and Ballan for such facilities primarily relates to the capital and operational cost efficiencies which can be achieved by co-location at these sites. This can be achieved with the existing infrastructure (services, pumps, filtration, chemicals, kiosk) already available onsite, lower operating costs with staffing available to manage the splash park maintenance and testing requirements as part of the outdoor pool operation and important supporting facilities such as change rooms, toilets, shade, seating and car parking already available. Both identified locations are also in visible and central locations to the surrounding catchment communities within the travel accessibility standard guidelines.

Due to the location and distribution of population, a third site may be best located in the future proposed residential area of Merrimu if and when it is developed. The population projections show that this will have a large population catchment base to cater for such a facility. This longer term potential site is unlikely to benefit from co-location with any other aquatic facilities such as a swimming pool, and as such may need to be managed in an alternate manner.

The draft report captures and integrates relevant strategy and policy documents across Council including the Council Plan 2017-2021, Recreation & Leisure Strategy 2015-2021, Bacchus Marsh Urban Growth Framework, Ballan Strategic Directions and the Community Infrastructure Framework.

As part of the consultation conducted in accordance with Council's community engagement framework and the project community engagement plan, a community survey was open for a period of two (2) weeks and had an extremely strong response rate with 425 surveys completed. The survey results have provided key information and findings from the community which has informed the draft report.

A further opportunity for community input will be provided into the draft plan if the draft report is endorsed for public exhibition for a period of four (4) weeks. The feedback from this public exhibition period will then help inform the final draft report which will be presented for Council adoption.

Following the exhibition period and consideration of feedback, the final draft study report will then be presented to Council on the 6 June 2018 for adoption.

The Splash Parks Feasibility Study draft report is contained in **Attachment 11.3.4**.

### Policy Implications

The 2017– 2021 Council Plan provides as follows:

**Strategic objective 4**                      Improving social outcomes

**Context 4a**                                Health and Wellbeing

This study as presented in the Council Plan 2017-2021 was incorporated with the 'Review of timing of the proposed Bacchus Marsh Indoor Aquatic Centre', however has been presented as a separate report.

The proposed Splash Parks Feasibility Study draft report is consistent with the 2017-2021 Council Plan.

### Financial Implications

Council's 2017/18 adopted budget includes an allocation of \$50,000 to the Splash Parks project.

The cost estimates indicate an investment of \$500,000 will be required for the proposed splash park development at the Bacchus Marsh Outdoor Pool, and a further investment of \$450,000 for the proposed splash park at the Ballan Outdoor Pool.

A strategic approach towards project funding will be required to implement these recommendations. The costings will need to be considered in Council's Strategic Financial Plan and Capital Improvement Program against the competing priorities across the Shire. In the current economic climate, this will pose difficulties for Council to implement the draft report findings in the short to medium term. Council will need to consider where the provision of splash parks lies in relation to Councils overall financial priorities.

The identified operating costs within the draft report also need to be considered as part of Council's capacity to fund such facilities as an ongoing expense. Whilst co-locating these facilities at the existing outdoor pools will provide cost efficiencies in terms of upfront capital cost for construction as well as efficiencies with staffing resources, the financial impact on the proposed extension of the outdoor pool season to cater for the splash parks operation needs to be considered.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Inadequate access to aquatic facilities in the short term	Low-Medium	Council to develop and adopt a feasibility study relating to splash parks to clearly outline their viability and provide a strategic direction to

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
			meet the communities long term needs for such facilities
Financial	Funding required for the construction of the splash parks, as well as the ongoing operational costs associated with such facilities	Medium	Proposed colocation of splash parks within the existing outdoor pool sites will deliver cost efficiencies. Financial resources will need to be allocated within Council's Strategic Financial Plan for construction and operating models approved to run the facilities in the most cost efficient manner.

### **Communications and Consultation Strategy**

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

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Outcome</b>
Inform	General Community	Press release and flyer	They were distributed via Council's webpage, social media platforms, local newspapers and radio, at Customer Service desks and at the outdoor pools
Collaborate	Council service units and Sport and Recreation Victoria (SRV)	Establishment of the Project Control Group (PCG) to guide delivery of the project	PCG was established and has provided input and guidance in the development of the draft report
Consult	Community members	Community survey open to be completed via the 'Have Your Say Moorabool' online community engagement portal	425 surveys completed with results informing the draft report
Consult	Service providers and other LGAs	Telephone interviews with splash park providers and other LGAs who already	Information on splash park requirements, capital and operating costs, issues and general

Level of Engagement	Stakeholder	Activities	Outcome
		have splash parks operating	feedback collated to inform the draft report
Consult	Bacchus Marsh Community Consortium	Meeting held for update on the project	Discussion has helped provide further context and input into the draft report

The draft report will be placed on public exhibition for four (4) weeks. The exhibition of the draft report will involve:

- The Have Your Say website, Council's online engagement portal;
- Promotion to the community via Council's various communication channels including through the local newspapers, social media, email groups and website;
- Making copies of the draft report available at Council's Customer Service locations and Library

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Ian Waugh*

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

### **Conclusion**

The Draft Splash Parks Feasibility Study report provides an analysis of the viability of the construction and location of splash parks across the municipality into the future. The draft report has been informed through a strong community response to the community survey; assessment of industry standards, best practice and benchmarking. It is recommended to be followed with further community consultation and input via the four week public exhibition period. The feedback received from the exhibition period will help inform the final draft study report which will be presented to Council for adoption.

**Resolution:****Crs. Edwards/Dudzik*****That Council:***

- 1. Endorses the Splash Parks Feasibility Study draft report for the purposes of public exhibition for a period of four weeks.***
- 2. Receives a further report at the conclusion of the exhibition period for consideration of feedback and finalisation of the Splash Parks Feasibility Study.***

***Councillor Toohey called for a Division.******Councillors voting for the resolution:***

***Cr. Bingham***  
***Cr. Edwards***  
***Cr. Dudzik***  
***Cr. Keogh***

***Councillors voting against the resolution:******Cr. Toohey*****The resolution was determined to be CARRIED.*****Cr. Tatchell abstained from voting.***

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

Danny Colgan

**Title:**

General Manager Social &amp; Organisational Development

**Date:**

Tuesday, 27 March 2018



### 11.3.5 Draft Report- Review of the timing of the proposed Bacchus Marsh Indoor Aquatic Centre

#### Introduction

File No.: 17/02/011  
Author: Ian Waugh  
General Manager: Danny Colgan

The purpose of this report is to recommend that the Council endorse the draft report on the Review of the timing of the proposed Bacchus Marsh Indoor Aquatic Centre for the purposes of public exhibition for a period of four (4) weeks.

#### Background

The preparation of the draft report on the Review of the timing of the proposed Bacchus Marsh Indoor Aquatic Centre (draft plan) is an action in the Council Plan 2017-2021 within the strategic objective of 'Improving Social Outcomes' under 'Health & Wellbeing'. The draft report has been prepared through input from Sport and Recreation Victoria and community engagement. @Leisure Planners were appointed to assist with the preparation of the draft plan.

In reviewing the feasibility of the timing of the project, the draft report considers and provides recommendations relating to but not limited to;

- Population forecasting, demographics, catchment area and triggers
- Community infrastructure planning principles and provision standards
- Previous report(s) rationale
- Identified potential external funding sources
- Cost implications for Council and ratepayers
- Industry benchmarking
- Co-location opportunities and timing implications

The aim of the draft report is to help guide Council's long term strategic financial plan by providing decision making parameters. The current development of the draft Splash Parks Feasibility Study and the draft Indoor Recreation Facilities Feasibility Study also need to be considered in terms of the strategic co-location opportunities, as well as impacts on timing of all projects based on Council's competing needs for the community and its financial capacity to deliver such projects as part of its Strategic Financial Plan.

#### Proposal

It is proposed that the Council endorse the Review of the timing of the proposed Bacchus Marsh Indoor Aquatic Centre draft report for the purposes of public exhibition for a period of four weeks.

The key findings and recommendations within the draft report include:

- Plans to co-locate a future indoor aquatic centre with an indoor sports facility at the recently Council purchased Taverner Street site in Maddingley
- Consideration of staging options for the delivery of both the indoor sport facility (as a first stage) as well as the indoor aquatic centre (as part of future stages)

- The timelines for the development of the proposed Bacchus Marsh indoor aquatic centre be in accordance with Council adopted Community Infrastructure Framework provision principles.

The Community Infrastructure Framework sets a minimum population catchment for an indoor aquatic centre at 40,000-50,000 people. Based on current projections this is anticipated to be achieved in 2028 or beyond. This is also consistent with the draft Bacchus Marsh Urban Growth Framework.

The proposed Bacchus Marsh Aquatic Centre has been the subject of a number of reports to Council over recent years. Extensive design and development planning has also taken place. Council has previously resolved (15 December 2010) to develop the proposed Aquatic Facility at the existing outdoor pool site in Grant Street. However, circumstances have changed considerably since this resolution with Council acquiring the Taverner Street site thus allowing it to be considered as a potential location for a co-located indoor facility and aquatic centre.

The rationale behind the selection of the co-located Taverner Street site in Maddingley relates to the potential capital and operational cost efficiencies which Council could realise in the long term planning and development of such facilities. This relates to shared site infrastructure (such as services, car parking, entry/reception, change rooms, kiosk) as well as potential operating and staffing efficiencies.

The draft report captures and integrates relevant strategy and policy documents across Council including the Council Plan 2017-2021, Recreation & Leisure Strategy 2015-2021, Bacchus Marsh Urban Growth Framework and the Community Infrastructure Framework.

The Review of the timing of the proposed Bacchus Marsh Indoor Aquatic Centre draft report is contained in **Attachment 11.3.5**.

The ongoing operating costs associated with an Indoor Aquatic facility also need to be considered as part Councils 10-year Strategic Financial planning process. Council's capacity to fund the operational costs over a prolonged period, and the impact this will have on the overall Council budget, require careful consideration.

It is imperative that such a facility is economically viable for Council and able to generate the participation and revenue levels required to contain Council costs and sustain operation of the centre into the future.

Following the exhibition period and consideration of feedback, the final report will then be presented to Council on the 6 June 2018 for adoption.

### **Policy Implications**

The 2017– 2021 Council Plan provides as follows:

<b>Strategic objective 4</b>	Improving social outcomes
<b>Context 4a</b>	Health and Wellbeing

The draft report as presented in the Council Plan 2017-2021 was incorporated with the 'feasibility study on the construction and location of splash parks', however has been presented as a separate report.

The proposed Review of the timing of the proposed Bacchus Marsh Indoor Aquatic Centre draft report is consistent with the 2017-2021 Council Plan.

### **Financial Implications**

Council's 2017/18 adopted budget includes an allocation of \$50,000 to the project.

Whilst this report centres on the timing aspect of the proposed facility, it is acknowledged that consistent with previous reports, there is a significant capital cost required for the construction of an indoor aquatic centre which will require (likely multiple) external funding sources to be achievable. A strategic approach towards project funding will be required to be provided for the community. The funding of the proposed Indoor Aquatic Centre will need to be referred to the Council's Strategic Financial Plan and long term Capital Improvement Program

The operating costs associated with such a facility also needs to be considered as part of Council's capacity to fund such a facility as an ongoing expense. Whilst co-locating the indoor aquatic centre with the proposed indoor recreation facility would provide cost efficiencies in terms of upfront capital costs for construction as well as efficiencies with staffing resources, the financial requirement of Council cannot be considered as viable until the appropriate population catchment is met in 2028 or beyond.

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

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Community Needs	Community response to recommended timing of an indoor aquatic facility	Medium- High	Council to develop and adopt a clear and logical report outlining the rationale and decision making parameters for the timing of the proposed indoor aquatic centre

Financial	Funding required for the construction of an indoor aquatic centre in the long term, as well as the ongoing operational costs associated with such facilities	High	Proposed colocation of an indoor aquatic centre with an indoor recreation facility will provide long term staging options and potential cost efficiencies. Financial resources will need to be allocated within Council's Strategic Financial Plan in line with the timing recommendations
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### Communications and Consultation Strategy

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

Level of Engagement	Stakeholder	Activities	Outcome
Inform	General Community	Press release and flyer	They were distributed via Council's webpage, social media platforms, local newspapers and radio, at Customer Service desks and at the outdoor pools
Collaborate	Council service units and Sport and Recreation Victoria (SRV)	Establishment of the Project Control Group (PCG) to guide delivery of the project	PCG was established and has provided input and guidance in the development of the draft report
Consult	Community members	Community survey open to be completed via the 'Have Your Say Moorabool' online community engagement portal	425 surveys completed with results informing the draft report
Consult	Bacchus Marsh Community Consortium	Meeting held for update on the project	Discussion has helped provide further context and input

As part of the consultation as per the project community engagement plan, a community survey was open for a period of two (2) weeks and had an extremely strong response rate with 425 surveys completed. Whilst the survey primarily focused on the provision of splash park facilities, there were also a number of responses relating to the provision of an indoor aquatic centre.

The community will have another opportunity to provide input into the draft report if the draft report is endorsed for public exhibition for a period of four (4) weeks. The feedback from this public exhibition period will then help inform the final draft report which will be presented for Council adoption.

The draft report will be placed on public exhibition for four (4) weeks. The exhibition of the draft report will involve:

- The Have Your Say website, Council's online engagement portal;
- Promotion to the community via Council's various communication channels including through the local newspapers, social media, email groups and website;
- Making copies of the draft report available at Council's Customer Service locations and Library

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Ian Waugh*

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

### **Conclusion**

The Review of the timing of the proposed Bacchus Marsh Indoor Aquatic Centre draft report provides a rationale for the timing of the proposed Bacchus Marsh Indoor Aquatic Centre. The report provides findings based on community infrastructure planning principles to ensure that the proposed facility is viable to construct and operate to meet long term community needs. The proposed co-location of the facility with an indoor recreation facility at the Council owned Taverner Street site in Maddingley provides strategic opportunities for capital cost and operating efficiencies, as well as development staging options over the long term to response to population growth and community needs.

**Resolution:****Crs. Bingham/Edwards*****That Council:***

- 1. Endorses the Review of the timing of the proposed Bacchus Marsh Indoor Aquatic Centre draft report for the purpose of public exhibition for a period of four weeks.***
- 2. Receives a further report at the conclusion of the exhibition period for consideration of feedback and finalisation of the Review of the timing of the proposed Bacchus Marsh Indoor Aquatic Centre report.***

***Councillor Toohey called for a Division.******Councillors voting for the resolution:***

***Cr. Bingham***  
***Cr. Edwards***  
***Cr. Dudzik***  
***Cr. Keogh***

***Councillors voting against the resolution:***

***Cr. Toohey***

**The resolution was determined to be CARRIED.**

***Cr. Tatchell abstained from voting.***

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

**Name:** Danny Colgan  
**Title:** General Manager Social & Organisational Development  
**Date:** Tuesday, 27 March 2018

### 11.3.6 Draft Report - Indoor Recreation Facilities Feasibility Study

#### Introduction

File No.: 17/02/002  
Author: Ian Waugh  
General Manager: Danny Colgan

The purpose of this report is to recommend that the Council endorse the Draft Indoor Recreation Facilities Feasibility Study report for the purposes of public exhibition for a period of four (4) weeks.

#### Background

The preparation of the Draft Indoor Recreation Facilities Feasibility Study report (draft report) is an action in the Council Plan 2017-2021 within the strategic objective of 'Improving Social Outcomes' under 'Health & Wellbeing'. The draft report has been prepared through input from Sport and Recreation Victoria and community engagement. @Leisure Planners were appointed to assist with the preparation of the draft plan.

The draft report outlines the future needs for indoor recreation facilities across the Shire. The study involves an integrated planning process to achieve a comprehensive strategic plan for the provision, proposed location(s) and development of indoor sport and recreation facilities. The project provides a strategic approach for decision making on future facility provision to ensure that facilities remain viable and meet community needs into the future.

The draft report provides an analysis of present and future indoor recreation facility needs which compares costs and benefits associated with the development of additional indoor facility space across the municipality together with the sourcing of potential external funding. The study outlines how Council could best provide and facilitate access to indoor courts in the future to provide increased participation and growth opportunities in indoor court related sports for the community.

The report has undertaken a detailed analysis of current indoor facility provision within the Shire to identify future trends, needs and space requirements including;

- Mapping current provision and use of indoor sport & recreation facilities.
- Community consultation and engagement process with local and State sporting associations
- Benchmarking provision of indoor recreation facilities
- Documenting other relevant issues and industry trends impacting on indoor courts provision and use
- Documenting existing shortages in provision and type of indoor sports facilities within the Shire.

Following this analysis, the projected future population and demographic changes that will impact on the provision of indoor facilities have been considered and assisted in identifying the amount and type of space required to meet future demand. This assessment has recommended that to meet the future needs of the community for access to indoor recreation space that an additional four (4) netball compliant indoor courts are required to cater for sports including basketball, netball, badminton, volleyball and futsal as well as other identified indoor sports and activities.

This assumes that the other smaller indoor court venues remain available for training, school use and overflow.

### Proposal

It is proposed that the Council endorse the Indoor Recreation Facilities Feasibility Study draft report for the purposes of public exhibition for a period of four weeks.

Potential site locations have been identified and assessed to accommodate the future requirements which included the feasibility of a large scale centralised facility to cater for a range of sports. The site assessment criteria included;

- Size of the site including future expansion opportunities
- Central location to population base
- Council owned or managed land
- Access via public transport, trail and good car parking
- Operating costs (e.g. colocation and management models)
- Site visibility and exposure
- Planning/zoning status and implications
- Close proximity to schools
- Workability of a joint use agreement
- Opportunity to attract external funding
- Ability to commence development in the short term

The sites identified were assessed against the site evaluation criteria with the Council owned Taverner Street site in Maddingley being determined as the recommended location;

Ranking	Site	Weighted Score
1	Taverner Street site, Maddingley (Council owned)	4.38
2	Masons Lane Reserve, Bacchus Marsh	4.25
3	Darley Civic & Community Hub	2.95
4	Taverner Street site (opposite Siberia Oval)	3.69
5	Bacchus Marsh Racecourse & Recreation Reserve	3.36
6	Bacchus Marsh Leisure Centre	3.22
7	Clifton Drive site (vacant land- privately owned)	2.95
8	Connor Street site (vacant education land)	2.62
9	Bacchus Marsh Grammar	2.40
10	Stonehill School (future)	2.27

The full evaluation scores are available within the draft report.

Preliminary concept plans and indicative development costs including staging options have been provided on the preferred Taverner Street site to cater for the facility requirements of the indoor sports and activities identified. The cost estimates for both the identified Stage 1 four court indoor recreation facility, as well as a potential two court Stage 1A are as follows;

Item	Four (4) Court Facility	Two (2) Court Facility
Total Building Works	\$9,029,750.00	\$6,072,750.00
Total External works and services	\$1,120,000.00	\$1,120,000.00
Allowances	\$1,573,211.25	\$1,114,876.25
Fees and Charges	\$1,844,103.75	\$1,279,058.25
<b>TOTAL</b>	<b>\$13,059,577.50</b>	<b>\$9,245,047.50</b>



Linking with the current draft Review of the timing of the proposed Bacchus Marsh Indoor Aquatic Centre report being developed by Council, the Taverner Street site has been identified to strategically co-locate the indoor recreation facility with the proposed indoor aquatic centre. This has been represented in the concept plan for the site which includes staging options for both the indoor sports facility and the indoor aquatic centre, as well as the ability for future expansion to meet growth demand.

The rationale behind co-location at the Taverner Street site in Maddingley relates to the potential capital and operational cost efficiencies which Council could realise in the long term planning and development of such facilities. This relates to shared site infrastructure (such as services, car parking, entry/reception, change rooms, kiosk) as well as potential operating efficiencies relating to the preferred direct Council management model outlined in the report.

The draft report recommends delivery of 'Stage 1' (4 courts) of the indoor recreation facility in the short term (2 to 5 years) to meet current demand for access to additional indoor court space within the community. The estimated capital cost of stage 1 is in the order of \$13 Million.

The Council on its own, has limited financial capacity to deliver a facility of this scale. As such, a staged delivery method involving a 'stage 1A' option incorporating two (2) new courts has been developed with an estimated capital cost of \$9.2 million.

The development of future indoor facilities will have implications for the ongoing operation of the existing Joint Use Agreement with the Bacchus Marsh Secondary College. If the stage 1A option (2 courts) proceeds it will be necessary that the agreement remain in place into the foreseeable future. This will ensure that the community maintains access to 4 courts in the short term.

If Council was in a position to develop the full stage 1 option (4 courts), the agreement could be:

- a) Renegotiated to include other types of use e.g. performing or creative arts.
- b) Amended to allow for limited use of the courts e.g. as overflow for larger events and tournaments.
- c) Terminated by mutual agreement.

The capital and ongoing operational costs of the proposed facility need to be approached in a strategic manner within the Council Strategic Financial Plan and align with the Community Infrastructure Planning principles.

Identification of potential external funding sources for future indoor facilities have been provided to guide opportunities for leveraging funds towards the project. A base operating model has been provided in the report which outlines the projected operating costs for the facility based on both a two court and four court model under the recommended direct Council management model. Financial forecasts have been provided based on both the current court hire fees which are viewed as unsustainable, as well as a proposed higher court hire rate in line with industry standards for a new facility as below:

Base Case Profit and Loss	2 court, \$25 hire rate Base case scenario \$	2 court, \$40 hire rate Base case scenario \$	4 court, \$25 hire rate Base case scenario \$	4 court, \$40 hire rate Base case scenario \$
Estimated Revenue				
Court Hire	\$145,840	\$205,840	\$236,240	\$381,840
Spectator attendance at events	\$2,080	\$2,080	\$4,160	\$4,160
Canteen revenue	\$64,416	\$64,416	\$120,288	\$120,288
Sponsorship and advertising	\$20,000	\$20,000	\$20,000	\$20,000
Other revenue	\$5,000	\$5,000	\$5,000	\$5,000
<b>Total estimated revenue</b>	<b>\$237,336</b>	<b>\$297,336</b>	<b>\$385,688</b>	<b>\$531,288</b>
Estimated expenses				
Variable costs				
Facility cleaning	\$26,840	\$26,840	\$50,120	\$50,120
Canteen costs of goods sold	\$25,766	\$25,766	\$48,115	\$48,115
<b>Total variable costs</b>	<b>\$52,606</b>	<b>\$52,606</b>	<b>\$98,235</b>	<b>\$98,235</b>
Fixed Costs				
Staff	\$184,021	\$184,021	\$308,280	\$308,280
Office and admin	\$25,000	\$25,000	\$35,000	\$35,000
Utilities	\$52,000	\$52,000	\$76,000	\$76,000
Equipment and light maintenance	\$12,500	\$12,500	\$17,200	\$17,200
Court maintenance and cleaning	\$43,800	\$43,800	\$71,000	\$71,000
Minor maintenance, repairs and security	\$18,720	\$18,720	\$20,720	\$20,720
Purchases	\$5,000	\$5,000	\$8,000	\$8,000
<b>Total operating costs</b>	<b>\$341,041</b>	<b>\$341,041</b>	<b>\$536,200</b>	<b>\$536,200</b>
<b>Total est. operating expenses</b>	<b>\$393,647</b>	<b>\$393,647</b>	<b>\$634,435</b>	<b>\$634,435</b>
Net operating result	(\$156,311)	(\$96,311)	(\$248,747)	(\$103,147)
Less depreciation	\$92,450	\$92,450	\$130,596	\$130,596
<b>Net result</b>	<b>(\$248,762)</b>	<b>(\$188,761)</b>	<b>(\$379,343)</b>	<b>(\$233,743)</b>

The twenty-year forecast financial assumptions are outlined within the draft report. The probable net result for 2 and 4 courts are listed below (all costs include depreciation):

Table 7: Two court facility probable net financial result

Two court facility		
Period	\$25 hire rate	\$40 hire rate
	Net result \$	Net result \$
Base Case	(\$248,762)	(\$188,762)
Year 1	(\$259,235)	(\$205,235)
Year 2	(\$264,238)	(\$208,618)
Year 3	(\$269,392)	(\$212,103)
5 Year Cumulative	(\$1,285,964)	(\$979,208)
10 Year Cumulative	(\$2,673,619)	(\$1,998,654)
20 Year Cumulative	(\$5,974,419)	(\$4,396,469)

Table 8: Four court facility probable net financial result

Four court facility		
Period	\$25 hire rate	\$40 hire rate
	Net result \$	Net result \$
Base Case	(\$379,343)	(\$103,059)
Year 1	(\$392,088)	(\$130,373)
Year 2	(\$399,933)	(\$134,285)
Year 3	(\$408,013)	(\$138,313)
5 Year Cumulative	(\$1,945,162)	(\$547,339)
10 Year Cumulative	(\$4,054,340)	(\$1,109,476)
20 Year Cumulative	(\$9,099,535)	(\$2,656,147)

The draft report captures and integrates relevant strategy and policy documents across Council including the Council Plan 2017-2021, Recreation & Leisure Strategy 2015-2021, Bacchus Marsh Urban Growth Framework (Draft) and the Community Infrastructure Framework including the travel accessibility standards.

In compiling this report, the following local and state sporting associations have been consulted to ensure that relevant priorities and plans are aligned with the report;

- Bacchus Marsh Basketball Association
- Basketball Victoria
- Bacchus Marsh Netball Association
- Netball Victoria
- Volleyball Victoria
- Football Federation Victoria - Futsal
- Bacchus Marsh Badminton Association
- Badminton Victoria
- Gymnastics Victoria
- Acrofun
- Other identified indoor sports and activities

As part of the consultation as per the project community engagement plan, a community survey was open for a period of two (2) weeks and had a strong response rate with 183 surveys completed. These survey results have provided key information and priorities from the community which has helped inform the draft report.

The community and relevant stakeholders will have further opportunity to provide input into the draft report during the public exhibition for a period of four (4) weeks. The feedback from this public exhibition period will then help inform the final draft report which will be presented for Council adoption.

Following the exhibition period and consideration of feedback, the final feasibility study report will be then be presented to Council on the 6 June 2018 for adoption.

The Indoor Recreation Facilities Feasibility Study draft report is contained in **Attachment 11.3.6**.

### **Policy Implications**

The 2017– 2021 Council Plan provides as follows:

**Strategic objective 4**                      Improving social outcomes

**Context 4a**                                      Health and Wellbeing

The proposed Indoor Recreation Facilities Feasibility Study draft report is consistent with the 2017-2021 Council Plan.

### **Financial Implications**

Council's 2017/18 adopted budget included an allocation of \$15,000 to prepare the feasibility study. The Department of Health and Human Services (DHHS) have committed \$30,000 from the 2017-18 Community Sports Infrastructure Fund (CSIF) Planning program.

The recommendations within the draft report would require significant financial investment into the design and construction of the proposed indoor recreation facility. The strategic plan to co-locate the indoor recreation facility with the indoor aquatic centre, and the staging options proposed, will assist with cost efficiencies in the long term however this does not diminish the significant funding required with a cost estimate of the four court indoor facility being \$13 million.

A long term strategic approach towards project funding will be required to implement these recommendations. The costings will need to be considered in Council's Strategic Financial Plan against the other competing priorities across the Shire. It is likely that multiple external funding sources over multiple stages will be required to deliver the project including proceeds from land sales; special charge scheme or increase in the general rate. The identified operating costs within the draft report also need to be considered as part of Council's capacity to fund such facilities on an ongoing basis. The importance of the Community Infrastructure Planning principles and having the population catchment to ensure the viability of operating such a facility is critical in the decision making process.

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

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Community Needs	Lack of access to sufficient indoor court space will restrict participation opportunities for the community and limit any growth opportunities for the existing indoor sports	Medium-High	Council to develop and adopt a feasibility study relating to the provision of indoor courts in the Shire to clearly outline a strategic direction to meet the communities long term needs for access to such indoor facilities
Financial	Funding required for the design and construction of the indoor recreation facility, as well as the ongoing operational costs associated with the facility	High	Proposed colocation of indoor recreation facility with the indoor aquatic centre at the Tavern St site will deliver cost efficiencies. Financial resources will need to be allocated within Council's Strategic Financial Plan for (staged) construction on the site. Operating model to be approved to run the facility in the most cost efficient manner.

## Communications and Consultation Strategy

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

Level of Engagement	Stakeholder	Activities	Outcome
Inform	General Community	Press release and flyer	They were distributed via Council's webpage, social media platforms, local newspapers and radio, at Customer Service desks and at the outdoor pools
Collaborate	Council service units and Sport and Recreation Victoria (SRV)	Establishment of the Project Control Group (PCG) to guide delivery of the project	PCG was established and has provided input and guidance in the development of the draft report
Consult	Community members	Community survey open to be completed via the 'Have Your Say Moorabool' online community engagement portal	183 surveys completed with results informing the draft report
Consult	Local and state sporting association	Telephone interviews	Information gathered from each respective association regarding their current usage and issues, as well as future needs and priorities to inform the draft report
Consult	Local schools	Telephone interviews	Information gathered on existing facilities and their usage, as well as future public access and plans to inform the draft report

The draft report will be placed on public exhibition for four (4) weeks. The exhibition of the draft report will involve:

- The Have Your Say website, Council's online engagement portal;
- Promotion to the community via Council's various communication channels including through the local newspapers, social media, email groups and website;
- Making copies of the draft report available at Council's Customer Service locations
- Making copies of the draft report available directly to the local and state sporting associations for comment and distribution to their members

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Ian Waugh*

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

### **Conclusion**

The draft Indoor Recreation Facilities Feasibility Study report has reviewed the Shire's existing provision of indoor recreation facilities, and provided an analysis to provide a strategic approach for future provision and development of indoor facilities.

The draft report recommends that a four court indoor recreation facility be co-located with the future indoor aquatic centre at the Council owned Taverner Street site in Maddingley. Staging options have been provided to allow for longer term strategic financial planning and allow for progressive development and expansion of facilities onsite as the population and demand grows.

The draft report has been developed following consultation with the local and state sporting associations and a strong community response via the community survey. It is recommended to be followed with further community consultation and input via the four week public exhibition period. The feedback received from the exhibition period will help inform the final feasibility study report which will go back to Council for adoption.

**Resolution:****Crs Bingham / Dudzik*****That Council:***

- 1. Endorses the Indoor Recreation Facilities Feasibility Study draft report for the purpose of public exhibition for a period of four weeks.***
- 2. Receives a further report at the conclusion of the exhibition period for consideration of feedback and finalisation of the Indoor Recreation Facilities Feasibility Study.***

***Councillor Bingham called for a Division.******Councillors voting for the resolution:***

***Cr. Bingham***  
***Cr. Edwards***  
***Cr. Dudzik***  
***Cr. Keogh***

***Councillors voting against the resolution:******Cr. Toohey*****The resolution was determined to be CARRIED.*****Cr. Tatchell abstained from voting.***

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

**Name:** Danny Colgan  
**Title:** General Manager Social & Organisational Development  
**Date:** Tuesday, 27 March 2018

### 11.3.7 Ballan Men's Shed – Expression of Interest

#### Introduction

File No.: 147650  
Author: Claire Conlon  
General Manager: Danny Colgan

The purpose of this report is to recommend that the Council invite expressions of interest from groups for the use of the Ballan Men's Shed facility.

#### Background

At the Ballan & District Community House & Adult Education Inc Committee of Management meeting held on the 8 February 2018, the Committee resolved to cease being the auspice of the Ballan Men's Shed Program. The Ballan Men's Shed Group has for a number of years been auspiced by the Ballan District Neighbourhood House as a program of the House. The Ballan Men's Shed Group has operated under the constitution, rules, systems and processes of the Neighbourhood House and has not existed as a legal entity in its own right.

As a result of the decision of the Committee of Management, the responsibility for the Ballan Men's Shed has been returned to the Council as the owner of the building. Officers have worked with representatives of the recently Incorporated Ballan Men's Shed Group to facilitate their use of the Men's Shed on a casual basis. The group has completed an application for casual use and the associated agreement. The Ballan Men's Shed Group has expressed a strong interest in using the Men's Shed on an ongoing basis.

It is understood that there are other groups in the local communities that may be interested in using the facility. The expression of interest process will provide opportunities for other groups to apply for use if they wish. The proposal to invite expressions of interest is consistent with Council's position to ensure community facilities are accessible and utilised to their maximum capacity for community benefit.

#### Proposal

It is proposed that the Council invite expressions of interest from groups for the use of the Ballan Men's Shed. A further report will then be presented to the Council outlining any expressions of interest received and recommendations relating to the use of the facility to one or a number of groups.

The agreement/s will specify the responsibilities of both parties including:

- Term of the agreement (at this stage proposed to be an initial period of 3 years with an possible further term of 2 years to be exercised by Council)
- fee payable, by the group to Council;
- payment of outgoings/utilities;
- insurances;
- maintenance;
- capital improvements or replacements; and
- reporting requirements.



## Policy Implications

The 2017-2021 Council Plan provides as follows:

### Strategic Objective

- Improving Social Outcomes
- Providing Good Governance and Leadership

### Context:

- Health and Wellbeing
- Community Connectedness and Capacity
- Our Assets and Infrastructure

### Financial Implications

The expression of interest process will be conducted using existing resources.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Governance	Suitable agreement required to outline roles and responsibilities of Council and the user groups in the management of the Shed Property.	Medium	Ensure suitable agreement is put in place to protect both parties to the agreement.
OHS	Resources required to ensure adherence to safety procedures and requirements.	High	Ensure agreement includes responsibility for liability, appropriate insurance coverage and First Aid training and appropriate instruction and supervision in the use of equipment.
Asset management	Ongoing maintenance of equipment.	High	Include responsibility for asset management as part of any agreement.

### Communications and Consultation Strategy

The invitation to submit expressions of interest in the use of the Ballan Men's Shed will be advertised in the local papers; and Council website and social media.

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

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. The risk of limitations placed on equal opportunity and dignity without discrimination/exclusion will be offset by the recommendation to seek expressions of interest from the broader community and use will be open to other casual users.

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

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

*General Manager – Danny Colgan*

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

*Author – Claire Conlon*

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

### **Conclusion**

Responsibility for the Ballan Men's Shed property has been returned to the Council as the owner of the building with the Ballan & District Community House & Adult Education Inc Committee of Management having ceased auspicing of activities in the Shed.

The Ballan Men's Shed Group has expressed a strong interest in using the Men's Shed on an ongoing basis. It is understood that there are other groups in the local communities that may be interested in using the facility. The expression of interest process will provide opportunities for other groups to apply for use if they wish.

### **Resolution:**

**Crs. Edwards/Bingham**

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

- 1. Invites Expressions of Interest from community groups for the use of the Ballan Men's Shed Facility.***
- 2. Receives a further report at the conclusion of the expression of interest process.***

**CARRIED.**

### Report Authorisation

Authorised by: 

**Name:** Danny Colgan

**Title:** General Manager Social & Organisational Development

**Date:** Tuesday 27 March, 2018

### 11.3.8 Victorian Government Country Football Netball Program 2018-19

File No.: 06/03/008  
Author: Ian Waugh  
General Manager: Danny Colgan

#### Introduction

The purpose of the report is to recommend that the Council endorse the grant applications for the Darley Park Oval Lighting Upgrade and Ballan Recreation Reserve Netball Court Upgrade and Lighting projects for submission for funding under the Victorian Government 2018-19 Country Football Netball Program.

#### Background

The Country Football Netball Program (CFNP) provides funding to assist grassroots country football and netball clubs, associations and umpiring organisations to develop facilities in rural, regional and outer metropolitan locations.

Grants of up to a total **maximum of \$100,000** (excluding GST) are available for projects that improve facilities, including new or redeveloped change rooms, installation of improved turf, drainage and irrigation, new or upgraded netball courts or installation of sports lighting for courts or ovals. This can comprise of **one large project seeking \$100,000 or up to three smaller projects across different sites.**

Only local Councils are able to submit applications, and the Moorabool Shire has a required funding ratio of SRV \$2:\$1 local. The 'local' funding can comprise of both Council and club cash and in-kind contributions. Funding models are encouraged that demonstrate stakeholder commitment to the project.

All of the country football and netball clubs, associations and umpiring organisations within the municipality were given the opportunity to register their interest via an Expression of Interest (EOI) process. Correspondence was circulated to all Football Netball Clubs in the Shire notifying them of the program and requesting Expressions of Interest to be submitted by 1 March 2018.

Six Expressions of Interest were received from Moorabool Clubs. Officers have reviewed the six (6) submissions and recommend that two applications proceed to the final application stage for submission to Sport and Recreation Victoria. Applications for the 2018-2019 CFNP funding round close on 12 April 2018.

The EOIs were reviewed by Council's Capital Improvement Program (CIP) Control Group and evaluated considering the following criteria:

- Alignment with CFNP guidelines
- Alignment with Council advocacy projects list
- Alignment with Council strategic documents including master plans and the Recreation & Leisure Strategy 2015-2021
- Alignment with regional football and netball plans
- Project scope, design and costing development
- Compliance with relevant sporting codes and standards
- Project shovel readiness and ability to meet funding deadlines
- Financial contributions and risk for Council

- Financial contributions from clubs
- Compliance with funding ratio requirements

### Proposal

It is proposed that the Council endorse subject to budget the submission of the following projects for funding under the Victorian Government 2018-19 Country Football Netball Program:

- Darley Park Oval Lighting Upgrade
- Ballan Recreation Reserve Netball Courts and Lighting Upgrade

The projects include a proposed contribution from Council of \$130,000 for the Darley Park Project and \$300,000 for the Ballan Recreation Reserve Project (\$100,000 from the Capital Improvement Program and \$200,000 from reserve funds).

#### Darley Park Oval Lighting Upgrade

This project was submitted for funding under the previous round of the Victorian Government's Community Sports Infrastructure Fund (CSIF), however the application was unsuccessful. Following feedback from Sport and Recreation Victoria (SRV) it has been identified that this project would be suitable for a submission to the CFNP.

Scope: Upgrade of the oval lighting to 150 lux match standard

Funding Model:	<u>Project Budget:</u>	<u>\$255,000</u>
	Darley FNC	\$75,000
	In-kind contributions	\$0
	Moorabool Shire	\$130,000 from CIP
	CFNP Grant funding	\$50,000

The Darley Football Netball Club already have lighting plans and cost estimates, letters of support from reserve tenants and governing bodies and financial commitment from the Club. The project is seen as the most 'shovel ready' out of the project proposals received.

#### Ballan Recreation Reserve Netball Courts and Lighting Upgrade

This project is in alignment with the short term priorities identified within the draft Ballan Recreation Reserve Master Plan currently being developed by Council. The Ballan Football Netball Club (BFNC) have identified this project as a priority given the current court surface and drainage issues associated with the current netball court. The Ballan Recreation Reserve Committee of Management is also supportive of this project and are represented on the reserve master plan Project Control Group (PCG).

Scope: Upgrade of the outdoor courts including the provision of one dedicated netball court and one shared netball/tennis court including court lighting for both courts

Funding Model:	<u>Project Budget:</u>	<u>\$365,000</u>
	Ballan FNC	\$15,000
	In-kind contributions	\$0

Moorabool Shire	\$100,000 from CIP
Required grant funding	\$50,000
** Funding Shortfall	\$200,000

The funding shortfall could be funded from Council Reserve/Ward Funds if Council determined to support the application. Engineering estimates and quotes have been received with relation to the court surfacing works, whilst designs will be gained for compliant court lighting.

### **Projects Not Recommended for submission**

It is proposed that the Council does not submit applications for the following projects in this round of funding, and Council officers continue to work with the clubs to further develop the project proposals for future funding consideration:

#### **Dunnstown Recreation Reserve Oval Lighting Upgrade**

Scope: Upgrade of the oval lighting to an LED system

Funding Model:	<u>Project Budget:</u>	\$100,000
	Dunnstown FC	\$0
	In-kind contributions	\$0
	Moorabool Shire	\$34,000
	Required grant funding	\$66,000

#### **Dunnstown Recreation Reserve Netball Court Resurfacing\*\***

Scope: Resurfacing of netball courts to address safety issues

Funding Model:	<u>Project Budget:</u>	\$30,000
	Dunnstown NC	\$2,000
	In-kind contributions	\$0
	Moorabool Shire	\$8,000
	Required grant funding	\$20,000

\*\*An allocation of \$25,000 for the resurfacing of the Dunnstown Recreation Reserve Netball/Tennis Courts has been included in the 2018/19 Capital Improvement Program as part of the 2018/19 Draft Budget. Accordingly this project will proceed if included in the adopted 2018/19 capital budget.

#### **Wallace Recreation Reserve Oval Irrigation**

Scope: Installation of an oval irrigation system

Funding Model:	<u>Project Budget:</u>	\$79,200
	Springbank FNC	\$10,000
	In-kind contributions	\$ 9,200
	Moorabool Shire	\$20,000
	Required grant funding	\$40,000

#### **Gordon Reserve Oval 2<sup>nd</sup> Netball Court and Lighting and Unisex Change Facility**

Scope: Upgrade of the outdoor courts including the provision of one dedicated netball court and one shared netball/tennis court including court lighting for both courts

Funding Model:	<u>Project Budget:</u>	<u>\$304,000</u>
	Gordon FNC	\$191,000 (may be large in-kind component)
	In-kind contributions	\$13,000
	Moorabool Shire	\$0
	Required grant funding	\$100,000

### **Expression of Interest Evaluation**

The following table summarises the assessment process undertaken by Officers to determine which applications were considered suitable to progress to the submission stage.

MSC received expressions of interest from six Moorabool clubs and evaluated their submissions using the following evaluation matrix.

Evaluation Criteria	Club	Ballan FNC	Darley FNC	Dunnstown Football Club	Dunnstown Netball Club	Gordon FNC	Springbank FNC
	Reserve	Ballan Rec Res	Darley Park	Dunnstown Rec Res	Dunnstown Rec Res	Gordon Rec Res	Wallace Rec Res
	Project	Netball court resurfacing of two courts & lighting	Oval Lighting Upgrade	Oval lighting upgrade	Resurfacing of 1 Netball/2 tennis court/s	2nd Netball court with lighting and unisex change room	Oval irrigation system
<b>Funding Ratio Compliant</b>		Yes	Yes	Yes	Yes	TBC	Yes
<b>Cost Estimates</b>		Quote from 2016 provided for court works (\$164K). No quote for court lighting.  Council Engineers have provided preliminary cost estimate.	Formal cost estimate received. No cost for power upgrade factored into this.	Quote provided seems very low for LED lighting installation. No installation/trenching costs referenced in quote. No reference to power upgrade if required.	Application referenced previous cost estimates Council Engineers are sourcing updated costs.	Quotes were provided. Unclear on the amount requested from MSC. Heavy reliance on in-kind labour and club contractors.	Formal quote provided for design and installation of sprinkler system.
<b>Alignment with CFNP Guidelines</b>		Yes	Yes	Yes	Yes	Yes	Yes



Evaluation Criteria	Club	Ballan FNC	Darley FNC	Dunnstown Football Club	Dunnstown Netball Club	Gordon FNC	Springbank FNC
	Reserve	Ballan Rec Res	Darley Park	Dunnstown Rec Res	Dunnstown Rec Res	Gordon Rec Res	Wallace Rec Res
	Project	Netball court resurfacing of two courts & lighting	Oval Lighting Upgrade	Oval lighting upgrade	Resurfacing of 1 Netball/2 tennis court/s	2nd Netball court with lighting and unisex change room	Oval irrigation system
<b>Present in Council Advocacy Projects List</b>		Yes	Yes	Yes	No	Yes	Yes
<b>Shovel Ready</b>		Medium	High	Low-Medium	Medium	Medium	Medium
<b>General Comments</b>		Strong strategic rationale with the Master plan indicates works on all 5 courts at once in the short term. <b>Council is required to commit to the funding short fall of 200K from Reserve/Ward Funds.</b>	Competition standard lighting will allow greater use of ground and cater for increased participation.  High level of support from AFL Goldfields as Darley Park is the only "regional" level facility in Moorabool Shire.	Level of design work and costing accuracy needs more work. No reference to lux standard. No power upgrade factored into cost. No club contribution outlined. Current issues with power supply into the reserve would need to be addressed prior to future lighting upgrade.	Allocation included in CIP for 2018/19 Draft Budget which will allow the resurfacing to proceed.	Unclear on how the remaining \$178,000 is going to be funded (and what MSC would need to underwrite). What is requested of Council? The listed \$13,000 in-kind can't be counted as it is already completed (no retrospective funding allowed). No court lighting design, 6m poles do not meet standards.	No design was provided, just referenced as part of the quote provided. More detail needed on water source, system set-up etc. required.
<b>Supports participation outcomes</b>		Yes	Yes	Yes	Yes	Yes	Yes
<b>Overall Assessment Ranking</b>		1	2	Not Recommended	3 Funded in CIP as Asset Renewal	Not Recommended	Not Recommended

Officers will undertake further project development work with the clubs not recommended for progression. This will primarily focus on clarification of scope of works, development of detailed and compliant designs (e.g. lighting plans) as required in the CFNP guidelines, obtaining cost estimates and quotations, confirmation of funding ratios and Council/Club contributions to enable the unsuccessful projects to be in a 'shovel ready' position when future funding programs are announced.

### Policy Implications

The 2017– 2021 Council Plan provides as follows:

**Strategic Objective 4** Improving social outcomes

**Context 4A** Health and wellbeing

The proposal to submit applications for potential funding under the Victorian Government Country Football Netball Program is consistent with the 2017-2021 Council Plan.

### Financial Implications

The project costs (including Council and club contributions) has been discussed by the Capital Improvement Program Control Group and incorporated into the draft proposed CIP for 2018/19.

The proposed council contribution requested towards each project dependant on the outcome of the application is as follows:

**Darley Park Oval Lighting Upgrade** – a \$130,000 contribution has been included in the draft Capital Improvement Program for the 2018/2019 Council budget.

**Ballan Recreation Reserve Netball Court Resurfacing & Lighting** – a \$300,000 Council contribution comprising of \$100,000 within the draft Capital Improvement Program with \$200,000 shortfall funded from Council Reserve funds.

Council will also require evidence and written confirmation of club funding contributions towards each project before making the submission.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Current community needs for additional capacity at facilities will not be met if facility improvements are not made	Medium	Strategic planning to ensure that priority projects are identified and included in Council's strategic financial planning and capital improvement program to allow opportunities for leveraging of funds

Financial	Funding required to deliver identified improvements to the facilities	Medium	Planning completed to ensure that projects are identified within Council's strategic financial plans and external grant funding and club contribution can be added to the project funding models
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### **Communications and Consultation Strategy**

The outcomes of this report will be communicated to all clubs who submitted expressions of interest.

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Ian Waugh*

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

### **Resolution:**

#### **Crs. Bingham/Dudzik**

***That Council, subject to allocation of Council's contribution in the 2018/2019 budget, endorses the submission of the following projects for funding under the State Government Country Football Netball Program 2018-19:***

- ***Darley Park Oval Lighting Upgrade (\$130,000 Council contribution towards project).***
- ***Ballan Recreation Reserve Netball Courts & Lighting Upgrade (\$300,000 Council contribution towards project).***

***Councillor Toohey called for a Division.***

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

***Cr. Bingham***

***Cr. Edwards***

***Cr. Dudzik***

***Cr. Keogh***

***Councillors voting against the resolution:***

***Cr. Toohey***

**The resolution was determined to be CARRIED.**

***Cr. Tatchell abstained from voting.***

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### **Report Authorisation**

**Authorised by:** 

**Name:** Danny Colgan

**Title:** General Manager Social & Organisational Development

**Date:** Tuesday, 27 March 2018

***Cr. Toohey adjourned from the meeting at 7.26pm.***

### **11.3.9 Hanson Coimadai Quarry – Statutory Procedures - Road Reserves**

#### **Introduction**

File No: 455250  
Author: Michelle Morrow  
General Manager: Danny Colgan

#### **Purpose**

This report seeks Council's authority to commence the statutory procedures pursuant to sections 189, 207A and 223, and clause 3 of Schedule 10, to *Local Government Act 1989* (Vic) (**LGA**), to consider:

- discontinuing the road shown coloured pink on the plan contained in **Attachment 11.3.9b**, being part of the land formerly contained in certificate of title volume 9937 folio 049 (**Lot 8 Road**), and selling the discontinued Lot 8 Road to Hanson Construction Materials Pty Ltd (**Hanson**);
- discontinuing the road known as Road R1 on plan of subdivision no. PS346740C, being the land contained in certificate of title volume 11390 folio 154 (**Road R1**) and selling the discontinued Road R1 to Hanson;
- selling to Hanson the land comprising the discontinued government roads coloured yellow on the plan contained in **Attachment 11.3.9b (Former Government Roads)**, subject to Council obtaining title to the Former Government Roads; and
- selling to Hanson Lot 1 on title plan no. TP386574D, being the land contained in certificate of title volume 6038 folio 516 and shown hatched on the plan contained in **Attachment 11.3.9b (Lot 1)**.

#### **Background**

Hanson Construction Materials Pty Ltd own Property Number 455250 to the west of properties fronting Gisborne Road, Coimadai and to the north of Russells Road. The land is known as Lot 8 in Plan of Subdivision Number LP 219459T, being the land contained in Title Volume 9937 Folio 049 (**Lot 8**).

A diagram showing the location of the property referred to as Lot 8 in this report is contained in **Attachment 11.3.9a**.

On 18 December 1992, Council's predecessor in title, the Shire of Bacchus Marsh, issued Planning Permit No. 110/92 (**Permit**) in respect of the Quarry. Planning Permit 110/92 was for the "Establishment and Operation of an Extractive Industry" and was issued through a VCAT process. At the time of issue, the permit applicant was Oupan Resources Pty Ltd.

Condition 3.2 of the Permit required the applicant to enter into a land exchange agreement with Council. The effect of the land exchange was to:

- close the government roads coloured yellow on the plan contained in **Attachment 11.3.9b (Former Government Roads)**; and

- create a new road through the southern part of the Quarry, being the land now contained in certificate of title volume 9937 folio 049 and shown coloured pink on the plan contained in **Attachment 11.3.9b (Lot 8 Road)**.

The site was purchased by Darra Exploration Pty Ltd in December 1993. At the time Excel Quarries Pty Ltd operated all of Darra Exploration Pty Ltd sites as the quarry managers.

The permit was further amended on 11 July 2003 by VCAT to amend the expiry condition to the following: *“The permit shall expire at the expiry of the Work Authority.”*

On 17 March 1994, the Shire of Bacchus Marsh published a notice pursuant to sections 552 and 526 of the *Local Government Act 1958 (Vic) (LGA 1958)* in the Victoria Government Gazette deviating the Former Government Roads onto the Lot 8 Road, as contemplated by condition 3.2 of the Permit. The notice is contained in **Attachment 11.3.9c**.

On 14 February 1996, plan of subdivision no. PS346740C was registered. Upon registration of the plan, Road R1 on PS346740C, being the land contained in certificate of title volume 11390 folio 154 (**Road R1**) vested in Council. Road R1 is shown cross-hatched on the plan contained in **Attachment 11.3.9b**.

On 15 March 2000, Council resolved to:

- give public notice of its intention to discontinue Road R1 and;
- sell Lot 1 on title plan no. TP386574D (**Lot 1**), being the small triangular piece of land adjacent to Russells Road and shown hatched on the plan contained in **Attachment 11.3.9b**, to Excel Quarries Pty Ltd (**Excel**) for market value; and
- provide its consent to the closure of the Government Road that runs north-south adjacent to Lot 1, and the sale of that Crown land to Excel, provided that Excel carried out certain upgrade works to Russells Road at no cost to Council.

On 29 June 2000, Council published a notice pursuant to section 206 and Schedule 10 Clause 3 of the LGA in the Victoria Government Gazette discontinuing Road R1 and the Lot 8 Road. The gazettal notice also refers to Council's intention to sell Road R1 to Excel. A copy of the notice is contained in **Attachment 11.3.9d**.

On 20 September 2000, Council resolved to discontinue Road R1, and sell the discontinued Road R1 and Lot 1 to Excel for \$7,000 plus Council's legal, surveying and advertising costs.

Hanson Construction Materials Pty Ltd (**Hanson**) is now the registered proprietor of the land. Hanson has asserted that Council is bound to sell the discontinued Road R1 and Lot 1 to it on the basis of Council's resolution of 20 September 2000.

Council officers have been in contact with Hanson's management over the last 2 years on both of these road matters and on matters pertaining to the Permit. This report seeks to discuss **the road matters only**. It is considered that they can be determined independently of the planning matters for the following reasons:

- No matter what the ultimate use for Lot 8 is determined to be, the owner of Lot 8 requires suitable access to their land.
- Road R1 was created with the intention that it be the primary access point to Lot 8. It is considered this is still the case.
- As Road R1 only gives access to Lot 8 and no other parcels of land, it is considered prudent that this road reserve be sold to Hanson.
- No matter what the ultimate use for Lot 8 is determined to be, sale of the other roads and land within Lot 8 (being the Former Government Roads, the Lot 8 road and the small triangular block known as Lot 1), is considered prudent as they do not provide access to any other parcels of land.

#### **Current status of Government Roads – East west road and north-south road**

The two Former Government Roads were discontinued by Council under Sections 522 and 526 of the LGA 1958 on 17 March 1994, by virtue of Council's publication of the road deviation order.

Section 522 of the LGA 1958 provides that a municipal council may, by publishing an order in the Victoria Government Gazette, direct that any land taken, purchased or acquired by a municipal council shall be a public highway.

Sections 526(1) and (2) of the LGA 1958 provides that a municipal council may deviate an existing road by publishing a notice in the Victoria Government Gazette.

The effect of publishing a notice, is that the:

- new road is deemed a public highway (the Lot 8 road incorporating the Road R1); and
- existing road is discontinued and vests in the municipal council. Accordingly, the two Government Roads (the east-west road dissecting Lot 8 and the north-south road heading north from Russells Road) vested in Council upon being discontinued.

There is some complexity in this road deviation matter as this deviation was conducted under the former LGA 1958 rather than the existing LGA. The two Acts differ in that discontinuation of government roads under the LGA 1958 vest in Council but discontinuations of government roads under the LGA vest in the Crown.

Council is in the process of preparing an application to the Registrar of Titles to obtain title to the Former Government Roads. This process will involve consultation with the Crown, represented by the Department of Environment, Land, Water and Planning (DELWP), to confirm that title to the two roads has vested in Council and lodging an application under section 54 of the *Transfer of Land Act 1958* (Vic) (in reference to section 526(3A) of the LGA 1958) or such other application as is required by the Registrar of Titles to give effect to the road deviation.

### **Current status of Lot 8 Road**

The Lot 8 Road was created as a public highway under sections 552 and 526 of the LGA 1958 on 17 March 1994, by virtue of the Council's publication of the road deviation order. The only way that the public highway status of the Lot 8 Road can be removed is if the Lot 8 Road is discontinued by Council.

A road discontinuance notice was published in the Government Gazette on 29 June 2000. However, Council did not resolve to discontinue the Lot 8 Road until 20 September 2000. Further, Council's resolution of 15 March 2000, which is cited as authorising the discontinuance of the Lot 8 Road, only authorised Council to give public notice of its intention to discontinue the Lot 8 Road, not to discontinue it.

On that basis, the Lot 8 Road has not been validly discontinued and remains a public highway vested in Council.

### **Current status of Lot 1**

Lot 1 is freehold land that is registered in the name of Council.

### **Current status of Road R1**

The registration of plan of subdivision no. PS346740C vested Road R1 in the Council.

Road R1 however is intertwined with the Lot 8 Road matter outlined above as it was shown in the Government Gazette notice of 29 June 2000 as proposed to be discontinued. As mentioned above, this discontinuance was ineffective and as such Road R1 is a road vested in the Council.

### **The effect of the Council's resolutions in 2000**

The resolutions of the Council in March and September 2000 do not constitute, or require Council to enter into, a contract of sale in respect of the Road R1 and Lot 1.

Hanson cannot rely on these resolutions to require the Council to proceed with the sale of these two parcels of land.



## Proposal

### 1. East-west Former Government Road

Await the outcome of the application to the Registrar of Titles to obtain title to the Former Government Roads under section 54 of the *Transfer of Land Act 1958* and the reply from the Department of Environment, Land, Water and Planning (DELWP) on behalf of the Crown to confirm that title can vest with the Council.

If confirmed and title issued, the Council can commence the sale process.

This involves:

- obtaining a valuation for this portion of land and;
- informing Hanson of that sale price and seek agreement;
- publishing a public notice in respect of its intention to sell Lot 1 (refer section 189 of the LGA);
- hearing any submissions received in response to Council's public notice (refer section 223 of the LGA); and
- carrying a resolution to sell Lot 1.

### 2. North-south Former Government Road

Same actions as for 1 above

### 3. Lot 1

As Council has title to Lot 1, Council can offer to sell Lot 1 to Hanson. This involves following the sale process as outlined above at point 1.

### 4. Road R1

As the registered proprietor of Road R1, Council has the power to consider discontinuing the road known as Road R1 and selling Road R1 pursuant to the provisions of the LGA.

But as previously outlined, the steps taken in 2000 to discontinue Road R1 were not effective. It remains a 'road' rather than freehold land.

With this being the case, Council must first discontinue Road R1 before it can sell Road R1. The effect of a road discontinuance is that Road R1 will vest in Council free of all encumbrances, other than those of public authorities.

If Council decides to commence the statutory procedures under the LGA to discontinue Road R1, before can deciding whether to discontinue the Road R1, Council must undertake the following procedures:

- contact public authorities to determine whether they have existing assets in Road R1;

- instruct a surveyor to undertake a site inspection and prepare the appropriate plans;
- arrange for a public notice of the proposed road discontinuance to be published in the local newspapers;
- Council must consider submissions (if any) received in respect of the proposed road discontinuance and determine whether to discontinue Road R1 in light of those submissions;
- consider a report to Council as to whether Road R1 should be discontinued and sold; and
- if Council resolves to discontinue and sell Road R1, arrange for a notice to be published in the Victoria Government Gazette.

Upon publication of a notice in the Victorian Government Gazette, Road R1 will vest in Council and may be sold.

Council does not need to comply with sections 189 and 223 of the LGA in respect of the sale of Road R1, as Council can give public notice of its intention to discontinue and sell Road R1 as part of the road discontinuance procedure (see section 189(4) of the LGA). A valuation for this parcel of land will be obtained of course.

It is common practice for the prospective purchaser of a road to pay all of Council's costs associated with the discontinuance.

## 5. Lot 8 road

As for Road R1 which is still a 'road' due to the ineffective steps taken in 2000 to discontinue the Lot 8 road, it remains with the status of 'road'. This means the same process as outlined above at point 4 needs to be followed for the Lot 8 road in order for it to be discontinued and sold.

## 6. Other considerations

In addition to the matters outlined above, when Council is considering whether to sell any of these 5 parcels of land, it must have regard to the *Local Government Best Practice Guideline for the Sale and Exchange of Land* dated June 2009 published by the former Department of Planning and Community Development (**Guideline**). The Guideline states that sales of Council land should be:

- conducted through a public process (i.e. public auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale (for example, the sale or exchange of land by private treaty); and
- assessed by a valuer to determine market value and use that valuation unless there is justification for selling land for less than market value.

In the circumstances, the Council has been advised that selling these parcels of land to Hanson by private treaty is justifiable on the basis that Hanson is the only adjoining owner to the land or in the case of Road R1, requires that land for access to Lot 8.

### **Policy Implications**

The Council Plan 2017 – 2021 provides as follows:

**Strategic Objective 1:** Providing good governance and leadership

**Context 1A:** Our assets and infrastructure

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

### **Financial Implications**

It is common practice for the prospective purchaser to pay all of Council's costs associated with the discontinuance and/or sale of land.

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

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

### **Communications and Consultation Strategy**

The sale of each road or parcel of land as set out above will involve a public submission process through section 223 of the LGA. Still further it is recommended that landholders in the vicinity of Lot 8 be contacted in writing outlining the Council's proposed action. These two actions will provide opportunity for the community and neighbouring landholders to support, object or comment.

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Michelle Morrow*

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

## Conclusion

Having recognised the history to these parcels of land within or adjacent to Lot 8 and having established what action needs to take place in order for Council to obtain title to each piece of road or land, it is recommended that the Council take the steps outlined above to gain title.

The two Former Government Roads, the east-west and north-south roads, have a process underway that will give title to the Council. Then they can be offered for sale with that process involving a public submission stage under Section 223 of the LGA.

Lot 1, already being freehold land, is in a position to sell using the sale process set out in the LGA.

For Road R1 and the Lot 8 road it is recommended that the road discontinuation process be re-run due to the technical issues in 2000 that invalidated the discontinuation back then. This has the advantage of also running a public submission process so that the public and neighbouring property owners can make a submission for Council's consideration if they choose to do so.

At this time, it is recommended that Hansons be contacted to seek their interest in purchasing each of the 5 parcels at current market value.

In contacting Hanson, it is recommended that the current status of each parcel as set out in this report should be provided. It is also recommended that Hanson be requested to pay for Council's legal costs in gaining title to the 2 Government Roads and the Lot 8 Road, the discontinuance processes in respect of those roads, and the sale processes of Council.

It should be noted that the sale of each road or parcel of land as set out above will involve a public submission process; either through section 223 of the LGA or through the discontinuance provisions of the LGA. Still further it is recommended that landholders in the vicinity of Lot 8 be contacted in writing outlining the Council's proposed action. These two actions will provide opportunity for the community and neighbouring landholders to support, object or comment.

Finally, in making these recommendations it should be recognised that a separate process is in place to assess and determine the planning matters associated with Lot 8.

### **Resolution:**

**Crs. Edwards/Bingham**

***That Council;***

- 1. *acting under clause 3 of schedule 10 of the Local Government Act 1989 (LGA):***
  - a. *resolves that the statutory procedures be commenced to discontinue:***



7. **approves officers liaising with Hanson to;**
  - a. **provide Hanson with the current land status of each parcel of land described above at points 1 and 2 (Subject Parcels); and**
  - b. **seek Hanson's interest in purchasing each of the Subject Parcels at current market value, subject to Council complying with the statutory procedures under the LGA;**
8. **request that Hanson pay for Council's legal costs in gaining title to the Former Government Goads and the Lot 8 Road, undertaking the discontinuance processes and the sale of land processes; and**
9. **approves officers writing to landholders in the vicinity of Property number 455250, being the land contained in certificate of title volume 9937 folio 049, known as Lot 8 in Plan of Subdivision Number LP219459T, to outline the Council's proposed action in respect of the Subject Parcels to provide an opportunity for the community and neighbouring landholders to support, object or comment on Council's proposal.**

**CARRIED.**

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#### Report Authorisation

**Authorised by:**

**Name:** Danny Colgan  
**Title:** General Manager Social and Organisational Development  
**Date:** Wednesday 28 March 2018



### 11.3.10 Appointment of Members to Lal Lal Falls Reserve Advisory Committee of Management

File No.: 02/01/011  
Author: Tania Barry  
General Manager: Danny Colgan

#### Background

The purpose of the report is to recommend that the Council appoint community members and organisational representatives to the Lal Lal Falls Reserve Advisory Committee of Management.

The purpose of the Lal Lal Falls Reserve Advisory Committee of Management is to advise Council on the strategic directions and management in accordance with the management plan.

Membership of the Reserve Advisory Committee of Management, as per the Committee's Terms of Reference, comprises of:

- Councillor representative;
- Community members;
- Organisational representatives

#### Proposal

It is proposed that Council makes the following appointments to the Lal Lal Falls Reserve Advisory Committee of Management for 2018:

##### Community members:

- Geoff Hewitt (Chair/Secretary)
- Sue McRae
- John McAuliffe
- Colleen Henriksen

##### Organisational representatives:

- Anne Beggs-Sunter (Heritage – Buninyong Historical Society)
- Phil Kinghorn (Landcare)

Cr. Tom Sullivan was appointed as Council's representative on the Committee at the Special Meeting of Council held on the 8 November 2017

The Country Fire Authority (CFA), Central Highlands Water and Wathaurung positions are currently vacant.

#### Policy Implications

The appointment of members to the Lal Lal Falls Reserve Advisory Committee of Management is in accordance with their Terms of Reference and the Council's Appointments and Delegations Policy.

The Moorabool Shire 2017-2021 Council Plan provides the following context:

**Strategic Objective 4** Improving social outcomes

**Context 4B** Community connectedness and capacity

**Definition**

The creation of inclusive and engaged communities that provide opportunities for people across their life stages to participate in activities that improve the wellbeing of our communities.

The appointment of members to the committees is consistent with the 2017-2021 Council Plan.

**Financial Implications**

The support and resourcing of the Advisory Committee of Management will be undertaken within existing budget resources.

From time to time the Advisory Committee of Management 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>
Advisory Committee Governance Requirements	Inefficient operation of the Advisory Committee	Low	Implement Advisory Committee terms of reference

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Tania Barry*

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

**Conclusion**

The nomination process for the Lal Lal Falls Reserve Advisory Committee of Management has been completed.



**Resolution:****Crs. Edwards/Bingham*****That Council:***

1. ***Appoints the following community and organisational representatives to the Lal Lal Falls Reserve Advisory Committee of Management***

***Community members:***

- ***Geoff Hewitt (Chair/Secretary)***
- ***Sue McRae***
- ***John McAuliffe***
- ***Colleen Henriksen***

***Organisational representatives:***

- ***Anne Beggs-Sunter (Heritage –Buninyong Historical Society)***
  - ***Phil Kinghorn (Landcare)***
2. ***Writes to outgoing Advisory Group members thanking them for their contribution to the committee.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**   
**Name:** Danny Colgan  
**Title:** General Manager Social & Organisational Development  
**Date:** Wednesday 28 March 2018

***Cr. Toohey returned to the meeting at 7.29 pm.***

## **11.4 INFRASTRUCTURE**

### **11.4.1 Asset Capitalisation Policy**

#### **Introduction**

Author: John Miller  
General Manager: Phil Jeffrey

#### **Background**

At the Ordinary Meeting of Council on Wednesday 7 March 2018, Council considered the draft Asset Capitalisation Policy and the following was resolved:

Crs. Sullivan/Keogh

1. *That Council receives the revised Asset Capitalisation Policy.*
2. *That in accordance with Moorabool Shire Council Policy Protocol, 'Consideration of Items which affect beyond the Current Year', the Asset Capitalisation Policy as attached, now lay on the table for further consideration at the April Ordinary Meeting of Council.*

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

As part of the Council Plan 2017-2021 under strategic objective "Providing Good Governance and Leadership", an action is listed to Review Asset Management Policy and Strategy including Capitalisation and Valuation and Revaluation policy.

In accordance with the resolution of Council on Wednesday 7 March 2018, the Asset Capitalisation Policy is now presented to Council for adoption.

#### **Proposal**

The purpose of this Policy is to provide consistent guidelines, in accordance with relevant Accounting Standards and State Government Policy, regarding which Council assets are to be capitalised (as opposed to expensed).

#### **Consideration**

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

## **Policy Implications**

The 2017 - 2021 Council Plan provides as follows:

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

**Context 1A** Our Assets and Infrastructure

The Asset Capitalisation Policy is consistent with the 2017-2021 Council Plan.

## **Financial Implications**

There are no financial implications in relation to the adoption of this policy.

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

There are no risk or occupational health and safety issues associated with the adoption of this policy.

## **Communications and Consultation Strategy**

The Asset Capitalisation policy will be made available to the public via Council's web site and staff via the intranet. This Policy has been developed in consultation with the Finance Team.

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

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

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

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

*General Manager – Phil Jeffrey*

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

*Author – John Miller*

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

## **Conclusion**

The Asset Capitalisation Policy was previously adopted in May 2012 and has undergone significant review to make it more relevant, concise and easy to follow. It has been reviewed by a third party and has been benchmarked with similar Councils.

Having resolved on the 7 March 2018 that the policy lay on the table for further consideration and adoption at the next Ordinary Meeting of Council, the Asset Capitalisation Policy is now placed before the Council for adoption.

**Resolution:**

**Crs. Edwards/Dudzik**


***That Council, in accordance with "Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year", now adopts the Asset Capitalisation Policy.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey   
**Title:** General Manager Infrastructure  
**Date:** Thursday, 15 March 2018

## 11.4.2 Asset Valuation and Revaluation Policy

### Introduction

Author: John Miller  
General Manager: Phil Jeffrey

### Background

At the Ordinary Meeting of Council on Wednesday 7 March 2018, Council considered the draft Asset Valuation and Revaluation Policy and the following was resolved:

Crs. Dudzik/Bingham

1. *That Council receives the revised Asset Valuation and Revaluation Policy.*
2. *That in accordance with Moorabool Shire Council Policy Protocol, 'Consideration of Items which affect beyond the Current Year', the Asset Valuation and Revaluation Policy as attached, now lay on the table for further consideration at the April Ordinary Meeting of Council.*

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

As part of the Council Plan 2017-2021 under strategic objective "Providing Good Governance and Leadership", an action is listed to Review Asset Management Policy and Strategy including Capitalisation and Valuation and Revaluation policy.

The Asset Valuation and Revaluation Policy specifies Moorabool Shire Council's approach, in accordance with relevant Australian Accounting Standards and other State Government requirements, to undertaking financial valuations of non-current assets.

In accordance with the resolution of Council on Wednesday 7 March 2018, the Asset Valuation and Revaluation Policy is now presented to Council for adoption.

### Proposal

The purpose of this Policy is to satisfy Council's obligations regarding financial valuations of non-current assets, in accordance with relevant Australian Accounting Standards and other State Government requirements.

It provides direction for the development of Guidelines for the financial valuation of assets, under the control of Council, including the initial recognition, valuation and subsequent revaluation together with the frequency of revaluation of those assets.

The Policy's associated guidelines are to assist Council's commitment to sustainable long-term financial planning.

### **Consideration**

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

### **Policy Implications**

The 2017 - 2021 Council Plan provides as follows:

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

**Context 1A** Our Assets and Infrastructure

The Asset Capitalisation Policy is consistent with the 2017-2021 Council Plan.

### **Financial Implications**

There are no financial implications in relation to the adoption of this policy.

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

There are no risk or occupational health and safety issues associated with the adoption of this policy.

### **Communications and Consultation Strategy**

The Asset Valuation and Revaluation Policy will be made available to the public via Council's web site and staff via the intranet. This Policy has been developed in consultation with the Finance Team.

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

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

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

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

*General Manager – Phil Jeffrey*

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

*Author – John Miller*

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

### **Conclusion**

The existing policy was previously adopted in May 2012 and has undergone significant review to make it more relevant, concise and easy to follow. It has been reviewed by a third party and has been benchmarked with similar Council's.

Having resolved on the 7 March 2018 that the policy lay on the table for further consideration and adoption at the next Ordinary Meeting of Council, the Asset Valuation and Revaluation Policy is now placed before the Council for adoption.

### **Resolution:**

**Crs. Dudzik/Edwards**

***That Council, in accordance with “Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year”, now adopts the Asset Valuation and Revaluation Policy.***

**CARRIED.**

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### **Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Thursday, 15 March 2018

### 11.4.3 Asset Management Strategy

#### Introduction

Author: John Miller  
General Manager: Phil Jeffrey

#### Background

At the Ordinary Meeting of Council on Wednesday 7 March 2018, Council considered the draft Asset Management Strategy and the following was resolved:

Crs. Sullivan/Bingham

1. *That Council receives the revised Asset Management Strategy;*
2. *That in accordance with Moorabool Shire Council Policy Protocol, 'Consideration of Items which affect beyond the Current Year', the Asset Management Strategy as attached, now lay on the table for further consideration at the April Ordinary Meeting of Council.*

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

As part of the Council Plan 2017-2021 under strategic objective "Providing Good Governance and Leadership", an action is listed to Review Asset Management Policy and Strategy including Capitalisation and Valuation and Revaluation policy.

In accordance with the resolution of Council on Wednesday 7 March 2018, the Asset Management Strategy is now presented to Council for adoption.

#### Proposal

The purpose of this Asset Management Strategy is to provide a framework that assists Council to deliver sustainable and effective services and the necessary actions to improve its AM capabilities.

#### Consideration

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

#### Policy Implications

The 2017 - 2021 Council Plan provides as follows:

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

**Context 1A** Our Assets and Infrastructure



The Asset Capitalisation Policy is consistent with the 2017-2021 Council Plan.

### **Financial Implications**

There are no financial implications in relation to the adoption of this strategy.

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

The respective Asset Management Plans, developed under the Asset Management Policy and Strategy, present a robust risk management framework in respect of the various areas of asset management.

### **Communications and Consultation Strategy**

The Asset Management Strategy will be made available to the public via Council's web site and staff via the intranet. This Policy has been developed with consultation with the Finance Team.

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

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

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

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

*General Manager – Phil Jeffrey*

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

*Author – John Miller*

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

### **Conclusion**

The strategy was previously adopted by Council in 2012. The strategy has been extensively reviewed to ensure that it is consistent with current requirement and is concise and easy to follow. It has been reviewed by a third party and benchmarked with similar Councils.

Having resolved on the 7 March 2018 that the policy lay on the table for further consideration and adoption at the next Ordinary Meeting of Council, the Asset Management Strategy is now placed before the Council for adoption.

**Resolution:**

**Crs. Bingham/Edwards**


***That Council, in accordance with "Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year", now adopts the Asset Management Strategy.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey   
**Title:** General Manager Infrastructure  
**Date:** Thursday, 15 March 2018

#### 11.4.4 Speed Limit Review - South Maddingley Road, Maddingley

##### Introduction

File No.: 1248  
Author: John Miller  
General Manager: Phil Jeffrey

##### Background

At the Ordinary Meeting of Council on Wednesday, 7 February 2018, Councillors queried the speed limit for the gravel segment of South Maddingley Road, Maddingley.

*Resolution:*

*Cr. Edwards/Dudzik*

*That Council review the speed limit on South Maddingley Road and provide a further report to Council with a recommendation on the future speed limit.*

**CARRIED**

##### Site Analysis

###### 1. Site Location and Surrounding Land Context

All land use abutting South Maddingley Road is semi-rural in nature, with the entrance to Bacchus Marsh Grammar on the sealed section at the north end of the street. South Maddingley Road consists of two segments in accordance with Council's Road Management Plan (RMP). The first segment is sealed road, 665m in length classified as an Collector Road. This road has a carriageway width of 8.5m (kerb to kerb) for the first 440m segment starting from Parwan Road and 6.5m carriageway for the remaining 225m of the sealed segment. Currently, in this segment there is formal sealed angle parking on the east side of the road adjacent to the School and two speed humps.

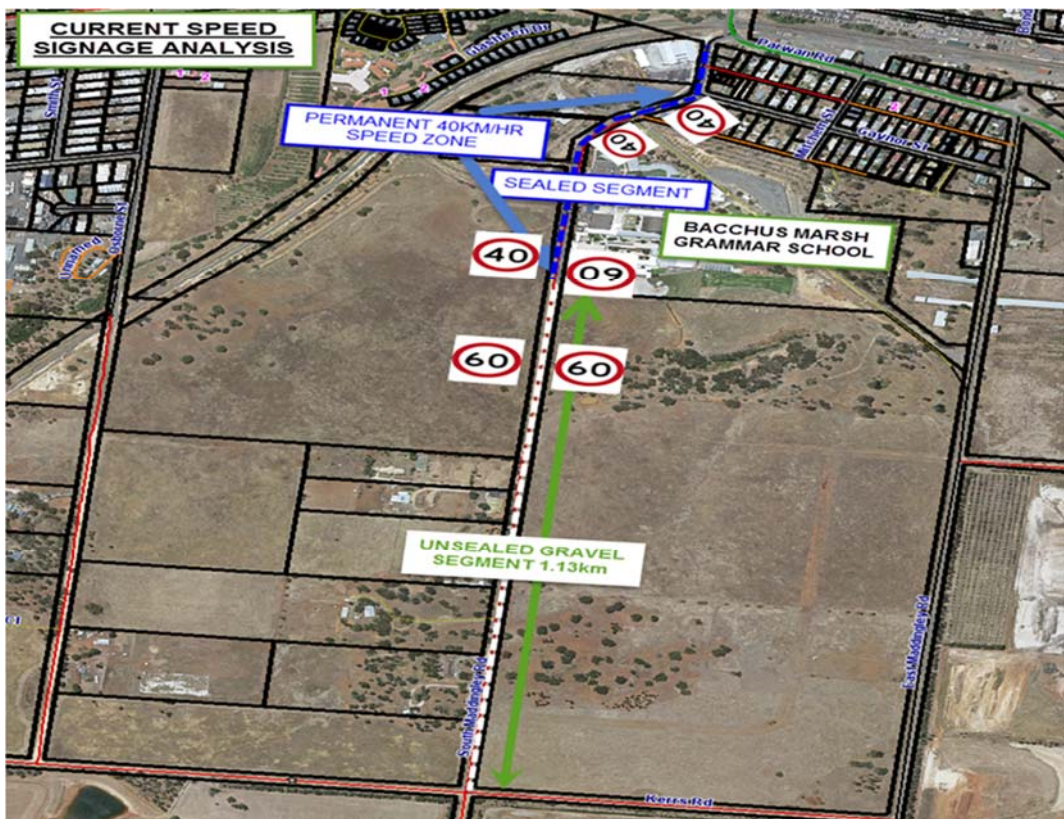
The unsealed segment of South Maddingley Road is classified as 'Unsealed Level 2 (U2)' according to Council's Road Management Plan(RMP). It is a Rural Gravel road with a carriageway width of 7.2m. The total unsealed segment length is 1130m. Currently five properties have their driveways accessed from this gravel segment.



2. South Maddingley Traffic Configuration:

South Maddingley Road is a two-way Council controlled road. The posted speed limits are as follows;

- 1) From Parwan Road entrance to Gaynor Street the speed limit is 50kph
- 2) From Gaynor Road intersection to end of the seal section (start of gravel segment) the speed limit is 40kph
- 3) Start of unsealed section to Kerrs Road the speed limit is 60kph



**Traffic Count Data****Site 1**

Date	05 May 2016
Location	73m south of Parwan Road
AADT (Average Annual Daily Traffic)	1398 vehicles/day
Commercial Vehicles Per Day	112 vehicles/day
85 <sup>th</sup> ile speed (speed at which 85% of vehicles travel at or below)	42km/hour

**Site 2**

Date	28 April 2016
Location	147m south of Gaynor Street
AADT (Average Annual Daily Traffic)	511 vehicles/day
Commercial Vehicles Per Day	87 vehicles/day
85 <sup>th</sup> ile speed (speed at which 85% of vehicles travel at or below)	37km/hour

**Site 3**

Date	11 June 2015
Location	386m south of Gaynor Street
AADT (Average Annual Daily Traffic)	297 vehicles/day
Commercial Vehicles Per Day	90 vehicles/day
85 <sup>th</sup> ile speed (speed at which 85% of vehicles travel at or below)	45km/hour

**Site 4 - UNSEALED SEGMENT**

Date	08 February 2018
Location	325m North of Kerrs Road
AADT (Average Annual Daily Traffic)	48 vehicles/day
Commercial Vehicles Per Day	5 vehicles/day
85 <sup>th</sup> ile speed (speed at which 85% of vehicles travel at or below)	72km/hour





A review of the last 7 years of data, available on the VicRoads CrashStats website, indicates that there have been no casualty crashes along South Maddingley Road between 2011 to 2017.

Council officers have assessed the gravel road segment characteristics using the VicRoads assessment tool (V-Limit). The outcome identified the current rural default speed (i.e.100kph) as appropriate. As a result, VicRoads is unlikely to agree to any amendment to the speed limit.

### Proposal

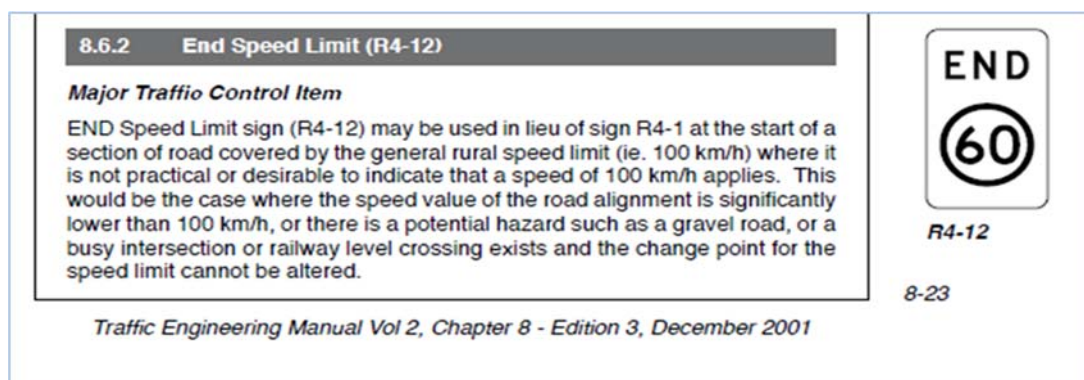
Following a customer request Council officers have investigated the site and recommended to remove all exiting speed signs from the unsealed section of the road. This will be implemented in accordance with Australian Standard 1742.4-2008 *Manual of uniform traffic control devices - Speed controls which states that 'Speed limits other than the default urban or default rural limit shall not be applied to unsealed roads'.*

Currently there are 60kph signs on either side of the road which are located 384m (approx.) south of sealed section, heading to north and one 60kph sign at the start of the unsealed section of the road. As a result, the entire length of the unsealed section of South Maddingley Road has a restricted speed limit of 60kph. Therefore the unsealed roads default rural limit is no longer applicable which contradicts the Australian and VicRoads guidelines.

To ensure a consistent approach across the shire and to follow Australian Standards and VicRoads Guidelines, Council Officers' recommendation for the gravel segment is as follows:

- “End 40” Speed Limit signs at the end of sealed segment travelling south on South Maddingley Road
- “40 AHEAD” sign to be placed on gravel segment 100m before the start of sealed road travelling north on South Maddingley Road
- “Gravel Road” warning signs at the end of sealed segment travelling south on South Maddingley Road
- Removal of existing 60km/h signs from the unsealed section of the road

This has been done in accordance with Vic Roads Traffic Engineering Manual Vol 2, Clause 8.6.2 where the general rural speed limit is not practical or desirable to indicate a default rural speed (i.e.100km/hr). This has been applied to South Maddingley Road. Please refer to the VicRoads Guideline below:



Further the VicRoads Road Safety guidelines also advise that speed signs should not be erected on gravel roads as the safe driving speed can change dramatically due to weather conditions. Drivers need to be mindful of the road conditions and adjust their speed accordingly, particularly on rural unsealed roads.

AustRoads Guide to Traffic Management Part 5: Road Management also recommended the same;

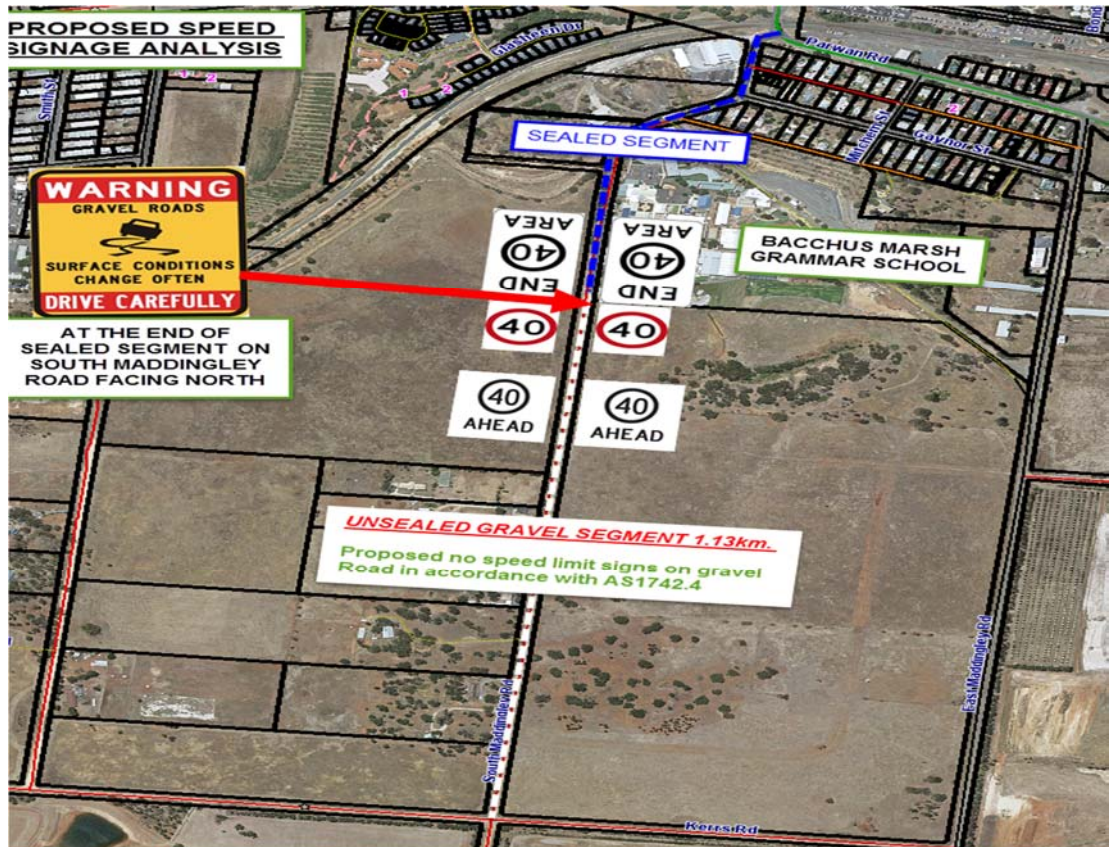
Table 5.1 Speed limit practices

Practice Issues	Comment
Practical and equitable enforcement	<ul style="list-style-type: none"> <li>• Speed zones must be of adequate length</li> <li>• Signposting must meet regulatory requirements and be clear</li> </ul>
Credibility and homogeneity	<ul style="list-style-type: none"> <li>• A speed limit should be appropriate for the function of a road and its environment, be homogeneous, and be consistent with community values and needs.</li> <li>• Avoid frequent changes of speed limit</li> </ul>
Geometric deficiency	<ul style="list-style-type: none"> <li>• Speed limits should not be applied specifically for the purpose of compensating for isolated variations in geometry.</li> <li>• It is preferable to rectify a geometric deficiency.</li> <li>• Advisory warning signs and supplementary panels (e.g. speed km/h) should be used.</li> </ul>



<p><b>Unsealed</b> roads or roads with narrow seals</p>	<ul style="list-style-type: none"> <li>• Speed limits other than the default urban or default rural limit are not generally applied to unsealed roads or roads with narrow seals.</li> <li>• An exception is roads which are not provided for through traffic that have a speed limit less than 50 km/h.</li> </ul>
<p>Increments in speed limit</p>	<ul style="list-style-type: none"> <li>• All sign posted speed limits should be in multiples of 10 km/h (e.g. 60, 70, 80).</li> <li>• Advisory speeds on curve warning signs should be in multiples of 5km/h.</li> </ul>

Council’s Proposed Signage:



**Policy Implications**

The 2017-2021 Council Plan provides as follows:

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

**Context 1A** Our Assets and Infrastructure

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

**Financial Implications**

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



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

There are no Risk or Occupational Health and Safety issues associated with the recommendation within this report.

## **Communications Strategy**

Advertise in the local papers and on Council's website.

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

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

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

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

*General Manager – Phil Jeffrey*

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

*Author – John Miller*

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

## **Conclusion**

Council generally follows Australian Standards and VicRoads Guidelines in relation to engineering assessment and recommendations for the installation of any traffic measures. In accordance with Australian Standard 1742.4-2008 *Manual of uniform traffic control devices - Speed controls* states that 'Speed limits other than the default urban or default rural limit shall not be applied to unsealed roads'.

Following councillors request to review the speed limit in South Maddingley Road, it is recommended to remove the 60km/h speed limit signs on the gravel section. This is in order to encourage motorists to adjust their driving to the condition of the road. Additionally gravel road warning signs will be installed.

The 40km/hr speed restriction zone for the sealed section of South Maddingley Road in front of Bacchus Marsh Grammar School should remain unchanged. As this provides a safer environment to children and parents accessing the school.


**Resolution:****Crs. Edwards/Keogh*****That Council:***

1. ***notes the concerns of residents, however does not support the installation of speed signs on the gravel segment of South Maddingley Road, Maddingley based on current standards.***
2. ***approves the installation of “End 40kph” signs and “Gravel Road” warning signs at the end of seal section of the road.***
3. ***approves the removal of 60kph signs from unsealed section of the road.***

**CARRIED.**

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

**Name:** Phil Jeffrey   
**Title:** General Manager Infrastructure  
**Date:** Monday, 26 March 2018

## 12. OTHER REPORTS

### 12.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

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

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

- Assembly of Councillors – Wednesday 7 March 2018 – Ballarat Line Project Update
- Assembly of Councillors – Wednesday 7 March 2018 – Economic Development Taskforce Update

#### **Resolution:**

**Crs. Bingham/Edwards**

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

- ***Assembly of Councillors – Wednesday 7 March 2018 – Ballarat Line Project Update***
- ***Assembly of Councillors – Wednesday 7 March 2018 – Economic Development Taskforce Update***

**CARRIED.**

## 12.2 Section 86 – Delegated Committees of Council

### 12.2.1 Section 86 – Delegated Committees of Council – Reports

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

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

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

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Lal Lal Soldier's Memorial Hall Committee	Tuesday 20 February 2018	Community Members
Development Assessment Committee  <i>To download a copy of the minutes, go to the MSC website: <a href="https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2018">https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2018</a></i>	Wednesday, 21 February 2018	Cr. Tatchell Cr. Dudzik Cr. Keogh
Elaine Recreation Reserve Committee of Management	Saturday 3 March 2018	Community Members
Bacchus Marsh Racecourse and Recreation Reserve Committee of Management	Tuesday 13 March 2018	Cr Bingham

**Resolution:****Crs. Toohey/Bingham*****That Council receives the reports of the following Section 86 - Delegated Committees of Council:***

- ***Lal Lal Soldier's Memorial Hall Committee - Tuesday 20 February 2018***
- ***Development Assessment Committee - Wednesday 21 February 2018.***
- ***Elaine Recreation Reserve Committee of Management - Saturday 8 March 2018.***
- ***Bacchus Marsh Racecourse and Recreation Reserve Committee of Management - Tuesday 13 March 2018.***

**CARRIED.**

## 12.2.2 Section 86 – Rural Growth Strategy Committee – Report

### Introduction

Author: Rob Croxford

### Background

At the Ordinary Meeting on 7 March, 2018 the Council considered a report on the minutes of the meeting of the Rural Growth Strategy Committee held on 14 February 2018.

A speaker to the item raised concerns that the committee meeting had not been properly called. The CEO confirmed that correct notice of the meeting had not been provided.

The Council resolved when considering the item to:

*Resolution:*

*Crs Sullivan / Edwards*

*That Council:*

- 1. Notes the report of the Rural Growth Committee meeting held on Wednesday 14 February 2018, with outcomes brought back to the next ordinary meeting of the Council.*
- 2. Ensures 7 days' notice is provided for future meetings, as required, for S86 delegated committees of Council.*

CARRIED.

### Proposal

As required by the above Resolution the minuted outcomes of the Committee meeting are set out below.

The full report to the Committee can be accessed at [www//www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2018](http://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2018).

Resolution of the Rural Growth Committee of 14 February 2018:

*Resolution:*

*Crs. Toohey/Keogh*

*That the S86 Rural Growth Committee resolves to:*

- 1. Receive the report herein;*
- 2. Requests that the report lay on the table and a supplementary report be brought back to the S86 rural Growth Committee for further consideration.*

CARRIED.

Advice has also been sought on the implications of not advertising the committee meeting correctly.

Legal advice has stated: "Notwithstanding that public notice of the Rural Growth Committee meeting held on 14 February 2018 was not given as required by s89(4) of the *Local Government Act 1989*, the validity of the meeting is unaffected, meaning that all decisions made are valid."

Accordingly, the minuted outcomes as required by Council are re-presented and officers will now present a further report to the Rural Growth Committee as intended by the Committee.

### Policy Implications

The proposed Council Plan 2017 – 2021 provides as follows:

**Strategic Objective** Providing Good Governance and Leadership

### Financial Implications

There are no financial implications.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Failure to advertise meetings	The Local government Act 1989 sets out the requirements for advertising	low	A review in internal procedures has been made and this isolated incident is not expected to reoccur.

### Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Community	Meeting notification	Various	Meeting cycle	Community is aware of council and delegated committee meetings.

### Communications and Consultation Strategy

Not Required.

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

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

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

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

*Author – Rob Croxford.*

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

### **Conclusion**

As required by the March Council resolution the minuted outcomes of the Rural Growth Committee are re-presented for the Council's and community's information.

Advice sought by officers allows the Rural Growth Committee to proceed with its deliberations from the 14 February 2018 meeting.

#### **Resolution:**

**Crs. Toohey/Dudzik**

*That Council notes:*

- 1. The minutes and outcomes of the Rural Growth Committee of 14 February 2014.***
- 2. The legal advice that notwithstanding that public notice of the Rural Growth Committee meeting held on 14 February 2018 was not given as required by s89(4) of the Local Government Act 1989, the validity of the meeting is unaffected, meaning that all decisions made are valid.***
- 3. That officers will provide a further report to the Rural Growth Committee at its next meeting.***

**Councillor Dudzik withdrew from Seconding the motion.**

#### **Resolution:**

**Crs. Dudzik/Bingham**

*That Council notes:*

- 1. The minutes and outcomes of the Rural Growth Committee of 14 February 2014.***
- 2. The legal advice that notwithstanding that public notice of the Rural Growth Committee meeting held on 14 February 2018 was not given as required by s89(4) of the Local Government Act 1989, the validity of the meeting is unaffected, meaning that all decisions made are valid.***



- 3. That officers will provide a further report to the Ordinary Meeting of Council.**

**Councillor Toohey called for a Division.**

**Councillors voting for the resolution:**

**Cr. Bingham  
Cr. Edwards  
Cr. Dudzik  
Cr. Keogh**

**Councillors voting against the resolution:**

**Cr. Toohey**

**The resolution was determined to be CARRIED.**

**Cr. Tatchell abstained from voting.**

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**Report Authorisation**

**Authorised by:** 

**Name:** Rob Croxford  
**Title:** Chief Executive Officer  
**Date:** Wednesday, 28 March 2018

**13. NOTICES OF MOTION**

*Nil.*

**14. MAYOR'S REPORT**

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

<b>Cr Paul Tatchell – Mayor's Report</b>	
<b><i>Date: 4 April, 2018</i></b>	
21 March	<ul style="list-style-type: none"> <li>• Assembly of Councillors - Presentation by the Wind Farm Commissioner</li> <li>• S86 Development Assessment Committee Meeting</li> </ul>
28 March	<ul style="list-style-type: none"> <li>• Assembly of Councillors – Review of the Draft Budget 2018/19</li> <li>• Assembly of Councillors – Review of the Draft Council Plan</li> <li>• Special Meeting of Council</li> </ul>
31 March	<ul style="list-style-type: none"> <li>• Blackwood Progress Association's Annual Woodchop and Easter Carnival</li> <li>• Thanks to Blackwood COM for Easter Festival</li> </ul>
4 April	<ul style="list-style-type: none"> <li>• Assembly of Councillors – Western Irrigation Network Project</li> <li>• Ordinary Meeting of Council</li> </ul>

**Resolution:**

**Crs. Edwards/Dudzik**

***That the Mayor's report be received.***

**CARRIED.**

**15. COUNCILLORS' REPORTS**

To be presented at the meeting by Councillors.

<b>Cr. Edwards</b>	
<b>March/April 2018</b>	
<b>To be noted</b>	<b>PeriUrban group has appointed a new Executive Officer: Mr. Geoff Potts.</b>

<b>Cr. Bingham</b>	
<b>March/April 2018</b>	
<b>To be noted</b>	<b>Congratulations extended to Recreation Staff during this busy time and for producing multiple quality reports for the Agenda.</b>

<b>Cr. Toohey</b>	
<b>March/April 2018</b>	
<b>26 March</b>	<b>Gordon Township Improvements Meeting.</b>

<b>Cr. Dudzik</b>	
<b>March/April 2018</b>	
<b>To be noted</b>	<b>Congratulations extended to Recreation Staff during this busy time and for producing multiple quality reports to Agenda.</b>
	<b>Thank you to Compliance staff for the progress on issues recently.</b>

<b>Cr. Keogh</b>	
<b>March/April 2018</b>	
<b>To be noted</b>	<b>Congratulations extended to Recreation Staff during this busy time and for producing multiple quality reports to Agenda.</b>
<b>16 March</b>	<b>Municipal Association of Victoria (MAV) Training</b>
<b>16 March</b>	<b>Ballan Autumn Festival Opening</b>
<b>18 March</b>	<b>Ballan Autumn Festival Parade</b>
<b>19 March</b>	<b>Rowsley War Memorial Committee of Management</b>
<b>20 Mar</b>	<b>Balliang Hall General Meeting</b>
<b>March</b>	<b>Municipal Association of Victoria (MAV) Training</b>
<b>26 March</b>	<b>Gordon Township Improvements Meeting</b>

**Resolution:**

**Crs. Edwards/Dudzik**

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

**CARRIED.**

**16. URGENT BUSINESS****16.1 Gordon Recreation Reserve – Sewerage Connection****Resolution:****Crs. Toohey/Bingham**

***That a report in relation to the septic tank and proposed sewerage connection issues at the Gordon Recreation Reserve be presented to Council addressing the following:***

- a) Likely cost and solution for regular pumping from the septic tanks***
- b) Medium term solutions for game days***
- c) Timelines for prospective budget outcomes that would see sewerage connected***
- d) Officer review of processes to determine a more practical solution for the site.***

**CARRIED.**

**ADJOURNMENT OF MEETING – 8.00PM****Crs. Toohey/Bingham***That the meeting now stand adjourned for a period of 5 minutes.***CARRIED.****RESUMPTION OF MEETING – 8.10PM****Crs. Bingham/Toohey***That the meeting now be resumed.***CARRIED.****17. CLOSED SESSION OF THE MEETING TO THE PUBLIC****17.1 Confidential Report****Resolution:****Crs. Edwards/Bingham***That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:*

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

**CARRIED.**

Item 17.1 is a confidential item  
and therefore not included  
as part of these Minutes.



**18. MEETING CLOSURE**

*The meeting closed at 8.15pm.*

*Confirmed.....Mayor*