



ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held at the Bungaree Community Facility,
279 Bungaree-Wallace Road, Bungaree on
Wednesday 4 October 2017,
at 5:00 p.m.

Members:

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

Officers:

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

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

The Mayor, Cr. Edwards, opened the meeting with the Council Prayer at 5.12 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. David Edwards (Mayor)</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. Pat Toohey</i>	<i>Woodlands Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>
<i>Cr. Paul Tatchell</i>	<i>Central Moorabool Ward</i>

Officers:

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. John Miller</i>	<i>Acting General Manager Infrastructure</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Social and Organisational Development</i>
<i>Mr. Andrew Goodsell</i>	<i>Acting General Manager Growth and Development</i>
<i>Mr. Rob Fillisch</i>	<i>Manager Statutory Planning and Community Safety</i>
<i>Mr. Justin Horne</i>	<i>Acting Manager Strategic and Sustainable Development</i>
<i>Mr. Tristan May</i>	<i>Acting Engineering Manager</i>
<i>Ms. Tania Barry</i>	<i>Coordinator Community and Recreation Development</i>
<i>Ms. Melissa Hollitt</i>	<i>Minute Taker</i>

5. APOLOGIES

Cr. Tonia Dudzik

East Moorabool Ward

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council – Wednesday 6 September 2017

Resolution:

Crs. Keogh/Sullivan

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 6 September 2017.

CARRIED.

6.2 Special Meeting of Council – Wednesday 13 September 2017

Resolution:

Crs. Tatchell/Keogh

That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 13 September 2017.

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.

Nil.

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.

Nil.

9. PETITIONS

Nil.

10. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
11.3.1	<i>Basketball Fee Review</i>	Jo Blain	Objector
11.3.1	<i>Basketball Fee Review</i>	Aileen Kammerman	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.

Item No	Description	Name	Agenda Recommendation - Supporter/Objector /Applicant
11.2.3	<i>Planning Permit Application PA2017-037; Development and Use of the land for Materials Recycling (heritage and timber salvage) and Business Identification Signage, 705 Bacchus Marsh Road, Merrimu VIC 3340</i>	Steven Farley	Applicant

11. OFFICER'S REPORTS

11.1 CHIEF EXECUTIVE OFFICER

11.1.1 2016/17 Moorabool Shire Council Annual Report

Introduction

File No.: 02/02/002
Author: Dianne Elshaug
CEO: Rob Croxford

Background

Under Section 133 of the Local Government Act (1989), Council is required to prepare an Annual Report and submit it to the Minister for Local Government within three months after the end of the financial year reported on. The Moorabool Shire Council Annual Report 2016/17 was submitted to the Minister for Local Government on Friday 29 September, 2017.

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

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

Public notice has been given in the Moorabool News on 19 and 26 September, 2017 and the Ballarat Courier on 16 and 23 September, 2017 that the 2016/17 Annual Report is being presented to Council on Wednesday 4 October, 2017. Further advertisements have been scheduled to appear in the Courier (7 October, 2017) and the Moorabool News (10 October, 2017) stating that the report is available for public inspection at Council offices and on Council's website.

Proposal

In accordance with requirements of the Local Government Act (1989), the 2016/17 Annual Report has been advertised for at least the mandatory 14 day period before the meeting is held and presented to Council to consider and receive the report. Advertising during this period will outline the places from which copies of the Annual Report can be obtained prior and post the meeting.

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

The Annual Report distributed with this agenda has been produced to meet the requirements of the Local Government Act 1989 and the Council policy.

Policy Implications

The 2017-2021 Council Plan provides as follows:

Strategic Objective 1 Providing Good Governance and Leadership

Context 1C Our Business and Systems

The proposal to consider the 2016/17 Annual Report is consistent with the 2017-2021 Council Plan.

Financial Implications

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

Risk & Occupational Health & Safety Issues

There are no risk implications in relation to this report

Communications Strategy

Advertisements have been placed in the Moorabool News advising that the Annual Report is being presented to Council for consideration and that the report will be available for inspection at Council offices. An electronic copy and a hard copy of the 2016/17 Annual Report were lodged to the office of the State Government's Minister for Local Government.

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

Victorian Charter of Human Rights 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 CEO, I have no interests to disclose in this report.

Author – Dianne Elshaug

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

Conclusion

Having complied with the requirements of the Local Government Act (1989), the 2016/17 Annual Report can now be made a public document and either distributed to stakeholders or made available for inspection on request.

Resolution:


Cr. Sullivan/Tatchell

That Council, in accordance with section 134 of the Local Government Act 1989 accepts the 2016/17 Annual Report.

CARRIED.

Report Authorisation

Authorised by:

Name: Rob Croxford 
Title: Chief Executive Officer
Date: Friday, 15 September 2017.

11.1.2 Australia Day Award Recipient Selection Panel

Introduction

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

Background

Moorabool Shire Council Australia Day 2018 Celebrations are scheduled to be held on Friday 26 January, 2018 in the Mechanics Institute, Ballan and will include a community breakfast and award presentations.

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

The categories and eligibility of awards is as follow:

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

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

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

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

Nominations for all award categories will close on 16 November, 2017.

Proposal

A selection panel for the Awards made up of three Councillors and the 2017 Australia Day Citizen/s of the Year (if available) will be required to meet in late November to determine the award recipients for 2018.

Policy Implications

The 2017–2021 Council Plan provides as follows:

Strategic Objective 1 Providing Good Governance and Leadership

Context 1B Our People

The proposal to have a selection panel made up of Councillors and the 2017 Australia Day Citizen/s of the Year to determine 2018 award recipients is consistent with the 2017-2021 Council Plan.

Financial Implications

Nil.

Risk & Occupational Health & Safety Issues

Nil.

Communications and Consultation Strategy

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Manager – Rob Croxford

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

Author – Dianne Elshaug

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

Conclusion

That a selection panel for the Australia Day Awards be made up of three Councillors and the 2017 Australia Day Citizen/s of the Year (if available) and will meet in late November to determine the award recipients for 2018.

Recommendation:

That Council:

1. **Establish an Australia Day Selection Panel to determine award recipients for 2018.**
2. **Appoints the following Councillors as members of the Australia Day Selection Panel:**
 - a)
 - b)
 - c)

Resolution:

Crs. Toohey/Tatchell


That Council:

1. ***Establish an Australia Day Selection Panel to determine award recipients for 2018.***
2. ***Appoints the following Councillors as members of the Australia Day Selection Panel:***
 - a) Cr. Sullivan***
 - b) Cr. Tatchell***
 - c) Cr. Keogh***

CARRIED.

Report Authorisation

Authorised by:

Name: Rob Croxford 
Title: Chief Executive Officer
Date: Wednesday, 27 September 2017.

11.1.3 Role of Deputy Mayor Position Guidelines

Introduction

File No.: 01/03/001
Author: John Whitfield
Chief Executive Officer: Rob Croxford

Background

The purpose of this report is to present draft guidelines for the Deputy Mayor position for the consideration of the Council.

At an Assembly of Councillors on Wednesday 16 August 2017, a memo was presented that provided information on the role of the Mayor, Deputy Mayor and Councillors in a variety of circumstances, including emergency situations. Included as an attachment to the memo was a draft Deputy Mayor Position Policy.

The memo and draft policy were presented to the Assembly in response to a resolution of Council at a Special Meeting of Council on Monday 21 December 2015. At that meeting in Item 10.1 - *Further Business as Admitted by Unanimous Resolution of Council in Closed Session* the following the resolution was carried:

Crs Sullivan /Tatchell

That a draft discussion paper be prepared as to roles of Mayor, Deputy Mayor and Ward Councillors in a variety of circumstances; including emergency situations.

In addressing this resolution, the memo identified four key issues. It provided information and commentary on:

1. Who presides at meetings?
2. Responsibilities of the Mayor
3. The Role of Deputy Mayor
4. Emergency Situations

Proposal

The existing Local Government Act 1989 does not mention the role of Deputy Mayor. It does appear that the proposed new Local Government Act will make provision for a Deputy Mayor.

As the Council has chosen to elect a Deputy Mayor in recent years, draft guidelines to provide guidance on the role of the Deputy Mayor have been prepared and attached to this report.

The draft guidelines sets out the role of the Deputy Mayor to:

- Act in accordance the Local Government Act 1989, i.e. Chairing Council meetings in the Mayor's absence, noting that a vote must be taken to elect an acting Chairperson.
- Attend social and other engagements at the request of the Mayor.
- Act as Council's official spokesperson in the Mayor's absence.
- Lead Council deputations when requested by the Mayor.
- Chair public meetings when requested by the Mayor.
- Preside at Citizenship Ceremonies in the Mayor's absence, in accordance with Section 27 of the Australian Citizenship Act (2007).
- Assist the Mayor generally in the carrying out of his/her duties as requested by the Mayor from time to time.

The draft guidelines cater for the following provisos to these roles:

- Council s.86 Delegated Committees and Advisory Committees
The Chairperson elected by the committee presides at the meeting. The Council is represented by its appointed representative(s) to that organisation.
- Working Groups, Industry Bodies and Forums – with representatives appointed by the Council
The Council is represented by its appointed representative(s) to that organisation.
- Discretion of the Mayor
Notwithstanding the role of the Deputy Mayor as set out above, the Mayor will have regard to local sensitivities and to particular circumstances, and may request that a local Ward Councillor represent Council at events or meetings, including those called at short notice.

With regard to these provisos, the first two points are straight.

One of the key points of discussion at the Assembly was that the draft policy was too prescriptive and did not recognise the need for the Mayor to respond to particular circumstances. In order to address this, the third point above has been inserted into the draft guidelines.

Finally, the guidelines seek to properly deal with s.73(3) of the Act which says:

If there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the Acting Mayor.

In order to comply with the s.73(3) of the Act, the Council still needs to consider and resolve who will be Acting Mayor at Ordinary and Special Meetings of the Council and while this doesn't have to be the Deputy Mayor, the draft policy guides that it is the Deputy Mayor.

It is suggested that the Guidelines be reviewed in 12 months time.

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 adopt a Deputy Mayor Position Guidelines is consistent with the Council Plan 2017-2021.

Financial Implications

There are no financial implications from this report.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Political and reputational	No consistent set of guidelines for the duties of the Deputy Mayor.	Medium	Council to adopt the Deputy Mayor Position Guidelines

Communications Strategy

The Deputy Mayor Position Guidelines will be placed on Council's website for public information.

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 Chief Executive Officer, I have no interests to disclose in this report.

Author – John Whitfield

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

Conclusion

The draft Deputy Mayor Position Guidelines is presented to the October Ordinary Meeting of Council for consideration and decision prior to the upcoming Statutory and Annual Appointments Special Meeting on Wednesday 25 October, 2017.

The draft guidelines are recommended for consideration and adoption by the Council as it helps to clarify the role of the Deputy Mayor while still allowing the Mayor to use his/her discretion if particular circumstances warrant it.

If not adopted by the Council, it can, at its Statutory and Annual Appointments Special Meeting, either continue to have a Deputy Mayor without guidelines on what that role entails (status quo) or choose not to elect a Deputy Mayor; a choice it can make in any year.

Resolution:


Crs. Tatchell/Bingham

1. ***That Council adopt the Deputy Mayor Position Guidelines (October 2017) as attached to this report.***
2. ***That a further report be prepared for the September 2018 Ordinary Meeting of Council on the Deputy Mayor Position Guidelines.***

CARRIED.

Report Authorisation

Authorised by:

Name: Rob Croxford 
Title: Chief Executive Officer
Date: Wednesday, 27 September 2017.

11.2 GROWTH AND DEVELOPMENT

11.2.1 Amendment C78 – Small Towns and Settlement Strategy

Introduction

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

Background

In September 2016, Council adopted the Moorabool Shire Small Towns and Settlements Strategy which is a component of Moorabool 2041. On the basis of the Strategy, Amendment C78 was prepared to bring the Strategy into effect within the Moorabool Planning Scheme.

At the Ordinary meeting of Council held in March 2017, Council resolved to apply for authorisation for Amendment C78 to publicly exhibit the amendment. The Amendment was authorised on 19 April, 2017. Amendment clauses, including proposed minor changes on the basis of CFA's submission (discussed further down) are provided at Attachment 11.2.1(a).

Amendment C78 was placed on public exhibition from 25 May - 25 June, 2017. Six submissions were received, three from members of the community and three from public authorities. Of those submissions, four were objections. Officers met with all objectors and attempted to provide clarification and resolve issues. Two objections have since been withdrawn.

An overview of submissions was considered by Council's Section 86 Rural Growth Committee at its August meeting with a resolution that officers should meet with all objecting submitters and then present a report to Council at its ordinary meeting.

The purpose of this report is to consider the content of the outstanding two objections and a recommendation to proceed to a Planning Panel to resolve the remaining objections.

The Amendment

Amendment C78 seeks to include the Small Towns and Settlements Strategy as a reference document to the Moorabool Planning Scheme, as well as carry over key content from the Strategy.

The Amendment includes a long term work program for Council as detailed in the Small Towns and Settlements, which varies based on the circumstances and strategic opportunities present in particular towns. In most cases, recommendations are town specific but there are also a limited number of overarching strategies applying to all settlements.

Specifically, the amendment proposes updates to Clause 21.01 (Municipal Context), Clause 21.02 (Natural Environment) and Clause 21.03 (Settlement and Housing) of the Moorabool Planning Scheme to bring them into consistency with the Strategy. Clause 21.09 (Small Towns) is proposed to be updated to include the vision, context and key recommendations from the Small Towns Strategy. Clause 21.11 (Reference Documents) is proposed to be updated to include the Small Towns and Settlements Strategy as a reference document to the Moorabool Planning Scheme.

Submissions

No submission objected to the proposed content of C78. Objections are based on what submitters believe should be added to the proposed content.

The two remaining objections contain requests that are considered outside the ambit of the amendment, particularly where issues are not specific to the small towns and settlements affected by the Strategy. A summary of submissions (excluding those withdrawn) and officer responses can be found below. A detailed list of submissions, together with officer recommendations for making changes or not, is provided in Attachment 11.2.1(b).

Key issues raised by objectors are below:

- Objector (resident) proposal:

Statements should be included supporting small town development in spite of constraints, where those constraints are limited.

Officer Response:

There is no particular reason to include this statement because constraints below a certain severity are not of determining value. Constraints are considered on a case by case basis and weighed up as part of the planning permit application assessment process.

- Objector (resident) proposal:

A statement should be included prioritising land development in accordance with restructure plans ahead of zoning requirements.

Officer Response:

It is beyond the scope of this amendment to prioritise Restructure Plans above the zoning requirements. The requirements of the zones are considered to be of paramount importance in the Victorian Planning System.

Furthermore the restructure plans are not considered relevant to the Small Towns and Settlements Strategy because they apply to land outside and disconnected from existing settlements.

This issue can be revisited as part of future strategic policy assessment under M2041.

- Objector (CFA) proposal: Proposes additional objectives, strategies and implementation actions aimed at protecting properties against bushfire risk.

Officer Response:

Mitigating bushfire risk is a key theme of the Small Towns and Settlements Strategy, however the CFAs proposed changes are highly generalised and could equally apply to most of the State. This is not appropriate for a local amendment specific to the Small Towns and Settlements of Moorabool.

Two minor requests from CFA are proposed to be incorporated into the Amendment. The changes relate to updating the name of a reference document in Clause 21.11 (Reference Documents) and to using the word "Bushfire" instead of "Wildfire" in Clause 21.02 (Natural Environment). These changes do not affect the substance of the amendment.

Key issues raised by non-objecting submissions are below:

- Submitter (DELWP):

Supported the amendment and whilst not requesting changes, noted a number of matters that Council could consider related to the environment.

Officer Response:

Most of the matters raised for potential consideration are not specifically relevant to the small towns and settlements of Moorabool Shire and are instead state wide issues most appropriately addressed at the State level. DELWP may wish to seek to initiate its own amendment through the Minister for Planning.

- Submitter (EPA):

Recommended that Council take into consideration EPA publications on recommended separation distances for industrial residential air emissions and on noise from industry in regional Victoria.

Officer Response:

Amendment C78 identifies towns and gives policy direction on town role and function. But it is not specific on land growth fronts and nor does it rezone land. These recommendations would be relevant to future structure planning but not this amendment.

Options

Section 22 of the *Planning and Environment Act 1987* (the Act) requires that Council consider all submissions to a planning scheme amendment.

Section 23 of the Act mandates that after considering a submission which requests a change to an amendment, Council must either:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to a panel; or
- (c) abandon the amendment or part of the amendment.

As some objections remain outstanding and officers believe the content of the objections will not benefit the amendment, this report will recommend that Council pursues option (b) and refers the submissions to a Panel.

Should Council resolve to request the appointment of a Panel, the Minister for Planning will appoint an independent Planning Panel to consider all submissions received. The Panel will be made up of independent person/s with skills considered by the Minister to be relevant to the amendment.

Stage in the Amendment Process

The Flow Charts below are from the DELWP guide "Using Victoria's Planning System 2015" and depict where the amendment is at in terms of the amendment approval process (circled in green).

Should Council decide to pursue a Planning Panel it is likely one could be initiated in late 2017 (subject to Planning Panels Victoria's availability). Following receipt of the Panel's report Council would then be in a position to adopt the amendment or not. Should Council adopt the amendment, it could then refer the amendment to the Minister for Planning for approval.

Figure 2.1: Outline of the planning scheme amendment process

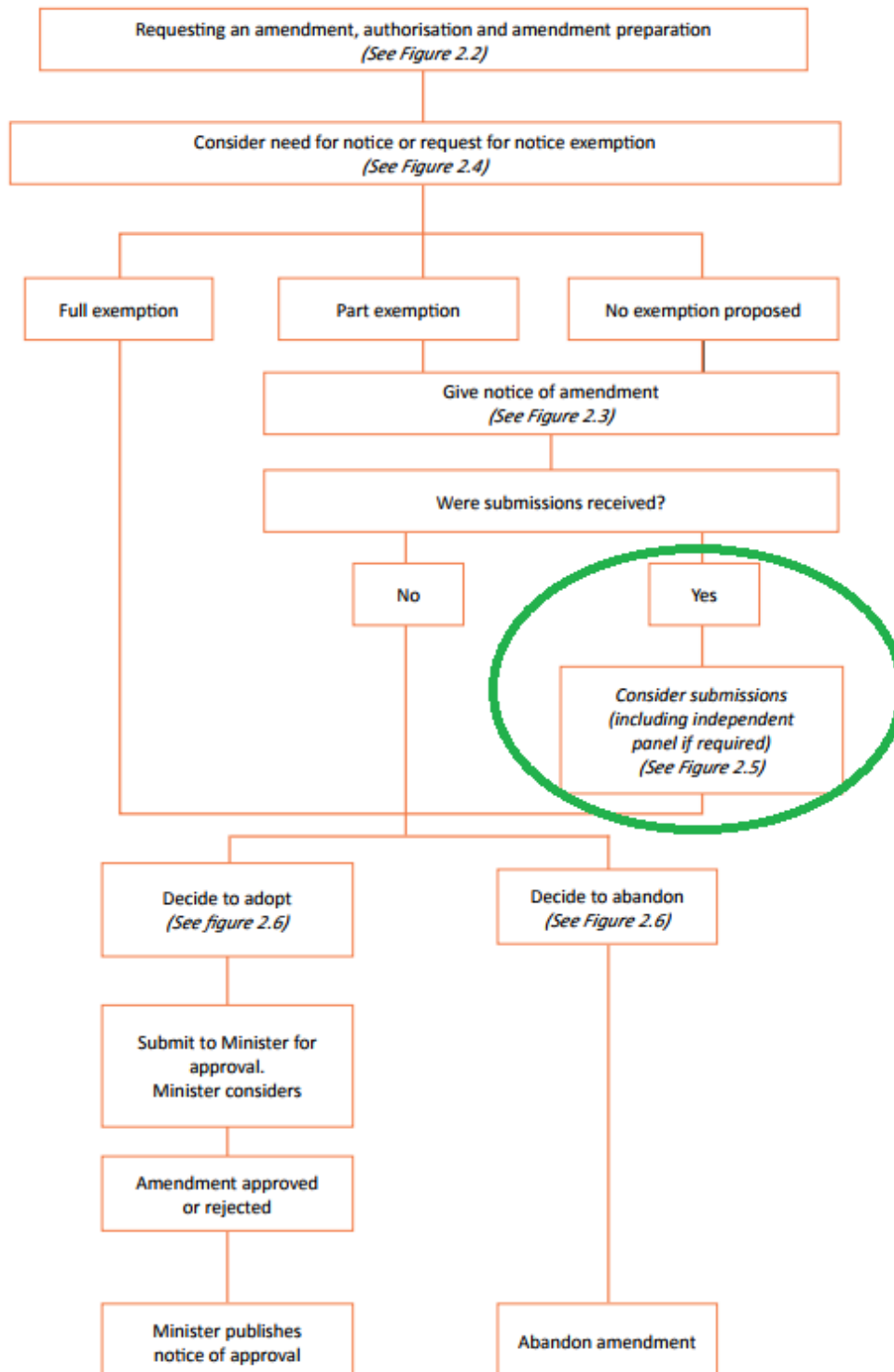
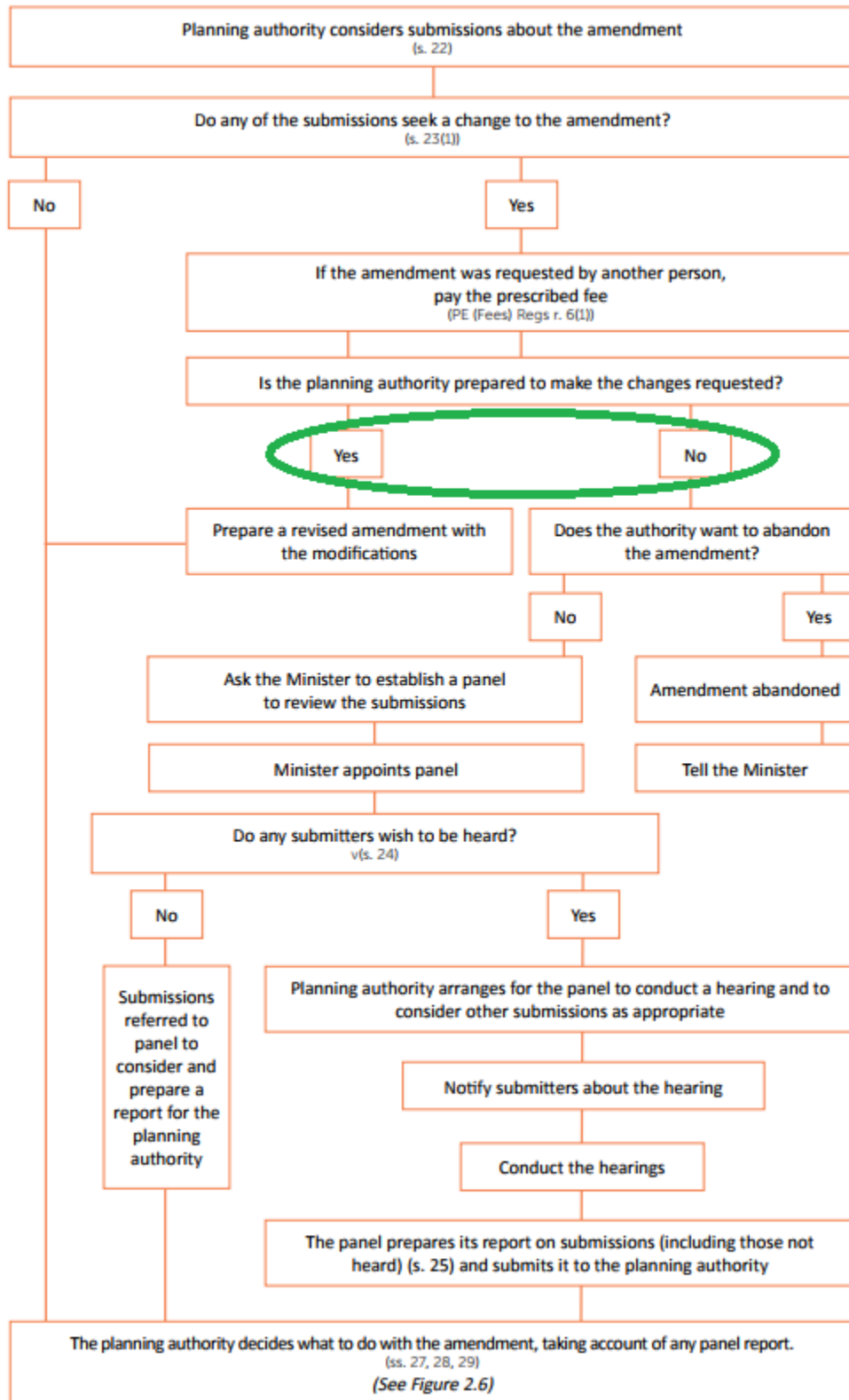


Figure 2.5: Considering submissions about an amendment



Policy Implications

The 2017 – 2021 Council Plan provides as follows:

Strategic Objective 3: Stimulating Economic Development.

Context 3A: Land Use Planning.

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

Financial Implications

The continued processing of the amendment has being undertaken in-house by Council and therefore generated only limited costs to date.

Costs for the amendment progressing hereafter, including any Panel hearing is already provided for within the Council 2017/18 budget.

Risk & Occupational Health & Safety Issues

There are no identified risks associated with the amendment.

Communications and Consultation Strategy

Implementation of the amendment has included statutory notification processes. Should Council resolve to request the appointment of a Panel, submitters to the Planning Scheme Amendment will now have the opportunity to present their case at a Planning Panel to be appointed by the Minister for Planning.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Geoff Alexander

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

Conclusion

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

Two outstanding objections to the amendment are unresolved. It is not considered justified to add in the proposed content for the various reasons discussed in this report.

As per the *Planning and Environment Act 1987*, Council must now decide whether to abandon the amendment, refer the amendment to a panel to resolve submissions or make the changes requested by submissions. As objector proposals are considered not to further advance the amendment it is recommended that Council refers Amendment C78 to a Planning Panel, who will hear all parties to the Amendment.

Resolution:

Crs. Sullivan/Tatchell

That Council:

1. ***Resolves to make limited changes to Amendment C78 on the basis of CFAs submission as described in this report, pursuant to section 23 (1)(a) of the Planning and Environment Act 1987.***
2. ***Refers the unresolved submissions to an independent Planning Panel pursuant to section 23(1)(b) of the Planning and Environment Act 1987.***
3. ***Authorises officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to submissions outlined in this report.***
4. ***Resolves that a further report be prepared for Council following outcome of the C78 Panel Hearing.***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager, Growth & Development

Date: Wednesday, 27 September 2017



11.2.2 Street Tree Strategy – Draft for Consultation

Introduction

Author: Justin Horne
General Manager: Satwinder Sandhu

Background

On 1 June 2016, Council adopted the Urban Tree Management Policy including the Moorabool Shire Council (MSC) Approved Street Tree Species Guide. This Policy provided the technical direction which aimed to balance amenity and risk in relation to daily operations for the planting and management of street trees. The existing policy will be a key reference document.

The draft Street Tree Strategy was presented to the Place Making Advisory Committee on 22 August 2017. The Committee provided support for the strategy proceeding to Council for consideration for placing on public exhibition.

Proposal

The Street Tree Strategy aims to provide additional value to the Urban Tree Management Policy, by outlining how to utilise street trees and to assist in improving the existing amenity and identity of Bacchus Marsh, Ballan and small towns now and to 2041.

The development of a Street Tree Strategy is also supported as a targeted action in the following existing adopted and draft documents:

- Bacchus Marsh Urban Growth Framework;
- Small Towns and Settlements Strategy;
- Bacchus Marsh Housing Strategy; and
- Draft Moorabool Sustainable Environment Strategy.

In addition, streetscapes and sense of place were consistent themes of the consultation process for the Bacchus Marsh Urban Growth Framework, Ballan Structure Plan (Ballan Strategic Directions) and the Small Towns and Settlements Strategy.

The Strategy will assist in the providing a framework for the implementation of future urban design programs, maintenance (including replacement) of existing plantings and the establishment of new plantings, within existing urban areas and new subdivisions.

The Street Tree Strategy provides a strategic vision to facilitate the development and enhancement of streetscapes in Bacchus Marsh, Ballan and selected small towns, ensuring:

- The value of streetscapes to define the sense of place are recognised and respected;

- The amenity, economic (including tourism), environmental and social value of improved streetscapes are fully considered;
- A framework for upgrading, replacing and maintaining new and existing streetscapes is provided; and
- Short, medium and long term implementation goals are defined.

Strategy Development and Implementation

A Project Management Group (PMG) has been established to assist in the development of the Strategy. The PMG consisted of:

- Ross Holton, Coordinator Parks & Gardens;
- Jarryd Halnon, Parks & Gardens Urban Amenities Team Leader;
- Joe Morgan-Payler, Urban Designer; and
- Justin Horne, Coordinator Environmental Planning.

To ensure that identified actions do not impact on the maintenance and future planning of road assets, Engineering Services and Statutory Planning have provided input to the development of the Strategy.

It is proposed that the Strategy should be formally reviewed and updated in 2031, with an informal review in 2026 to ensure that the document remains aligned with Council objectives and resourcing.

An Implementation Plan will be developed to provide guidance to the annual operational delivery of strategic scoping projects, site specific design and the delivery of street tree plantings. It is proposed that the Implementation Plan is issued every five years.

The first review of the Street Tree Implementation Plan should be undertaken in 2021. This review will consider at a minimum the:

- success of the plantings;
- review planting methods;
- maintenance costs; and
- budget.

Subsequent to the review of the 2017-2021 Street Tree Implementation Plan, a new five year plan (2021-2026) will be developed by the Parks and Gardens Unit in partnership with urban and landscape design staff.

Strategy and Implementation Structure

The Strategy comprises of two parts:

- Street Tree Strategy 2017-2031: which sets the framework for Councils direction in relation to the maintenance, removal, replacement and plantings of street trees within the urban and townships areas of the Shire.
- Implementation Plan 2017-2021: outlines the annual actions that will be undertaken by Council each year from the 2017-2018 financial year to the 2020-2021 financial year. The Implementation Plan includes

strategic planning (urban design) projects and annual planting programs.

Figure 1 outlines where the Street Tree Strategy and Implementation Plan fit in relation to the existing adopted documents – Street Tree Policy (2016) and the Moorabool Urban Tree Species Guide (2016).

Figure 1: Hierarchy of documents relating to Street Trees (Green: new documents, blue: existing)



Key aspects of the Street Tree Strategy

1. Strategy Vision

To assist in providing a direction for Council in relation to street trees, an overarching vision has been developed:

All planning, management and decision making regarding Moorabool's street trees will be guided by the following principles:

1. Enhance sense of place: through the provision of attractive tree lined streets.
2. Ensure safe and functional streetscapes: through the implementation of best practice street tree management – **the right tree in the right place.**
3. Ensure social equity: through the equitable delivery of the street tree planting programs across all identified settlements.
4. Retain and manage existing street trees.
5. Engage the community and raise awareness of the importance of street trees in influencing positive public health and wellbeing outcomes.
6. Improve the liveability of our settlements by working together across Council, with the community and developers to ensure street tree benefits are maximised for the community and street trees are adaptable to future changes in climate.

2. Key actions

In reviewing the 2015 street tree data, seven key actions have been identified to assist Council in commencing a successful street tree planting program now and into the future:

1. Undertake an active tree planting program to reduce the total number of vacant spaces in existing streetscapes to less than 5% of tree locations by 2041.
2. Identify areas and roads of high local character value that require unique design solutions above that of standard plantings e.g. gateways, view lines key entry points and streets.
3. Develop and implement appropriate design solutions in line with appropriate strategic directions, strategies and plans.
4. Work towards minimising conflicts with the built environment and to provide protection to and from tree growth.
5. To implement a priority based program for the continual rejuvenation of street trees within Moorabool.
6. To involve members of the community in the selection, planting and protection of street trees through programs of education, promotion and consultations.
7. Improved management of tree database.

3. Cost recovery for removal of street trees

When a resident or government agency request a modification to Council land, resulting in the removal of a Council street tree asset, a cost recovery fee will be charged by Council.

The fee is charged to ensure the community are compensated for the loss of the trees and allows Council to replant new trees as required.

The fee structure is outlined in Table 2 and is structured such that small trees i.e. those less than 5m in height, attract a flat cost recovery fee of \$430.00 inclusive of GST. This is the Purchase + Planting + 2 summers establishment and forms the base value for street tree replacement.

However, cost recovery fees applicable for Council trees over this size are calculated using the following formula Revised Burnley Method (ATV) + BASE VALUE.

Table 2: Cost recovery fee structure associated with street tree replacement

Street Tree	Current cost incl GST (2016/17)
Cost Recovery and Replacement Fee (New or Juvenile) ; 5m in height or less.	\$430/tree (base value).
Cost Recovery and Replacement Fee (Other).	Revised Burnley Method + base value Purchase + Planting + 2 Summers Establishment.

4. Street Tree Road Hierarchy

In developing the planting programs, consideration of the primary function of the road as well as the road contribution to overall amenity value of the town or settlement is taken into account.

As such the Street Tree Implementation Plan, has identified roads into two categories:

- a. Road Management Plan 2017-21 classification; and
- b. Level of Significance.

In addition the type of planting to be undertaken is also taken into account.

In regards to ensuring that resources are distributed equitably across the Shire, the towns and settlements as per the Small Town Strategy 2016 is also identified.

The Level of Significance is assessed based on the connection the road has to the surrounding landscape including key features (built and natural), visibility and historic significance and aims to assist in providing additional support for the implementation of street tree plantings based on amenity.

Table 3: Assessment criteria for Street Tree Plantings (work priority weighting shown in brackets).

Road Management Plan 2017-21	Level of Significance	Street Tree Planting Type	Township definition
<ul style="list-style-type: none"> • Freeway (VicRoads) • Highway (VicRoads) (5) • Trunk Collector (5) • Collector (4) • Access Level 1 (3) • Access Level 2 (2) • Unsealed Level 1 (1) • Unsealed Level 2 (1) • Fire Access Track (1) 	<ul style="list-style-type: none"> • Entrance (10) • Significant street (8) • Retail/Main St (6) • Level A (4) • Level B (2) • Level C (1) 	<ul style="list-style-type: none"> Replacement (6) Vacancy (4) Infill (2) 	<ul style="list-style-type: none"> Regional Centre (Bacchus Marsh) Town (Ballan) Small Town Consolidation growth investigation (Gordon, Wallace, Bungaree, Dunnstown) Small Town Incremental Growth (Myrniong, Blackwood) Small Town Consolidation (Elaine, Lal Lal, Mt Egerton, Greendale) Small Town Rural Settlement (Clarendon, Yendon, Balliang, Balliang East, Dales Creek, Korweinguboorra, Barkstead) Other

To assist in the identification of the priority of works, the work priority weighting scoresheet will be utilised. Table 3 provides an example of how the proposed work priority weighting scoresheet will be used. Under the example priority of planting would be given to example Street 2 as its total score (17) exceeds the score of example street 1 (12).

Table 4: Work priority weighting scoresheet

	Road Management Plan Score	Level of Significance	Street Tree Planting Type	Score (total of the three columns)
Example Street 1, Example	4 (Collector)	4 (Level A)	4 (Vacancy)	12
Example Street 2, Example	5 (Trunk Collector)	6 (Significant Street)	6 (Replacement)	17

Policy Implications

The 2017 – 2021 Council Plan provides as follows:

Strategic Objective 2 Minimising Environmental Impact

Context 2A Built Environment

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

Financial Implications

There are no immediate financial implications associated with the consideration of this report or endorsing the Strategy as suitable for public exhibition.

However, if the document is adopted by Council, some of the proposed initiatives would require consideration as part of future recurrent budget proposals, capital improvement programs or through external funding (e.g. state or federal government grants).

The Strategy will guide decision making in relation to street tree management over the long term (25 plus years), consequently it will require an ongoing staffing commitment across the organisation.

Risk & Occupational Health & Safety Issues

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Justin Horne

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

Conclusion

The Street Tree Strategy aims to give further direction to the Urban Tree Management Policy by outlining how to utilise street trees and to assist in improving the existing amenity and identity of Bacchus Marsh, Ballan and small towns into the future.

The draft of the Street Tree Strategy includes four key aspects:

- Development of a vision for street trees in Moorabool;
- Seven key actions;
- Cost recovery proposal for trees removed by residents and government agencies; and
- Street tree hierarchy and weighting scoresheet.

Resolution:

Crs. Toohey/Sullivan


That Council:

1. *Receives the draft Street Tree Strategy.*
2. *Endorses the draft Street Tree Strategy for the purpose of community exhibition for a period of four weeks.*
3. *Upon completion of the community consultation, a further report be presented to the Place Making Advisory Committee outlining the responses and consideration.*

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu 
Title: General Manager, Growth & Development
Date: Thursday, 28 September 2017

Consideration of Deputations – Planning Permit Application No. PA2017-037

Mr. and Mrs Steven Farley addressed Council as the applicant in favour of the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

11.2.3 Planning Permit Application PA2017037; Development and Use of the land for Materials Recycling (heritage and timber salvage) and Business Identification Signage, 705 Bacchus Marsh Road, Merrimu VIC 3340.

Application Summary:	
Permit No:	PA2017037
Lodgement Date:	2 March 2017
Planning Officer:	Victoria Mack
Address of the land:	705 Bacchus Marsh Road, Merrimu 3340 Lot 1 on TP 018519U
Proposal:	Development and use of the land for Materials Recycling (heritage and timber salvage) and Business Identification Signage
Lot size:	3850sqm
Why is a permit required	<p><u>Farming Zone</u> Clause 35.07-1, section 2, use of the land for materials recycling and</p> <p>Clause 35.07-4 for buildings and works</p> <p><u>Design and Development Overlay and Schedule 3</u> Clause 43.02 for buildings and works</p> <p><u>Advertising signage</u> Clause 52.05, Category 4, business identification signage</p>

Public Consultation:	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of Objections:	13
Consultation meeting:	Held 9 May 2017
Policy Implications:	
Strategic Objective: Minimising Environmental Impact	Natural environment
Context: Stimulating Economic Development	Land Use Planning
Victorian Charter of Human Rights and Responsibilities Act 2006	
<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>	
Officer's Declaration of Conflict of Interests	
<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 – Satwinder Sandhu</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 – Rob Fillisch</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	

Executive Summary:	
Application Referred?	To: VicRoads; Western Water; Council's Infrastructure, Environmental Health and Strategic and Sustainable Development Departments; and Downer Group.
Any issues raised in referral responses?	VicRoads would require significant road works (on the Bacchus Marsh Road) if access to the site was to be from Bacchus Marsh Road as originally proposed.
Preliminary Concerns?	Access to the site from Bacchus Marsh Road and vehicle movement around the site.
Any discussions with applicant regarding concerns.	Extensive discussion with the applicant in relation to vehicle and truck movements on the site and access to the site. An on-site meeting was held with VicRoads, Council's Infrastructure Department, the applicant and several objectors in relation to road safety concerns and access issues.
Any changes made to the application since being lodged?	The plans were amended to show access to the site to be from Flanagans Drive only and additional plans were provided with turning templates to show how vehicles can move around the site.
VCAT history?	Nil
Previous applications for the site?	The site was used as a service station from approximately the 1950s until approximately the year 2000. Permit PA2000-246 was issued on 31 January 2001, with minor later amendments to the preamble, for the <i>Development and Use of a Service Station and Ancillary Convenience Restaurant</i> . This service station was to replace the existing service station but was never constructed. The old service station closed and was demolished from the site in approximately 2005.
General summary	
The application is to develop a site located on the eastern outskirts of Bacchus Marsh, and use the land for a materials recycling business which would involve the recycling and reselling of heritage and 'old style' building materials from within a building to be constructed on the site.	

The building is proposed to be constructed from heritage and recycled materials with the intent of displaying the proposed goods that are sold and utilised as part of this business whilst also attempting to soften its appearance to blend into the surrounding environment. The site would be landscaped.

The application was advertised and 13 objections were received. At the consultation meeting held on 9 May 2017, the applicant explained that the business would be small and was focussed on recycling old building materials within the building, not outside.

The objectors were less concerned about the business but the 'unsafe' road network around the site particularly at peak times remained of concern.

The land is also in the Farming Zone and the proposed use is not in accordance with the purpose of the Zone or is it in keeping with the State and Local Planning related to agricultural activities.

It is therefore considered that the proposed use and development of a materials recycling business and business identification signage at this location is not an appropriate use. The proposed development is also inappropriate at the entrance to Bacchus Marsh and the Avenue of Honour.

Summary Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Permit for the Development and Use of the land for Materials Recycling (heritage and timber salvage) and Business Identification Signage in accordance with Section 61 of the *Planning and Environment Act 1987*, subject to the reasons detailed at the end of this report.

Background

The subject site, Lot 1 on TP 018519U, has an area of 3850sqm. There is evidence of earthworks and building rubble on the lot from previous uses. This lot is not covered by a Heritage Overlay.

The lot on the west side, Lot 2 on PS110748, is 3750sqm and is covered by the Heritage Overlay, HO147 and contains an old dwelling. HO147 relates to the Symington Brewery site.

Both of these lots originally housed a service station which was located on the site for approximately 50 years. The service station was finally demolished in approximately 2005 and the lots have been vacant since.

Permit number PA2000-246 was issued on 31 January 2001 with minor later amendments to the preamble for the *Development and Use of a Service Station and Ancillary Convenience Restaurant*. The permit documentation referenced only Lot 2 on PS110748.

At the time of the application PA2000-246 there was an existing service station and café / take-away food business on the west side lot apparently

dating back to the 1950s. Other documentation states that *the roadhouse was constructed pre-1967 and the service station building constructed in 1968*. The old roadhouse remained on the site while the new permit was being assessed.

However, permit PA2000-246 was never commenced and by 2005 a Building Notice was issued on the site as “*Vandalized Ex Road House*” stating that the Service Station had been vandalized with broken glass, graffiti and other damage and had not been hoarded properly. The site was eventually cleared (exact date not known but believed to be in approximately 2005) and has remained in its current state for the last 10-12 years.

Public Notice

The application was advertised to adjoining and surrounding landowners and a large sign was placed on the site for a minimum period of 14 days.

Thirteen (13) objections were received.

Summary of Objections

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

Objection	Any relevant requirements
<p>Traffic congestion at the intersections of Bacchus Marsh Road (two-way traffic), the two Western Freeway off-ramps and Flanagan’s Drive, and the road network more generally, is unsafe. The development is likely to increase traffic congestion. The road network is not suitable for extra commercial vehicles.</p> <p>Bacchus Marsh Road is a major road and needs improvement – the site for the proposed development is an area that experiences peak congestion with cars turning into Flanagan’s Drive and others driving fast east and west and well as the off ramp T intersection from Western Highway.</p> <p>The unsafe traffic issues are getting worse. Blind spots occur in this area. This proposal could add to traffic concerns.</p> <p>Urgent road works are needed across the whole area. Already a dangerous site and additional slowly moving and turning trucks would increase risk.</p>	<p>VicRoads in relation to Bacchus Marsh Road. Council’s Infrastructure Department in relation to Flanagan’s Drive.</p>

<p>Officer's response – Your submission is noted. Traffic congestion and traffic concern and the movement of traffic in this area was mentioned in all submissions. In response to this concern an on-site meeting was held with VicRoads, Council's Infrastructure Department, the applicant and several objectors on 15 June 2017. VicRoads agreed to investigate options to improve the intersection and submitted a Report to Council on 1 August 2017. The report was also approved for release to the Merrimu objector group. The findings of the Report are addressed in the assessment section of this report.</p> <p>In summary, VicRoads have advised that crossovers will only be supported on Flanagan's Drive. The Shire's infrastructure department would require any new crossover to be constructed to an industrial standard to ensure suitable for trade vehicles.</p> <p>It is considered that this site is subject to traffic risk and congestion.</p>	
Industrial / commercial nature of the proposal better suited to Industrial Zone, not Merrimu. Industrial noise from demolition in a quiet residential / rural area is not appropriate.	Farming Zone
<p>Officer's response – This submission is noted. An application for materials recycling is a Section 2 use in the Farming Zone where a permit required. It is considered that the proposed use isn't consistent with the objectives of the Farming zone and therefore Officers have recommended refusal.</p>	
Operation of the proposal - trucks and traffic and industrial noise pollution – demolition / industrial sales yard - not at all suited to Merrimu area.	EPA noise guidelines
<p>Officer's response - All recycling operations and resale of recycled goods is proposed to be undertaken within the building. The applicant has detailed that it does not propose any large commercial vehicles, all vehicles would be required to be 'as of right vehicles' and smaller. This is addressed further in the assessment section of this report.</p>	
Not a suitable development for the entrance to Bacchus Marsh. A more thoughtful treatment of the area should be considered at the entrance to the Avenue of Honour –where tourism is increasingly important to the township.	
<p>Officer's response – This submission is noted. It is considered that the site is an important entry point to the Bacchus Marsh townsite and the proposed development has the potential to have a detrimental impact to the Farming Zone through inappropriate use and development (bulk and scale) of the proposed building. It is considered that this use is more appropriate within the industrial zone. The suitability of the proposal at this location is further addressed in the assessment section of this report.</p>	
Impact of the operation on neighbouring residents including nearby Our Lady of Ta Pinu Church	
<p>Officer's response - The Church has not objected to the application.</p>	
Peaceful amenity would be impacted – birds and wildlife – not wanted at the quiet leafy entrance to Flanagan's Drive and a residential area.	Farming Zone

Officer's response – This submission is noted. The site for the development is in the Farming Zone. The purpose and decision guidelines of the Farming Zone apply to this application as well as local and State planning policies which have the objective of protecting agricultural land for agricultural purposes.	
Merrimu requires more services such as gas and weed control.	
Officer's response – These issues are not relevant to this application.	
The neighbouring lot is Heritage and should not be used for commercial purposes.	
Officer's response – The heritage site is not part of this application..	

Proposal

Plans of the development are provided as an Attachment.

It is proposed to develop a materials recycling business on the site. The business would source heritage, vintage, antique and other salvaged materials from demolition sites of old and heritage style buildings. The operator would bring these salvaged materials to the site to clean and pack for resale. Under Clause 74 of Moorabool Planning Scheme the use is defined as follows;

Materials recycling – Land used to collect, dismantle, treat, process, store, recycle, or sell, used or surplus materials.

Materials would be sourced from the demolition of older style and heritage dwellings and buildings from across Victoria, but the majority would be from Melbourne, which would be transported to the site on the owner's medium sized truck.

The types of products that would be salvaged from demolition sites include: old doors and front entries, lead light windows, wrought iron pieces such as, but not limited to, lacework, lantern posts, decorative antique door hardware and original fencing, original timber such as Oregon, Tasmanian Oak, and supporting beams, second hand bricks including original handmade bricks, original bluestone and original reds from heritage buildings.

The owner is not engaged in the actual demolition of the buildings and the business is not a demolition company. Rather the applicant works with demolition firms to ensure that products able to be salvaged are retained and recycled. These products are more likely sought after by the building trade where period and vintage homes are being restored.

The materials recycling business would sort, clean and repair the salvaged products in the proposed building and then store them for sale also within the building. The majority of the products would then be available to the building trade where these types of original materials are required, but would not be limited to any particular class of building customer.

The owners have a passion for retaining, restoring and recycling heritage materials as they see them as preserving part of our history, rather than part of our land fill. They also propose to run the business in an environmentally sustainable manner.

The business would be run by the owner with an additional 2 – 4 staff. The business would generally involve the owner using his truck to collect salvaged products returning to the site for processing including:

- De-nailing timber in the building, sorting and stacking for resale;
- Cleaning and sorting second hand bricks and stacking and wrapping onto pallets for resale;
- Repairing and storing original lead light and antique window frames;
- Cleaning and restoring wrought iron and other metal products for resale.

All restored products would be stored within the proposed building.

Waste products from the restoring and recycling process would be kept in “skip bins” at the rear of the building for disposal.

The site around the building would be kept free of debris. The owners state that they would keep the site in a tidy state at all times. The site would also be landscaped to soften the visual impact of the site.

The hours of operation proposed for the business would be from 7am to 5pm Monday to Friday for staff; 9am to 5pm for the trade; and 8am to 4pm on Saturday and Sunday for the staff and the trade.

Buildings and works

The building itself is proposed to be constructed with recycled materials particularly the front façade to reflect the heritage nature of the business and the site.

Materials to be used would include: recycled timber weatherboards, recycled bricks, recycled verandah posts, recycled corrugated iron (or new Colorbond corrugated iron), recycled timber doors, Victorian style double hung windows, iron lace work at the front and heritage style signage at the front.

The purpose of constructing the building from these materials is to make the building sympathetic to the existing built form of the area.

The building would have the following specifications:

- The ground floor would contain a warehouse with a floor area of 660sqm;
- A 3m wide verandah would be located at the front of the building, facing south, and also along the east side. The area of the verandas would be 189sqm.
- At the rear of the warehouse section would be an attached workshop accessed by an internal roller door and with a floor area of 110sqm.
- An attached covered verandah also at the rear would have an area of 142.50sqm.

- The total area under roof would be 1101.5sqm representing a 28.6% site coverage.
- The height of the warehouse, workshop and verandah would be 4.88m to the eaves and with a maximum roof height of the main building of 7m.
- Within the warehouse area there would be two toilets including a disabled toilet, a small records room and a utility (lunch) room with sink.
- There would be a mezzanine first floor located at the western end of the building.
- The mezzanine would be accessed by a stair case and would contain office space and would have a floor area of 65sqm.
- Above the mezzanine floor would be a small loft also accessed by stairs with a floor area of 18sqm.
- The maximum height of the loft would be 8.937m.
- The building overall would be accessed via a number of roller doors, single doors and sliding doors which are all noted on the elevation plans
- A sign would be located on the building façade with the words “Bacchus Marsh Heritage Timber and salvage” and would be 3sqm in area.

The site would be landscaped but no specific landscape plans have yet been provided.

The plans were amended during the planning process to add vehicle and truck turning templates and to clarify the proposed access to the site. The original plans showed access would be from Bacchus Marsh Road, but following discussions with all parties including VicRoads, Council's Infrastructure Department and objectors it was considered that access to the site should be restricted to Flanagans Drive only.

Site Description

The site is relatively isolated being bound by a network of roads including: Council managed Flanagans Drive, and VicRoads managed Category 1 roads being the Bacchus Marsh Road and Western Freeway.

There are two lots in the same ownership. The east side lot, that is the subject of this application, is vacant. The west side lot which has a Heritage Overlay has an existing derelict uninhabited dwelling and the remains of the heritage Symington brewery site. Both lots abut the Bacchus Marsh Road rising slightly to the north rear side boundary.

Both lots have rubble and rubbish remaining from former uses most probably left over after the old service station was demolished. The lots have remained in this condition for over 10 years.

There is little native vegetation on the site. Exotic vegetation includes a few pepper trees, willows, boxthorn, prickly pear and other weeds, which is a reflection of the site being poorly managed over the years.

To the north of the site there is a hillside at the rear and the land above is owned by Our Lady of Ta Pinu Church which consists of approximately 43ha of open grassland interspersed with individual shrines and religious facilities.

Flanagans Drive abuts the east side boundary and the Bacchus Marsh Road, and Western Freeway, abut the south side boundary.

Approximately 100m to the north-east of the site is a residence in private ownership. Approximately 40m to the north of the site is a dwelling located within the Our Lady of Ta Pinu Church grounds. The next nearest neighbouring dwelling is approximately 200m also to the north-east.

There are no other neighbouring dwellings within 500m of the site.

Across the Western Freeway to the south, east and south-west of the site is land also in the Farming Zone which is used for intensive horticulture which is a vital contributor to the Bacchus Marsh horticultural economy.

Directly to the south east of the site across the Bacchus Marsh Road is the Hopetoun Cemetery, which has a Heritage Overlay HO16. The Hopetoun Cemetery stands on 0.4 hectares of land donated in 1850 to the Roman Catholic Church for the erection of a Chapel/School.

The site is also surrounded by roads, being Flanagans Drive, Bacchus Marsh Road, the Western Freeway off ramps, and further to the south the Western Freeway. It is located close to the entrance to the Avenue of Honour and access to the Bacchus Marsh township.

HO147 is described within the Schedule to the Heritage Overlay as the "*Former Symington House and Symington's Brewery Industrial Archaeological site*", and it dates back to 1862. This lot currently has an old uninhabited and dilapidated dwelling and the brick remnants of the Symington Brewery site.

The old dwelling has been clad with contemporary building material in recent years, however, the applicant has advised parts of the original house remain within the interior of the building. The applicant has advised that he intends in due course to restore this building (sensitive to its heritage) to make it usable again.

A Statement of Significance was prepared in 1995 for the site which states that it has local historical significance for its association with the early settlement and development of industry in the area, and that William Symington was a local pioneer.

Approximately 1.7km to the north of the site above the escarpment is land in the Rural Conservation Zone where there are a number of low density style residential precincts have emerged at the northern end of Flanagans Drive and also Bences Road to the west. Flanagans Drive is a key access road to the Western Freeway for the residents living in this precinct.

The site has a long history as detailed in the background section of this report. From 1862 the site was used as a brewery. It is not clear when the brewery ceased but in the 1950s the site was used as a roadhouse which ceased operation in approximately the late 1990s although the exact cessation date is not known.

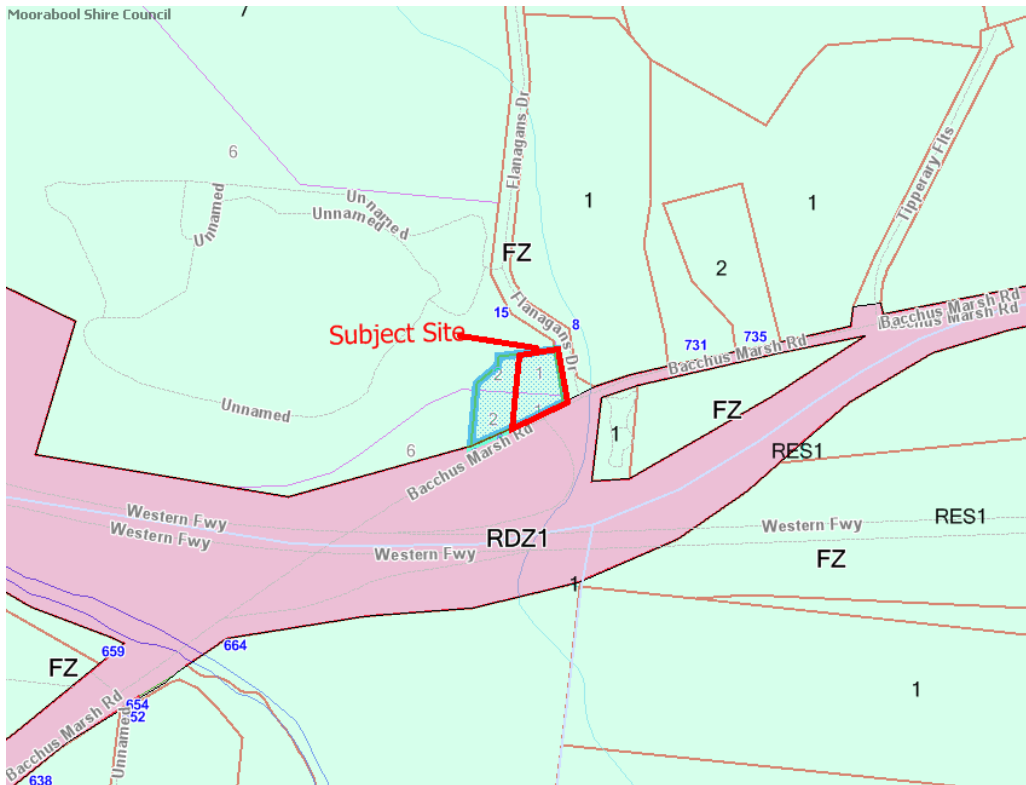
The site is serviced by power and water with sewer connection available.

Locality Map

The aerial map below indicates the location and features of the subject site.



The zone map below shows the zoning of the site and 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 following State and Local planning Policies are relevant to the application:

SPPF	Title	Response
Clause 11.08-8	Agricultural productivity	<p>Objective To support long-term agricultural productivity.</p> <p>Strategies Support change and transition to maintain the viability and productivity of agricultural land. Support rural economies to grow and diversify and protect key agricultural assets from incompatible uses. There is no nexus between agriculture and the proposed industrial use.</p>
Clause 11.08-9	Cultural heritage and landscapes	<p>The objective is to recognise the importance of cultural heritage and landscapes as economic and community assets that are important for attracting tourists to the region. The site is close to heritage assets and the development of industry in this location is incompatible with these heritage assets.</p>
Clause 14.01-1	Protection of agricultural land	<p>The aim is to protect productive farmland which is of strategic significance in the local or regional context by preventing inappropriately dispersed urban activities in rural areas; limiting new housing development in rural areas and discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.</p>
Clause 14.01-2	Sustainable agricultural land use	<p>The aim is to encourage sustainable agricultural land use.</p>

LPPF		
Clause 21.03-2	Objective—Urban Growth Management	It is policy to avoid urban development where it is likely to impact on highly productive agricultural land, environmental values and the long-term sustainability of natural resources.
Clause 21.03-4	Objective—Landscape and Neighbourhood Character	It is policy to ensure new development in all zones respects the existing character, landscape setting and amenity of the local area.
Clause 21.04-2	Objective—Agriculture	It is policy to protect good quality agricultural land and support the productivity and sustainability of existing and future agricultural and horticultural activities.
Clause 21.04-4	Objective—Industry	While it is policy to provide for a range of industrial development and activities in proximity to transport networks and existing infrastructure and it is also policy avoid off-site impacts on residential amenity, environmental quality, or agricultural values. The subject proposal does not have agricultural uses proposed as part of its processes, therefore, it is considered inappropriate for this site.

Zone

Farming Zone

In accordance with Clause 35.07-1, section 2 of the Moorabool Planning Scheme a permit is required to use land for materials recycling. In accordance with Clause 35.07-4 a permit is required for buildings and works for a use in Section 2 of Clause 35.07-1.

The purpose of the Farming Zone is to:

- Implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Provide for the use of land for agriculture.
- Encourage the retention of productive agricultural land.
- Ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- Encourage the retention of employment and population to support rural communities.

- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Comment:

The subject land is in the Farming Zone and the use of the land for materials recycling is a Section 2 use in the Farming Zone where a permit is required provided. Originally the proposed use and development was classified by Officers as 'Trade Supplies' which is defined under the Scheme as follows;

Trade Supplies – Land used to sell by both retail and wholesale, or to hire, materials, tools, equipment, machinery or other goods for use in:

- a. Automotive repairs and servicing;*
- b. Building*
- c. Commerce*
- d. Industry*
- e. Landscape gardening*
- f. The medical profession;*
- g. Primary production; or*
- h. Local government, government departments or public institutions.*

Upon further investigation into the application and the definition as stipulated above, the subject proposal could not be linked to point (g) which is critical for this zone, the subject use does not propose any agricultural activity as part of its proposal. Therefore, upon further assessment it is considered that is more appropriately aligned with the definition of 'Materials Recycling' because the application focuses on storing, recycling and sale of used goods on site.

The zoning of the land raises the question as to whether the use of a materials recycling business on this site is compatible with farming activities and the retention of agricultural land, or the use of the surrounding land for agriculture. In order to recommend approval for materials recycling there needs to be a demonstrated nexus between the proposed use and Agriculture for which this application does not demonstrate.

Overlays

Design and Development Overlay – Schedule 3 - National Route 8 (Western Freeway/Highway) Environs

In accordance with Clause 43.02- a permit is required for buildings and works for the use of a warehouse / materials recycling where:

- The building is located within 50 metres from the boundary of the Western Freeway/Highway Reserve or any proposed Western Freeway Reserve.
- The building exceeds 5.4 metres in height above natural ground level to the highest point excluding chimneys, flues, antennae and the like.
- If the building cannot be set back from the Western Freeway/Highway in order to obtain a visual and acoustic buffer, ensuring that future works within the Freeway/Highway reserve to minimise any adverse effects are not necessary.

- If landscaping is not provided.
- If a fence exceeds 1.5m in height.

Other specific requirements in the DDO3 include that:

Any building providing for a noise sensitive use (including a warehouse) must be designed and constructed to acoustic standards with interior noise levels not greater than those set out in any appropriate Australian Standard in relation to road traffic noise intrusion.

Decision guidelines in the DDO3 require the responsible authority to consider:

- Whether the proposal will enhance the environs of the Western Freeway / Highway.
- Whether the proposal will prejudice the levels of service, safety and amenity of the Western Freeway / Highway.
- Whether proposed landscaping will suitably screen the proposal from the Western Freeway / Highway.
- Whether the proposed development adversely affects skyline and landscape values.
- The effect of the proposed development or advertising sign on the amenity of surrounding properties.
- Comments of the Roads Corporation.

Comment: A permit is required for this proposal under the DDO3 due to the following issues:

- The development would be located within 50m of the western freeway road reserve and cannot be moved further back due to site constraints.
- The building would have a height of greater than 5.4m.
- The site would require a mesh security fence of more 1.5m in height.

The site is surrounded by Category 1 roads including the Bacchus Marsh Road and the two freeway off ramps for traffic travelling east.

The proposed building would be located within 50m of a Category 1 Road and would be visible from several viewpoints. It is not possible for the site to be screened from the Western Freeway or the Bacchus Marsh Road. It is considered that the proposal due to the proposed bulk and scale of it would not enhance the environs of the Western Freeway.

The Roads corporation did not object to the proposal subject to conditions which related to any access proposed from the Bacchus Marsh Road. This access has now been changed to Flanagans Drive only.

Environmental Significance Overlay – Schedule 8 (Eso8) – Part River Red Gums In The Bacchus Marsh Valley

The site is covered by the ESO8 in part. However as no River Red Gums are located on the site, nor are any River Red Gums located within the proximity of the site it is not considered that the proposal would impact on the tree protection zones for the Red Gums and therefore it is considered that the proposal would not require a Planning Permit under the ESO8.

Aboriginal Affairs Victoria Overlay (AAV) - part

The southern frontage of both lots contains a very small section of the AAV overlay. A basic report was undertaken and it was determined that the regulations do not require a Cultural Heritage Management Plan to be prepared for this proposal.

Relevant Policies

Moorabool Heritage Strategy - 2016-2020

While the subject site does not have a heritage overlay it sits beside a site that does. The potential impact of this development adjacent to a heritage site is a consideration is assessing the proposal.

Bacchus Marsh Gateways Strategy - Final Report December 2003.

At the time this study was undertaken in 2003 the report noted the existence of a "derelict Petrol Station" on the site.

The site is located within an area that is defined within the report as the entrance to the Avenue of Honour and the township of Bacchus Marsh.

The application was referred to Strategic and Sustainable Development for comment. Their response is detailed in the assessment section of this report. In summary, Strategic and Sustainable Development team identified that the site is in a prominent location that isn't ideal for this proposal. In addition to this, it is considered that whilst by nature the site is dislocated from the Avenue of Honour it acts as an important link to the Bacchus Marsh townsite.

It is considered that any proposal inconsistent with the objectives of the scheme, strategies and policy listed above could have a detrimental impact on the entry to the Bacchus Marsh townsite.

Particular Provisions

Clause 52.05 – Advertising signage

In accordance with Clause 52.05-10 Of the Moorabool Planning Scheme the Farming Zone is Category 4 for business identification signs and which is described as "sensitive areas".

A permit is required under Clause 52.05, Category 4, for business identification signage.

In this category the total advertisement area to each premises for business identification signage cannot exceed 3sqm.

The proposed development building would have a sign at the front that would be no greater than 3sqm and otherwise no additional signage is proposed.

Clause 52.06 – Car parking

In accordance with Clause 52.06-5, Table 1, of the Moorabool Planning Scheme the use of the land for materials recycling requires that 10% of the site is available for car parking. In this application 385sqm must be available for car parking which equates to 25bays being required.

The materials recycling building would take up 28.6% of the site with a balance of the land, or 71.4% of the site, available for car parking, truck parking, driveways and landscaping. 12 car spaces have been shown on the site plan and it is considered that there is adequate provision for additional parking of up to 16 car spaces (13 required) or equivalent parking of tray trucks, on the site.

Discussion

The subject application has a number of considerations to be made when making a recommendation;

1. Is the application appropriate for the Farming Zone in accordance to the various scheme provisions as stipulated above;
2. The objections raised in relation to access and general impact on the surrounding amenity;
3. The strategic intent of the site.

Objections raised.

The application was advertised and 13 objections were received. Most of the objector concerns were about traffic issues in the surrounding road network and that the proposed use of the land for materials recycling (heritage and timber salvage) could make traffic issues worse. Amenity concerns were also raised.

A consultation meeting was held on 9 May 2017 with eight objectors and the applicant attending.

The dominant issue that was raised at the consultation meeting was the road network, specifically the Bacchus Marsh Road, the Flanagans Drive intersection with Bacchus Marsh Road and the two Western Freeway off-ramps.

After the consultation meeting, an on-site meeting was held with VicRoads, Council's Infrastructure Department, the applicant and objectors to discuss traffic concerns. It was agreed by both VicRoads and Council's Infrastructure Department that the objector concerns had merit.

VicRoads prepared a detailed report on the road network in this area and this report has subsequently been made available to the objectors. The report essentially looked at undertaking some shorter term rectification measures.

Council's Infrastructure Department also undertook a traffic count on the Bacchus Marsh Road which showed that speed limits were being exceeded, and traffic volumes were significantly higher than expected.

Subsequently a meeting between VicRoads and objectors has been held on site to discuss the issues concerning objectors. Council was not involved in this meeting.

The recommendation in the VicRoads report was as follows:

It is recommended that the signage changes and repainting of pavement marking recommended in section 4.5 be adopted as the preferred treatment option. With the addition of the 'No right turn' signage and the movement of the 60km/h zone, drivers negotiating the intersection will be exposed to less risk and will be better informed than in the current condition of the road. As developments continue along Flanagans Drive and other road network changes occur, the crash history and AADT for this section of road should continue to be monitored to see if the recommended changes are producing the desired effect, and to identify the point at which a more robust upgrade of the intersection is warranted.

Another outcome of the site visit was to amend the development plans to remove both proposed crossovers onto Bacchus Marsh Road (which currently exist) and construct new crossovers from Flanagans Drive.

The applicant has amended the application to address a range of matters that have been raised during the assessment process including providing turning templates to ensure vehicle movements can occur readily on the site. .

The application was referred to the relevant authorities of which none objected to the application with some authorities requesting conditions to be placed on any permit issued.

VicRoads initially responded to the application where access was proposed from the Bacchus Marsh Road. Their permit conditions required extensive road works to construct appropriate access to the site. The applicant subsequently changed the proposed access points to be from Flanagans Drive only. VicRoads have subsequently been provided with the amended plans.

The objectors were also concerned about amenity issues and that the proposal would establish a large noisy industrial business on the site with trucks regularly entering and exiting which would add to the objector's description of extremely challenging traffic conditions in the area adjacent to the site.

The applicant however explained that the type of business he was proposing was not a large industrial operation but rather a small niche business recycling heritage materials. The applicant stated that it would be employing 2 - 4 others; that its objective was to recycle heritage type materials; and that generally only its small truck would be accessing the site a few times a week.

After the applicant had explained the type of business it was proposing the objectors were generally accepting of the proposal. However, the road conditions remained of considerable concern to all objectors.

Strategic Intent of the site

The application was referred to Council's Strategic and Sustainable Development Department (SSD). Their comments were general in nature and included that recycled materials should not be visible from the road, and that while the application was for a relatively small materials recycling business the site is in a prominent location which should be considered in assessing the application.

The Bacchus Marsh Gateways Strategy - Final Report, December 2003, noted that there was currently a derelict petrol station on the site. The site is generally located within the study area noted as gateway to the east of Bacchus Marsh from Melton and Melbourne. Within the Report is noted a specific action that Council should "discuss with the owners of the derelict petrol station opportunities to demolish or refurbish the building". The intention for this site is to be an attractive entry point to the Bacchus Marsh townsite in accordance with the Farming zone objectives.

As the land is in the Farming Zone. The use of the land for Materials Recycling does not accord with the purpose and decision guidelines of the zone. The proposal does not accord with State and Local planning policies related to agricultural land.

The site is located close to the entrance to the Avenue of Honour and the Bacchus Marsh township. The Avenue of Honour is an important tourism asset to Bacchus Marsh. The proposed use may be visually detrimental to the entrance to Bacchus Marsh.

Moorabool Planning Scheme.

In accordance with Clause 21.03-4 of the Moorabool Planning Scheme, it is policy to ensure new development in all zones respects the existing character, landscape setting and amenity of the local area. As stipulated above the subject proposal is going to take up approximately a quarter of the subject site. The design of the building is proposed to be constructed of second hand materials with an overall height of 7m peaking at a maximum height of 8.3m. It is considered due to the location of the site being on a central entrance point to the Bacchus Marsh town site, as well as being nestled within an existing farming zone, that this proposal which not agricultural at all in nature is inappropriate for this site. The bulk and scale of the building is too much for the surrounding landscape and would stand out significantly and inappropriately on this site. It is not considered that this proposal achieves the policy intent of protecting the existing character, landscape setting or amenity of the local area

It is also policy to in accordance with Clause 21.03-4 of the Moorabool Planning Scheme in relation to agriculture to protect good quality agricultural land and support the productivity and sustainability of existing and future agricultural and horticultural activities. Whilst it is acknowledged that this site could not be used for any effective agricultural use, it is considered that by approving a use along this line, Council would be sterilising any potential for this site to be used in conjunction with other land or the objectives of the farming zone.

An important consideration with this application is, Council has land zoned specifically for industrial purposes. Industrial uses by nature require specific development requirements such as appropriate crossovers and site access for larger vehicles, appropriate drainage, hardstand areas and landscaping, they also have the potential for more commercial and intensive uses that can cause conflict and detriment to surrounding land uses if not appropriately planned for hence there are specific areas zoned for these uses. The subject land has been zoned as Farming zone as the intent for this land is not to be used for industrial purposes, it is understood that whilst the site isn't capable of sustainable agricultural practices it makes part of the greater amenity of the farming zone and an important entry point to the Bacchus Marsh townsite. By allowing for ad-hoc inappropriate uses such as this to be approved on the farm zone, Council may by nature be encouraging inappropriate developments to be considered on farming zoned land, by nature impacting the whole zone.

Due to the above planning considerations it is considered that the use and development of a materials recycling business on this site is not appropriate to the proposed location, the site constraints, the purpose and decision guidelines of the Farming Zone or the landscape and cultural values of the surrounding precinct.

General Provisions

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

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

Referrals

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

Authority	Response
Western Water VicRoads	Consent with conditions Concerns with original proposal, proposing access onto Bacchus Marsh Road, further consultation was undertaken and VicRoads advised of its consent subject to Flanagan's road being the only access point to the site. t with conditions
Western Water Downer Utilities Australia Pty Ltd	Consent with conditions No objection

Infrastructure Environmental Health Strategic and Sustainable Development	Consent with conditions Consent with conditions Comment – may be considered inappropriate for site as strategic entry point.
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Financial Implications

The recommendation of refusal of this application may represent a financial implication for Council. The applicant may lodge an application for Review of Council's decision with VCAT with associated cost to Council.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. 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 issue an Approval to Grant a Permit. The objectors could apply to VCAT for a Review of Council's Decision with associated cost to Council in defending the decision.

Conclusion

It is considered that the application is not an appropriate development or use for the farming zone, the application does not respond adequately to the site constraints and is not suited to the site. Therefore, it is recommended that the application not be supported.

Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Permit for the Development and Use of the land for Materials Recycling (heritage and timber salvage) and Business Identification signage in accordance with Section 61 of the *Planning and Environment Act 1987*, on the following grounds:

- 1. The proposal use and development does not accord with the purpose or decision guidelines of the Farming Zone.**
- 2. There is no demonstrated nexus between the industrial use and the agricultural use of surrounding land.**

3. The proposal does not accord with the cultural and landscape values of the surrounding precinct including proximity to the Bacchus Marsh Avenue of Honour.
4. The site cannot be adequately screened from the surrounding road network.
5. The proposed use does provide for an orderly planning outcome for the site and immediate area.

Resolution:

Crs. Toohey/Tatchell

That Permit Application PA2017-037 be deferred to the next meeting for further consideration.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager, Growth & Development

Date: Friday, 15 September 2017



11.3 SOCIAL AND ORGANISATIONAL DEVELOPMENT

Consideration of Presentation

Ms. Jo. Blain and Ms. Aileen Kammerman addressed Council as objectors to the recommendation in relation to the Basketball Fee Review.

The business of the meeting then returned to the agenda.

11.3.1 Basketball Fee Review

Introduction

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

The purpose of this report is to recommend that the Council adopt the outcomes of a review into Basketball Fees at the Bacchus Marsh Leisure Centre.

Background

At the Ordinary meeting of the Council held on the 9 July 2017, it was resolved: 'that Council provide a further report on Basketball Association fees, including a comparison and analysis of fees in other shires and an assessment of affordability'.

To assist with and expedite the review of Basketball Fees, Insight Leisure Planning were engaged to prepare an comparison of basketball fees at other facilities with those applied at the Bacchus Marsh Leisure Centre and prepare a brief report with an overall assessment of where Council sits in relation to its current fees.

The work involved the following:

- Benchmarking similar sized facilities for both community casual court hire and association charges.
- Benchmarking service levels provided by Councils. I.e. what do associations receive for the fees paid? E.g. cleaning, competition organisation.
- Comparison of Moorabool charges with other Councils.
- Comparison of the fee structure of other Associations and Bacchus Marsh Basketball Association. I.e. registration and insurance costs, what they charge participants/teams. Is there any admission fees on top of court hire? Who collects and retains this fee?
- Description of the type of agreements/tenancy arrangements in place at various facilities.

Council assumed responsibility for the direct management of the Moorabool Leisure Facilities on 30 June 2017. Council is managing use of the court space at the centre via Licence Agreements with user groups. During the

Licence Agreement discussions with the BMBA, concerns were raised regarding the fee structure for court hire at the Centre and how fees are levied for sports using indoor facilities in comparison to sports using outdoor facilities.

The Council adopted the Recreation Reserve Management Framework in 2016 inclusive of a Recreation Reserve Fees and Charges Policy. This policy establishes the charging rationale for recreation reserves but does not include indoor facilities.

The Fees and Charges Policy relating to outdoor facilities is based around Council recouping approximately 10 percent of maintenance costs at each facility from the permanent user groups.

Fees and Charges for indoor facility users have previously been included within the Leisure Services Contract with the contractor submitting the fees annually to Council for approval. In the past fees have generally been based on a full cost recovery model.

Discussions have been held with representatives of the Bacchus Marsh Basketball Association (BMBA) through their solicitor in relation to a draft user agreement for the Stadium. The Solicitor on behalf of the BMBA has written two letters to Council.

The initial letter from the Lawyers dated the 21 July 2017 indicated that the BMBA requested four amendments to the draft agreement as follows:

- 'the license fee is payable on demand by issue of a monthly invoice in arrears'
- 'the monthly invoice will be calculated based on the license fee and actual time booked'
- 'license period to terminate on the 10 October 2017'
- The Lawyers also sought the insertion of a new clause with "booking arrangements – the parties agree to adhere (sic) the booking arrangements as set out in the schedule".

The Lawyers also advised that the association had 'operated at a loss under the previous committee which is not sustainable'. The Lawyer requested details from Council regarding the operational costs for the premises so that the BMBA could 'perform the proper due diligence and feasibility study'.

Officers included the suggested amendments into the final draft agreement and arranged a meeting with the BMBA to finalise signing. At the subsequent meeting, the issue regarding court hire fees was raised by the association who advised that they would not sign the agreement with the current fee structure. Officers advised that the Court Hire Review had commenced with a report to be presented to the Ordinary Meeting of Council in October.

Staff advised the BMBA representatives that the current fee structure would remain in place until the fee review is completed and the Council considers the outcomes of the fee review. The association were requested to formally write to Council outlining their concerns and issues with the agreement and fee structure.

The second letter from the BMBA Lawyer dated the 25 August 2017 outlined the association's requirements and conditions as follows:

- “We reiterate our clients position that the current proposed license agreement is not financially viable for our client as that would cause our client to either operate at a loss or alternative (sic) increase membership fees which is in some cases is already two to three times higher than other sports clubs”
- “Additionally, there is very little incentive for our client to enter into the proposed license agreement either by way of discounted venue hire or other benefits such as operating the existing canteen”
- “We understand that the Council has only recently taken over management and operation of the facility and this was done on the basis that it would reduce the cost to Council by over \$200,000 per annum. It is our client's view that, as one of the major users of the facility and being a not-for-profit sports association aimed at providing a service to the youth of our community, Council should supplement and lend assistance where it can”.
- “It is not our client's position that the Council should run at a loss, however it was made clear at the meeting that Council, at this stage does not know what the actually (sic) running costs of the facility are and are not in apposition to provide our client with an updated 2017/2018 budget”
- “In addition to the above, our client would work together with Council to promote the canteen with the aim to increase revenue which Council can utilise to offsets the costs of operating the facility.”
- “Our client would also offer to upgrade the seating and common area on the condition that during VJBL game nights, a VJBL representative be allowed to remain at the counter to collect the entry fee”

Proposal

The BMBA has submitted the following fee proposal;

1. A flat rate court hire of \$25 per hour for both training and game days.
2. No out of hour's charges.
3. Continue the rate of \$41-00 per hour for Victorian Junior Basketball League (VJBL) games.
4. All savings will be passed directly on to BMBA members with full recognition of Councils contribution.
5. Allow the BMBA to sell merchandise (e.g. Bags, Hats, socks, balls etc.) at the canteen.
6. The agreement would be for a period of 12 months to allow Council the opportunity to ascertain full operational costs of the facility and then fees will then be assessed to ensure a tenable position for both parties.

The fees and charges contained in the Council's fee schedule adopted as part of the budget and reflected in the draft License Agreement with the BMBA for use of the Bacchus Marsh Leisure Centre have been assessed in relation to the current BMBA court bookings.

The current fees are:

- Peak (competition) \$40.30
- Off-peak \$34.50
- Training \$21.30

An analysis has been undertaken to compare the current fees with the fee proposal submitted by the Association to determine the financial impact for Council.

Month	Council Invoice total	BMBA Proposal	Difference
July**	\$5,362.05	\$4,111.50	-\$1,250.55
August	\$9,157.88	\$6,748.00	-\$2,409.88
September**	\$3,774.30	\$2,625.00	-\$1,149.30
	\$18,294.23	\$13,484.50	-\$4,809.73

** School Holidays Inc. in month

As the table above highlights, the BMBA use (and therefore costs) fluctuates significantly from month to month depending on fixturing, school holidays and type of use (training, domestic competition, VJBL).

The difference in cost to the Association is \$4,809.73 for the 3-month period. When extrapolated over a full 12-month period the difference between Councils fee structure and the BMBA proposal is expected to be in the order of \$20,000 (approx. 37% reduction).

A reduction of this scale is unlikely to be offset by other programming or revenue generation from stadium operations. This would result in increased operating losses and therefore require an increased operating subsidy from Council.

BMBA use for the July to September period is summarised in the table below:

	July	August	September
Training Hours	80	113.5 hrs	40 hrs
Competition Hours	79.5	148 hrs	65 hrs
Out of Hours Fee (Hrs)	12 hrs	20.5 hrs	8 hrs
Total Hours	171.5 Hrs	282 Hrs	113 Hrs

Avg charge July 31.26 hr Ave charge Aug 32.47 hr Ave charge Sept 33.40 hr

Total Hours Jul-Sept	Avg per month	Estimated use for 10 months
566.5 Hrs	189 Hrs	1,890 per annum

1,890 hours per annum @ average rate of \$33.40 per hour = \$63,126
 Allow 10% error = 2079 hrs/annum @ \$33.40 per hour = \$69,438.60

Benchmarking with other Councils and regional facilities has also been undertaken as part of the fee review. A number of basketball associations were consulted regarding their tenancy arrangements, court hire costs and participation costs. The findings of this benchmarking is contained in **Attachment 11.3.1.**

The benchmarking review has concluded that the fees proposed in the draft License Agreement are appropriate based on:

- The proposed fees allow a net return per competition game for the Association (i.e. \$7 per game).
- The Training Fee of \$21-30 is well under industry court hire average cost.
- The Association generated a net profit from competitions of approximately \$7,000 in 2016/17. This contributed to an overall profit of \$40,000 for the 2016/17 year.
- The proposed court hire fees are marginally below the benchmarked average for peak period use.
- BMBA player participation costs/charges are below the benchmarked average of other Associations.

On comparison, the current fees and charges being applied to the BMBA are well within acceptable industry norms. The Council may wish to consider opportunities to support the BMBA to increase revenue generation e.g. removal of the out of hours fee, access to a percentage of canteen sales, or opportunity to sell BMBA merchandise within the facility.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Council Plan Reference

Strategic Objective 1: Providing Good Governance and Leadership
Context: Our Assets and Infrastructure

Strategic Objective 4: Improving Social Outcomes
Context: Health and Wellbeing

The proposal Basketball Fees Review is consistent with the Council Plan 2017-2021.

Financial Implications

The cost of the Court Hire Fee Review was met through existing operational budgets.

The Council's adopted budgets for operation of the Bacchus Marsh Leisure Centre make provision for approximately \$80,000 in fees from the Basketball Association based on the Council adopted fee schedule. The fees for the Bacchus Marsh Basketball Association for 2017/18 have not been increased with the transition from the previous contractor (Belgravia Leisure).

Any reduction in court hire fees will directly impact the overall operating budget for the centre and result in increased costs for Council. The proposal submitted by the BMBA if agreed would result in an overall reduction of revenue for the centre of approximately \$20,000.

In the transition to Council management, the charges being applied to the BMBA were reviewed with the monthly fee paid by the association for use of office space and meeting room at the Centre removed. Previously the BMBA was paying \$200 per month for the Office and \$30 per hour for use of the meeting room, a reduction of \$4,800.

If the Council was to remove the out of hours charge, it is anticipated that this would be of a reduction of \$5,000 in fees payable by the BMBA over a 12 month period.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	The council is already subsidising the operation of the Stadium	Medium	Apply industry accepted fees

Communications and Consultation Strategy

Discussions have been held with representatives of the Basketball Association including their legal representative. Following consideration of this report by the Council, the resolution of the Council will be communicated to the Basketball Association in writing.

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 court hire review and benchmarking comparison has identified that the current fees and charges being applied to the BMBA are well within acceptable industry norms. The cost to BMBA participants also compares favorably with other locations, with the cost to players being below the average of the benchmarked associations and facilities.

Council understands the Bacchus Marsh Basketball Associations concerns regarding the affordability of Basketball to the community and the need to ensure the future sustainability of the association. However, Council needs to balance the associations' requirements with the financial operational realities of the facility.

Operating costs such as electricity, maintenance, cleaning and staffing have and will continue to increase. Fees collected from user groups substantially offset the centre operating costs and reduce the level of Council subsidy required.

It would be appropriate for Council staff to work with the Association to explore possible opportunities for additional revenue generation options within the stadium to support BMBA operations; e.g. percentage of canteen sales, merchandise display/sale and/or advertising sponsorship signage within the stadium. The draft agreement with the Association has already removed previous fees paid by the association for use of the office space and meeting room.

Whilst acknowledging the importance of maintaining participation affordability, it is noted that BMBA Association registration fees are lower than the majority of other associations. There may be scope for the Association to consider a modest registration fee increase to help generate additional revenue for BMBA operations if required.

Recommendation:**That the Council:**

1. Advise the BMBA of the outcomes of the review.
2. Maintain the court hire fees at the current level of \$21-30 per hour for training use and \$40-30 per hour for competition use.
3. Remove the out of hour's fee from the fee structure.
4. Work with the BMBA to identify opportunities to assist the association increase revenue generation at the Centre.
5. Amend the draft License Agreement to reflect the above changes and request that the BMBA sign the agreement.
6. The License Agreement and court hire charges be reviewed in consultation with the BMBA at the conclusion of the initial 12 month period.

Resolution:

Crs. Toohey/Sullivan

That the Council:

1. *Advise the Bacchus Marsh Basketball Association (BMBA) of the outcomes of the review.*
2. *Maintain the court hire fees at the current level of \$21-30 per hour for training use and \$40-30 per hour for competition use.*
3. *Remove the out of hour's fee from the fee structure.*
4. *Work with the BMBA to identify opportunities to assist the association increase revenue generation at the Centre.*
5. *Amend the draft License Agreement to reflect the above changes and request that the BMBA sign the agreement.*
6. *Work with the BMBA and the school that a report brought back to Council in six months outlining a more wholesome understanding of the cost structure on maintenance and running costs.*

LOST.

Resolution:

Crs. Bingham/

That council:

1. *Reduce the rate to a \$25.00 flat rate for games and training for the next six months.*
2. *Immediately reduce game charge to clubs on the provision they keep their fees at \$10 per week per player.*
3. *After 6 months when Council has a clear understanding of the costs associated with running the stadium, Council work together with the BMBA on a new agreement and policy for all users of the stadium. Currently there is no indoor facility policy. This may be an hourly rate or a percentage of cost recovery.*

4. ***Work to improve the quality of product at the canteen and advertise through BMBA networks and members to maximise profit, which will help to reduce running costs to Council.***
5. ***Train staff at the facility to be venue supervisors so as to reduce costs for the BMBA and use the resources of staff that is already available.***
6. ***Promote merchandise at the facility that is supplied by local business.***
7. ***Allow BMBA to fundraise at the stadium.***

The Motion was withdrawn by the Mover.

Resolution:

Crs. Bingham/Tatchell

That Item 11.3.1 Basketball Fee Review be deferred.

The motion was withdrawn by the Mover with the consent of the seconder.

Resolution:

Crs. Bingham/Tatchell

That the Council:

1. ***Advise the Bacchus Marsh Basketball Association (BMBA) of the outcomes of the review.***
2. ***Reduces the court hire fees to a flat rate of \$25 per hour for use.***
3. ***Work with the BMBA to identify opportunities to assist the association increase revenue generation at the Centre.***
4. ***Amend the draft License Agreement to reflect the above changes and request that the BMBA sign the agreement.***
5. ***Work with the BMBA with a report to be brought back to Council in six months outlining a more wholesome understanding of the cost structure on maintenance and running costs.***
6. ***Authorise Council officers to directly negotiate with the school to formulate a better outcome.***

CARRIED.

Cr. Toohey called for a Division

Councillors voting for the resolution

Cr. Bingham, Cr. Tatchell, Cr. Keogh, Cr. Edwards

Councillors voting against the resolution:

Cr. Toohey, Cr Sullivan

Report Authorisation

Authorised by: 

Name: Danny Colgan
Title: General Manager Social & Organisational Development
Date: Wednesday, 27 September 2017

11.3.2 Community Grants Policy 2017

Introduction

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

The purpose of this report is to recommend that the Council adopt the Community Grants Policy 2017.

Background

The Council previously considered this item at the Ordinary Meeting of Council held on the 6 September 2017 where it was resolved to lay the Draft Revised Community Grants Policy on the table for further consideration at the next 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.

The Council's Community Grants Program currently makes available \$140,000 annually to community groups and organisations to help support and enhance innovative community activities, projects and events. The program is currently delivered over two separate funding rounds offering \$70,000 in each, under three categories: Community Strengthening; Community Arts and Culture; and Community Events.

At the Ordinary Meeting of Council on the 19 May 2010, the Council adopted the Community Grants Guidelines. The Guidelines included the following:

“Council will review the performance of the Community Grant Program every 3 years to ensure that the Grant Program is both achieving its objectives and meeting community needs.”

A review of the Community Grants program was conducted in 2013 and at the Ordinary Meeting of Council on the 4 September 2013, the Council resolved to adopt a revised Community Grants Policy.

A review of the Community Development Fund was conducted in 2014. At the Ordinary Meeting of Council on the 3 December 2014, the Council resolved to: “continue to work with the Community Development Fund under the present guidelines and to seek seed funding for the small projects throughout the Shire”.

At the Ordinary Meeting of Council held on the 2 March 2016, the Council resolved to “.....bring forward a review of the Community Development Fund and as part of that review, include the process in which we communicate with the community”.

To ensure the program continually evolves to meet the changing needs of the communities of Moorabool, regular review of the community grants process is required.

Community Grants Program Review

The Community Grants Program is reviewed every 3 years to ensure the program is achieving its objectives and meeting the needs of the community. A review of the program was undertaken in April 2017 involving key internal stakeholders and previous community grant applicants.

The aims of the Community Grants Program Review were to:

- update the policy to align it with the Council Plan objectives;
- engage the community, including past applicants, in providing feedback to improve the program;
- improve the accessibility and understanding of the grant program in the community;
- review the objectives of the program to ensure the outcomes are meeting current community needs; and
- improve community group understanding of guidelines and application forms.

The review of the Community Grants Program focused on the following:

- inclusion of Community Development Fund Grants under the Community Development Grant Program;
- introduction of Sustainability and Environmental Engagement Grants;
- updating the program objectives and funding schedule to reflect the proposed introduction of new grant streams; and
- review of funding round dates and titles.

Community Grants Program Review Findings

Key findings of the review included:

- recommendations to incorporate the Community Development Fund as part of the Community Grants Program;
- introduction of Sustainability and Environmental Engagement Grants;
- feedback that the application form was simple to use but some groups had difficulties with filling out the budget;
- funding amounts of \$5,000 Strengthening and \$3,000 Arts and Events have been identified as adequate;
- February identified as a difficult time for applicants to put together and application; and
- confusion around the Summer and Winter titles for funding rounds.
- Ensuring quality of applications

Recommendations to findings:

- incorporating the Community Development Fund under the Community Grants Program;
- introducing a Sustainability and Environmental Engagement funding stream;
- introduction of online application portal to simplify budget input;
- funding round changed from February to March; and
- funding rounds titles changed to Round 1 (March 1 -31) and Round 2 (August 1 -31)
- Applications must receive an assessment score of 70 or higher to be funded.

Revised Draft Community Grants Policy

The revised Community Grants Program Policy comprises information about how the program will be implemented in the community. The proposed additional funding streams have been incorporated into the revised policy. The revised final draft Community Grants Policy is contained in **Attachment 11.3.2**. The policy has been revised based on community engagement outcomes and the recommendations from the review.

The following changes have been made to the policy based on the review:

- including the following funding streams under the community grants program:
 - Community Development Fund
 - Sustainability and Environmental Education
- update of objectives to reflect inclusion of additional grant streams.
- inclusion of online application process
- updated funding schedule to reflect inclusion of additional
- funding rounds changed to Round 1 (March 1-31) and Round 2 (August 1-31)

Introduction of additional funding streams to Community Grants Program

Community Development Fund

The Community Development Fund was established by the Council at the Ordinary Meeting of Council on the 19 October, 2011. The purpose of the fund is to provide a more robust and transparent process for the allocation of the \$100,000 capital funding which had previously been committed to support capital projects under the Moorabool Communities in Action (MCiA) Program. The Community Development Fund provides \$100,000 annually to community groups/committees, community networks, progress groups and development associations as seed funding (and leverage for external funding opportunities) to support community infrastructure projects that have a significant impact on community development, liveability and wellbeing in the Shire.

It is proposed that the Community Development Fund be incorporated into the under the Community Grants Program with the priority toward funding large/major Community Capital Projects or Programs/Initiatives that enhance community capacity, liveability and wellbeing in local communities.

The following changes are recommended to bring the Community Development Fund under the Community Grants Program

- Community groups can apply for a grant of between \$5,001 and \$100,000. To be successful applicant must meet the minimum funding threshold requirements as follows:

Funding Thresholds	Requirements
\$5,001 - \$25,000	<ul style="list-style-type: none"> • 3 Written Quotes • Project Plan • Minimum 1:1 matching funds
\$25,001 - \$50,000	<ul style="list-style-type: none"> • 3 Quotes • In-kind Ratio Maximum 50% • 1 Letter of Support • Project Plan • Minimum 1:1 matching funds • Other Funding Sources Identified
\$50,001- \$75,000	<ul style="list-style-type: none"> • 3 Written Quotes • In-kind Ratio Maximum 30% • 2 Letters of Support • Masterplan • Design Drawings • Project Plan • Minimum 1:1 matching funds • Other Funding Sources Identified
\$75,001, \$100,000	<ul style="list-style-type: none"> • 3 Written Quotes • In-kind Ratio Maximum 20% • 3 Letters of support • Masterplan • Design Drawings • Project Plan • Risk Management Plan • Community Consultation Plan • Minimum 1:1 matching funds • Other Funding Sources Identified

- For successful applicants to be allocated funds, they must secure all additional funding before funds are released. Successful applicants will have 12 months to secure additional funding.
- Demonstrated establishment of community partnerships in the delivery of the project will be scored highly.
- A funding ratio of 1:1. Applications with higher funding ratios will be more favourably received and receive a higher project score.

Sustainability and Environmental Engagement Grants

A key priority area of the Council's Sustainable Environment Strategy 2016–2026 is that there is a measurable increase in community awareness of the natural environment and participation in Natural Resource Management based activities in the Shire. Council has identified the objective of encouraging and supporting community based Natural Resource Management Groups through actions including the provision of resources, information and funding.

In the strategy, Council has identified the objectives of encouraging and supporting community based Natural Resource Management and Environment Groups through actions including the provision of resources, information and funding. (Action 4.4 of the implementation plan). Including a sustainability and environmental engagement stream into the Community Grants Program has been identified by staff to assist achieve this objective. The programs key objectives are to:

- assist community groups with funding to help reduce their expenditure on gas and electricity;
- provide community groups with seed funding for larger capital investment in sustainability measures in existing facilities including solar; and
- provide opportunities to raise awareness of environmental issues to the broader community in different ways

The following is recommended to incorporate the Sustainability and Environmental Engagement Grants under the Community Grants Program:

- include the funding stream as part of the Community Grants Round 2 Program;
- funding pool of \$10,400; and
- Eligible groups able to apply for up to \$3,000.

Feedback was sought on the draft Revised Community Grants policy through making it available on Have Your Say, Council's on line engagement portal; at the Bacchus Marsh and Ballan Libraries and Service Centres. At the closing date on the 25 September, one submission was received but didn't relate to the draft policy. The submission was seeking financial assistance for a private business.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Council Plan Reference

Strategic Objective 1: Providing Good Governance and Leadership
Context: Our Assets and Infrastructure

Strategic Objective 4: Improving Social Outcomes
Context: Health and Wellbeing

The proposal Revised Community Grants Policy is consistent with the Council Plan 2017-2021.

Financial Implications

Council allocates the following funding for the grant programs: \$250,400 annually to a pool of Community Grants; comprising of \$,100,000 annually to Community Strengthening Grants; \$20,000 annually to Community Arts Grants; \$20,000 annually to Community Events Grants; \$100,000 annually to Community Development Fund Grants; and \$10,400 annually to Sustainability and Environmental Engagement Grants.

The Community Grants Program is administered by the Community & Recreation Development Unit and requires resources primarily from this unit. Community Development Officer Staff will implement enhanced promotional activities for the grant program within existing resources.

Financial requirements for the introduction Sustainability and Environmental Engagement Grants are within current Strategic and Sustainability Unit resources.

Funds not allocated in any round by the Council will be carried over to the next round.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Program review	Program review not implemented	Medium	Review program every three years

Communications and Consultation Strategy

The following community engagement was undertaken, in accordance with Council's Community Engagement Policy and Framework.

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community Grant recipients	Phone interview	Various	April - June 2017	Ongoing
Consult	Community members	Survey – Have your say Moorabool	Various	June 2017 September 2017	Ongoing
Collaborate	Internal Staff	Working Group	Darley	April – June 2017 September 2017	Ongoing

The revised draft Community Grants Policy was distributed to community groups to provide feedback following consideration by Council.

The engagement and communication plan involved: advertisements in newspapers; correspondence to community groups; website information; requesting community feedback on the revised policy.

Promotion and Awareness of Community Grant Program

In the lead up to community grant rounds, officers will advertise the program to the community through the following methods: advertisements in newspapers; correspondence to community groups; website information and social media. There will also be regular articles in Moorabool Matters and Moorabool News, which will further increase awareness of the Community Grants Program.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager –Danny Colgan

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

Author – Kirsty Doncon

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

Conclusion

Council's Community Grant Programs provide significant support to community groups in the Shire of Moorabool.

Having resolved on the 6 September 2017 that the draft Revised Community Grants Policy lay on the table for further consideration at the next Ordinary Meeting of Council, the Community Grants Policy is now placed before the Council for adoption.

Recommendation:

That the Council in accordance with Moorabool Shire Council Policy Protocol, 'Consideration of items which Affect beyond the Current Year', now adopts the Community Grants Policy 2017.

Resolution:**Crs. Sullivan/Bingham**

1. *That the Council in accordance with Moorabool Shire Council Policy Protocol, 'Consideration of items which Affect beyond the Current Year', now adopts the Community Grants Policy 2017.*
2. *That a review be undertaken in twelve months to determine the success or otherwise of the changes.*
3. *That consideration be given to progressively increasing the funds available in the Community Grants Program in future budgets.*

CARRIED.

Report Authorisation**Authorised by:** 

Name: Danny Colgan
Title: General Manager Social & Organisational Development
Date: Wednesday, 27 September 2017

11.4 INFRASTRUCTURE

11.4.1 Draft Borrowing Policy

Introduction

File No: 07/02/001
Author: Steve Ivelja
General Manager: Phil Jeffrey

Background

As part of Council's 2016/17 successful rate cap variation, the Essential Services Commission noted the lack of a formal borrowing/debt management policy and recommended that Moorabool Shire develop a Borrowing Policy. As a result, the draft Borrowing Policy seeks to formalise and document Council's current practices whilst incorporating new elements based on benchmarking and a strategic review.

The purpose of the Borrowing Policy is to:

1. Establish objectives and principles that outline when it is appropriate for Council to undertake borrowings within a sound financial management framework;
2. Set out the manner in which Council may establish and manage a debt portfolio and;
3. To ensure Council's new borrowings comply with legislative requirements.

The draft policy was presented to the Audit & Risk Management Committee on Wednesday 9 August 2017, and subsequently to Council at the Ordinary Meeting on Wednesday 6 September, where the following was resolved:

That Council:

1. *Receives the Draft Borrowing Policy (IS018/Version 1); and*
2. *In accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, the Borrowing Policy (IS018/Version 1) as attached, now lay on the table for further consideration at the next Ordinary Meeting of Council.*

Proposal

It is now recommended that Council adopt the draft Borrowing Policy as attached to this report.

Policy Implications

The 2017 - 2021 Council Plan provides as follows:

Strategic Objective 1: Providing Good Governance & Leadership

Context 1C: Our Business & Systems

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

Financial Implications

The Borrowing Policy aims to ensure that Council borrowings are managed in a consistent and responsible manner whilst ensuring that Council has a structured and disciplined approach to borrowing of funds that fit within a financially sustainable framework.

Risk & Occupational Health & Safety Issues

There are no risk or occupational health and safety implications associated with the adoption of this policy.

Communications and Consultation Strategy

The Borrowing Policy will be made available to relevant staff and the public via Council's web site.

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 – Steven Ivelja

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

Conclusion

Following feedback from the Essential Services Commission, a draft Borrowing Policy (*IS018/Version 1*) has been prepared, which in large part reflects Moorabool Shire's current borrowing practices. The Borrowing policy also aims to ensure compliance with relevant standards, guidelines and best practice.

Resolution:

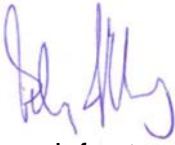
Cr. Sullivan/Tatchell

That Council adopts the Borrowing Policy (IS018/Version 1).

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey 
Title: General Manager Infrastructure
Date: Friday, 15 September 2017

11.4.2 Review of Procurement Policy

Introduction

File No.: 03/01/007
Author: Jacinta Erdody
General Manager: Phil Jeffrey

Background

In accordance with section 186A(7) of the Local Government Act:

“at least once in a financial year, a Council must review the current procurement policy and may, in accordance with this section, amend the procurement policy.”

The existing Council Procurement Policy was first adopted 18 November 2009 and in accordance with legislative requirements has continued to be reviewed on an annual basis. The last formal review and adoption of the policy was 7 December 2016.

The draft policy was presented to the Ordinary Meeting of Council on Wednesday 6 September 2017, where the following was resolved:

That Council:

- 1. Receives the revised Procurement Policy (IS014/Version 008).*
- 2. In accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, the Procurement Policy (IS014/Version 008) as attached, now lay on the table for further consideration at the next Ordinary Meeting of Council.*

Proposal

As a result of the most recent review, there are only minor adjustments being proposed. This will not affect the overall intent of the policy.

The revised policy is presented as an attachment to this report. The key changes being proposed to the policy being;

- The addition of 2.5.1 Purchase Orders – this clause outlines that purchase orders are to be raised prior to engaging suppliers or prior to entering into a transaction for goods or services
- A clarification to councils payment terms has been made to clause 2.6

This policy will continue to be reviewed in accordance with legislative requirements.

Policy Implications

The 2017 – 2021 Council Plan provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

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

Financial Implications

The adoption of the revised Procurement Policy has no additional known financial implications to Council.

Risk & Occupational Health & Safety Issues

As the annual review of this policy is legislated, there is a risk of non-compliance with the Local Government Act if this policy is not reviewed annually.

Communications Strategy

Once Council has adopted the revised Procurement Policy, the updated document will be communicated to all staff and will be placed 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 Infrastructure – Phil Jeffrey

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

Author – Jacinta Erdody

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

Conclusion

After considering the revised Procurement Policy, Council resolve to adopt the document.

Resolution:

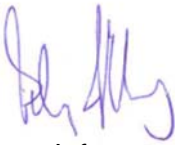
Crs. Tatchell/Keogh

That Council adopts the revised Procurement Policy (IS014/Version 008).

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey 
Title: General Manager Infrastructure
Date: Friday, 15 September 2017

11.4.3 Roads - Shoulder Maintenance

Introduction

Author: Sam Romaszko
General Manager: Phil Jeffrey

Background

At the Ordinary Meeting of Council on Wednesday 02 August 2017, Council put forward a Motion in relation to shoulder maintenance within the municipality as detailed below;

That a report comes back to Council that details our intervention levels on shoulder maintenance.

CARRIED.

Council is responsible for the maintenance and management of unsealed shoulders within the municipality. This equates to approximately 748km of our road network (being 1496km of shoulders, both sides of the road).

Road Management Plan

Moorabool Shire Council is a Road Authority as defined in Section 37 of the Road Management Act 2004 (RMA), and under this legislation, road authorities may choose to develop and publish a Road Management Plan (RMP).

The RMP and is an operational document that provides road users with an overview of Council's road management policy and maintenance practices, and typically defines;

- the road assets which Council maintains on behalf of the community
- the responsibilities of Council in relation to management of road assets
- standards of performance in relation to the maintenance of road assets considering available resources
- policies and procedures in relation to the ongoing risk inspection of road assets
- intervention levels and associated response times for Council to address defects

Whilst the development of a RMP is optional, it is commonplace for Council's to have such a document in place as it is designed to:

- Meet the legislative requirements of the Act
- Mitigate risk and manage civil liability
- Demonstrate Council is responsibly managing road assets
- Define the hierarchy of road assets (roads, bridges and footpaths) and associated levels of service
- Manage community expectation in relation to required maintenance works

Council adopted the current RMP on 07 June 2017.

Maintenance Activities

Council undertakes shoulder maintenance activities in accordance with the adopted RMP. Inspection frequencies and response timeframes for rectification works beyond intervention are categorised based on the associated road hierarchy.

As detailed within the RMP, intervention levels associated with shoulder assets include;

- Potholes in the shoulder of a sealed pavement (with a seal width of <5m), where the pothole is >150mm in depth and/or >500mm in diameter
- Edge drops onto unsealed shoulder > 100mm
- Edge break that is >300mm laterally over a 50m length from the nominated seal line

Budget

The budget allocation for maintenance activities associated with shoulder grading this financial year is \$68,965, which is used to perform rectification works on shoulder defects as identified through RMP inspections. This equates to an average maintenance allocation of \$46 per lineal kilometre across the shoulder network.

Council's annual Capital Improvement Program includes a shoulder resheeting program. This program aims to rehabilitate shoulders and typically includes the placement of gravel, improvements to drainage, and tree trimming if necessary. The 2017/18 budget allocation in this program is \$101,983 and provides an upgrade to 5.5km of the shoulder network (or 0.3%).

Proposal

Council is responsible for the maintenance and management of unsealed shoulders within the municipality. This equates to approximately 748km of our road network (being 1496km of shoulders, both sides of the road).

Maintenance of the shoulder network is undertaken in accordance with the Road Management Plan that was formally adopted by Council on 07 June 2017.

Policy Implications

The 2017-2021 Council Plan provides as follows:

Strategic Objective Providing good governance and leadership

Context Our assets and infrastructure

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

Financial Implications

There are no financial implications associated with this report.

Risk & Occupational Health & Safety Issues

There are no Risk or Occupational Health and Safety issues associated with the recommendation within this report.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Sam Romaszko

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

Conclusion

Following a Notice of Motion raised at the Ordinary Meeting of Council on Wednesday 02 August 2017, this report has been prepared that provides an overview of maintenance activities undertaken on the shoulder network.

Resolution:


Crs. Sullivan/Keogh

That Council receives the report in relation to intervention levels associated with Road Shoulder Maintenance practices.

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey 
Title: General Manager Infrastructure
Date: Friday, 15 September 2017

12. OTHER REPORTS

12.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

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

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

- Assembly of Councillors – Wednesday 9 August 2017 – Grants and Tourism Events
- Assembly of Councillors – Wednesday 16 August 2017 – Role of Mayor, Deputy Mayor and Councillors
- Assembly of Councillors – Wednesday 16 August 2017 – Draft Priority Project and Advocacy to December 2018
- Assembly of Councillors – Wednesday 6 September 2017 – Audit and Risk Committee Presentation of Financial and Performance Statements

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

- ***Assembly of Councillors – Wednesday 9 August 2017 – Grants and Tourism Events***
- ***Assembly of Councillors – Wednesday 16 August 2017 – Role of Mayor, Deputy Mayor and Councillors***
- ***Assembly of Councillors – Wednesday 16 August 2017 – Draft Priority Project and Advocacy to December 2018***
- ***Assembly of Councillors – Wednesday 6 September 2017 – Audit and Risk Committee Presentation of Financial and Performance Statements***

CARRIED.

12.2 Section 86 – Delegated Committees of Council – Reports

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

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

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

Committee	Meeting Date	Council Representative
Lal Lal Soldiers' Memorial Hall Committee of Management	11 September 2017	Community Members
Greendale Recreation Reserve Committee of Management	14 September 2017	Cr. Toohey
Maddingley Park Committee of Management	29 August 2017	Community Members

Resolution:

Crs. Sullivan/Tatchell

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

- ***Lal Lal Soldiers' Memorial Hall Committee of Management meeting of Monday, 11 September 2017.***
- ***Greendale Recreation Reserve Committee of Management meeting of Thursday, 14 September 2017.***
- ***Maddingley Park Committee of Management meeting and Annual General meeting of Tuesday, 29 August 2017.***

CARRIED.

12.3 Advisory Committees of Council - Reports

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

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

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

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

Committee	Meeting Date	Council Representative
Social Development Committee	20 September	Cr. Bingham Cr. Dudzik Cr. Tatchell
Navigators Community Centre	12 September	Community Members

Resolution:

Crs. Sullivan/Toohey

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

- ***Social Development Committee meeting of Wednesday 20 September 2017.***
- ***Navigators Community Centre Annual General meeting of Tuesday, 12 September 2017.***

CARRIED.

13. NOTICES OF MOTION

Nil.

14. MAYOR'S REPORT

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

Cr David Edwards – Mayor's Report	
<i>September/October 2017</i>	
7 September	<ul style="list-style-type: none"> • Grand Official Opening Apple 98.5FM Community Radio Station
9 September	<ul style="list-style-type: none"> • Official Opening of the CWA New Room / Association Day
13 September	<ul style="list-style-type: none"> • Special Meeting of Council • Bacchus Marsh College 2017 School Production "Knock on Wood"
20 September	<ul style="list-style-type: none"> • Embassy Vic - Stephen Jones MP, Federal Shadow Minister for Local Government, Regional Services & Regional Communications
22 September	<ul style="list-style-type: none"> • Embassy Vic Network Meeting
26 September	<ul style="list-style-type: none"> • Australian Citizenship Ceremony, Ballan • Blacksmiths Cottage & Forge Meeting, Bacchus Marsh
27 September	<ul style="list-style-type: none"> • Meeting with Mr Geoff Howard, Member for Buninyong • Assembly of Councillors – Rating Strategy Review • Assembly of Councillors – Basketball Association Fee Review • Assembly of Councillors – Draft Ballan Early Years Feasibility Study
2 October	<ul style="list-style-type: none"> • Official Opening – Trial of Extended Opening Hours, Lerderberg Library
4 October	<ul style="list-style-type: none"> • Assembly of Councillors – Draft Health & Wellbeing Plan • Ordinary Meeting of Council

Resolution:

Crs. Sullivan/Tatchell

That the Mayor's report be received.

CARRIED.

15. COUNCILLORS' REPORTS

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

<i>Cr. Sullivan</i>	
<i>September 2017</i>	
4 September	Chaired Bi Annual AGM Lal Lal Hall Committee of Management
7 September	Chaired Tri Annual AGM Bullarook Recreation Reserve Committee
12 September	Chaired AGM Navigators Committee of Management
18 September	MAV Rural South Central Meeting, Bannockburn

<i>Cr. Bingham</i>	
<i>October 2017</i>	
	Cr. Bingham thanked and congratulated Cr. Edwards on his term as Mayor.

<i>Cr. Keogh</i>	
<i>September 2017</i>	
	Cr. Keogh also thanked and congratulated Cr. Edwards on his term as Mayor.
26 September	Australian Citizenship Ceremony (Congratulation to staff on organising event)

Resolution:

Crs. Sullivan/Toohey

That the Councillors' reports be received.

CARRIED.

16. URGENT BUSINESS

16.1 2017 Round 2 Supercross Championship

Resolution:

Cr. Keogh/Tatchell

That Council arrange an official welcome on Friday, 13 October 2017, before the Round 2 Supercross Championship event to be held in Parwan.

CARRIED.

16.2 Recycling in Moorabool

Resolution:

Crs. Keogh/Tatchell

That following reports in the media of recycling materials being dumped in landfill, that a report be prepared by officers on our recycling contracts and processes.

CARRIED.

AJOURNMENT OF MEETING – 7.16PM

Crs. Sullivan/Toohey

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

CARRIED.

RESUMPTION OF MEETING – 7.26PM

Crs. Sullivan/Toohey

That the meeting now be resumed.

CARRIED.

Cr. Tatchell left the meeting at 7.27pm.

17. CLOSED SESSION OF THE MEETING TO THE PUBLIC**17.1 Confidential Report****Resolution:****Crs. Sullivan/Toohey**

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

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

CARRIED.

Item 17.1 is a confidential item
and therefore not included as part
of these Minutes.

18. MEETING CLOSURE

The meeting closed at 7.36pm.

Confirmed.....Mayor.