

ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held at Council Chamber, 15 Stead Street, Ballan on
Wednesday 06 March 2019 at 6:00 p.m.

Members:

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

Officers:

Mr. Derek Madden	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

Derek Madden
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

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

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. RECORDING OF MEETING

In accordance with Moorabool Shire Council's Meeting Procedure Local Law, the Council recorded this meeting. The following organisations were granted permission to make an audio recording also:

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

4. PRESENT

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

Officers:

<i>Mr. Derek Madden</i>	<i>Chief Executive Officer</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Social and Organisational Development</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Ms. Sarah Kernohan</i>	<i>Coordinator Strategic Planning</i>
<i>Mr. Tristan May</i>	<i>Coordinator Capital Works</i>
<i>Ms. Michelle Morrow</i>	<i>Coordinator Governance</i>
<i>Ms. Emma Szymanski</i>	<i>Minute Taker</i>

5. APOLOGIES

<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
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6. CONFIRMATION OF MINUTES**6.1 Ordinary Meeting of Council – Wednesday 6 February 2019****Resolution:****Crs. Bingham/Keogh**

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 6 February 2019, with the following correction to the recording of the speakers to Item 9.2 – Gordon Streetscape Works on page 14, as requested:

Currently:

Mr. Stephen Derrick addressed Council as a supporter of the recommendation to Item 9.2 – Gordon Streetscape Works

Ms. Dina Bowman addressed Council as a supporter of the recommendation to Item 9.2 – Gordon Streetscape Works

Correction:

Mr. Stephen Derrick addressed Council in support of the petition regarding Gordon Streetscape Works

Ms. Dina Bowman addressed Council in support of the petition regarding Gordon Streetscape Works

Additionally, on page 15 of the Minutes, the following correction to the listing of persons making a presentation/deputation other than a planning item listed on the Agenda, is recommended:

Currently:

<i>Item No</i>	<i>Description</i>	<i>Name</i>	<i>Position</i>
<i>9.2</i>	<i>Gordon Streetscape Works</i>	<i>Stephen Derrick</i>	<i>Supporter</i>
<i>9.2</i>	<i>Gordon Streetscape Works</i>	<i>Dina Bowman</i>	<i>Supporter</i>

Correction:

<i>Item No</i>	<i>Description</i>	<i>Name</i>	<i>Position</i>
<i>9.2</i>	<i>Gordon Streetscape Works</i>	<i>Stephen Derrick</i>	<i>Supporter of petition</i>
<i>9.2</i>	<i>Gordon Streetscape Works</i>	<i>Dina Bowman</i>	<i>Supporter of petition</i>

CARRIED.

7. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

7.1 Disclosure of an Indirect Interest – Cr. Sullivan

Cr. Sullivan declared an Indirect Conflict of Interest (section 78B) in relation to Item 11.2.1 – Planning Scheme Amendment C88 – Ballan Strategic Directions. The nature of the Conflict of Interest is due to Cr. Sullivan having a client of his firm that has lodged a submission to this item.

7.2 Disclosure of Direct Interest – Cr. Sullivan

Cr. Sullivan declared a Direct Conflict of Interest in relation to Item 11.2.4 – Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook. The nature of the Conflict of Interest is due to Cr. Sullivan being an adjoining land owner and having also lodged an objection to this application.

7.3 Disclosure of an Indirect Interest - Cr. Keogh

Cr. Keogh declared an Indirect Conflict of Interest (section 78B) in relation to Item 11.4.1 – Petition: Request to defer contract C24-2018/19 Main Street, Gordon – Streetscape Upgrade Works, Stage 1. The nature of the Conflict of Interest is due to Cr. Keogh having a close association with an objector.

7.4 Disclosure of an Indirect Interest - Cr. Keogh

Cr. Keogh declared an Indirect Conflict of Interest (section 78B) in relation to Item 17.1 – Contract C28-2018/2019; Construction of new Roundabout McCormacks Road/Griffith Street, Maddingley. The nature of the Conflict of Interest is due to Cr. Keogh being a consultant to the contractor.

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.

In response to the questions raised by Ms Margaret Scarff at the Ordinary Meeting of Council on Wednesday 6 February 2019, Council's General Manager Growth and Development has advised the following

Question 1: Will Council ensure that the process for amendment of planning permit for 11 Tilleys Road will be open, transparent and involve the whole community, not just the adjoining residents?

Response:

The application was initially notified to adjoining properties to a distance of 600 metres. Council has now undertaken further notification to all properties located within the Special Use Zone 1 which varies to approximately 1.3km from the proposal. In addition to this the public has been notified through two news articles in the local paper and information is available on Council's website. The public notification period has been extended until the 5th of March 2019. The planning process will be undertaken in accordance with the Planning & Environment Act 1987 which provides for full transparency.

Question 2 - Will Council consider findings in this report relating to "High" levels of pollution found in the postcode 3340?

Response:

Council will consider all relevant matters in accordance with the requirements of the Planning & Environment Act 1987.

Ms. Dina Bowman submitted the following question/s:

Question 1:

Will the report on the petition be amended to more accurately and objectively reflect what was discussed at the community organized meeting in January 2019?

Response:

The report confirms what was articulated at the public meeting, in that Stage 1 works didn't involve the full tree removal in future stages as shown on the conceptual 'Proposed Streetscape Plans' which was used in the initial consultation with the community.

Prior to the progression of future stages, further consultation with the community will be undertaken with specific reference to landscaping outcomes.

Question 2:

How will Council ensure dissemination of accurate information about planning via its website?

Response:

Council's website has the updated plans for the proposed works, located on the Community/News page.

The plan referred to, dated 20 Nov 2017, is embedded on the Council's "Have My Say" page of "closed" consultation projects. It is not appropriate to remove that plan as it represents what was displayed to the community as part of the earlier consultation process

Ms. Stephanie Day (representing the Ballan Aboretum Group) submitted the following question/s:

Question 1:

Can Council please advise what procedures are in place to ensure that it provides timely responses to community email, letters, phone call enquiries?

Response:

Council records all community emails, correspondence and phone messages/enquiries via the Customer Request Management and Electronic Document Management Systems.

Requests are allocated to the appropriate officer for action and follow up.

A system of business rules is in place to ensure requests are actioned within specific time parameters;

Phone message – Response within 1 business day

Emails and Correspondence – Acknowledged within 5 business days and responded to/resolved within 10 days.

Officers are notified weekly of any outstanding requests and are directed to resolve them immediately.

A monthly report is prepared identifying actions that meet the required performance time lines and all outstanding actions. Officers are required to provide explanations for outstanding CRMS actions.

Question 2:

Does Council monitor its responses frequency and timeliness to such enquiries, and if so what are the results please?

Response:

Council does monitor responses via the Customer Request Management System (CRMS) and Electronic Document Management System.

A report is prepared monthly that identifies how many requests have been received, which areas they were referred to, the number of requests resolved within Councils performance requirements and the number of outstanding requests.

The reports for January and February 2019 results are as follows:

Number of requests received – January	Totals
Total requests received	953
Total Closed in month	826
Closed within timeframe	762 - 92%
Closed outside time frame	64 – 8%
Outstanding for month	127

Number of requests received – February	Totals
Total requests received	839
Total Closed in month	800
Closed within timeframe	728 - 92%
Closed outside time frame	72 – 9%
Outstanding for month	39

Mr. Gerrard Miller submitted the following question/s:

Question 1:

We understand that Council has issued Compliance Notices over the property almost a year ago, can the Council provide an update as the progress that you have made towards the restoration of the property. We note that there continues to be a replica corpse hanging in the property, which should promptly be addressed?

Response:

Due to this question having been submitted to Council after the deadline of 5pm the day before the Council meeting, the question will be taken on notice and a written response provided.

Question 2:

We note that Council received an application to amend the trading hours and the types of waste that can be accepted in to the waste management centre in Maddingley. We note that this is a significant issue for the community located in the Maddingley area and surrounding suburbs why has this not been addressed at a public forum as yet?

A verbal response was provided at the meeting.

9. PETITIONS

Nil.

10. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
11.2.1	Planning Scheme Amendment C88 – Ballan Strategic Directions	Concetta McFall	Speaker to the Item
11.2.1	Planning Scheme Amendment C88 – Ballan Strategic Directions	Steve Kelly	Speaker to the Item
11.4.1	Petition: Request to defer contract C24-2018/19 Main Street, Gordon – Streetscape Upgrade Works, Stage 1	Stephen Derrick	Speaker to the Item
11.4.1	Petition: Request to defer contract C24-2018/19 Main Street, Gordon – Streetscape Upgrade Works, Stage 1	Dina Bowman	Speaker to the Item
12.2	Section 86 – Delegated Committees of Council - Reports	Karelyn Dangar	Speaker to the Item

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

Nil.

11. OFFICER'S REPORTS

11.1 CHIEF EXECUTIVE OFFICER

Nil.

11.2 GROWTH AND DEVELOPMENT

Cr. Sullivan declared an Indirect Conflict of Interest (section 78B) in relation to Item 11.2.1 – Planning Scheme Amendment C88 – Ballan Strategic Directions. The nature of the Conflict of Interest is due to Cr. Sullivan having a client of his firm that has lodged a submission to this item.

Cr. Sullivan adjourned from the meeting at 6.11pm and did not participate in voting on the Item.

Ms. Concetta McFall addressed Council relation to Item 11.2.1- Planning Scheme Amendment C88 – Ballan Strategic Directions.

Mr. Steve Kelly addressed Council in relation to Item 11.2.1- Planning Scheme Amendment C88 – Ballan Strategic Directions.

The business of the meeting then returned to the agenda

11.2.1 Planning Scheme Amendment C88 – Ballan Strategic Directions

Introduction

Author: Rod Davison
General Manager: Satwinder Sandhu

Executive Summary

This report considers submissions made in response to the recent public exhibition of Moorabool Planning Scheme Amendment C88 (the Amendment) which seeks to implement the findings of Ballan Strategic Directions 2018. Council is the proponent for the Amendment.

Council received 39 submissions, including 35 submissions which either object or seek changes to the Amendment. This report identifies the key issues raised in submissions and proposes an officer response to each key issue.

It is recommended that Council:

- Request the Minister for Planning to appoint a Planning Panel to hear submissions regarding the Amendment.
- Adopt a position on the submissions as outlined in the Table to **Attachment 11.2.1c**; and
- Authorise officers to make changes to the Amendment and the Ballan Strategic Directions generally in accordance with Council officer recommendations in this report and as per **Attachment 11.2.1c**.

Background

The Ballan Strategic Directions (BSD) document was adopted by Council on 1 November 2017 and amended by Council on 6 June, 2018. The BSD is a long-term strategic document that provides guidance for the future growth of Ballan through to 2041.

The document identifies future residential growth areas, an updated suite of residential zones, and design objectives for existing residential precincts. The BSD also identifies objectives, strategies and actions relating to movement networks, open space, community facilities, non-residential uses, and drainage and utility services.

The Amendment has been prepared to implement the BSD by applying the updated suite of residential zones to existing residential zoned land (**see Attachment 11.2.1a**), updating local policy and updating the Ballan Framework Plan. In the absence of an amendment, the BSD document holds little statutory weight.

While the BSD identifies future residential growth areas, the Amendment does not rezone any land deemed to be a growth area. It is expected that these areas would be rezoned via future proponent-initiated amendments, subject to meeting the pre conditions identified within the BSD.

Authorisation of Amendment C88

At its Ordinary Meeting on 6 June 2018, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment. On 13 September 2018, Council was granted authorisation by the Minister to prepare and exhibit the amendment, subject to two conditions which have been complied with.

Summary of Amendment C88

The Amendment makes the following changes to the Moorabool Planning Scheme:

- Revises Clause 21.08 (Ballan) by:
 - Updating the summary of key issues and influences;
 - Introducing new objectives and strategies for achieving the desired planning outcomes sought by Ballan Strategic Directions June 2018; and
 - Updating the Ballan Framework Plan to provide clear directions for future development, including identification of areas for natural growth, minimal growth and future greenfield growth.
- Introduces Ballan Strategic Directions June 2018 as a reference document in Clause 21.11.
- Introduces the Neighbourhood Residential Zone Schedules 6 and 7 (NRZ6 and NRZ7) to the planning scheme, and rezones land from the General Residential Zone Schedule 1 to the Neighbourhood Residential Zone Schedules 6 and 7.
- Introduces the General Residential Zone Schedule 4 (GRZ4) to the planning scheme and applies Schedule 4 to land in the General Residential Zone.
- Applies* the Low-Density Residential Zone Schedule 1 (LDRZ1) to land in the Low-Density Residential Zone.
- Rezones part of the Ballan Golf Club from the General Residential Zone Schedule 1 to the Special Use Zone Schedule 3 (SUZ3).
- Rezones the Ballan Industrial Estate from the Industrial 2 Zone (IN2Z) to the Industrial 1 Zone (IN1Z).

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

A summary of each of these changes is provided below:

Changes to the policy text and the Ballan Framework Plan within Clause 21.08 (Ballan) of the Moorabool Planning Scheme.

These changes seek to:

- Recognise Ballan's role as a town that will accommodate growth and change, which aligns with the Central Highlands Regional Growth Plan.
- Implement a township boundary for the growth of Ballan.
- Identify future greenfield growth precincts as per the BSD.
- Protect and enhance Ballan's character and sense of place as a country town.
- Protect and enhance Ballan's environmental features (particularly the Werribee River and tributaries) as part of future development.
- Guide residential development (infill and greenfield) in accordance with Ballan's future character and demographic needs.
- Retain the town centre as the main commercial and retail precinct with supporting non-residential uses.
- Ensure that the industrial precinct is retained as a significant employer within the town, while also providing a range of service based industrial uses.
- Remove redundant information that has been superseded by the BSD, including strategies related to township growth and housing.

Introducing the adopted Council Strategy "Ballan Strategic Directions" as a reference document to the Moorabool Planning Scheme.

This is required in order to provide important background and context to the proposed changes under Clause 21.08.

Changes to residential zones and zone schedules affecting all residentially zoned land in Ballan.

The proposed rezoning and the application of new zone schedules to residential land in Ballan is depicted in **Attachment 11.2.1a**.

The proposed GRZ4 encourages growth within the existing central area of Ballan close to the train station and town centre, where land is well serviced by existing infrastructure and facilities. The proposed NRZ6, NRZ7 and LDRZ1 provide for larger minimum lot sizes, which will help to preserve and enhance neighbourhood character in existing lower density areas on the fringes of the town and to the north of the Werribee River. These zone controls will also reduce pressure on the existing river crossings and the rural road network and drainage infrastructure north of the river.

A requirement for a landscape plan within GRZ Schedule 4 and NRZ Schedules 6 and 7 will promote improved landscaping outcomes in new developments.

Correction to the zoning of the Ballan Golf Course from General Residential Zone to Special Use Zone 3.

Approximately 90% of the Ballan golf course is situated within the SUZ3, which is a zone that has been specifically developed for golf courses and allows for golf courses and associated uses. The remaining 10% of the golf course is within the GRZ. The Amendment proposes to correct this anomaly by rezoning the GRZ land to SUZ3.

Rezoning of the Ballan Industrial Precinct from Industrial 2 Zone to Industrial 1 Zone.

The Ballan Industrial Estate is currently zoned (IN2Z). This zone is intended to support heavy industry which requires a substantial threshold distance of 1,500 metres or more to residential areas. The IN2Z is not considered appropriate due to the close proximity of residential areas to the industrial estate. It is proposed to rezone this land to the IN1Z, which does not promote heavy industry and is less likely to affect residential amenity. The change will not affect the continuation of existing businesses within the industrial estate.

Updates to the Amendment since Council resolution of 6 June 2018:

Following the Council meeting of 6 June 2018, officers noted two interpretation issues in the BSD which affected the drafting of the Amendment documentation. The Amendment documentation was subsequently updated prior to exhibition, to reflect the intentions of the BSD.

The inconsistencies and the changes made to the Amendment documentation are described as follows:

1. Schedule 4 to the General Residential Zone:

The BSD proposes that the central area of Ballan will remain within the GRZ. Table 3 'Statutory Implementation of Established Precincts' (page 89) in the BSD indicates that the "Default Schedule Applies" to land in the GRZ. The Amendment documents attached to the Council agenda on 6 June 2018 were prepared accordingly, with the default controls (i.e. no schedule) for the GRZ.

Subsequently, officers noted that the BSD (on page 90) indicates that the following planning permit application requirements and decision guidelines apply to all residential zone schedules except LDRZ:

Application requirements:

- A landscape plan.

Decision guidelines:

- Whether adequately sized open space and setbacks are provided for the retention and growth of existing and new canopy trees.

This matter was discussed with Mesh (who drafted the BSD) and it was confirmed that the intention was to apply the planning permit application requirement (i.e. a landscape plan) and associated decision guidelines specified on page 90 of the BSD to the GRZ. Officers therefore prepared the GRZ Schedule 4 which includes these details. The GRZ Schedule 4 was included in the exhibited version of the Amendment documents. This minor change is considered to accord with the BSD and will ensure that new multi-dwelling and subdivision developments achieve quality landscape outcomes.

It is recommended that Council's submission to the Planning Panel should include the following changes to Table 3 (page 89) of the BSD, to improve the clarity of the document:

- Column two heading: Replace the word "Controls" with "Minimum Lot Size".
- Column two, row two: Replace the words "Default Schedule Applies" with "N/A".

2. Schedule 1 to the Low-Density Residential Zone:

The BSD proposes that the current extent of the LDRZ will remain unchanged. Figure 21 (page 91) in the BSD includes a map showing the proposed zoning and minimum lot sizes proposed for Ballan. As the map does not show a minimum lot size for the LDRZ, this was interpreted as meaning that the default minimum of 2,000m² for sewered lots would apply. The Amendment documents attached to the Council agenda on 6 June 2018 were prepared accordingly, with the default controls (i.e. no schedule) for the LDRZ.

Subsequently, officers noted that Table 3 'Statutory Implementation of Established Precincts' (page 89) in the BSD indicates that a minimum lot size of 4,000m² will apply to LDRZ land within Precincts F and C. This matter was discussed with Mesh and it was confirmed that the intention was to apply a 4,000m² minimum lot size to LDRZ land within Precincts F and C. Officers therefore prepared the LDRZ Schedule 1 which specifies a 4,000m² minimum lot size. This change is considered to accord with the BSD. The LDRZ Schedule 1 was included in the exhibited version of the Amendment documents.

It is recommended that Council's submission to the Planning Panel should include the following changes to the map in Figure 21 (page 91) in the BSD to improve the clarity of the document:

- Amend the legend and colour shading relating to LDRZ land within Precincts F and C to specify a 4,000m² minimum lot size.

Public Exhibition Process:

Amendment C88 was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* from 30 August 2018 to 11 October 2018. Notice was provided to all relevant Government departments, agencies and affected landowners and occupiers. Notices were placed in the Moorabool News and Victorian Government Gazette publications.

A copy of the amendment documents that were placed on exhibition is included in **Attachment 11.2.1b**.

A total of 39 submissions were received, including 35 submissions which object or seek changes to the Amendment. A number of late submissions were received. All late submissions have been accepted.

Consideration of Submissions

The table in **Attachment 11.2.1c** provides a summary of each submission and provides an officer response.

The key issues raised in relation to the Amendment include:

- 1) Is the proposed application of Neighbourhood Residential Zone appropriate?
- 2) Are the proposed minimum lot sizes appropriate?
 - a) Neighbourhood Residential Zone Schedule 6 (1,400m² minimum lot size)
 - b) Neighbourhood Residential Zone Schedule 7 (800m² minimum lot size)
 - c) Low Density Residential Zone Schedule 1 (4,000m² minimum lot size)
- 3) Is the residential land supply adequate?

- 4) Should the Southern Growth Precinct (#6) be prioritised ahead of the Western Growth Precinct (#5)?
- 5) Are the proposed growth area development pre-conditions appropriate?
- 6) Miscellaneous matters.

The key issues are discussed in detail below. Some submissions raise concerns about matters which are not planning considerations, or which are not relevant to this Amendment. These matters have been responded to accordingly in the table in **Attachment 11.2.1c**.

Key Issues

- 1) *Is the proposed application of Neighbourhood Residential Zone appropriate?*

Issues raised in submissions

Some submitters have questioned whether the proposed rezoning of land from General Residential Zone (GRZ) to Neighbourhood Residential Zone (NRZ) is strategically justified.

Response to the issues raised

It is appropriate to apply the NRZ to land that has been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from the surrounding area.

The BSD recommends the application of NRZ in the following precincts (**see Attachment 11.2.1a**):

- Part of Precinct A (eastern fringe of town between Lay Street and Ingliston Road);
- Part of Precinct C (small areas north and south of Werribee River);
- Part of Precinct D (north of Werribee River);
- Precinct E (north of Werribee River); and
- Precinct G (south of Old Melbourne Road and west of Old Ballan Road).

The rationale for applying NRZ in these precincts is considered sound. The BSD includes an assessment of existing neighbourhood character for each of the proposed NRZ precincts. Some of the existing neighbourhood character attributes of the proposed NRZ precincts include:

- Located at the periphery of the town, at the interface with rural land uses.
- Poorly connected road networks, particularly Precincts D, E and G. Precincts D and E are located to the north of Werribee River and rely on only two river crossings to access the town centre. Precinct G (south of Old Melbourne Road and west of Old Ballan Road) contains some relatively recent contemporary subdivisions which feature cul-de-sacs with poor connectivity.
- Rural standard roads, with gravel shoulders, open swale drains and lack of footpaths (e.g. Precinct D).
- Some wider road reserves (e.g. Precinct D).
- Diversity of lot sizes.
- The original pattern of development is generally lower density, with an open and spacious character and wide lot frontages.
- Single storey dwellings with generous front and side setbacks.
- Some areas contain established tree canopy.

The BSD recommends the application of NRZ to the Precincts A (part), C (part), D (part), E and G, as it considers that the existing neighbourhood character attributes should be preserved and enhanced, and, in some instances, infrastructure constraints are not conducive to conventional residential densities. The BSD (on page 46) notes that *“there is a need to balance and manage development within Ballan’s established areas to ensure new development positively enhances the heritage places and other character features. For this reason, character is a critical consideration in ensuring new development is in keeping with the place.”*

2) *Are the proposed minimum lot sizes appropriate?*

Issues raised in submissions

A number of submitters raised concerns about the minimum lots sizes proposed for NRZ6, NRZ7 and LDRZ1. Most submitters that raised this concern were of the view that these areas have already been developed and the proposed minimum lots sizes proposed are too large. Submitters generally suggested that the minimum lot sizes should be:

- NRZ6 (proposed 1,400m² min): Reduce to 900m², 1,000m² or 1,200m²
- NRZ7 (proposed 800m² min): Reduce to 600m², 650m², 700m² or 900m²+
- LDRZ1 (proposed 4,000m² min): Reduce to 1,400m² or 2,000m²

Response to the issues raised

The minimum lot sizes proposed in the BSD (see **Attachment 11.2.1a**) are aimed at:

- Assisting in preserving and enhancing the existing neighbourhood character attributes of openness and spaciousness; and
- Restricting development potential in areas where environmental constraints (e.g. steep topography; Precinct C) or physical infrastructure (e.g. road networks; Precincts C, D, E and G) are not conducive to conventional residential densities.

As discussed above, the BSD (on page 46) notes that neighbourhood character is a critical consideration in ensuring that new development is in keeping with the place. Neighbourhood character is essentially the combination of the public and private realms. Every property, public place or piece of infrastructure makes a contribution, whether great or small. It is the cumulative impact of all these contributions that establishes neighbourhood character.

Given the important role that infill housing can play in accommodating the projected population growth, the BSD (section 4.2.3) identifies design objectives to guide future residential development within the established residential precincts. The design objectives are based on identified existing neighbourhood character (see BSD section 4.1.3) and the Settlement Framework (see BSD section 4.2.2) which identifies areas for ‘natural growth’, ‘minimal growth’ and ‘greenfield growth’. The proposed NRZ and LDRZ precincts are within areas identified for ‘minimal growth’.

Relevant design objectives (BSD section 4.2.3) include:

- This Precinct will continue to maintain the open and spacious character through retaining large lots that are occupied by single dwellings, wide frontages and substantial setbacks around the dwellings. (Precincts C [LDRZ1], D [NRZ6] and G [NRZ7])
- Built form will continue to occupy a low proportion of the site and dwellings will stand in expansive grounds, where openness, landscaping and vegetation will dominate. (Precincts C [LDRZ1], D [NRZ6] and G [NRZ7])

- This Precinct will maintain a streetscape of detached dwellings set behind landscaped front gardens. (Precinct E [NRZ7])
- Increasing canopy tree cover within lots will assist in improving the landscape within the Precinct, while also achieving a balance between open space and built form. (Precinct E [NRZ7])

Officers have undertaken a lot size analysis of all land within the proposed NRZ6, NRZ7 and LDRZ1 precincts (see **Attachment 11.2.1d**). The analysis determined the current average and median lot sizes for each precinct.

The analysis concludes the following:

Response regarding NRZ6 (1,400m² minimum lot size)

The current median lot size in the NRZ6 precincts is 1,800m². While some of the proposed NRZ6 land in Precincts C and D has either been developed or approved for development with lots smaller than 1,400m², the majority of lots in these precincts are larger than 1,400m². It is therefore recommended that the proposed minimum lot size of 1,400m² should be retained. This is considered an appropriate response to the existing neighbourhood character and the poorly connected road network to the north of Werribee River, which relies on only two river crossings to access the town centre.

Response regarding NRZ7 (800m² minimum lot size)

The current median lot size in all NRZ7 precincts combined is 800m².

While some of the proposed NRZ7 land in Precincts A, C and G has either been developed or approved for development with lots smaller than 800m², the majority of lots in these precincts are larger than 800m².

The majority of the proposed NRZ7 land in Precinct E has either been developed or approved for development with lots smaller than 800m² (mostly between 600-800m²). Based on median lot size considerations alone (see analysis in **Attachment 11.2.1d**), officers acknowledge that there is some merit in the suggestion that the proposed minimum lot size for Precinct E could be reduced. However, a reduction in the minimum lot size is not supported, as it would result in the neighbourhood character imperatives of the BSD being compromised. It is also appropriate that development potential in Precinct E should be restricted, as the precinct relies on only two river crossings to access the town centre.

Furthermore, it is important to be mindful of the State government's current Smart Planning program, which aims to address the issues inherent in the planning system by simplifying planning rules. Reducing the minimum lot size for Precinct E would require the creation of an additional NRZ schedule, with all details in identical to Schedule 7 except for the minimum lot size. Officers are of the view that this would add unnecessary complexity to the Moorabool Planning Scheme.

It is therefore recommended that the proposed minimum lot size of 800m² should be retained for all NRZ7 precincts. This is considered an appropriate response to the existing neighbourhood character and the various environmental and road network constraints in these precincts and will ensure that the existing neighbourhood character is maintained. Any reduction of minimum lot size will reduce the ability to retain aspects of neighbourhood character such as single storey dwelling with side setbacks

It should be noted that any proposal to change or add NRZ schedules would require additional notification of affected landowners and occupiers for a minimum of 28 days. Any submissions received as a result of such additional consultation would need to be considered by Council prior to referring the matter to a Planning Panel for consideration.

Response regarding LDRZ1 (4,000m² minimum lot size)

The current median lot size in the LDRZ1 precincts is 4,000m².

The Amendment does not rezone any additional land to LDRZ, nor does it rezone any existing LDRZ land to another zone. The Amendment does, however, apply a new Schedule 1 to all LDRZ land in Ballan. Schedule 1 specifies a minimum lot size of 4,000m², rather than the 2,000m² minimum that currently applies.

The BSD (section 4.1.3) notes that this precinct has significant landscape values due to its interface with the Werribee River and its environs. The precinct is generally typified by a sloping topography that falls away down to the river. Existing lots are long and narrow, with dwellings sited at the top of the lot fronting the street. The proposed increase in minimum lot size is considered an appropriate response to the existing neighbourhood character, the relatively steep topography (see **Attachment 11.2.1e**), and the poorly connected road network to the north of Werribee River, which relies on only two river crossings to access the town centre.

Summary response regarding minimum lot sizes in the NRZ6, NRZ7 and LDRZ1

Officers acknowledge that there is some merit in submissions that suggest the proposed minimum lot sizes could be reduced to some degree. However, it is important that the neighbourhood character imperatives of the BSD are not compromised. It is also important to consider that the BSD identifies large areas of GRZ land (including existing GRZ land and proposed GRZ land within growth Precincts 5 and 6), for which there is no specified minimum lot size. As shown in **Attachment 11.2.1f**, the existing and proposed GRZ land equates to approximately 54 percent of the total area of existing and proposed residential zoned land (i.e. GRZ, NRZ and LDRZ).

A Planning Panel will provide opportunity for this matter to be considered further.

3) *Is the residential land supply adequate?*

Issues raised in submissions

Some submitters (e.g. #25 and #29) questioned whether the Amendment will ensure an adequate land supply to cater for the projected growth of Ballan, given that the Amendment will reduce growth potential in the proposed NRZ areas and planning scheme amendments will be required to rezone land in the future growth precincts.

One submitter (#25) suggested that Precincts 7, 8 and 9 (south of the railway line) should be included within the township boundary, to facilitate greater flexibility with future proponent led amendments and therefore ensure an adequate ongoing land supply.

Response to the issues raised

State planning policy Clause 11.02-1S requires that Council, as a planning authority, plans to accommodate projected population growth over at least a 15-year period and provide clear direction on locations where growth should occur, noting that residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Ballan Strategic Directions is a long-term strategic planning document that seeks to address the growth needs of Ballan up to the year 2041.

Ballan Strategic Directions (page 16) notes that Ballan's population will increase to approximately 5,910 residents by 2041 from the 2016 population of 2,985. To accommodate the projected growth, approximately 125 hectares of net developable residential land (i.e. excluding land encumbered by environmental constraints such as flooding, native vegetation and steep topography) will be required. The proposed growth precincts have a total area of approximately 210 hectares (Ballan Residential Analysis; Essential Economics, 28 April 2017), including land encumbered by environmental constraints. It is acknowledged that portions of the growth precincts will have reduced development potential, due to zone controls and environmental constraints, however, it can be reasonably concluded that the BSD provides an adequate land supply to cater for the projected growth up to 2041.

Officers have undertaken a land supply assessment based on the subdivision potential of land in the proposed NRZ precincts (see **Attachment 11.2.1d**). The assessment assumes a demand of 45 dwellings per year (as per the BSD; page 42) and concludes that there is approximately 11 years of available urban zoned land supply within the proposed NRZ precincts. The assessment did not consider the infill development potential within the GRZ4 precinct, however, it is noted that this precinct contains sizable areas of vacant or under-developed land. For example, there is approximately 4.9 hectares of land on the east side of Old Geelong Road which has potential to provide approximately two years of additional land supply. It is noted that a portion of this land is currently subject to a permit application, which if approved will provide for 39 lots. While planning scheme amendments will be required to rezone land in the future growth precincts, this will not hinder the growth of Ballan as the existing residential zones contain an adequate land supply of at least 13 years, allowing sufficient time for the rezoning of growth precincts.

With regard to Precinct 7, Ballan Strategic Directions (page 101) notes that retaining this precinct as farming land will assist in the retention of the 'country town charm' and the rural gateways entering Ballan. Precinct 7 is therefore not included within the 'Future Investigation Area'.

The 'Future Investigation Area' (including Precincts 8 and 9) is not required to cater for growth within the timeframe of Ballan Strategic Directions (i.e. up to 2041). For this reason, Ballan Strategic Directions appropriately shows the 'Future Investigation Area' located outside the township boundary (Figure 6 on page 29) and does not provide a timeframe for rezoning in this area. If Precincts 8 and 9 were included within the township boundary, this would result in an oversupply of residential land which could present challenges with respect to appropriate sequencing of development and delivery of infrastructure.

4) Should the Southern Growth Precinct (#6) be prioritised ahead of the Western Growth Precinct (#5)?

Issues raised in submissions

A number of submitters suggested that the Southern Growth Precinct (#6) should be prioritised ahead of the Western Growth Precinct (#5), due to the southern precinct being located close to the railway station and closer to town services.

Response to the issues raised

The 'Western Growth Precinct' (Precinct 5) and the 'Southern Growth Precinct' (Precinct 6) are located a similar distance (approx. 400m) from the Ballan Activity Centre, at their closest points. The furthest extent of future GRZ land in Precinct 5 is located slightly more distant (approx. 2.2km) from the Activity Centre than the furthest extent of future GRZ land in Precinct 6 (approx. 1.6km). Ballan Strategic Directions supports the delivery of Precinct 5 as a priority (short-medium term; 1-10 years) due to the ability of the precinct to be serviced and its relatively un-fragmented land ownership which assists in achieving an orderly roll out of development, subject to satisfying the specified pre-conditions. For Precinct 6, Ballan Strategic Directions (Figure 9, page 45) designates medium-long term timing (10+ years) but notes that timeframes are indicative only subject to further review based on demand. Precinct 6 is more fragmented in terms of land ownership and does not currently have access to water and sewerage infrastructure.

Central Highlands Water (CHW; submitter #32) has advised that any move to bring forward developments in Precinct 6 would not be supported and may require substantial investment in water and sewerage infrastructure by the developer/s when it does proceed.

Precinct 6 is traversed by a high pressure gas transmission pipeline and a 'city gate' (i.e. local gas network connection facility) is located at the intersection of Gillespies Lane and Denholms Road. The BSD notes that consultation with the relevant gas authority, and potentially a study, will be required prior to rezoning.

Precinct 6 would also require substantial investment to improve road and pedestrian connectivity across the railway line. The precinct is currently accessed via three level crossings (Old Geelong Rd, Cowie St and Windle St) and one grade-separated crossing (Stead St). Although Transport for Victoria did not make a submission to C88, its submission to the exhibited Ballan Strategic Directions document in mid-2017 stated that any additional road crossing must be grade-separated, as required by State planning policy under clause 18.02-3S of the Moorabool Planning Scheme.

It is, however, acknowledged that Precinct 6 has the advantage of being much closer to the railway station. Landowners in this precinct could potentially commence discussions with the relevant agencies, with a view to reaching agreement for the forward planning and ultimate servicing of this precinct. This is consistent with Council's resolution of 1 November 2017 (when Council initially adopted the BSD), which included the following:

"That Council may also consider supporting development in the Southern Growth Area ahead of schedule subject to:

- a) Cooperation amongst landowners in terms of developing a masterplan with agreement of the efficient roll out of roads and open space.
- b) Satisfying Transport for Victoria's concerns about infrastructure costs, an analysis to determine the extent, nature and cost of any required rail crossings and a plan developed for financing these crossings.
- c) Supply and demand analysis to indicate that the project is needed."

5) *Are the proposed development pre-conditions appropriate for the growth precincts?*

Issues raised in submissions

Two submitters (#22 and #23) raised concerns regarding the proposed development pre-conditions and associated concept plans applicable to Precincts 2 and 5 (BSD Section 4.2.4), as follows:

Precincts 1 and 2 (Submitter #22)

Although submission #22 refers to Precinct 2, some of the issues also impact on Precinct 1, as the BSD deals with Precincts 1 and 2 together.

- Concerned that development potential will be restricted by the requirement for 1,400m² minimum lot size and 30m wide lot frontages along Old Melbourne Road.
- The concept plan (see Figure 1 below) shows a significant area of passive open space (green shading), much of which is subject to inundation (horizontal hatching). Part of this land (in particular the area subject to inundation) could remain as farmland rather than being all acquired by Council to be managed as open space. Path networks could still be provided for connectivity along the river.

Precinct 5 (Submitter #23)

- Concerned that development potential will be restricted by the requirement for Rural Living Zone (RLZ) with a minimum lot size of 10,000m² along the northern and western fringes of this precinct (see Figure 2 below; brown shading with white diagonal hatching). An effective rural-urban interface could be established with far less land.
- Objects to the precondition which requires “wider road reserves (25-30m) in lieu of unencumbered open space...”. Believes that this precondition is excessive and will reduce the potential lot yield in this precinct. Concerned that this pre-condition appears to assume that future development will not provide sufficient open space and thus wider roads will be required as compensation.
- Believes that land along the northern fringe of this precinct is less visually sensitive and could be developed as residential, incorporating active open space. Believes that this would achieve a more efficient use of land adjoining the Western Freeway.

One submitter (#28) expressed concern that the proposed minimum lot sizes in areas designated as ‘minimal growth’ are excessive, particularly in areas identified for a minimum lot size of 10,000m². As this submission does not refer to any specific growth precinct, the concern is understood to relate to each of growth precincts 3, 4 and 5, in which the BSD proposes to apply the RLZ with a minimum lot size of 10,000m².

Response to the issues raised

For each proposed growth precinct, the BSD (section 4.2.4):

- Identifies development considerations and opportunities;
- Sets out a suite of development pre-conditions, to ensure that future rezoning and/or development appropriately responds to environmental values/constraints, site context/neighbourhood character, infrastructure provision and road networks; and
- Includes a high level concept plan which demonstrates how the precinct should be developed in the future.

Precincts 1 and 2:

The development pre-conditions and associated concept plan (BSD section 4.2.4) queried by submitter #22 are as follows:

- Land in Precinct 2 to be rezoned Neighbourhood Residential Zone with a minimum lot size of 1,400m² for lots that have a frontage to Old Melbourne Road and the open space network. Land that is internal to the Precinct to be rezoned Neighbourhood Residential Zone with a minimum size of 800m².
- Minimum lot frontages required for lots that front Old Melbourne Road to ensure these lots provide a transition from farming to residential land. The frontages on Precinct 1 lots should be a minimum of 40 metres and Precinct 2 a minimum of 30 metres.
- That the extension of the Werribee River linear open space (including shared path network) to Old Melbourne Road is delivered as part of the development of the Precinct.

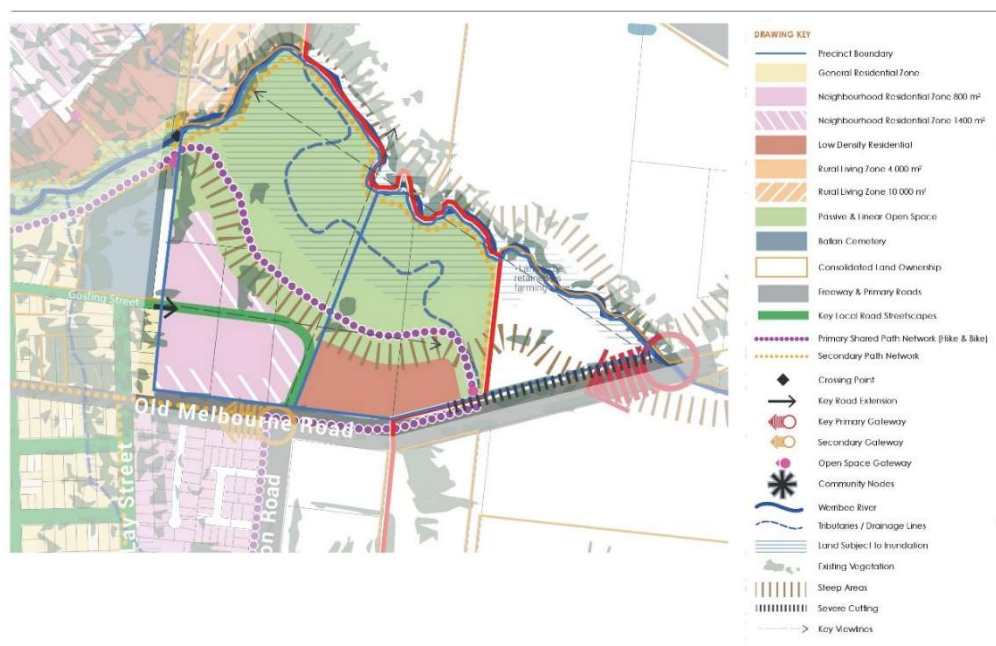


Figure 1: Concept plan for Precincts 1 and 2 (Eastern growth precinct). Precinct 2 is the land to the west of the diagonal blue line running almost north-south, while Precinct 1 is the land to the east of the blue line.

The BSD appropriately acknowledges that Precincts 1 and 2 are located at a key town 'gateway' on Old Melbourne Road, and therefore these precincts have an important interface role to play. The BSD notes that while this area is yet to develop, it is important that future development is at lower residential densities due to the sites location in forming part of the gateway to Ballan and the importance of achieving a transition in densities between rural and residential development.

The BSD appropriately requires that the LDRZ be applied to land in Precinct 1, at the easternmost approach to Ballan. With respect to Precinct 2, the requirement for a minimum frontage of 30m for lots along Old Melbourne Road is considered appropriate, as wide frontages will assist in providing a transition from rural to residential land uses. This will provide consistency with existing GRZ lots to the south of Old Melbourne Road, which have frontages of 30m or more. The requirement for lots along Old Melbourne Road to have a minimum size of 1,400m² (see Figure 1 above; area shaded pink with diagonal white hatching) is also considered appropriate, as this will assist in providing a transition from rural to residential land uses and protect the existing rural gateway to the township.

The requirement for a minimum lot size of 1,400m² along the eastern and north-eastern fringe of Precinct 2 (see Figure 1 above; area shaded pink with diagonal white hatching) was intended to provide a lower density interface with the public open space network. However, this requirement is not considered necessary, as the lots will be located on gently sloping land above an escarpment and will be elevated more than 10m above the publicly accessible areas of future public open space. Thus, the lots are unlikely to be particularly visible from the future public open space.

The BSD (page 51) notes that Precincts 1 and 2 provide potential to significantly enhance the open space network along the Werribee River to Old Melbourne Road, while also assisting in the delivery of a 'structural loop' in the shared path network and providing an opportunity for an open space node.

The concept plan for Precincts 1 and 2 (see Figure 1 above) shows a primary shared path located along the base of the escarpment and a secondary path along the southern side of the Werribee River. The submitter's suggestion of retaining the land subject to inundation as farm land (i.e. Farming Zone) would unreasonably compromise the future public open space outcome as outlined in the BSD and set a precedent for other sites adjoining the Werribee in both the eastern and western growth precincts. The existing township of Ballan enjoys a wide development setback from the Werribee River provides for open space opportunities and contributes to the landscaper character of the town. This should be continued into the growth precincts.

It is recommended that the concept plan and relevant pre-conditions for Precincts 1 and 2 (in section 4.2.4 of BSD) be amended, to remove the requirement for a minimum lot size of 1,400m² along the eastern and north-eastern fringes of Precinct 2.

Precinct 5:

The development pre-conditions and associated concept plan (BSD section 4.2.4) queried by submitter #23 are as follows:

- Wider road reserves (25-30m) in lieu of unencumbered open space and in keeping with the character of the established areas streetscapes.
- Minimum lot frontages required for lots that abut the Western Freeway and Geelong-Ballan Road to ensure these lots provide a transition from farming to residential land and assist in protecting the gateway. The frontages should be a minimum of 70m and retain the Rural Living Zoning, however apply a minimum lot size of 10,000m².

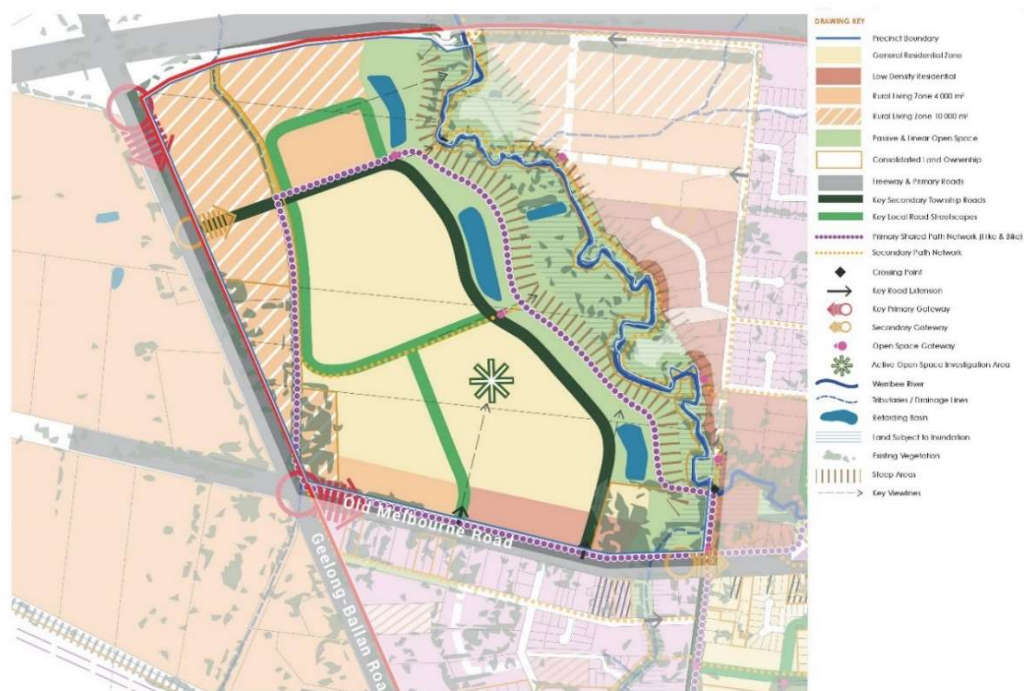


Figure 2: Concept plan for Precinct 5 (Western growth precinct).

The BSD appropriately acknowledges that Precinct 5 is located at a key town 'gateway' and therefore these precincts have an important interface role to play. The BSD also notes that visibility and noise from the Western Freeway is a development consideration for the precinct. All land in Precinct 5 is currently zoned RLZ, with the required minimum lot size currently being 6 hectares.

The concept plan in the BSD for Precinct 5 (see Figure 2 above) proposes that land around the northern and western fringes of Precinct 5 (see Figure 2 above; land shaded brown with diagonal white hatching) would remain RLZ, but the required minimum lot size would be reduced to 10,000m² (1 hectare). The concept plan also proposes that two areas of land (see Figure 2 above; land shaded brown) would remain RLZ, but the required minimum lot size would be reduced to 4,000m².

Officers disagree with the suggestion that the northern portion of Precinct 5 is less visually sensitive. The northern portion of the precinct is elevated above the Western Freeway and is visible from the freeway when approaching from the east. The northern portion of the precinct is only partially visible from Geelong-Ballan Road, due to screening from established trees.

It is considered that the north-south boundary between RLZ land (10,000m² minimum) and future GRZ land is appropriately defined by an existing open water supply channel reserve, as the channel forms a physical barrier. One proposed RLZ (10,000m² minimum) property (462 Old Melbourne Road; at the intersection of Geelong-Ballan Road) is located to the east of the water supply channel. This is considered an appropriate control for this property, given its location at a key town 'gateway' and its heavily vegetated condition. The proposed extent of RLZ land (10,000m² minimum) on the northern fringe of Precinct 5 is considered appropriate, as it provides an important visual amenity buffer and is consistent with the proposed extent of this control in Precinct 4, to the east of the Werribee River.

However, in order to achieve an appropriately balanced outcome between rural-urban interface and development potential, it is recommended that the concept plan and relevant pre-conditions for Precinct 5 (in section 4.2.4 of BSD) be amended such that the land proposed as RLZ (4,000m² minimum) in the northern portion of the precinct (see Figure 2 above; brown shading) be changed to GRZ. This would still allow a visual buffer of at least 140m from the southern carriageway of the Western Freeway.

The concept plan in the BSD for Precinct 5 proposes that land fronting Old Melbourne Road would be zoned part LDRZ (eastern portion) and part RLZ (western portion) with a minimum lot size of 4,000m². Council needs to be mindful of applying zone controls that are 'fit for purpose'. The following two purposes under the RLZ provisions could be considered inappropriate to the context of this sub-precinct, being located between NRZ land to the south and future GRZ land to the north:

- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.

In order to address this issue and to ensure consistency in the application of zone controls, it is recommended that the concept plan and relevant pre-conditions for Precinct 5 (in section 4.2.4 of BSD) be amended to require that all land fronting Old Melbourne Road (except for 462 Old Melbourne Road; at the intersection of Geelong-Ballan Road) be zoned LDRZ, with a minimum lot size of 4,000m² applying to the western portion (i.e. west of the 'key local road') and a minimum lot size of 2,000m² (i.e. the default minimum for LDRZ where reticulated sewerage is connected) applying to the eastern portion (i.e. east of the 'key local road').

The BSD (page 30) identifies 'wide tree lined streets' as a key character attribute of the original Ballan settlement. The document appropriately seeks to extend this character attribute to the growth precincts via pre-conditions. Officers consider that the provision of unencumbered open space in this precinct is just as important as providing wider road reserves. It is therefore recommended that pre-condition number 1 be amended, by deleting the words "in lieu of unencumbered open space".

Officers disagree with the suggestion of locating residential land and active public open space adjacent to the Western Freeway. As shown on the concept plan in the BSD for Precinct 5, active public open space should be located towards the southern end of Precinct 5, where it is more centrally located to the catchment of both the existing and proposed community.

To cater for the projected doubling of the town's population to 5,900 people by 2041, the *Ballan Recreation Reserve Master Plan* (adopted 6 June 2018) identifies the need for a future recreation reserve to be provided in this location. Given this identified need, it is recommended that Council give consideration to options for early acquisition of land in Precinct 5. Officers will table a report to Council in the near future to specifically address this matter, as it is considered beyond the scope of the Amendment.

Proposed 10,000m² Minimum Lot Size - Rural Living Zone - Growth Precincts 3, 4 and 5:

The concept plans in the BSD for Precincts 3, 4 and 5 (see Figures 3, 4 and 2 respectively; areas shaded brown with diagonal white hatching) propose that areas of land would be zoned RLZ, with a required minimum lot size of 10,000m² (1 hectare). These areas are located around the northern and western fringes of the township, adjacent to the Western Freeway, Geelong-Ballan Road and the Werribee River.

The proposed application of RLZ with a required minimum lot size of 10,000m² is considered appropriate in these areas, as these controls will assist in providing a transition from rural to residential land uses, in what is an important gateway to the township. The proposed application of these controls is considered appropriate in Precinct 3, due to the steep escarpment between Myrtle Grove Road and the Werribee River.

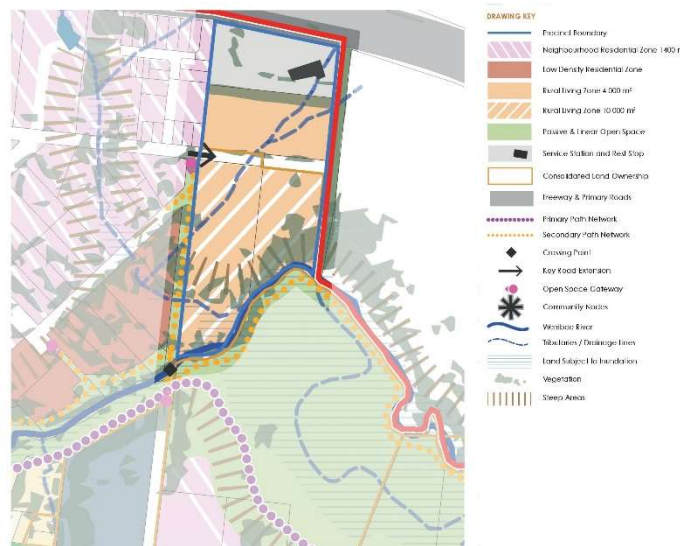


Figure 3: Concept plan for Precinct 3



Figure 4: Concept plan for Precinct 4

It is recommended that the Ballan Framework Plan in the exhibited planning scheme Clause 21.08 be updated, to accord with any changes to the growth precinct concept plans in BSD as discussed above. This would be done after the panel hearing, in order to incorporate any changes recommended by the panel.

6) Miscellaneous matters.

Golf Club Land

Issues raised in submissions

The Ballan Golf Club (submitters # 1 and 3) raised concern about financial security of the golf club as a result of the proposed rezoning of a portion of golf club land from General Residential Zone Schedule 1 (GRZ1) to Special Use Zone Schedule 3 (SUZ3). The club wants flexibility to sell the land to a developer if required, and requests that it remain as residential land.

Response to the issues raised

The proposed rezoning from GRZ1 to SUZ3 only affects a relatively small north-eastern portion of the golf course land (Crown allotment 26, Section 6, Parish of Gorong; see Figure 5). The SUZ3 more accurately reflects the use of the land and is consistent with the current application of SUZ3 to the balance of the golf course. The purpose of the SUZ3 is "to provide for golf courses and uses compatible with enhancing golf courses as an entertainment and recreation venue".

The portion of the golf course located to the north of Flack St and Musgrave St (including the subject parcel) is freehold land, whereas the balance of the golf course (to the south of these streets) is Crown land. It is preferable that all land used for golf course purposes should be zoned SUZ3, as identified in BSD. However, officers acknowledge the submitter's request to retain the residential zoning, to enable the potential for the freehold land to be sold for residential development. It is therefore recommended that the subject parcel be rezoned to NRZ6, consistent with neighbouring freehold land which is currently GRZ1.

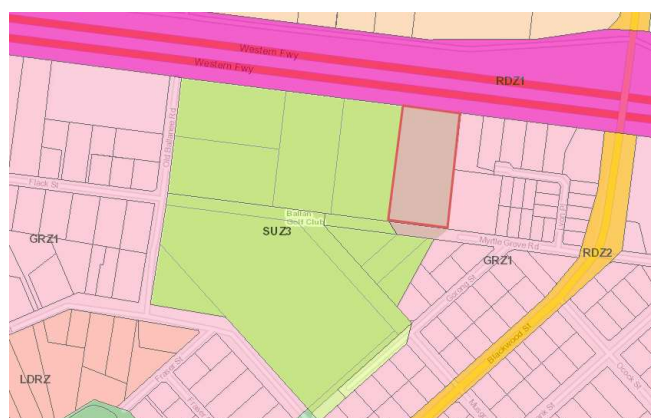


Figure 5: Current zone map showing the subject portion of golf course land delineated in red.

Industrial Area

Issues raised in submissions

Submitter #38 requests that the existing industrial area be extended southwards to Kerrins Lane, to include land described as lot 2 on PS802215. This would enable Haddon Drive to be extended through to Kerrins Lane, which has access to Geelong-Ballan Road. BSD seeks to provide a blueprint for future residential development. It should also provide direction for future jobs growth.

Response to the issues raised

The subject land is shown shaded blue on the map in Figure 6 below.

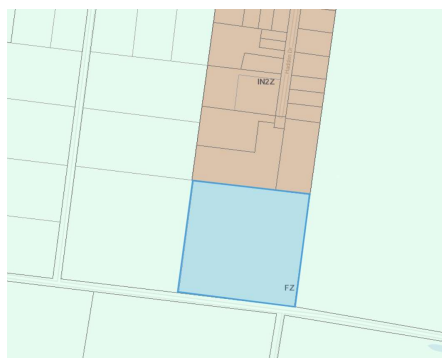


Figure 6: The subject land is shaded blue.

BSD notes (on page 78) that:

“The Industrial Strategy identifies the precinct as having a 17% vacancy rate (although on visiting the estate it is likely that the vacancy rates may actually exceed this figure). The findings of the strategy indicate that the precinct is most suited to population serving industries and such uses should continue to locate in Ballan.”

The proposed Ballan Framework Plan (as per the exhibited planning scheme Clause 21.08) identifies a large ‘Future Investigation Area’ delineated by a black dashed line (see Figure 7 below). The BSD (pages 80 and 105) identifies the area to the east of the industrial estate as a potential future industrial expansion area, with the property immediately to the east of the industrial estate (i.e. property #133500) identified as a ‘potential CFA site’ (pages 45 and 91).

The submission is considered to have some merit, given that the BSD supports expansion of the industrial precinct if land supply is low and there is demand for expansion. Any future request to rezone land to facilitate expansion of the industrial precinct would need to be supported by a land supply and demand analysis. It is recommended that the proposed Ballan Framework Plan be updated to specifically identify the subject land (lot 2 on PS802215) and all land within the ‘Future Investigation Area’ to the east (i.e. the area shaded pink on the current Ballan Framework Plan; see Figure 8) as ‘Future Investigation Area – potential industrial’. It is also recommended that the BSD be updated accordingly, particularly in clause 4.6.3 and all relevant maps.



Figure 7: Proposed Ballan Framework Plan, showing the ‘Future Investigation Area’ delineated by a black dashed line.

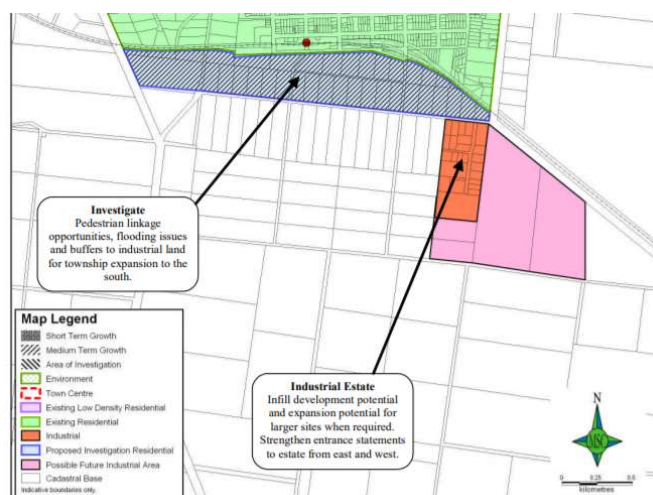


Figure 8: Current Ballan Framework Plan under Clause 21.08 of the planning scheme, showing 'possible future industrial area' shaded pink.

Protection of Werribee River

Issues raised in submissions

Submitter #31 expressed concern that the Werribee River is not being sensitively protected. They submitted that the river should be developed further as a resource for tourism, open space, walking, animal sanctuary, human health, habitat etc. They also submitted that the development of greenfield sites at the western end of town will affect the Werribee River and the important vista from Old Melbourne Road up the flood plain to the west. The 20 metre setback recommended by Melbourne Water is not adequate to protect this vista.

Response to the issues raised

The Moorabool Planning Scheme contains a number of existing State and local policies which seek to protect and enhance the environmental values of waterways and riparian areas. In addition, the Environmental Significance Overlay Schedule 2 (Waterway protection) applies to a 200m wide corridor of land along the Werribee River (i.e. 100m each side).

The Amendment proposes a number of changes to planning scheme Clause 21.08 which seek to protect and enhance the Werribee River. The river is recognised as the main environmental feature that divides Ballan into two distinct areas.

Furthermore, the concept plan for Precinct 5 in Figure 13 of the BSD shows a wide passive and linear open space corridor along the western side of the Werribee River which appropriately responds to environmental constraints, by encompassing all flood prone land and the escarpment, and also includes an area above the escarpment for future retarding basins required by Melbourne Water. The pre-conditions for Precinct 5 (page 61 of the BSD) require:

- Development to be generally in accordance with Figure 13 unless as a result of background studies for the precinct there is a requirement for modifications due to site constraints.
- A minimum 20 metre wide corridor along the Werribee River. Any further encroachment is discouraged in accordance with Melbourne Water requirements.

It is recommended that the second pre-condition listed above be amended along the lines of:

- An open space reserve adjacent to the Werribee River, generally in accordance with Figure 13, and providing for an absolute minimum reserve width of 30 metres. Any further encroachment is discouraged in accordance with State planning policy Clause 14.02-1S.

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 submissions remain unresolved, and officers do not support a number of the changes requested, it is recommended that Council pursues option (b) and refers the submissions to an independent Planning Panel.

Stage in the Amendment Process

The flowchart in **Attachment 11.2.1g** shows where the amendment is currently up to in the planning scheme amendment process.

Policy Implications

The Council Plan 2017-2021 (2018 review) provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3A: Land Use Planning

The proposal to introduce the Ballan Strategic Directions into the Planning Scheme is consistent with the Council Plan 2017 – 2021.

Financial Implications

The Amendment is being processed in-house by Council officers and, therefore, only limited costs have been generated to date. Costs involved in progressing the Amendment hereafter, including any Planning Panel hearing and engagement of consultants and expert witnesses, are already provided for within the 2018/19 Council budget.

Risk & Occupational Health & Safety Issues

There are no identified risks associated with the Amendment.

Communications and Consultation Strategy

All affected property owners/occupiers and agencies were notified in writing at the commencement of a six (6) week exhibition period, which is in excess of the four (4) weeks required under the *Planning and Environment Act 1987*.

If Council proceeds with the Amendment, a Planning Panel will be appointed to hear submissions to the Amendment. All submitters would be notified by Planning Panels Victoria and provided with an opportunity to address the Panel.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Rod Davison

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

Conclusion

The Amendment seeks to implement the findings of Ballan Strategic Directions 2018, which provides for projected growth of Ballan up to 2041. As discussed, there are a number of submissions that Council is unable to resolve.

In accordance with section 23(1) of the *Planning and Environment Act 1987*, Council must now decide whether to abandon the Amendment, make the changes requested in the submissions, or refer the submissions to a Planning Panel. As Council is not able to resolve all of the issues raised in submissions by changing the Amendment, it is recommended that Council refer the Amendment to a Planning Panel. A Planning Panel will provide all submitters an opportunity to request to be heard.

Council should note the proposed officer response to the submissions received, as discussed in this report and **Attachment 11.2.1c**. In the event that Council resolves to proceed with the Amendment and refer these submissions to a Planning Panel appointed by the Minister for Planning, these responses will form the basis for Council's submission to the Panel.

Officers are of the view that some of the issues raised in submissions can be addressed by making relatively minor changes to the BSD and the exhibited Amendment documentation, as follows:

- Update the concept plans and relevant pre-conditions relating to growth Precincts 1, 2 and 5 (in section 4.2.4 of BSD) as discussed above under 'Consideration of Submissions', in order to achieve an appropriate balance between visual amenity, rural interface, public open space and development potential.
- Rezone the Ballan Golf Course land described as Crown allotment 26, Section 6, Parish of Gorong to NRZ6 (rather than SUZ3), consistent with neighbouring freehold land which is currently GRZ1.
- Update the proposed Ballan Framework Plan to specifically identify land described as lot 2 on PS802215 and all land within the 'Future Investigation Area' to the east (i.e. the area shaded pink in Figure 8 above) as 'Future Investigation Area – potential industrial'.
- Update the BSD to improve the clarity of the document and alleviate interpretation issues such as those discussed above under 'Background'.

The abovementioned changes to the BSD will result in increased residential development potential as follows:

- Precincts 1 and 2: Approximately 2.0 hectares of proposed NRZ6 (1,400m² minimum) will be changed to NRZ7 (800m² minimum).
- Precinct 5: Approximately 3.5 hectares of proposed RLZ (4,000m² minimum) will be changed to GRZ (no minimum lot size).
- Precinct D: Approximately 2.0 hectares of proposed SUZ3 will be changed to NRZ6 (1,400m² minimum).

Officers acknowledge that there is some merit in the submissions that suggest the proposed minimum lot sizes in the NRZ6, NRZ7 and LDRZ1 precincts could be reduced to some degree. However, it is important that the neighbourhood character imperatives of the BSD are not compromised. It is also important to consider that the BSD identifies large areas of GRZ land (including existing GRZ land and proposed GRZ land within growth Precincts 5 and 6), for which there is no specified minimum lot size. As shown in **Attachment 11.2.1f**, the existing and proposed GRZ land equates to approximately 54 percent of the total area of existing and proposed residential zoned land (i.e. GRZ, NRZ and LDRZ).

The BSD appropriately applies a diverse mix of zones and lot sizes, to cater for a diverse population at various life stages and with differing needs. The BSD (in Section 4.2) provides a guiding principle for residential development in Ballan, which states *"Ballan's residential development will be underpinned by ensuring future growth is sensitive to the existing character and charm of the town while providing a diverse range of housing choice for future residents"*. This is consistent with State planning policy 16.01-3S 'Housing diversity' which has the objective *"to provide for a range of housing types to meet diverse needs"*.

A Planning Panel will provide opportunity for minimum lot sizes to be considered further. Changes to the BSD and planning scheme Clause 21.08 will be finalised after the Panel hearing, in order to incorporate any further changes recommended by the Panel.

To cater for the projected doubling of the town's population to nearly 6,000 people by 2041, the *Ballan Recreation Reserve Master Plan* (adopted 6 June, 2018) identifies the need for a future recreation reserve to be provided in this location. Given this identified need, it is recommended that Council give consideration to options for early acquisition of land in Precinct 5. Officers will table a report to Council in the near future to specifically address this matter, as it is considered beyond the scope of the Amendment.

Recommendation:

That Council, having considered all submissions to Moorabool Planning Scheme Amendment C88, resolves to:

1. Request the Minister for Planning to appoint a Planning Panel under Part 8 of the *Planning and Environment Act 1987*.
2. Refer the submissions to an independent Planning Panel pursuant to section 23(1)(b) of the *Planning and Environment Act 1987*.
3. Adopt a position on submissions to the Planning Panel, as outlined in the Table to Attachment 11.2.1c.
4. Authorise officers to make changes to the Amendment and the Ballan Strategic Directions generally in accordance with Council officer recommendations in this report and as per Attachment 11.2.1c.
5. Authorise officers to negotiate any changes to minimum lot sizes in the residential zones, during the course of the Panel hearing.
6. Request that a report be tabled to Council outlining options for acquiring the land required for a future recreation reserve within Precinct 5.

Resolution:

Cr. Toohey/

That Council, having considered all submissions to Moorabool Planning Scheme Amendment C88, resolves to:

1. Request the Minister for Planning to appoint a Planning Panel under Part 8 of the *Planning and Environment Act 1987*.
2. Refer the submissions to an independent Planning Panel pursuant to section 23(1)(b) of the *Planning and Environment Act 1987*.
3. Adopt a position on submissions to the Planning Panel, as outlined in the Table to Attachment 11.2.1c.
4. Authorise officers to make changes to the Amendment and the Ballan Strategic Directions generally in accordance with Council officer recommendations in this report and as per Attachment 11.2.1c.
5. Authorise officers to negotiate any changes to minimum lot sizes in the residential zones, during the course of the Panel hearing.
6. Request that a report be tabled to Council outlining options for acquiring the land required for a future recreation reserve within Precinct 5.
7. That Council request a future report on the availability of appropriate rural living land in and around Ballan in the future

The motion LAPSED due to the want of a Seconder.

Resolution:

Cr. Bingham/

That Moorabool Planning Scheme Amendment C88 report be deferred to allow further consultation to be undertaken.

The motion LAPSED due to the want of a seconder.

Resolution:**Cr. Dudzik/Toohey**

That Council, having considered all submissions to Moorabool Planning Scheme Amendment C88, resolves to:

- 1. Request the Minister for Planning to appoint a Planning Panel under Part 8 of the Planning and Environment Act 1987.***
- 2. Refer the submissions to an independent Planning Panel pursuant to section 23(1)(b) of the Planning and Environment Act 1987.***
- 3. Adopt a position on submissions to the Planning Panel, as outlined in the Table to Attachment 11.2.1c.***
- 4. Authorise officers to make changes to the Amendment and the Ballan Strategic Directions generally in accordance with Council officer recommendations in this report and as per Attachment 11.2.1c.***
- 5. Request that a report be tabled to Council outlining options for acquiring the land required for a future recreation reserve within Precinct 5.***
- 6. That Council request a future report on the availability of appropriate rural living land in and around Ballan into the future***

CARRIED.

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu
Title: General Manager, Growth & Development
Date: 7 February 2019



Cr. Sullivan returned to the meeting at 6.32 pm.

11.2.2 Request for Change of S86 Development Assessment Committee Meeting Times

Introduction

Author: Satwinder Sandhu
General Manager: Satwinder Sandhu

Background

The Development Assessment Committee (DAC) is a Delegated Committee established under section 86 of the Local Government Act 1989 to act as a delegate of Council in determining planning applications made under the Planning and Environment Act 1987 in line with the Terms of Reference and Protocol for Calling in Planning Applications.

At the Special Meeting of Council held on Wednesday 26 November 2018, Council resolved in accordance with the provisions of the Local Government Act 1989 and the Moorabool Shire Council Meeting Procedure Local Law No. 9:

“S86 Development Assessment Committee (DAC) meetings to be held on the third Wednesday of each calendar month, commencing at 5.00pm with the meetings to be held at the Darley Civic and Community Hub.”

It was also resolved that:

“Assemblies of Councillors may, insofar as practicably possible, be convened on the first and third Wednesdays of the month. Assemblies will be scheduled to align with the Delegated Committees of Council meetings.”

Proposal

In order to allow more time to conduct Councillor Briefings which are required each month, it is proposed that the DAC be moved from 5.00pm to 6.00pm, to accommodate this.

In line with the above modification, both S86 Moorabool Growth Management Committee meeting and Economic Development Taskforce meeting times will also be moved accordingly and will be held prior to the DAC meeting.

The proposed schedule is shown in **Attachment 11.2.2**.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Good Governance through effective systems and procedures.

Context 1C: Our Business and Systems

The proposal is not provided in the Council Plan 2017-2021 and can be actioned by reprioritising programs.

Financial Implications

There are no financial implications from this report.

Risk & Occupational Health & Safety Issues

There are no Risk or Occupational Health and Safety issues in relation to this report.

Communications and Consultation Strategy

In accordance with Section 89(4) of the Local Government Act 1989, a public notice will be placed in the local and regional newspapers and on Council's corporate 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 – Satwinder Sandhu

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

Author – Satwinder Sandhu

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

Conclusion

In order to allow more time to conduct the increased number of Assembly of Councillor (AOC) meetings, it is proposed that the S86 Development Assessment Committee meeting be moved from 5.00pm to 6.00pm, to accommodate this.

In line with the above modification, both S86 Moorabool Growth Management Committee meeting and Economic Development Taskforce meeting times will also be moved accordingly and will be held prior to the DAC meeting.

Recommendation:**That Council:**

1. Approves the S86 Development Assessment Committee meeting be moved from 5.00pm to 6.00pm.
2. Adopts the new Moorabool Shire Council Meeting of Council 2019 schedule (Attachment 11.2.2).
3. Requests the following Terms of Reference be amended and presented to the next available Ordinary Meeting of Council for adoption:
 - a) S86 Development Assessment Committee;
 - b) S86 Moorabool Growth Management Committee; and
 - c) Economic Development Taskforce.

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

1. ***Approves the S86 Development Assessment Committee meeting be moved from 5.00pm to 6.00pm.***
2. ***Adopts the new Moorabool Shire Council Meeting of Council 2019 schedule (Attachment 11.2.2) with Section 86 Moorabool Growth and Economic Development Taskforce Meetings to be held on the same days as Ordinary Council Meetings***
3. ***Requests the following Terms of Reference be amended and presented to the next available Ordinary Meeting of Council for adoption:***
 - a) ***S86 Development Assessment Committee;***
 - b) ***S86 Moorabool Growth Management Committee; and***
 - c) ***Economic Development Taskforce.***

CARRIED.**Report Authorisation****Authorised by:**

Name: Satwinder Sandhu
Title: General Manager, Growth & Development
Date: 12 February 2019



11.2.3 Incorporation of the Infrastructure Design Manual (IDM) into the Planning Scheme

Introduction

Author: Liam Prescott
General Manager: Satwinder Sandhu

Background

IDM Background

The Infrastructure Design Manual (IDM) is an initiative to formulate and maintain a set of consistent requirements and standards for the design and development of infrastructure. The IDM is owned and maintained by the Local Government Infrastructure Design Association (LGIDA). The LGIDA has a membership of 44 municipal Councils from across rural and regional Victoria and is a not for profit organisation.

The IDM benefits Councils and developers as it provides a consistent approach to design standards across Victoria. It has also reduced the number of standard drawings used by Councils, allowing contractors to be confident with the machinery they need to perform the works (e.g. kerb and channel profiles). One of the advantages of the IDM over Clause 56 is that it is also applicable to a range of subdivision types in addition to residential subdivisions.

The intent of the IDM is that it is a 'live' document and is updated as engineering and urban design standards change.

Moorabool Shire Council adopted the IDM on 7 December 2011. At that time, Council also resolved to incorporate a reference to the IDM in the next municipal strategic statement review. A review of the MSS occurred in 2014, however as this review was not implemented via a planning scheme amendment, the IDM has yet to be referenced in the municipal strategic statement. Council has been invited to participate in a Ministerial amendment process to resolve this.

IDM implementation within the Planning Scheme

Whilst the majority of rural and regional Councils have adopted the IDM, the IDM is not formally recognised in these respective planning schemes. In the absence of its inclusion in the planning scheme, the IDM holds little statutory weight in the consideration of planning decisions.

The need for recognition of the IDM within planning schemes was identified in *Baird v Bass Coast SC* [2018] VCAT 385 (13 March 2018). In the case an objector raised secondary concerns over road surfacing to a proposed subdivision which was not compliant with the IDM standard. VCAT stated that:

“Although the IDM has been adopted for use by Council’s Engineering Department, it does not form part of the Bass Coast Planning Scheme. I understand a Ministerial Advisory Committee has considered how best the IDM should be introduced into planning schemes across the State. However, this has not occurred in an integrated manner as yet. The IDM is not a reference document in the Bass Coast Planning Scheme and there is no policy referring to it. Accordingly, it carries little weight in my considerations.”

While the matter before VCAT did not relate primarily to the road surface nor the IDM, the findings of VCAT show that the integration into the planning scheme of the IDM will help ensure it is applied consistently. As the Moorabool Planning Scheme also does not currently include reference to the IDM, the potential exists for similar decisions to be made where the IDM would otherwise be appropriately applied.

In order to identify the most efficient method of including the IDM in planning schemes, the Department of Environment, Land, Water and Planning (DELWP) and the Local Government Infrastructure Design Association (LGIDA) selected Greater Shepparton City to 'champion' the IDM planning scheme amendment process. The intent was to develop a template for implementation by other Councils, and to provide a basis (that had been tested by panel) for other planning authorities throughout Victoria to implement the IDM into their respective planning schemes.

In 2014, Greater Shepparton City Council initiated Amendment C112 which sought to formally recognise the IDM in the planning scheme. It sought to do this through introducing objectives and strategies relating to the IDM in the municipal strategic statement and including the IDM as a reference document.

The C112 Planning Panel Report found the IDM was a useful resource that warranted recognition in the Greater Shepparton Planning Scheme and potentially in other rural and regional planning schemes. The Panel recommended that the IDM should be a 'guideline' document and that compliance with its standards should be discretionary and not mandatory.

In May 2015, immediately prior to the release of the Greater Shepparton C112 Panel Report, the Minister for Planning appointed an Advisory Committee to consider issues associated with the potential implementation of the IDM into planning schemes across regional Victoria.

The Terms of Reference for the Advisory Committee required:

- An assessment of the scope of the IDM and whether it is appropriate given that it addresses residential, commercial, industrial and rural subdivision and development.
- Identification of the extent and scope of any change to the exhibited IDM and any recommendations in relation to the IDM content.
- Assess the merits of adopting a state-wide model for infrastructure standards to reflect the different standards that have evolved in areas of the state since the introduction of Clause 56.
- Identification and assessment of other planning scheme implementation options including, but not limited to, Municipal Strategic Statement, Local Planning Policy, Reference Document, Incorporated Document, Schedule to Clause 56, new stand-alone Clause 57.
- Advice on the suitability of, and most effective manner for the IDM to be included within other regional planning schemes.

The Advisory Committee invited submissions from:

- All non-metropolitan Councils;
- Regional service authorities and referral authorities;
- Over 530 regional consultants, developers, practitioners and peak industry groups; and
- All the submissions made in relation to the Greater Shepperton C112.

The Advisory Committee noted that all but one of the 47 submissions provided general support for the IDM, including support for its broader implementation. Submissions commented on the IDM's relationship to Clause 56 and some submissions supported a review of Clause 56.

The Committee recommended the following:

- The IDM be introduced in the Municipal Strategic Statement of regional Council planning schemes.
- The Minister consider the implementation of the IDM into regional Council planning schemes utilising powers under Section 20(4) of the Planning and Environment Act 1987.
- The Department of Environment, Land, Water and Planning review Clause 56 of the Victoria Planning Provisions, particularly with respect to the currency and completeness of standards.

Following the findings of the Advisory Committee, the LGIDA began the process of working with Local Government and DELWP towards introducing the IDM into all planning schemes, in a consistent manner across regional Victoria. Councils were invited to participate in a Ministerial amendment process undertaken under Section 20(4), in June 2018.

Proposal

DELWP is proposing to undertake the amendments in several batches of 'GC' (group of Council) amendments. Moorabool would likely to be included in batch three (3) as the first batch has been submitted to the Minister, and the second has been prepared to be submitted.

Consistent with recommendations of the Advisory Committee, DELWP proposes that the Minister consider the GC amendments under Section 20(4) of the *Planning and Environment Act 1987*. Section 20(4) of the Planning and Environment Act 1987 allows the Minister for Planning to approve an amendment without community consultation.

The Advisory Committee (2015) advised that a Section 20(4) amendment process was appropriate where a Council:

- Has formally adopted the IDM;
- Is a member of the LGIDA;
- Has consistently applied the IDM over a period of time; and
- Can demonstrate general support for using the IDM as a 'guideline' document within the local development community.

It is considered that Council has satisfied all these requirements, having adopted the IDM in 2011, is a member of the LGIDA, and has applied the IDM through the planning permit process without appeal since that date.

In order for Council to be included in a subsequent IDM GC amendment, in addition to meeting the criteria outlined by the Advisory Committee in 2015, DELWP also require Councils to have made a resolution to both support the proposed changes to the planning scheme, and to have the changes made by the Minister under Section 20(4) of the Planning and Environment Act 1987.

Council formally adopted the IDM at its Ordinary Meeting of Council on 7 December, 2011 and at this time also resolved to incorporate a reference to the IDM in the next municipal strategic statement review. The benefit of Council being included in the IDM GM amendment process, is that this amendment is undertaken by DELWP, rather than Council, reducing the resourcing and administrative cost on Council on undertaking the amendment itself.

It is recommended that Council considers agreeing to participate in a Section 20(4) Ministerial Amendment coordinated by the DELWP which seeks to introduce the IDM provisions into the Moorabool Planning Scheme in accordance with the attached provisions (**Attachment 11.2.3a**). The changes to the municipal strategic statement as attached have been drafted by DELWP and are proposed to be applied consistently within the planning schemes of all other participating Councils, accounting for local variations to the structure of each planning scheme.

The proposal to include the IDM in the municipal strategic statement is consistent with all recently introduced *Regional Growth Plans*. Other existing State Planning Policies that are relevant to the IDM include:

Clause 15.01-03S (*Neighbourhood and subdivision design*) contains the following objective:

- *To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods*

The IDM provides a consistent approach to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Clause 16 (*Housing*) states that:

- *Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*
- *Planning should ensure the long-term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space*

This clause includes objectives and strategies relating to the provision of infrastructure to support future housing. The IDM provides a useful policy for the provision of consistent infrastructure including access, walkability public transport and roads to support future housing.

Clause 18 (*Transport*) states that:

- *Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe*

The proposed inclusion of the IDM gives support to long-term strategic direction requiring a consistent approach to the provision and development of new transport and access-related infrastructure.

Clause 19 (*Infrastructure*) states that:

- *Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.*
- *Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.*
- *Planning should ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes.*

- *Planning should facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.*
- *Planning should minimise the impact of use and development on the operation of major infrastructure of national, state and regional significance, including communication networks and energy generation and distribution systems.*
- *Planning authorities should consider the use of development and infrastructure contributions in the funding of infrastructure*

The proposal will give effect to these policies by providing a framework for future investigations into the consistent provision of infrastructure.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3A: Land Use Planning

The proposal is not specifically provided for in the Council Plan 2017-2021, however the review of the municipal strategic statement is a Council Plan Action. The proposal seeks to implement an existing action to include the IDM in the municipal strategic statement. As noted above the proposal will be undertaken as part of a GC amendment by DELWP and will not require any additional resources from Council, other than this Council Report. The amendment does not conflict with any Council policy.

Financial Implications

As the proposed amendment is being understood by DELWP, the statutory fee for the approval of a planning scheme amendments has been waived. There will be no cost to Council beyond Officer time spent preparing this report. The opportunity to participate in a Ministerial Amendment will significantly reduce the resource and administrative costs, amendment fees and Officer time otherwise required for Council make the changes as part of a separate amendment process.

Risk & Occupational Health & Safety Issues

In the absence of this amendment, there is a risk that appeals through VCAT may result in permit conditions referencing the IDM being removed, due to the IDM not being a reference document within the Moorabool Planning Scheme. This may result in the provision of infrastructure that does not meet the requirements of Council and may increase maintenance costs or not meet performance standards.

Community Engagement Strategy

As per Communication and Consultation Strategy.

Communications and Consultation Strategy

As outlined in the report above, the GC amendments would be approved by the Minister for Planning without community consultation. By resolving to support this Ministerial Amendment, Council acknowledges that, as described in Section 20(4) of the *Planning and Environment Act 1987*, in this instance it is appropriate that:

“The Minister may exempt himself or herself from any of the requirements of sections 17, 18 and 19 and the regulations in respect of an amendment which the Minister prepares, if the Minister considers that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.”

Where Sections 17, 18 and 19 comprise the exhibition and notice of amendment.

As previously mentioned, the IDM Advisory Committee (2015) advised that a 20(4) amendment process was appropriate where a council had:

- *Formally adopted the IDM;*
- *Is a member of the LGIDA;*
- *Has consistently applied the IDM over a period of time, and*
- *Can demonstrate general support for using the IDM as a ‘guideline’ document within the local development community.*

Council satisfies all these requirements, having adopted the IDM in 2011 as a member of the LGIDA and having applied the IDM through the planning permit process without appeal since that date. The amendment seeks to provide further support through the planning scheme for a document already adopted and used by Council. It is therefore considered appropriate that the Minister for Planning approve this amendment without consultation.

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 – Liam Prescott

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

Conclusion

Incorporation into the Planning Scheme will ensure that consistent application of the IDM results in appropriate infrastructure design and provision for Moorabool Shire, and lessens the risk of appeal at VCAT.

The inclusion of the IDM into rural and regional planning schemes has been considered by an independent Planning Panel and the Advisory Committee and has the support of both. The amendment is consistent with the recommendations of the Advisory Committee and will be undertaken by DELWP on behalf of Council, and other rural and regional Councils.

Resolution:

Crs. Sullivan/Bingham

That Council:

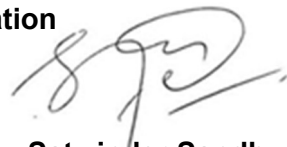
- 1. Agrees to be included in a Group of Councils (GC) Amendment to include the Infrastructure Design Manual in the Moorabool Planning Scheme, in accordance with the attached provisions.***
- 2. Supports the Amendment being considered by the Minister for Planning under Section 20(4) of the Planning and Environment Act 1987.***

CARRIED.

Report Authorisation

Authorised by:

Name:



Title:

**Satwinder Sandhu
General Manager, Growth & Development**

Date:

7 February 2019

Cr. Sullivan declared an Direct Conflict of Interest in relation to Item 11.2.4 – Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook. The nature of the Conflict of Interest is due to Cr. Sullivan being an adjoining land owner and having also lodged an objection to this application.

Cr. Sullivan adjourned from the meeting at 6.39pm and did not participate in voting on the Item.

11.2.4 Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook

Introduction

Author: Vanessa Osborn
General Manager: Satwinder Sandhu

Executive Summary

At the Moorabool Shire Council Ordinary Meeting of Council on 7 November 2018 a motion was carried:

Item 13.1 Cr. Bingham: N.O.M. No. 274 – Telecommunication Tower Resolution: Crs. Bingham/Keogh 1. Write to the Minister for Planning regarding amending Clause 52.19 – 3 which exempts the requirement of advertising planning applications for telecommunication facilities that are funded or partly funded by the Mobile Black Spot Program, or the State of Victoria. 2. Write to the applicant Vodafone and the landowner Victorian Rail Authority to question whether the proposed tower could be shifted at least 150m away from the closest dwelling. 3. That an investigation be carried out and a report be prepared detailing the information supplied by the applicant compared to the as constructed tower CARRIED.

This report is to confirm the officers' actions/findings to date.

Background

In 2017, Moorabool Shire Council received a permit application for the development of a telecommunication facility on VicTrack land off Sullivans Road in Millbrook, Victoria. The telecommunication facility is part of the Victorian State Government Regional Rail Connectivity Project (RRCP). The application included the installation of a 30m high monopole, turret, antennas, outdoor unit and associated works.

On Wednesday 18 April 2018 Council resolved to issue Planning Permit PA2017273 at its S86 Development Assessment Committee. (See **attachment 11.2.4a**).

Investigation

The permit application proposed to develop a telecommunications facility comprising a 30m high monopole containing the following:

- Three (3) antennas mounted on a turret at a centre line position of 31.7m height, resulting in an overall height of 33.25m.
- One (1) 1.2m diameter parabolic antenna mounted at a centre line of 27.5m height.
- A two-bay outdoor unit at the base of the pole on a concrete slab.
- Associated works and minor earthworks.

- A 2.4m high security compound fence and 3.0m access gates surrounding the proposed 8.4m x 12.4m compound area.
- 5.0m wide proposed access track between the site and the Sullivans Road carriageway to the south.

The planning permit was issued and plans were endorsed by Council on 18 April, 2018. The endorsed plans were compared to the 'For Construction plans' as part of the investigation. From a planning perspective, the 'For Construction plans' are in accordance with the Endorsed Plans. The applicant advised that the 'As built' plans are produced once the site is complete and handed to the client. At the time of this report (29 January 2019) Service Stream Network Construction had not yet integrated the site to the network.

A site visit was carried out by the Council Building Inspector on 24 January 2019. The inspector concluded that the facility was located in the proposed location and consisted of the abovementioned proposed components. The tower constructed with steel (not specified what type). At the time of the inspection, the sun was shining on to the tower, however it was concluded that the material would not be categorised as glaring or reflective.

Based on the limited investigations carried out, it is proposed that the construction of the telecommunication tower for the regional rail project has been carried out in accordance with the endorsed site layout plan.

A copy of the endorsed plans and the 'For Construction plans' are attached. (See **attachment 11.2.4b**)

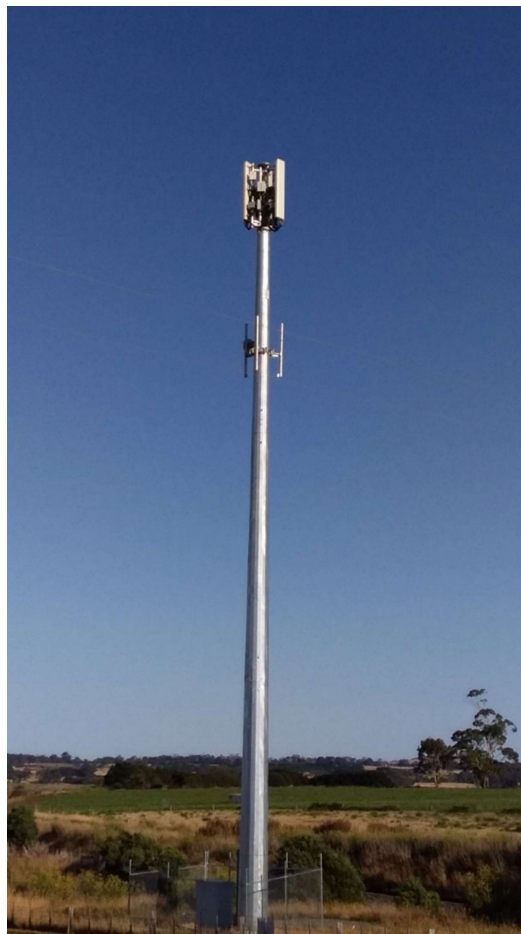


Photo: The telecommunication tower off Sullivans Road in Millbrook, Victoria

Financial Implications

Nil in reference to this report.

Risk & Occupational Health & Safety Issues

Nil in reference to this report.

Community Engagement Strategy

Community engagement for planning matters are undertaken in accordance with the *Planning & Environment Act 1987*. As previously indicated notice was exempt for this application.

Communications and Consultation Strategy

Nil.

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 – Vanessa Osborn

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

Conclusion

In response to the three (3) points in Councils resolution dated 7 November 2018:

- 1) A letter was sent to the Minister for Planning requesting a review of Clause 52.19 – 3 which exempts the requirement of advertising planning applications for telecommunication facilities that are funded or partly funded by the Mobile Black Spot Program, or the State of Victoria.
- 2) A letter was sent to the applicant Vodafone and the landowner Victorian Rail Authority to request the proposed tower to be shifted at least 150m away from the closest dwelling.
- 3) An investigation was undertaken as stipulated above, based on the 'For Construction plans' provided by the applicant and the site inspection by the Council Building Inspector, it is concluded that the construction of the telecommunication tower for the regional rail project has been carried out in accordance with the planning permit and endorsed site plans.

Recommendation:

That Council receives this investigative report as a response to Action 3 of Item 13.1 of the November 2018 Ordinary Meeting of Council resolution.

Resolution:

Crs Dudzik/Keogh

That consideration of the report be deferred, pending further consultation with interested parties.

CARRIED.

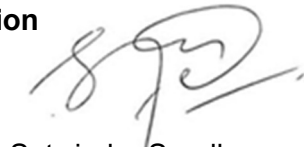
Report Authorisation

Authorised by:

Name:

Title:

Date:



Satwinder Sandhu

General Manager, Growth & Development

6 February 2019

Cr. Sullivan returned to the meeting at 6.43 pm.

11.3 SOCIAL AND ORGANISATIONAL DEVELOPMENT

11.3.1 Age Well Live Well & Disability Access and Inclusion Plan 2019-2022

Introduction

Author: Claire Conlon
General Manager: Danny Colgan

The purpose of the report is to recommend that the Council adopt the revised Age Well Live Well & Disability Access and Inclusion Plan 2019-2022 following the public exhibition period.

Background

At the Ordinary Meeting of Council on Wednesday 7 November 2018, the Council resolved to 'endorse the draft Age Well Live Well Strategy and Disability Access and Inclusion Plan 2018-2021 for the purpose of public exhibition for a period of four weeks; and receive a further report at the conclusion of the exhibition period for consideration of feedback and finalisation of the Age Well Live Well Strategy and Disability Access and Inclusion Plan 2018-2021'.

The development of the Age Well Live Well and Disability Access and Inclusion Plan in 2015 represented an integrated approach by Council to plan for the future needs of people aged over 50 years, people with a disability and those with carer responsibilities in the Shire over the six years. While these population groups are diverse in terms of their needs and aspirations, there are a number of common issues with respect to Council's role and interventions that promote both active ageing and access and inclusion.

A mid-point review of progress in implementing the Age Well Live Well Strategy and Disability Access and Inclusion Plan 2015-2021 was undertaken in 2018.

Notices to advertise the public exhibition period were placed with the regional newspaper, the local newspaper on Council's weekly page in the Moorabool News and via Council's *Have Your Say* online community engagement portal and a drop-in session at the Lerderderg library to provide feedback about the Plan.

Proposal

The following feedback was received during the community exhibition period. It is proposed that the following amendments be made to the plan.

Page	Item	Amendment	Reason
9	To increase the digital literacy of older people	Add the ' <i>Be Connected IT</i> ' program to the following action: Organise inter-generational digital literacy classes through the <i>Be Connected program</i> where younger people teach older people how to maximise their digital experience.	Links have been made with the ' <i>Be Connected</i> ' program which has attracted funding which is about improving the digital literacy of older people.

Page	Item	Amendment	Reason
11	To promote opportunities for older people, people with a disability and diversity target groups to access exercise programs, wellness activities and other healthy lifestyle opportunities	The Age Friendly Ambassadors provided feedback that the following actions could be combined: “develop a directory of exercise groups for older people” with the “Produce hardcopy and electronic version of a Community Service Directory for older people” (page 9)	The directory of exercise groups will be included as part of the Age Friendly project through the development of the broader Community Directory.
11	To promote opportunities for older people, people with a disability and diversity target groups to access exercise programs, wellness activities and other healthy lifestyle opportunities	Explore the viability of an older person's exercise park in Ballan based on the Victoria University model.	Ballan and District Health and Care's exercise physiologist approached Council to partner together to scope a plan.
12	Improve access to housing that is affordable, well designed and close to services and facilities	To include the following strategy: Progress the development of Social Housing strategies consistent with the Council's Housing strategy including development of a Social Housing Policy.	Local disability services approached Council about progressing the need for affordable housing as per the Council Housing Strategy.
14	Improve access to resources that support community wellbeing with a focus on civic participation and employment.	Remove the following: Provide opportunities for inclusion and participation in work for siblings of people living with disabilities through links to Aged Care training providers and the provision of student placement at Council and potential pathways to employment.	Funding submission for partnership work with The Laurels was unsuccessful.
15	To successfully implement the Age Friendly projects.	Include the following Age-ility projects which have become evident during the extended consultation period: Development of Positive Ageing Facebook page; Bungaree newsletter and local directory The purpose of the newsletter is to better inform the community regarding groups, services, events and what's on in the community and is currently in its infancy stages including the formation of a committee to develop the community newsletter;	Age-ility projects were identified post the initial draft of the Plan and these have been expanded as part of the new version of the updated Plan.

Page	Item	Amendment	Reason
		<p>Bungaree noticeboard Bungaree community noticeboard requires rejuvenating and Moorabool Shire Council are currently in the process of developing an agreement with the general store owner to mount a weather proof community notice board in a location that is visible and managed with contemporaneous information;</p> <p>Ballan community newsletter To inform the community about current information through a dedicated newsletter and directory, with community input. A community newsletter committee has formed which ensures contributions from local groups on a bi-monthly basis;</p> <p>Be Connected IT program The program was able to expand upon a voluntary service provided through our library service, to include and roll out the Be Connected program to other areas within Moorabool Shire;</p> <p>Bungaree outreach Healthy Eating Active Living (HEAL) project Partnership developed with the Ballan District Health and Care to implement an outreach Healthy Eating, Active Living (HEAL) program facilitated by a dietitian and exercise physiologist over a 6-month period in the Bungaree community. The program will be evaluated to determine the effectiveness and ongoing needs of the community;</p> <p>Moorabool Shire Council Community directory There was a need identified that an older person's community directory was required.</p>	

The amendments have been made to the Plan, now presented to the Council for adoption.

Policy Implications

The 2017–2021 Council Plan provides as follows:

Strategic Objective Improving Social Outcomes

Context Health and Wellbeing

The revision of the plan is consistent with the Council Plan 2017-2021.

Financial Implications

The plan contains an integrated action plan outlining goals, objectives and actions to be implemented over the next three years. Whilst the majority of the actions identified in the plan will be incorporated into current Council resourcing, budget and staffing workplans, the actions listed below will require additional funding to maximise implementation and will be subject to the annual Council budget process.

Item number	Action	Indicative cost
3.1	Promote the Deaf Card to assist with communication and request an Auslan interpreter.	\$1,000
3.1	Implement Read Speaker Technology on the Council's website to ensure the site is accessible for people with vision impairment issues.	\$3,000
3.2	Ensure the Hearing Loop is available and operational at the Ballan and Darley sites.	\$5,000
3.3	Increase awareness of service providers in relation to sexual health of older people through the facilitation of a women's health forum.	\$5,000
3.6	Provide opportunities for inclusion and participation in work for siblings of people living with disabilities through links to Aged Care training providers and the provision of student placement at Council and potential pathways to employment.	\$2,000
3.7	To assist community groups to become accredited through the Welcoming Communities Project; Allocate funding to adopt the Welcoming Communities Program; Train Volunteers to become community connectors to connect socially isolated people to community groups.	\$10,000
3.8	Explore the viability of an older person's exercise park in Ballan based on the Victoria University model.	\$15,000
	Total	\$41,000

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Controls
Budget	Lack of resources to implement actions.	Medium	Annual review process to determine priorities within existing resource capacity.
Implementation	Delay in implementing actions or some actions not commenced within timeframe.	Medium	As above
Changes to government policy and legislation.	Changes impact Council's role.	High	Quarterly review process to include updates on changes and implications for Council.
Defunded Rural Access Worker role	Lack of resourcing to complete the access and inclusion related actions in the plan.	High	Applied for Council funding to continue the Rural Access Worker role.

Communications and Consultation Strategy

The Age Well, Live Well Strategy and Disability Access and Inclusion Plan 2019-2022 have been developed through a process of research and community engagement to determine the priority areas for action to promote healthy active ageing and access and inclusion for people with a disability. The extent of the communication that has been carried out leading to the writing of this report is reflected in the table below.

The following community engagement activities were undertaken in the review of the plan in accordance with Council's Community Engagement Policy and Framework.

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Extensive consultation has occurred including surveys through the 'Have your say' portal and engagement through community forums as part of the Age Friendly project.	Community Groups and forums; Have your say forum and the Age Friendly Ambassadors.	Meetings with Bungaree, Ballan and Bacchus Marsh older person's community forums.	Bungaree; Ballan and Bacchus Marsh.	January 2018-June 2018	142 surveys were completed, and three community forums undertaken.
Two Council staff forums were undertaken.	Council staff	Two forums were held to identify priorities for action.	Bacchus Marsh	April 2018	Two Council staff forums held which built on activities identified through the community consultation.

The following community engagement activities were undertaken during the public exhibition period in accordance with Council's Community Engagement Policy and Framework

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consultation has occurred through the 'Have your say' portal and engagement through community forums. On display at the International Day for People living with disability.	Older people and people living with disabilities; NDIS Local Area Coordinators; local community health services;	Have your Say website portal; advertisement in Moorabool Matters; Age Friendly Ambassadors provided feedback; Drop in session at the Lerderberg library; advertised on Facebook and website; Making copies of the draft report available at Council's Customer Service locations and to local service providers	Bungaree; Ballan and Bacchus Marsh.	December 2018-Jan 2019	Proposed amendments as per pages 1,2 and 3 of this report.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Claire Conlon

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

Conclusion

The Age Well, Live Well Strategy and Disability Access and Inclusion Plan 2019-2022 has been developed through a process of review of actions undertaken in the implementation of the 2015 Plan and research and community engagement to determine future priority areas for action to promote healthy active ageing and access and inclusion for people living with a disability.

The plan includes the changes recommended through the public exhibition consultation process. The Plan will better position Council with respect to meeting the challenges posed by changes to Federal and State policy, legislation and funding. This is consistent with Council's strategic objectives to provide services and programs, physical and social infrastructure to meet the needs of a diverse and growing segment of the Shire's population.

Resolution:

Crs. Dudzik/Bingham

That Council adopts the Age Well, Live Well and Disability Access and Inclusion 2019-2022 plan inclusive of the following changes:

- a) Enhance digital literacy for older people by including the Commonwealth funded "Be Connected IT" program for older people;***
- b) Expand on the Age Friendly projects that were identified during the consultation process and include:***
 - Development of Positive Ageing Facebook page;***
 - Bungaree newsletter and local directory;***
 - Be Connected IT program;***
 - Bungaree outreach Healthy Eating Active Living (HEAL) project;***
 - Moorabool Shire Council Community directory;***
 - Bungaree noticeboard;***
 - Ballan community newsletter***
- c) Include a strategy that explores the viability of an older person's exercise park in Ballan based on the Victoria University model;***
- d) Progress the development of Social Housing strategies consistent with the Council's Housing strategy including development of a Social Housing Policy.***

CARRIED.

Report Authorisation

Authorised by:



Name:

Danny Colgan

Title:

General Manager Social and Organisational Development

Date:

Wednesday 13 February 2019

Risk & Occupational Health & Safety Issues

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Michelle Morrow

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

Conclusion

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

Resolution:

Crs. Dudzik/Sullivan

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

CARRIED.

Report Authorisation

Authorised by:



Name:

Danny Colgan

Title:

General Manager Social and Organisational Development

Date:

Friday 8 February 2019

Cr. Keogh declared an Indirect Conflict of Interest (section 78B) in relation to Item 11.4.1 – Petition: Request to defer contract C24-2018/19 Main Street, Gordon – Streetscape Upgrade Works, Stage 1. The nature of the Conflict of Interest is due to Cr. Keogh having a close association with an objector.

Cr. Keogh adjourned from the meeting at 6.49pm and did not participate in voting on the Item.

Mr. Stephen Derrick addressed Council in relation to Item 11.4.4 - Petition: Request to defer contract C24-2018/19 Main Street, Gordon – Streetscape Upgrade Works, Stage 1.

Ms Dina Bowman addressed Council in relation to Item 11.4.4 - Petition: Request to defer contract C24-2018/19 Main Street, Gordon – Streetscape Upgrade Works, Stage 1.

The business of the meeting then returned to the agenda.

11.4 INFRASTRUCTURE

11.4.1 Petition: Request to defer contract C24-2018/19 Main Street, Gordon – Streetscape Upgrade Works, Stage 1.

Introduction

Author: Ewen Nevett
General Manager: Phil Jeffrey

Council received a petition on 7 January 2019 containing 190 signatures requesting to defer the Main St, Gordon – Streetscape Upgrade Works Stage 1 project.

This report includes officers' assessment and recommendation in relation to the request.

Background

The 2017-2018 Capital Improvement Program included a streetscape masterplan development project for Main Street, Gordon stretching from Stanley Street to Old Western Hwy. The project included assessing the existing infrastructure within the Main street and determining ways to improve the functionality and aesthetic appeal for both pedestrians and vehicle movements.

Council facilitated a series of community engagement sessions to seek feedback on various issues within the town's CBD. These sessions were advertised through various mediums such as

- Moorabool News
- Letterbox drops to Main Street residents
- Project information flyers left at the Post Office & General Store
- Council Website

The initial engagement sessions were conducted on Tuesday, 21 November 2017 and Thursday, 23 November 2017 at the Gordon Public Hall from 4pm to 7pm. These two sessions

included the community making comments on the initial conceptual plans developed and filling in a questionnaire on numerous items to inform our design going forward. Online surveys through Council's 'Have Your Say' portal were open for the community to provide input also.

Council officers collated all feedback and worked with specialist consultants to develop a concept design for Councillors consideration. Specific feedback on a range of topics such as tree species selection, footpath connectivity and major intersection treatments was taken on board and reflected in the revised concept plan. At the Special Meeting of Council on 20 December 2017, Council adopted the Concept Plans for Main Street, Gordon and authorised officers to proceed to the detailed design.

As part of Council's continued effort to engage the community, two further consultation sessions were held on Monday, 26 March 2018 and Wednesday, 28 March 2018 at the Gordon Public Hall from 4pm to 7pm. These sessions enabled the community to further assess and make comment on the functional design plans which included engineering and landscape details.

Council also received considerable interest from the newly formed Main Street 'Gordon Reference Group'. Council officers met with the group on Monday, 9 April 2018 at the Gordon Public Hall and further discussed the project to articulate the rationale behind particular aspects of the design. The meeting proved to be successful with collaborative ideas being incorporated into the design such as car parking improvements front the Gordon Public Hall, amenity area amendments and bus stop connectivity improvements.

Following the consultation process, Council officers continued with the design phase of the streetscape masterplan to a final detailed design. The masterplan was split into stages to allow for reasonable construction projects. Council officers considered the Russell St/Main St intersection area the highest priority to develop to enable the project to be considered for construction through the 2018-2019 budget process.

Future stages are yet to be finalised with further design work required to complete the documentation. Further engagement will need to be undertaken in line with Council's Community Engagement Framework to build on the consultation that has previously taken place in relation to the project.

Stage 1 of the Main Street, Gordon Streetscape Upgrade Works centred around the Russell St/ Main St area was included in the 2018-2019 draft budget for consideration. The process enables community members to view all proposed projects and make submissions. Following the budget process this project was adopted with no submissions against the project.

The Stage 1 construction works include;

- Drainage improvements
- Removal of 3 small trees and planting of 22 new ones.
- 3 new seats along with some low stone walls
- 2 new bins with surrounds to replace existing green bins on stands
- 2 new bike hoops
- New kerb alignment that replaces existing kerb and decreases amount of paved area
- Improved parking opportunities
- Improve and relocated bus stops
- New traffic island at Russell Street intersection
- Better pedestrian connectivity including a path to the primary school
- Paved and landscaped areas at front of public hall and post office

Following a public tender process, a contract for the works was approved at the Council meeting on 17 December 2018 with the works commencing in mid-February 2019.

Officers continue to provide updates and notification to community members through various publications. Project information sheets have been developed for the project and articles were placed in the Gordon, Mt Egerton & District News (local newsletter) in September and December 2018 advising of the upcoming works. A letter drop containing the project information sheet was also undertaken along Main Street in October 2018 along with copies being left at the Post Office and General Store counters and on the local notice board.

Council standard contract process includes visiting directly affected properties for construction works. A door knock was undertaken with Contractor representatives and Council staff in late January 2019 to discuss the project to which positive feedback was received from all affected.

The masterplan development recently received a lot of media attention, with residents concerned about removal of trees and wanting to ensure Gordon retains its small-town character. Council officers attended a meeting at the Gordon Hall set up by residents on Tuesday, 22 January 2019. Officers made a presentation which dispelled several rumours regarding the tree removal in future stages.

Proposal

Council officers will continue to work with the appointed contractor to deliver the remainder of the in-progress construction project.

Policy Implications

The Council Plan 2017 – 2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Out Assets and Infrastructure

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

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

Extensive community consultation has been undertaken throughout the life of this project. All affected residents were notified prior to the construction works commencing. Regular reporting through the construction works have been and will continue to be communicated to all stakeholders through various mediums.

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 – Ewen Nevett

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

Conclusion

Significant community consultation and engagement through the development of the project has been undertaken. Streetscape projects are often difficult to implement with community members have differing opinions.

Officers are confident the community has been consulted appropriately and the Stage 1 Streetscape Upgrade Works will deliver a quality outcome for the town.

Council officers intend to continue to work with the appointed contractor to deliver the remainder of the in-progress construction project.

Resolution:

Crs. Toohey/Sullivan

That Council authorise officers to continue to work with the appointed contractor to deliver the Streetscape Upgrade Works.

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Thursday 14 February 2019

Cr. Keogh returned to the meeting at 6.58 pm.

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 06 February 2019 – Ballan Depot
- Assembly of Councillors – Wednesday 06 February 2019 – C88 Ballan Strategic Directions
- Assembly of Councillors – Wednesday 06 February 2019 – Draft Library Strategy & Ballan Library Feasibility Study
- Assembly of Councillors – Wednesday 06 February 2019 – VicRoads Update and Eastern Link Road Project

Resolution:

Crs. Sullivan/Bingham

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

- *Assembly of Councillors – Wednesday 06 February 2019 – Ballan Depot*
- *Assembly of Councillors – Wednesday 06 February 2019 – C88 Ballan Strategic Directions*
- *Assembly of Councillors – Wednesday 06 February 2019 – Draft Library Strategy & Ballan Library Feasibility Study*
- *Assembly of Councillors – Wednesday 06 February 2019 – VicRoads Update and Eastern Link Road Project*

CARRIED.

Ms. Karellyn Dangar addressed Council in relation to Item 12.2 Section 86 – Delegated Committees of Council – Reports.

The business of the meeting then returned to the agenda

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	Attachment number
Blacksmith's Cottage & Forge Committee of Management	22 January 2019	Cr. Edwards	Item - 12.2a
Millbrook Community Centre Annual General Meeting	17 October 2018	Cr. Sullivan	Item - 12.2b
Gordon Public Hall Committee of Management General Meeting	5 December 2018		Item - 12.2c
Maddingley Park Committee of Management	27 November 2018		Item - 12.2d
Navigators Community Special Meeting	4 February 2019		Item - 12.2e

Resolution:

Crs. Sullivan/Bingham

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

- ***Blacksmith's Cottage & Forge Committee of Management Meeting, 22 January 2019***
- ***Millbrook Community Centre Annual General Meeting, 17 October 2018***
- ***Gordon Public Hall Committee of Management General Meeting, 5 December 2018***
- ***Maddingley Park Committee of Management, 27 November 2018***
- ***Navigators Community Special Meeting, 4 February 2019***

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	Attachment number
Moorabool Audit & Risk Committee	8 August 2108	Cr. Dudzik	Item - 12.3a
Moorabool Audit & Risk Committee	4 September 2018	Cr. Dudzik	Item - 12.3b
Moorabool Audit & Risk Committee	14 November	Cr. Dudzik	Item - 12.3c
Bacchus Marsh & District Trails Advisory Committee	4 February 2019		Item - 12.3d

Resolution:

Crs. Bingham/Sullivan

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

- ***Moorabool Audit & Risk Committee, 8 August 2018***
- ***Moorabool Audit & Risk Committee, 4 September 2018***
- ***Moorabool Audit & Risk Committee, 14 November 2018***
- ***Bacchus Marsh & District Trails Advisory Committee, 4 Feb 2018***

CARRIED.

13. NOTICES OF MOTION

Nil.

14. MAYOR'S REPORT

Since the last Ordinary Meeting of Council, the Mayor has attended the following meetings and activities:

Cr Paul Tatchell – Mayor's Report	
Date: 6 March, 2019	
11 February	<ul style="list-style-type: none"> • Moorabool Health & Wellbeing Advisory Committee
20 February	<ul style="list-style-type: none"> • S86 Development Assessment Committee Meeting
21 February	<ul style="list-style-type: none"> • CWA Annual Meeting and Half Yearly Conference of the Ballarat District Group of the CWA
27 February	<ul style="list-style-type: none"> • Heritage Advisory Committee Meeting
6 March	<ul style="list-style-type: none"> • Councillor Briefing – Review of Draft 2019/20 Budget • Councillor Briefing – Review of Draft Council Plan • Councillor Briefing – Presentation by Mike Said, Chair Audit & Risk Committee • Ordinary Meeting of Council

Resolution:

Crs. Toohey/Bingham

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:

Cr. Sullivan	
<i>February/March 2019</i>	
<i>28 February</i>	<i>Dunnstown Recreation Reserve, opening of new netball court surface</i>
<i>1 March</i>	<i>Grampians Central West Waste & Recovery Group Forum</i>

Cr. Toohey	
<i>February 2019</i>	
<i>Special mention to Phil Jeffrey and staff for fast response and action in regards to concerns raised over the condition of local roads.</i>	

Cr. Keogh	
<i>February 2019</i>	
<i>17 February</i>	<i>Gold Panning Competition at Blackwood Reserve</i>
<i>18 February</i>	<i>Bacchus Marsh Golf Club Committee of Management Meeting</i>
<i>24 February</i>	<i>Victorian Working Draft Horse Association, Long Range Challenge, Ballan Racecourse Reserve</i>
<i>28 February</i>	<i>Dementia Friendly Plan & Social Support Program</i>

Resolution:

Crs. Sullivan/Bingham

That the Councillors' reports be received.

CARRIED.

16. URGENT BUSINESS

Nil.

ADJOURNMENT OF MEETING – 7.17 pm

Crs. Bingham/Sullivan

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

CARRIED.

RESUMPTION OF MEETING – 7.28 pm

Crs. Sullivan/Toohey

That the meeting now be resumed.

CARRIED.

17. CLOSED SESSION OF THE MEETING TO THE PUBLIC

17.1 Contract C28-2018/2019; Construction of new Roundabout McCormacks Road/Griffith Street, Maddingley	
Directorate:	Infrastructure
General Manager:	Phil Jeffrey
Author:	Corinne Jacobson
Section 89(2)d – contractual matters;	

17.2 Contract C34–2018/2019; Bacchus Marsh Balliang Rd, Maddingley – Pavement Rehabilitation & Widening Works	
Directorate:	Infrastructure
General Manager:	Phil Jeffrey
Author:	Ewan Nevett
Section 89(2)b - contractual matters	

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.

Items 17.1 and 17.2 are confidential items
and therefore not included as part of
these Minutes.

18. MEETING CLOSURE

The meeting closed at 7.44 pm.

Confirmed.....Mayor.