



## ORDINARY MEETING OF COUNCIL

**Minutes** of the Ordinary Meeting of Council  
held in Council Chamber, 15 Stead Street, Ballan on  
Wednesday 7 November 2018, at 6:00 p.m.

### **Members:**

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

### **Officers:**

Mr. 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 will be recording this meeting. The following organisations have been 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. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. Jarrod Bingham</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>Acting General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Rob Fillisch</i>	<i>Manager Statutory Planning &amp; Community Safety</i>
<i>Mr. Ian Waugh</i>	<i>Manager Community &amp; Recreation Development</i>
<i>Mr. Justin Horne</i>	<i>Acting Manager Strategic Planning &amp; Development</i>
<i>Mr. Steve Ivelja</i>	<i>Chief Financial Officer</i>
<i>Ms. Michelle Morrow</i>	<i>Coordinator Governance</i>
<i>Mr. Ross Houlton</i>	<i>Coordinator Parks &amp; Gardens</i>
<i>Mr. Tristan May</i>	<i>Capital Works Coordinator</i>
<i>Ms. Emma Szymanski</i>	<i>Minute Taker</i>

**5. APOLOGIES**

*Nil.*

**6. CONFIRMATION OF MINUTES**

**6.1 Ordinary Meeting of Council – Wednesday 03 October 2018**

**Resolution:**

**Crs. Keogh/Sullivan**

***That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 03 October 2018.***

**CARRIED.**

## 7. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

### Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

#### **7.1 Disclosure of an Indirect Interest**

***Cr. Sullivan declared an indirect financial interest (section 78A) in relation to Item 11.2.2 - Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon, due to being a surveyor acting for the applicant in the matter.***

#### **7.2 Disclosure of an Indirect Interest**

***Cr. Keogh declared an indirect interest by close association (section 78) in relation to Item 11.2.2 - Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon, due to having an association with an objector.***

#### **7.3 Disclosure of an Indirect Interest**

***Cr. Sullivan declared an indirect interest by close association (section 78) in relation to Item 13.1 - Cr. Bingham: N.O.M. No. 274 – Telecommunication Tower PA2018, due to the matter relating to a development close to where he lives.***

## 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.

***Ms. Rosa De La Cruz submitted the following question:***

**Question:**

What are the councils plans to deal with Recycling after June 2019 when contract with VISY ends? Especially in the light of the fact that China and India are no longer importing waste from Australia?

**Response:**

Council's waste services are currently out to tender which includes collection and receipt of recyclable material and it is proposed that new contracts will be in place prior to expiry of existing contracts. It is also proposed to provide the recycling service in a similar method to previous and Moorabool will assess any changes to industry and markets as they evolve



***Mr. Scott Graham submitted the following question:***

**Question:**

**We invite Councillors and officers to attend an open discussion about Gordon Township to be held 6-9pm 20 Nov at Gordon Public Hall**

**Response:**

Invitation has been forward to Councillors for their consideration.

***Mr. Scott Graham submitted the following question/s:***

**Question:**

**Should we expect that a footpath should address the thresholds to our premises?**

**Response:**

The proposed footpath connects to existing crossover, steps at the front of the property and existing footpath to the west of the veranda therefore has considered property connections

**Question:**

**Should we expect that the approach to the building in the public realm should meet dda compliance without handrails?**

**Response:**

The tendered design achieves this

**Question:**

**Should we expect an interface with our street that may support the commercial operation in public realm terms?**

**Response:**

The tendered design doesn't preclude the establishment of alfresco areas. The current scope does not include construction of this and would be willing to discuss a contribution to achieve this during the construction phase

***Mr. Scott Graham submitted the following question/s:***

**Question:**

**In the context of this inequity and the lack of main street investment, poor process and outcome to date for the Township Improvement Plan and poor engagement and planning for our commercial interface we request that our rates for the past 2 years be reassessed with refund due?**

**Response:**

Council has a differential rate structure and properties are rated based on their use and occupancy and in line with the adopted Rating Strategy. The rates process incorporates an opportunity to lodge a formal valuation objection if the property owner believes that the property valuations or the apportionment of the valuations are not correct

## 9. PETITIONS

### 9.1 Consideration of road closure of Simmons Drive, Bacchus Marsh

Council has received a petition containing 20 signatures, from residents residing in Simmons Drive, Bacchus Marsh.

The petition is stated as:

*“This petition is of the residents of Simmons Drive, Bacchus Marsh VIC 3340*

*We draw the attention of the Council: to consider leaving the road closure in place halfway down Simmons Drive. The opening of the freeway entry/exit on Halletts Way has created a lot more traffic and we believe if Simmons Drive opens all the way through it will cause a lot more traffic to our street. Approx. 90% percent of us also have small children in the area and believe it would also be safer.*

*We therefore ask the House to: have additional bollards/signage put in place to close off the road halfway. - Please see attached photo for location.*

- 1. Safety of children residing in the street*
- 2. Further increased traffic to the street*
- 3. We would like a guarantee that all emergency services would be able to reach every dwelling in the street”*

This petition does not meet Council’s Local Law No. 9, Meeting Procedure Local Law, Part 6 - Clause 6.7 (d)(ii) in that the address of every petitioner or signatory is not clearly stated, however, an exception has been made on this occasion to consider this petition in line with the provisions under Meeting Procedure Local Law No.9, Part 6 - Clause 6.7 due to each signatory residing in Simmons Drive, Bacchus Marsh as stated.

#### **Resolution:**

**Crs. Dudzik/Keogh**

***That the petition containing 20 signatures in relation to Simmons Drive, Bacchus Marsh be received by Council and that a report be prepared by officers for Council’s consideration.***

**CARRIED.**

## 10. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
11.3.5	Bacchus Marsh Harness Racing Club Lease Agreement- Fee Reduction	Robert Young	Supporter

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

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

Item No	Description	Name	Applicant/ Objector
11.2.2	Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.	Don Fernandez	Objector

11.2.2	Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.	Helen Clare Fernandez	Objector
11.2.2	Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.	Ian Woodhouse	Objector
11.2.2	Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon	Robert McLaren	Objector
11.2.2	Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon	Sean O’Keeffe	Supporter
11.2.3	Planning Permit PA2018090 – Building and works for a pilot training centre, Aerodrome Road, Parwan.	Christopher Thorpe	Objector
11.2.3	Planning Permit PA2018090 – Building and works for a pilot training centre, Aerodrome Road, Parwan.	Greg Harrison	Supporter
11.2.3	Planning Permit PA2018090 – Building and works for a pilot training centre, Aerodrome Road, Parwan.	Phil Prap	Supporter
11.2.3	Planning Permit PA2018090 – Building and works for a pilot training centre, Aerodrome Road, Parwan.	Trevor Oliver	Supporter
11.2.4	Planning Permit PA2018 147 – Development of a 2nd Dwelling at 3 Carlogie Place, Darley	Jeanette McGonegal	Objector

## **11. OFFICER'S REPORTS**

### **11.1 CHIEF EXECUTIVE OFFICER**

#### **11.1.1 Rural Councils Transformation Program**

##### **Introduction**

Author: Phil Jeffrey  
Acting Chief Executive Officer

##### **Background**

The Central Highlands Group of Councils are proposing to submit an application to Local Government Victoria (LGV) under the \$20M Rural Councils Transformation Program (RCTP).

In the current environment of rate capping, all Councils, regardless of their size or scale, will need to consider changes to their operations to ensure that they continue to deliver the services and functions expected by their communities. Regional co-operation is one way to address this, and the opportunity to consider transformational changes through such a funding program will enable this to occur with minimal risk. Examples include back of house processes, asset management, building surveying and ICT.

The seven Central Highlands Group of Councils (Ballarat, Moorabool, Pyrenees, Central Goldfields, Ararat, Northern Grampians and Golden Plains) are currently working on a joint submission. If the EoI is successful, groups will then be invited to develop a much more detailed and formal business case. The preparation of such a business case could be upwards of \$250k and would be fully funded under this program. Those business cases would need to be completed by the end of March 2019 with funding expected to be announced in May 2019.

##### **Proposal**

The RCTP provides funding for groups of Councils to develop partnership initiatives that progress the transformation of local government. The RCTP may include initiatives such as shared delivery of Council functions and services, along with the ability to purchase new plant, equipment or software platforms. The program aims to improve the efficiency and financial sustainability of rural and regional Councils, and signals LGV's direction of transforming the sector through collaboration and sharing amongst Councils. Essential resourcing could be provided under the program to drive outcomes for the Central Highlands Group.

Attached are some of the publicly available LGV materials that describe the details of the program and a link to their website <https://www.localgovernment.vic.gov.au/grants/rural-regional-councils-sustainability-reform>

Groups of Councils from across the State are encouraged to apply for funding to develop a business case and to implement their nominated initiatives. The program has a total of \$20M to be allocated towards 4 to 5 transformational projects across the State. Expressions of Interest are due by mid-November.

It should be noted that the new Fixing Country Roads program has a requirement that an expression of interest has been submitted to this program to ensure Council eligibility.

## Policy Implications

The Council Plan 2017-2021 provides as follows:

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

**Context IC:** Our Business & Systems

The proposal to support the Central Highlands Group of Councils in submitting an Expression of Interest is consistent with the Council Plan 2017 – 2021. It also provides an opportunity to consider alternative ways and means for Council to service its community more efficiently and effectively.

## Financial Implications

If the EoI is successful, the preparation of the full business case will be funded by the program. If the EoI is unsuccessful, it is assumed that the Central Highlands Group of Councils will not proceed with the proposed project. Therefore, there are no significant financial implications to Council.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	EoI is unsuccessful	Low	Project will not proceed without grant funding

## Community Engagement Strategy

At this stage no formal consultation is required. However, if the EoI is successful and a full business case needs to be prepared, consultation with staff will be undertaken.

## Communications and Consultation Strategy

At this stage a communications strategy has not been developed. It is anticipated that the Central Highlands Group of Councils will prepare relevant communications material that Council can adopt and use as required.

## Victorian Charter of Human Rights and Responsibilities Act 2006

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

## Officer's Declaration of Conflict of Interests

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

*Acting Chief Executive Officer – Phil Jeffrey*

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

## Conclusion

That Council acknowledges the collaborative efforts of the Central Highlands Group of Councils in their endeavour to secure funding for shared service models across the region.

### Resolution:

**Crs. Bingham/Sullivan**

### *That Council:*

1. ***Acknowledges the \$20M State Government Rural Councils Transformation Program.***
2. ***Supports the CEO submitting an EOI with the other Central Highlands Group of Councils.***
3. ***Requests the CEO to provide a further report of potential shared services and functions that can be pursued following the outcome of the EOI to the Transformation Program.***

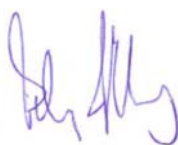
**CARRIED.**

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## Report Authorisation

### Authorised by:

**Name:** Phil Jeffrey  
**Title:** Acting Chief Executive Officer  
**Date:** Thursday, 11 October 2018



## 11.2 GROWTH AND DEVELOPMENT

### 11.2.1 Moyne Shire Council submission – Wind Farm Transmission Lines

#### Introduction

Author: Vanessa Osborn  
General Manager: Satwinder Sandhu

This item is being presented to Council seeking its support to write to the Minister supporting Moyne Shire Council to lobby the State Government for better coordination of wind farm transmission line design and routes as per the letter received 11 July, 2018.

#### Background

Moyne Shire Council had separate wind farm companies independently construct the transmission lines for their wind farms which resulted in a negative experience for Council and its local communities.

Clause 72.01 of the Planning Scheme stipulates the Minister is the responsible authority for minor utility and utility installation to transmit or distribute electricity generated by a wind energy facility. However, Under Clause 62.02, unless the building and works associated with the minor utility installation requires removal of native vegetation, it is exempt from planning requirements, and as a result there is no strategic or statutory planning framework to guide the most suitable outcome with regard to design and location.

In a response to this, Moyne Shire held a Wind Farm Transmission Line Workshop to discuss the issue. It was then determined at Moyne Shire's Ordinary Meeting held on 26 June 2018 that Council:

*...Notify other local governments where renewable energy projects are proposed, and seek their support for Council's position regarding better coordination of transmission line design routes.*

The State Government are aware of the issues raised by Moyne Shire and have raised it for consideration. As of 30 October 2018, no announcement has been made regarding a reform for decision making for location of wind farm transmission lines.

It should be noted that Moorabool Shire Council have also experienced frustration from community members as a result of the construction of windfarm transmission lines. Unlike the wind farm planning permit, the local authority is not the responsible authority for the transmission line planning permit and therefore does not have a role in administration or enforcement of conditions. .

#### Proposal

The intention of this report is to bring to Council's attention that Moyne Shire Council has requested that other Councils join them in lobbying the State Government to make changes to the Victorian regulatory and planning framework in order to manage the future planning and development of wind farm transmission lines. A decision as to whether Moorabool Shire Council is to submit a letter supporting this position is required.



**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Risk & Occupational Health & Safety Issues**

Nil.

**Community Engagement Strategy**

Nil.

**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**

It is considered reasonable for Moorabool Shire Council to support the review of the planning and regulatory framework with regards to transmission lines and associated wind farms.

**Resolution:**

**Crs. Toohey/Sullivan**

***That Council:***

- 1. Supports the request from Moyne Shire Council that the State Government make changes to the Victorian regulatory and planning framework in order to manage the future planning and development of wind farm transmission lines.***
- 2. Writes a response letter to Moyne Shire Council advising of Council's resolution.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu   
**Title:** General Manager Growth and Development  
**Date:** Tuesday, 16 October 2018

**Cr. Sullivan declared an indirect financial interest (section 78A) in relation to Item 11.2.2 - Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon, due to being a surveyor acting for the applicant in the matter.**

**Cr. Sullivan adjourned from the meeting at 6.14pm.**

**Cr. Keogh declared an indirect interest by close association (section 78) in relation to Item 11.2.2 - Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon, due to having an association with an objector.**

**Cr. Keogh adjourned from the meeting at 6.14 pm.**

**Mr Don Fernandez addressed Council as an objector to item 11.2.2 - Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.**

**Mrs Helen Clare Fernandez addressed Council as an objector to item 11.2.2 - Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.**

**Mr Ian Woodhouse addressed Council as an objector to item 11.2.2 - Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.**

**Mr Robert McLaren addressed Council as an objector to item 11.2.2 - Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.**

**Mr Shaun O’Keeffe addressed Council as a supporter to item 11.2.2 - Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.**

#### **11.2.2 Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.**

<b>Application Summary:</b>	
Permit No:	PA2018 055
Lodgement Date:	22 February, 2018.
Planning Officer:	Mark Lovell
Address of the land:	Lot 4 on PS612676C 40 Corbetts Road, Gordon.
Proposal:	Six (6) lot staged subdivision
Lot size:	6624m2.

Why is a permit required?	Clause 32.09-3 – Neighbourhood Residential Zone – Subdivide land.  Clause 42.01-2 – Environmental Significance Overlay – Subdivide land.  Clause 43.02-3 – Design and Development Overlay – Subdivide land.
<b>Public Consultation</b>	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No
Number of Objections:	Eight (8) objections.
Consultation Meeting:	Consultation meeting held on 30 July, 2018 between the parties but no resolution achieved. The objectors preferred a five lot alternative subdivision arrangement however the applicant was not agreeable to this offer.
<b>Policy Implications</b>	
Strategy Objective 2:	Minimising Environmental Impact
<b>Context 2A:</b>	Built Environment

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

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

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

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

*Manager – Robert Fillisch*

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

*Author – Mark Lovell*

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

#### **Executive Summary**

Application Referred?	Yes. Barwon Water, Central Highlands Water, Downer Utilities, Powercor Australia, and Council's Infrastructure Department.
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Any issues raised in referral responses?	No.
Preliminary concerns?	Yes, with the lot size proposed and how they relate to neighbourhood character.
Any discussions with applicant regarding concerns?	The applicant provided a more detailed neighbourhood character written assessment.  Further discussions with the applicant revealed they were positive to changing the boundaries of Lots 1 and 2 to better respect the existing neighbourhood character. This has been satisfied through the revised plans.
Any changes made to the application since being lodged?	Yes, the applicant amended the lot boundaries between 1, 2 and 6 to better respect the preferred neighbourhood character objectives. These changes have addressed Council's initial concerns.
Brief history.	This is the second attempt for a subdivision of land. A proposed eight (8) lot staged subdivision was refused by Council and then upheld at VCAT on review.  The current application was presented to the S86 Development Assessment Committee (DAC) on Wednesday 17 October, 2018. No decision was made on the planning application and it was resolved that the item proceed to an Ordinary Meeting of Council for determination.
Previous applications for the site?	PA2012158 for an eight (8) lot staged subdivision was refused on 16 November, 2016. The refusal decision was affirmed on review at VCAT.
General summary (pro's/con's of the proposal).	The site is connected to reticulated sewerage and not encumbered by extensive native vegetation. This provides an opportunity to subdivide the land. The primary concern is neighbourhood character which was a key ground in affirming Council's refusal decision at VCAT. The applicant has made some attempts with good sized proportioned lots facing Corbetts Road and Gladstone Street. The initial problem was with the narrow lots, Lots 1 and 2 facing Faheys Road. The revised plans have adequately addressed the neighbourhood character objectives of the planning scheme by re-organising the boundaries of these lots.  All lots are now consistent with the neighbourhood character objectives of the scheme.

**Summary Recommendation**

That, having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council issue a Notice of Decision to grant a planning permit for a six (6) lot staged subdivision at Lot 4 on PS612676C otherwise known as 40 Corbetts Road, Gordon.

**Site Description**

The subject site is bounded by three (3) street frontages being Corbetts Road, Faheys Road and Gladstone Street. The subject lot is an irregular rectangular shape with a maximum width 80.26 metres adjacent to the northern property boundary and a maximum length of 95.31 metres adjacent to the eastern property boundary for a total area of 6624m<sup>2</sup>. The site has moderate sloped topography from RL 573 in the south-west corner up to RL 583 in the north-east corner, a difference of 10 metres. There is a triangular shaped easement in the south-east corner that is up to 4.57 metres in width for the purpose of electricity supply. The easement currently contains an overhead powerline.

The site is largely cleared land with grass height maintained and a scattering of small trees. There are more established trees within the road reserves. Corbetts Road is a wide single lane roadway, Faheys Road is a maintained single lane gravel track and Gladstone is a poorly maintained in part gravel track that appears to be infrequently used.

The surrounding area reflects a spacious residential character with detached single storey dwellings on large lots sizes. Dwellings are predominately located on sites with generous front, side and rear setbacks and generally occupying lots with mixed landscape treatments that includes native and non-native trees.

**Proposal**

It is proposed to subdivide land into six (6) lots as part of a two (2) staged subdivision. Stage 1 will consist of five (5) lots being Lots 1, 2, 3, 4, and 5 and Stage 2 will consist of one (1) lot being Lot 6.

Lot 1 has a street frontage maximum width of 34.83 metres and a maximum length of 27.75 metres for a total lot area of 1003m<sup>2</sup>. The lot is vacant and faces Faheys Road.

Lot 2 has a street frontage maximum width of 8.17 metres in a battle axe arrangement and a maximum length of 53.69 metres for a total lot area of 1157m<sup>2</sup>. The lot is vacant and faces Faheys Road.

Lot 3 has a maximum width of 25.16 metres and a maximum length of 40.34 metres for a total lot area of 1078m<sup>2</sup>. The lot is vacant and faces the street corner of Faheys and Corbetts Road.

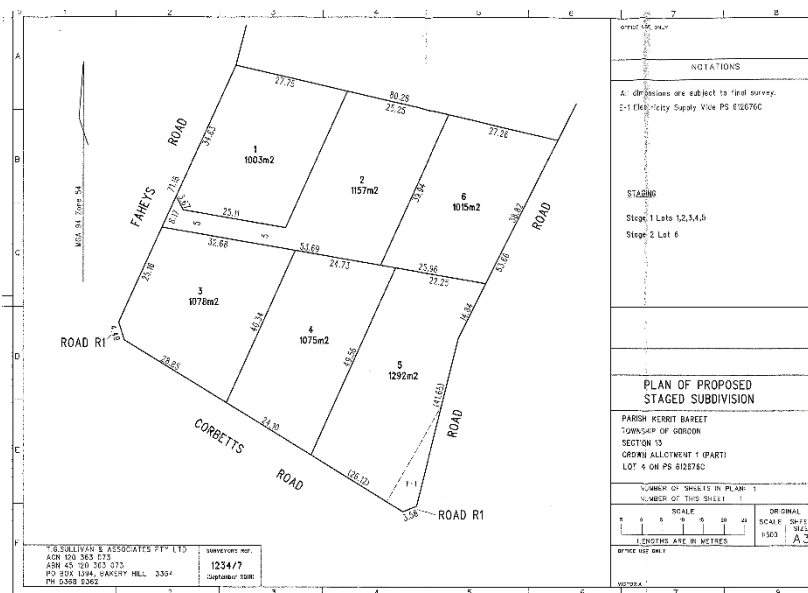
Lot 4 has a street frontage maximum width of 24.10 metres and a maximum length of 49.56 metres for a total lot area of 1075m<sup>2</sup>. The lot is vacant and faces Corbetts Road.

Lot 5 has a maximum width of 26.12 metres and a maximum length of 49.56 metres for a total lot area of 1292m<sup>2</sup>. The lot is vacant and faces the street corner of Corbetts Road and Gladstone Street.

Lot 6 has a street frontage maximum width of 38.82 metres and a maximum length of 27.26 metres for a total lot area of 1015m<sup>2</sup>. The lot is vacant and faces Gladstone Street.

As part of the application, it proposed to plant 24 trees along the border of the proposed lots comprising of 8 Blackwood trees, 4 Black Sheoak trees, 4 Broad Leaved Peppermint trees and 8 Red Box trees.

### Latest Subdivision Plan



### Background to the current proposal

The current application PA2018-055 was presented to a S86 Development Assessment Committee of Council (DAC) on Wednesday 17 October, 2018. Objectors and the applicant's representative made presentations at this meeting. No decision was made on the planning application and a motion was moved to have the item be decided at the next available Ordinary Meeting of Council (OMC).

### History

PA2012 158 was a planning application for an eight (8) lot staged subdivision undertaken by the same permit applicant and same land owner as the current application. The application was refused at Council's Ordinary Meeting of Council (OMC) held on 16 November, 2016. The grounds of refusal were:

1. *The subdivision does not meet the purpose of Clause 32.09 (Neighbourhood Residential Zone) of the Moorabool Planning Scheme.*
2. *The subdivision does not meet the relevant design objectives, requirements and decision guidelines under Clause 43.02 (Design and Development Overlay, including Schedule 5) of the Moorabool Planning Scheme.*
3. *The subdivision does not satisfy the relevant State Planning Policy Framework and Local Planning Policy Framework policies in the Moorabool Planning Scheme for neighbourhood character and landscape values.*
4. *The subdivision does not meet the objective or standard of Clause 56.03-5 of the Moorabool Planning Scheme.*

The applicant appealed to VCAT against this refusal decision. The VCAT hearing was conducted on 6 July, 2017. VCAT determined to uphold Councils decision and directed no permit to be issued.

The tribunal assessment detailed succinctly the neighbourhood character issue in paragraph 39 of their order. The member stated:

*'If lots of 800km [800m2] as proposed here were to be replicated across the local area, I accept that this would impact on the existing spacious character. It would also result in substantial growth in the northern residential precinct within the town, at a density that is not anticipated in either the planning scheme as it stands or in the 2013 Gordon Plan. Local street frontages well exceed the 18 to 24m frontages proposed in the current proposal and I agree that the size of existing lots provides for ample tree and shrub vegetation at frontages and other parts of lots that will not be achieved on lots of 800m2. Such vegetated appearances do not occur or are not easily achieved or aspired to by many residential land owners on standard sized residential lots. I accept that this is not an issue in most urban residential settings where native/natural features apart from landform are largely eradicated. However, in this location the planning scheme repeatedly pursues the need for spaciousness and retention of natural character'.*

## Public Notice

The application was notified to adjoining and surrounding landowners by mail and placing a large on site for period of fourteen days. A statutory declaration verifying display of the large notice was received on 6 June, 2018. There were eight (8) objections received to this proposal. The revised plans were not re-advertised as there were no additional lots created and no increase in material detriment.

## Summary of Objections

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

Objection	Any relevant requirements
Subdivision does not respond to the pattern and character of the area/Inappropriate subdivision density/at odds with surrounding lots/does not maintain the village feel.	Clause 21.09-1, Clause 32.09, and Clause 56.
<b>Officer's response</b> – Neighbourhood Character has been partly resolved with the previous eight (8) lot subdivision being refused informing the new design of six (6) lots. Further improvements undertaken to the Faheys Road facing lots to create better proportioned lots more reflective of the prevailing subdivision pattern of the area has been undertaken in the latest set of plans.	
Visual amenity/Smog from wood fires.	
<b>Officer's response</b> – The number of lots with a future dwelling in each lot should not significantly cause visual amenity impacts or smog. The landscape plan submitted with the application proposes a number of trees which will assist with screening of the future dwellings.	



Objection	Any relevant requirements
Does not comply with the local planning policy/ does not comply with the Gordon Structure Plan/ does not comply with zone and overlay controls.	Clause 21.09, Clause 32.09, Clause 43.02 Clause 56
<b>Officer's response</b> – The current subdivision layout adequately addresses the local planning policy for Gordon, the zone and overlay provisions.	
Has not responded to the issues of the VCAT decision.	
<b>Officer's response</b> – The applicant made a brief written response to the neighbourhood character issues raised by VCAT. The applicant has reduced the number of lots from eight (8) to six (6) to better address the neighbourhood character issues raised by VCAT.	
Repeat application that does not address the Reichert principles.	
<b>Officer's response</b> – The application is not a repeat as the number of lots has changed from eight (8) to six (6). This is substantial change compared to the previous planning application.	
Roads are unsealed and subject to erosion.	
<b>Officer's response</b> – Gladstone Street is in poor condition and would require an upgrade to ensure any vehicle would have appropriate access to the lot.	
Traffic is already at a high level.	
<b>Officer's response</b> – Traffic levels will not be adversely affected by six (6) new lots. There are good vehicle sight lines as the road reserve are quite wide. Roads would be upgraded to facilitate the subdivision of the land.	

**Locality Map**

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

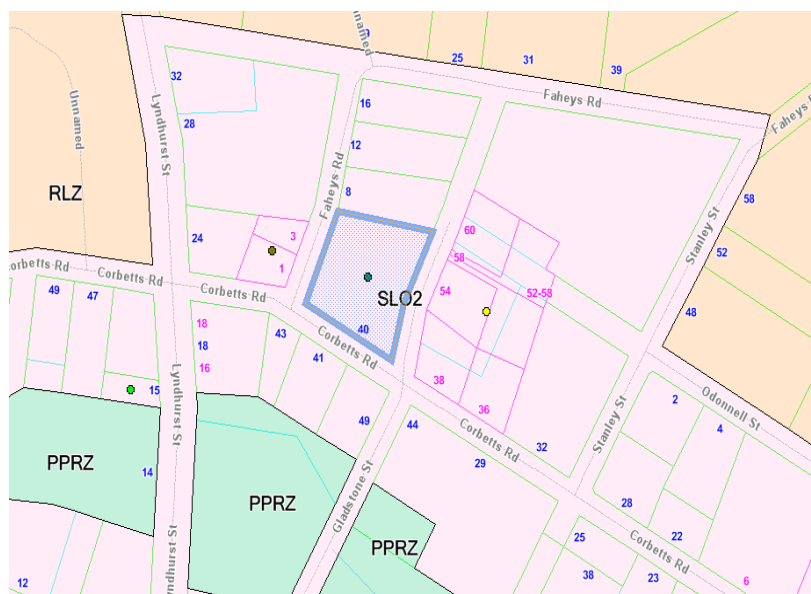


Figure 1: Zone Map. Subject site highlighted in blue.



Figure 2: Aerial Photograph

### Planning Scheme Provisions

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

The relevant clauses are:

- Clause 11.01-1R Settlement Central Highlands.
- Clause 11.02-1S Supply of urban land.
- Clause 11.03-3S Peri-urban areas.
- Clause 11.04-1 Open space planning.
- Clause 11.08-1 Planning for Growth.
- Clause 12.05-2R Landscapes Central Highlands.
- Clause 14.02-1S Catchment Planning and Management.
- Clause 15.01-3S Subdivision Design.
- Clause 15.01-5S Neighbourhood Character.
- Clause 16.01-5S Rural Residential Development.
- Clause 21.02-3 Water and Catchment Management.
- Clause 21.03-2 Urban Growth Management.
- Clause 21.03-3 Residential Development.
- Clause 21.03-4 Landscape and Neighbourhood Character.
- Clause 21.09-1 Small Town and Settlements.
- Clause 22.02 Special Water Supply Catchments.

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

LPPF		
Clause 21.09	Small Towns and Settlements.	<p>The vision of this clause is to promote distinctive and sustainable small towns and settlements by building clusters of linked small towns and settlements that respond to environmental risks, to ensure landscapes and heritage elements are preserved and to provide adequate community and physical infrastructure to service the community.</p> <p>The landscaped value of the area has been rectified by reorganising the narrow lots, Lots 1 and 2 as shown on the latest set of plans.</p>

## Zone

The subject site is in the Neighbourhood Residential Zone, Schedule 1 (NRZ1).

The purpose of the Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To recognise areas of predominantly single and double storey residential development.
- To limit opportunities for increased residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under Clause 32.09-3 a permit is required to subdivide land. An application to subdivide land must meet the relevant requirements of Clause 56 for a residential subdivision.

Part 1 of Schedule 1 under the Neighbourhood Residential Zone states the minimum lot size for a subdivision is 800 square metres.

Decision guidelines are listed under Clause 32.09-12. Under the subdivision section has the following decision guidelines:

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

## Overlays

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

The purpose of the overlay is:

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

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

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

Under Clause 42.01-2 a planning permit is required to subdivide land.

Decision guidelines are listed under Part 5 of Schedule 1.

#### Design & Development Overlay Schedule 2 and 5 (DD02 and DD05)

The subject site is in the Design & Development Overlay Schedules 2 and 5 and provisions of Clause 43.02 apply.

Under Schedule 2, a permit is not required to subdivide land.

Under Schedule 5 a permit is required to subdivide land.

DD05 has the following objectives:

- To protect the village character of the township.
- To ensure that buildings with visible roof forms make a positive contribution to the character of the township.
- To protect the spacious character of the township by maintaining larger lot sizes.

Under Part 3 of Schedule 5 states:

- Subdivision of lots within the residential zoned area must have a minimum lot size of 800 square metres to retain the spacious nature of the township.
- Subdivision design should respond to existing site features and vegetation.
- Subdivision design is to respond to the pattern of development and the character of the township.

#### Significant Landscape Overlay Schedule 2 (SLO2)

The subject site is in Significant Landscape Overlay and the provisions of Clause 42.03 apply.

Under the Significant Landscape Overlay Schedule 2, there is no permit requirement for subdivision.

## Relevant Policies

### Gordon Structure Plan 2013

Back in 2011, The Structure Plan identified that the construction of a sewerage treatment plant and the sewerage of the core township area by Central Highlands Water would boost demand for further residential development and provide opportunities for different forms of residential and other development in the town such as more intensive residential development, infill development and increased densities of residential and other development in the area to be sewerage.

The Structure Plan therefore sets out requirements for the form and scale of future development. Consultation with the community had indicated a very strong community expression to retain the small township village feel and the quality of the rural setting.

The landscape character of the town was also acknowledged as quite complex and made up of a diverse range of elements, natural, introduced and built. It required considerable care to be taken to ensure that the location, scale and form of new development reinforces the qualities and character of that landscape. It acknowledged there are considerable opportunities to reinforce the landscape and character of the town particularly through further carefully selected and sited planting associated with new development and along key roads and routes.

It was noted that future development based on higher density and smaller lot residential development should be focused in the area bounded by Urquhart, Lyndhurst, Tennyson Streets and the western edge of the built up township area.

An identified principle of the Structure Plan was 'the retention of the rural character of the township area and surrounds is paramount to retaining the lower density scale residential and vegetated areas in the surrounds and the wider rural living setting of the township'.

The Gordon Structure Plan would only see limited development that is site responsive in the locality of the current application due to its unique landscape character.

### **Particular Provisions**

#### Clause 53.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to Council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

The proposed subdivision will create six (6) lots which will result in a greater population density and a greater demand for public open space in the local area. The lot size is not large enough to provide a public open reserve within the subdivision. There will be a requirement for the applicant to pay a 5% public open space contribution fee.

Clause 56 Residential Subdivision

Subject to standard permit conditions, the proposal would comply with the relevant ResCode (Clause 56) provisions, except for the following:

ResCode Clause	Title	Response
56.03-5	Neighbourhood character objective	<p>The proposed subdivision partially supports the development of the site in a manner consistent with the surrounding neighbourhood character. The lot sizes in the surrounding area which are well established are large and exceed typically 2000m<sup>2</sup>.</p> <p>The subdivision provides some large lots which are expected in new subdivision in this section of Gordon. However further improvements were required to fully address the preferred neighbourhood character. The applicant has taken on board this concern and re-organised Lots 1, 2 and 6 in the latest set of plans to create good proportioned lots.</p>

**Discussion**Neighbourhood Character

Council and VCAT on review, both determined the lots in the previous subdivision did not respect the existing neighbourhood character characterised by spacious lots with landscaping surrounds that are not typical of residential zoned land. The applicant in the previous application used the minimum lot size of 800m<sup>2</sup> as required under the Neighbourhood Residential Zone Schedule 1 and the Design & Development Overlay Schedule 5 in creating their eight (8) lot subdivision arrangement. The applicant instead should have examined the subdivision pattern of the area or carefully evaluated the existing and preferred neighbourhood character.

In the current proposal, the applicant has decided to not submit a complete subdivision pattern of all surrounding lots, lot sizes and lot widths to justify the current subdivision arrangement. The applicant has again adopted a lot size number at around 1050m<sup>2</sup> as the basis for the subdivision. This approach of simply increasing lots sizes from around 800m<sup>2</sup> to around 1050m<sup>2</sup> does not completely address neighbourhood character.

The VCAT decision highlighted that while all lots will generally be large for residential zoned land, they need to be quite large in area with very large open spaces in order to achieve and maintain a landscape setting that is unique within this part of the Gordon.

Lots 2, 4, 5, and 6 are well proportioned that should be able to achieve this spacious setting and should have generous side spacings to prevent the built form from dominating their respective streetscape frontages. Lots 1 and 2 in the initial plans were considered too narrow in width at 21.50 metres which could result in dwellings being built close to side boundaries thereby making the built form overwhelm the natural or landscape character that is sort in this locality. Building close to side boundaries limits landscaping opportunities including trees with spreading crowns.

The applicant has provided in the latest set of plans the correct neighbourhood character approach by re-organising the boundaries of Lots 1 and 2, to be similar in proportions to a number of existing surrounding lots and has had the added benefit of creating a diversity of lot sizes for this subdivision. Well-proportioned lots that exceed 1000m<sup>2</sup> in area, as presented in the latest set of plans, ensures the landscape character will be most prominent part of the respective streetscapes. Well-proportioned lots provide ample room for large trees to thrive without been affected by hard surface paving, building foundations and ancillary outbuilding that would be expected with future dwellings in each lot. The current lot arrangement and proportions ensures the proposed subdivision pattern is consistent with the preferred neighbourhood character.

### Landscaping Treatments

The application has been sympathetic to the Significant Landscape Overlay and the existing streetscape design in the proposed landscape plan. The landscape plan depicts a number of trees within the front setback area and along the rear borders. This would allow for the grouping of trees and further reinforcement of the landscaping character once they are established. These trees could be required to be planted prior to the issue of Statement of Compliance for the subdivision and permit conditions could be implemented to protect the trees during construction phase of each dwelling. Trees would not be able to be removed without obtaining a planning permit in accordance with the Overlay Planning Provisions.

### Fencing

An objector raised the issue of fencing treatments along the street frontages. The applicant is agreeable to have no fencing or open/permeable fencing. To ensure future owners are aware of this requirement, it will need to be registered on title and this can achieved via a Section 173 agreement under the Planning & Environment Act.

### Infrastructure Provision

Servicing authorities did not identify any infrastructure concerns with the proposed subdivision, subject to conditions be imposed on the permit if approved. Each lot should be able to accommodate a future dwelling and can readily access local infrastructure services.

### **General Provisions**

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.

- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any Body Corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

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

### Referrals

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

Authority	Response
Central Highlands Water	Consent subject to six (6) conditions
Barwon Water	Consent subject to two (2) conditions
Dower Utilities	Consent, no conditions
Powercor	Consent subject to two (2) conditions
Infrastructure	Consent subject to twenty-eight conditions

### Financial Implications

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

### Risk and Occupational Health and Safety Issues

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

### Communications Strategy

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

### Options

Council could consider the following options:

- Issue a permit in accordance with the recommendation of this report;
  - Issue a permit with amendments to conditions within the recommendation of this report;
- or



- Should Council wish to consider refusal of the application, Councillors need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme.

## **Conclusion**

The proposal based on the latest set of plans satisfies the relevant provisions of the Moorabool Planning Scheme, particularly regarding Local Planning Policies covering neighbourhood character and the relevant zone and overlay provisions for the subdivision of land in Gordon. The latest subdivision plans have created lots that reflect the spacious residential setting of the surrounding area and rectifies the deficiencies in the previous planning application for an eight (8) lot subdivision.

The site is bounded by three (3) roadways without vegetation on site and having convenient access to reticulated sewerage services that supports a break up of this existing lot into further smaller lots. The subdivision provides an opportunity for further development to occur in Gordon. The applicant has reduced the number of lots compared to the first planning application that was refused by Council and then VCAT on review.

The proposal for a staged subdivision consisting of six (6) lots should be supported subject to the submission of further revised plan with regard to the tree landscape plan.

## **Resolution:**

### **Crs. Toohey/Edwards**

***That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Planning Permit for a six (6) lot staged subdivision at Lot 4 on PS612676C otherwise known as 40 Corbetts Road, Gordon, with the following conditions:***

- 1. Before the subdivision starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three (3) copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:***
  - a) The Tree landscape plan to accord with the boundaries of Lots 1, 2, and 6 as shown on the latest subdivision plan, dated September, 2018.***

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

## **Subdivision**

- 2. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***
- 3. Before the Statement of Compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for***

**public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.**

- 4. The subdivision of the land must proceed in the order of stages shown on the endorsed plans except with the prior written consent of the Responsible Authority.**

#### **Section 173 agreement**

- 5. Before the issue of a Statement of Compliance for this subdivision, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning & Environment Act to provide the following:**
  - a) Fencing along the street frontage to each lot either to be comprised of no fencing or an open style fence with a minimum openings of 25%.**
  - b) Trees to each lot as shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority and cannot be removed from the site without planning permission**
  - c) Any building must have a minimum front development setback of 10 metres from each primary street frontage and a minimum development side setback of 2 metres.**

**Before a Statement of Compliance is issued, the application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act. The owner must provide evidence of registration of the Agreement to the Responsible Authority as soon as possible after registration has occurred. The owner/operator under this permit must arrange for the preparation of the 173 Agreement at his/her cost before submitting it to the Responsible Authority for approval. The owner/operator under this permit must pay the costs of execution and registration of the section 173 agreement.**

#### **Telecommunications**

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

- a) ***A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
- b) ***A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.***

#### ***Landscaping***

8. ***The landscaping works shown on the endorsed landscape plan for any stage must be carried out and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for that stage or any other time agreed in writing by the Responsible Authority.***
9. ***The landscaping works as shown on the endorsed landscape plan must be maintained and protected including any Tree Protection Zone (TPZ) fencing to prevent damage during the construction phase.***

#### ***Barwon Water***

10. ***Each lot created in the development must be connected to a reticulated sewerage system***
11. ***No stormwater is to be discharged less than 100 metres from a waterway unless into an approved drainage system***

#### ***Central Highlands Water***

12. ***Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.***
13. ***Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.***
14. ***A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.***
15. ***The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.***

16. ***If required, the owner will provide easements to the satisfaction of Central Highlands Region Water Corporation for pipeline or ancillary purposes through other land in the vicinity, as it is considered by the Authority that such easements may be required for the economical and efficient subdivision or servicing of or access to land covered by the subdivision.***
17. ***If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.***

#### ***Infrastructure***

18. ***Prior to the development commencing, a “Stormwater Management Strategy” must be prepared and submitted to the Responsible Authority for approval, based on the objectives and standards of the Moorabool Planning Scheme and the “Urban Stormwater Best Practice Environmental Management Guidelines – CSIRO 1999”. The Strategy must:***
  - i. ***Encompass the entire area of the development.***
  - ii. ***Propose techniques to manage the quantity and quality of stormwater emanating from the site during construction and after completion of the development in accordance with the Best Practice Guidelines.***
  - iii. ***Provide for outfall drainage from the site connecting to an approved discharge point.***
  - iv. ***Propose techniques to manage the overland flow paths within the development for the 1% AEP storm for the catchment.***

***Once approved, the Stormwater Strategy will form the basis for preparation of detail design documentation of a stormwater system for the development.***

19. ***The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:***
  - i. ***The subdivision as a whole must be self draining.***
  - ii. ***All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.***
  - iii. ***All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.***
  - iv. ***Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.***
  - v. ***Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.***
  - vi. ***The drainage system must be designed to include provision to intercept litter.***
  - vii. ***All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.***
  - viii. ***The drainage design must take into account any applicable drainage or flood management strategy.***

***If required, the layout of the subdivision must be modified based on the approved stormwater design.***

20. ***Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:***
  - i. The requirements for drainage of the whole site.***
  - ii. If the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.***
  - iii. If additional outfall drainage or upgrading of the existing drainage network is required.***
21. ***Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.***
22. ***Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the Responsible Authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.***
23. ***Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, Gladstone Street must be constructed to the satisfaction of the Responsible Authority, to the standard detailed:***
  - i. 6.1 metre sealed pavement with 1 metre gravel shoulders on each side;***
  - ii. Table drains;***
  - iii. Street lighting; and***
  - iv. Vehicle crossing to each lot.***
24. ***Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, Corbetts Road must be constructed to the satisfaction of the Responsible Authority, to the standard detailed:***
  - i. Street lighting;***
  - ii. Vehicle crossing to each lot; and***
  - iii. Reshaping of roadside drainage as required to ensure proper function of drainage system.***
25. ***Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, Faheys Road must be constructed to the satisfaction of the responsible authority, to the standard detailed:***
  - i. Street lighting;***
  - ii. Vehicle crossing to each lot; and***
  - iii. Reshaping of roadside drainage as required to ensure proper functioning of drainage system.***
26. ***Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, the intersection of Faheys Road and Corbetts Road must be constructed to the satisfaction of the Responsible Authority, to the standard detailed:***
  - i. Widening of Faheys Road as required to meet minimum standard for a rural intersection;***

- ii. Street lighting as required; and*
  - iii. Upgrading of culvert crossing of Faheys Road as required to ensure proper functioning of drainage system.*
- 27. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**
- 28. An Environmental Management Plan for the road construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.**
- 29. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995).**
- 30. Traffic management treatments must be provided in the form of linemarking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.**
- 31. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All light fittings must be "Standard" fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.**
- 32. The development must be provided with open access underground conduits to carry optical fibre at the development stage (this may be waived if the Responsible Authority considers provision is unwarranted). A development plan must show the conduit network for the subdivision, to the satisfaction of the Responsible Authority. Conduits must be provided in accordance with a plan approved by the Responsible Authority. Ownership of a conduit is to be vested in Council and may be transferred to another agency or telecommunications carrier at such time as it may be required. Where the conduit crosses private land an easement is required in favour of Moorabool Shire Council.**
- 33. Street names and street signs must be provided to the satisfaction of the Responsible Authority.**
- 34. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.**
- 35. Street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the Responsible Authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two (2) hardwood stakes, tree ties, ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.**

36. ***Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the Responsible Authority.***
37. ***A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.***
38. ***Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the Responsible Authority.***
39. ***Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the Responsible Authority.***
40. ***A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.***
41. ***Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:***
  - i. ***0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.***
  - ii. ***2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.***
42. ***After all engineering works pertaining to each stage of the subdivision have been completed, the following "as constructed" details must be submitted in the specified format to the Responsible Authority:***
  - i. ***Drainage construction details in "D-Spec" format.***
  - ii. ***Roadworks construction details in "R-Spec" format.***
43. ***All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.***
44. ***Prior to the issue of a Statement of Compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, three (3) months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.***
45. ***Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to Council***

**assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

#### **Powercor Australia**

**46. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.**

**47. The applicant shall:**

- **Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. A payment to cover the cost of such work will be required. In the event that a supply is not provided, the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.**
- **Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.**
- **Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.**
- **Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000**
- **Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.**
- **Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.**
- **Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.**

#### **Permit Expiry**

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

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

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

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



**Powercor Note:**

***It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).***

***Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.***

***Cr. Dudzik called for a Division.***

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

***Cr. Toohey  
Cr. Edwards  
Cr. Bingham***

***Councillors voting against the resolution;***

***Cr. Dudzik***

***Councillors abstained from voting;***

***Cr. Tatchell***

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

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

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Thursday, 18 October 2018



**Cr. Sullivan and Councillor Keogh returned to the meeting at 6.59pm.**

**Cr. Bingham adjourned from the meeting at 7.01pm.**

**Cr. Bingham returned to the meeting at 7.03pm.**

**Mr. Christopher Thorpe addressed Council as to objector item 11.2.3 - Planning Permit PA2018090 – Building and works for a pilot training centre, use and development of a residential hotel (168 beds), a reduction to the standard car parking rate and use of reflective building materials at Aerodrome Road, Parwan.**

**Mr. Greg Harrison addressed Council as a supporter to item 11.2.3 - Planning Permit PA2018090 – Building and works for a pilot training centre, use and development of a residential hotel (168 beds), a reduction to the standard car parking rate and use of reflective building materials at Aerodrome Road, Parwan.**

**Mr. Phil Prap addressed Council as a supporter to item 11.2.3 - Planning Permit PA2018090 – Building and works for a pilot training centre, use and development of a residential hotel (168 beds), a reduction to the standard car parking rate and use of reflective building materials at Aerodrome Road, Parwan.**

**Mr. Trevor Oliver addressed Council as a supporter to item 11.2.3 - Planning Permit PA2018090 – Building and works for a pilot training centre, use and development of a residential hotel (168 beds), a reduction to the standard car parking rate and use of reflective building materials at Aerodrome Road, Parwan.**

**11.2.3 Planning Permit PA2018090 – Building and works for a pilot training centre, use and development of a residential hotel (168 beds), a reduction to the standard car parking rate and use of reflective building materials at Aerodrome Road, Parwan.**

<b>Application Summary:</b>	
Permit No:	PA2018-090.
Lodgement Date:	20 April, 2018.
Planning Officer:	Mark Lovell
Address of the land:	Lot 1 on Title 847678X Aerodrome Road, Parwan.
Proposal:	Building and works for a pilot training centre, use and development of a residential hotel (168 beds), a reduction to the standard car parking rate and use of reflective building materials.
Lot size:	In total, approximately 92 hectares.

Why is a permit required	<p>Clause 35.07-1 - Farming Zone - Use of land for a residential hotel</p> <p>Clause 35.07-4 Farming Zone - Works associated with a use in Section 2.</p> <p>Clause 43.02-2 Design &amp; Development Overlay Schedule 2 - Building and works (reflective materials).</p> <p>Clause 52.05-6 - Reduction to the standard car parking requirement.</p>
Reason for being presented to full Ordinary Meeting of Council (OMC).	Does not meet the S86 Development Assessment Committee Terms of Reference due to more than ten (10) objections to a development.
<b>Public Consultation:</b>	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of Objections:	Twenty-two (22) objections were originally received during the advertising period of this application, five have been formally withdrawn leaving a total of seventeen (17) active objections.
Consultation meeting:	A consultation meeting was held on the 17 <sup>th</sup> September 2018 with the applicant and a number of objectors. Issues were discussed but no resolution was achieved. Some concerns were discussed in greater detail including Council's lack of investment in the aerodrome, existing aircraft congestion especially available slots for flying and a lack of taxiway infrastructure.
<b>Policy Implications:</b>	
<b>Strategic Objective 3:</b>	Stimulating Economic Development
<b>Context 3A:</b>	Land Use Planning
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	

<b>Officer's Declaration of Conflict of Interests</b>	
<p>Under section 80C of the <i>Local Government Act 1989</i> (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Mark Lovell</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
<b>Executive Summary:</b>	
Application Referred?	Yes. Civil Aviation Safety Authority, Western Water, VicRoads, Council's Environmental Health, Council's Environmental Planning, Council's Strategic Planning, Council's Infrastructure.
Any issues raised in referral responses?	Western Water had concerns with water access and details of the sewerage connection.
Preliminary Concerns?	Large scale development on Farming Zone land comprising of a small developable land area.
Any discussions with applicant regarding concerns	The applicant has met with Council officers on a numerous occasions pre and post applying for its permit where these issues and concerns have been raised for their immediate attention.
Any changes made to the application since being lodged?	The applicant has considered changing the plans from a sewer main connection to providing a temporary on site sewerage treatment plant and has engaged a wastewater consultant and undertaken a Land Capability Assessment. The applicant has also changed its drainage plans and undertaken a Stormwater Management Plan.
Brief history	<p>TVSA (Tarago Valley School of Aviation) is a dedicated pilot training centre and offers licence programs for recreational pilots, private pilots and commercial pilots. They have operated since 1982 and claim to be one of the longest running flying school in Australia. TVSA have an existing smaller facility at the current Aerodrome.</p> <p>The applicant indicated there is currently a huge demand for pilot training facilities especially for international students due to a global shortage of pilots.</p>

Previous applications for the site?	<p>PA006/98 - Liquor license.</p> <p>PA068/99 - Development of an extension to the existing aircraft hangar and development of advertising sign.</p> <p>PA2001-191 – Development and Use of an Aeronautical Facility</p> <p>PA2004-172 - Use and Development of up to 30 aircraft hangers and aeronautical facilities</p> <p>PA2006-183 - Building and Works in Association with an Existing Aerodrome (Toilet Block)</p> <p>PA2008-188 – Development of an Aircraft Hanger Ancillary to an Existing Aerodrome</p> <p>PA2009151 – Works Association with Existing Aerodrome Runway (Glider Launching Strip and Vegetation removal.</p> <p>PA2013180 - Development of an Outbuilding (Shed) Ancillary to an Existing Restricted Recreation Facility (Glider Club)</p> <p>PA2013234 – Building and Works Ancillary to an Existing Aircraft Hanger.</p>
General summary	<p>The proposed pilot training centre supports the continued operation of the aerodrome and provides for improved facilities that are purpose built for pilot training.</p> <p>The accommodation facilities present challenges for servicing the use that will accommodate up to 168 persons at any one time. Water, sewerage, power supply needs to be carefully considered.</p> <p>The proposal is contrary to the purpose of the Farming Zone which is the retention of the productive agricultural land. Large scale residential development are generally not supported in the Farming Zone but in this instance the proposal is for specific users, trainee pilots that associated with an established training centre. While isolated from retail and community services, the trainee pilots are in affect living and working on the same property which supports approving such as a specialised function of accommodation facilities.</p> <p>It is understood that the ‘future planning’ for the aerodrome site is being progressed by Council’s Strategic planning team.</p>

**Summary Recommendation:**

That, having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council issue a Notice of Decision to Grant a Permit for Building and works for a pilot training centre, use and development of a residential hotel (168 beds), a reduction to the standard car parking rate and use of reflective building materials for the land at Lot 1 on Title 847678X otherwise known as Aerodrome Road, Parwan.

**Site Description**

The subject land is located at the western end of Aerodrome Road, which is south of Cummings Road and north of Jenz Road, Parwan. The existing facility is accessed by an internal roadway called Skylark Way. Bacchus Marsh Aerodrome consists of a series of detached hanger buildings accessed by internal gravel tracks and paddocks occupied by aircraft. The aerodrome includes intersecting runways and can accommodate light planes and gliders.

**Proposal**

It is proposed to construct four (4) double storey pre-fabricated buildings on the land consisting of a pilot training centre and three (3) detached buildings that form a residential hotel to be used for pilot accommodation that will have a total of 168 beds.

The pilot training building is 12 metres in width and 43.20 metres in length. The building is setback 40.65 metres from the eastern side boundary and is immediately to the east of the existing pilot training centre. The ground floor will consist of an operations room, six (6) briefing rooms, simulator room, instruction room, flight planning room, reception, kitchen and amenities. The first floor will consist of three (3) offices, three (3) classrooms, and a boardroom. The floor to ceiling level for both floors is at 2.5 metres with an overall height of 6.63 metres. The external materials will be comprised of hardieflex sheet walls, scyron matrix wall cladding, zincalume wall cladding, corrugated Colorbond roofing and unspecified window frames.

Accommodation building 1 is located to the north of the pilot training centre and is 12 metres in width and 54 metres in length. The building is setback 16.95 metres from the eastern side property boundary. The ground floor will consist of eight (8) double bedrooms (total of 16 beds) each with their own toilet and bathroom, with a separate kitchen, dining room, laundry, and storage. The first floor will consist of twelve double bedrooms (total of 24 beds) each with their own toilet and bathroom, with a separate games room. The floor to ceiling level for both floors is at 2.5 metres with an overall height of 6.63 metres. The external materials will be comprised of hardieflex sheet walls, scyron matrix wall cladding, zincalume wall cladding, corrugated Colorbond roofing with a 30 roof pitch and unspecified window frames.

Accommodation building 2 is located to the north of Accommodation building 1. The building is 12 metres in width and 57.60 metres in length. The building is setback 17.20 metres from the eastern side property boundary. The ground floor will consist of sixteen double bedrooms (total of 32 beds) with their own toilet and bathroom. The first floor will consist of sixteen double bedrooms (total of 32 beds) each with their own toilet and bathroom. The floor to ceiling level for both floors is at 2.5 metres with an overall height of 6.63 metres. The external materials will be comprised of hardieflex sheet walls, scyron matrix wall cladding, zincalume wall cladding, corrugated Colorbond roofing with a 30 roof pitch and unspecified window frames.

Accommodation building 3 is located to the north of Accommodation building 2. The building is 12 metres in width and 57.60 metres in length. The building is setback 17.40 metres from the eastern side property boundary. The ground floor will consist of sixteen double bedrooms (total of 32 beds) each with their own toilet and bathroom. The first floor will consist of sixteen double bedrooms (total of 32 beds) with their own toilet and bathroom. The floor to ceiling level for both floors is at 2.5 metres with an overall height of 6.63 metres. The external materials will be comprised of hardieflex sheet walls, scyron matrix wall cladding, zincalume wall cladding, corrugated Colorbond roofing with a 3o roof pitch and unspecified window frames.

Immediately to the east of the existing training centre will be a new car accessway, 7.0 metres in width providing access to 35 car spaces. This accessway runs parallel with the eastern side property boundary.

### **Background of Current Proposal**

The application was received on 20 April, 2018. A request for further information was sent to the applicant on 18 May, 2018 including a requirement to amend the planning application form to reflect the correct permit triggers. The applicant submitted further information on 6 June, 2018. Based on this latest document, an additional request for information was requested on 28 June, 2018. The applicant provided all of the necessary plans and documents on 3 July, 2018. Advertising was conducted between 4 July, 2018 and 23 August, 2018. A consultation meeting between Council officers, the applicant and objectors was conducted on 17 September, 2018.

The subject land is owned by Moorabool Shire Council with first of 25 years lease to Bacchus Marsh Aerodrome Management (BMAM) to end in December, 2018 with the option for a further 25 years. PA & WJ Dow P/L trading as TVSA Pilot Training is entering into agreement for a variation to the sub-lease with BMAM to allow a variation of the site plan to encompass additional adjacent areas.

### **Public Notice**

The application was notified to adjoining and surrounding landowners by mail and a large notice on site for a period of fourteen days. Public advertising commenced 4 July, 2018 and closed on the 23 August, 2018. The reason for this extended public notification period was due to the applicant incorrectly locating the public notice for the proposal on one (1) of the internal buildings, once Shire Officers were aware of this, the applicant was required to move the sign so it could be readily viewed by the public.

A statutory declaration verifying display of the large notice was received on 23 August, 2018.

## Summary of Objections

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

Objection	Any relevant requirements
Infrastructure at the airport needs upgrading/ town water supply/CFA facilities/No sewerage services/Inadequate power supply/Existing aerodrome infrastructure.	Clause 13.07, Clause 14.01, Clause 18.01
<b>Officer's response</b> – The applicant is required to provide basic services. Water has to be connected to the satisfaction of Western Water. The applicant has changed its design to provide for an onsite sewerage treatment plant however, as the technical report to support this is not complete as yet there are concerns regarding how the irrigation field around the runway may impede/impact the future development or operations of the site. The site can connect to sewer line by constructing a line to the Parwan Treatment Plant. This is made a condition of any approval issued.	
Development/Masterplan for Bacchus Marsh Aerodrome/ Strategic direction of the airfield.	
<b>Officer's response</b> – A masterplan for the Aerodrome has not been adopted at this stage. Whilst the development proposal is in isolation of an approved masterplan, the application can be considered through a planning permit process on the basis that it addresses the relevant servicing and zone requirements.	
Air Safety/ Increased air traffic/Exceeding flying circuits/ No control tower/flight safety/intensive circuit use on weekends/Lack of a safety plan/Interaction with glider traffic	Response from the Civil Aviation and Safety Authority
<b>Officer's response</b> – The site is class of airfield that does not require CASA registration. As unregistered facility there are no specific standards applying to the development and use. The relevant CASA documents is the Manual of Standards Part 139 – Aerodromes. It is considered important that appropriate management measures are implemented as part of the sub-lease agreement between BMAM and the applicant to ensure the safety of all its users.	
Internal security concerns/potential of break-ins/no CCTV/ No security fencing/ Vehicles are not checked or restricted at the aerodrome.	
<b>Officer's response</b> – It is up to individual operators to ensure they have adequate security measures in place. While there will be an increase in the number of persons on the site does not necessarily mean there will be an increase in criminal activity at the Aerodrome. Fully securing the site with high fencing is not a viable option for an aerodrome.	
Conflict between aircraft and vehicles	
<b>Officer's response</b> - Motor vehicles will continue to use Skylark Way which will be upgraded to proper surfacing. BMAM can facilitate safe operation of the Aerodrome with a properly prepared and updated operations manual and sub-lease agreement with this user should the application be approved.	



Objection	Any relevant requirements
Scale of the proposed development/Barrack styled accommodation building/motel/double storey height of accommodation building.	Clause 13.07, Clause 14.01, Clause 18.01
<b>Officer's response</b> – The accommodation buildings are a simple design and are internally arranged for accommodation purposes. There are no height restrictions and site is not covered by a Design & Development Overlay which are arranged for buildings within flight paths. It is considered that the buildings are larger than those existing in the area but are reflective of what is being proposed.	
Noise impacts on neighbouring properties/Noise levels.	Clause 13.05
<b>Officer's response</b> – It is considered that the proposed residential activity contained within a building partnered with the pilot training facility is unlikely to generate noise nuisances. The applicant has confirmed that there won't be low flying circuits undertaken by the trainee pilots. Should Council support this proposal there can be standard conditions imposed regarding controlling noise emissions from plant and equipment.	
Dust emissions.	Clause 13.07
<b>Officer's response</b> – Sealing of the Skylark Way and building hardstand areas will not generate additional dust emissions compared to the existing site conditions.	
Breaches Condition 13 that no accommodation permitted in the hanger.	Clause 35.07 - Farming Zone
<b>Officer's response</b> - 2004-172 relates to a hanger development with conditions placed on the continued use of those buildings. This application has to be assessed on its own planning merits.	
Increase damage to runway and taxiways surfaces by increased aircraft movements. Aircraft congestion on the taxiways/taxiways and aircraft access in poor condition.	
<b>Officer's response</b> – TVSA only has a small fleet of aircraft but this may expand by an additional 20 aircrafts. Ongoing operation of the Aerodrome with limited flying slots needs to be carefully managed to ensure all aircraft/gliders have fair access and can fly in a safe manner. This requires BMAM to have up to date operational manual for the Aerodrome and appropriate safety instructions. It is beyond the ambit of this planning application to cover the management and operation of the Aerodrome. It will be expected that BMAM can maintain open channels of communication with all Aerodrome users and provide relevant information including any safety updates or operational restrictions, this is also something that can be formalised as part of the sub-lease agreement.	
Pilot competence of the English language, foreign pilots causing problems at Ballarat Airport.	Response from the Civil Aviation and Safety Authority
<b>Officer's response</b> – This is not a planning related concern. All pilots will have to learn to the Australian standards.	
Inadequate needs of trainees afterhours - services and access to Bacchus Marsh.	

Objection	Any relevant requirements
<b>Officer's response</b> - The applicant has advised they will undertake a shuttle bus to Bacchus Marsh for after-hours visits. Due to visa restrictions, trainees will not be able to freely roam the area and will be spending most of their time during and after training hours at the aerodrome.	
Drainage to the dam will cause a backflow/ no existing drainage system.	Clause 19.03
<b>Officer's response</b> - The applicant has revised their drainage plans by providing a Stormwater Management Plan which involves pumping water from an existing dam to a new dam located to the northern side of the runway. This would make part of permit conditions if approved.	
Re-advertise the proposal including the mandatory signage.	Planning & Environment Act
<b>Officer's response</b> - This was brought to Council's attention during the public notification period, the large notice was not displayed correctly and was not in a visible location. As a result, Council Officers required the sign to be replaced at the front property boundary and advertised for the full fourteen day period. A statutory declaration verifying display of the large notice was received on 23 August, 2018.	
Disruption of our country's harmonious environment/ Invasion of foreigners.	
<b>Officer's response</b> - The proposal is for use and development and this ground of objection does not relate to planning grounds.	

### Locality Map

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

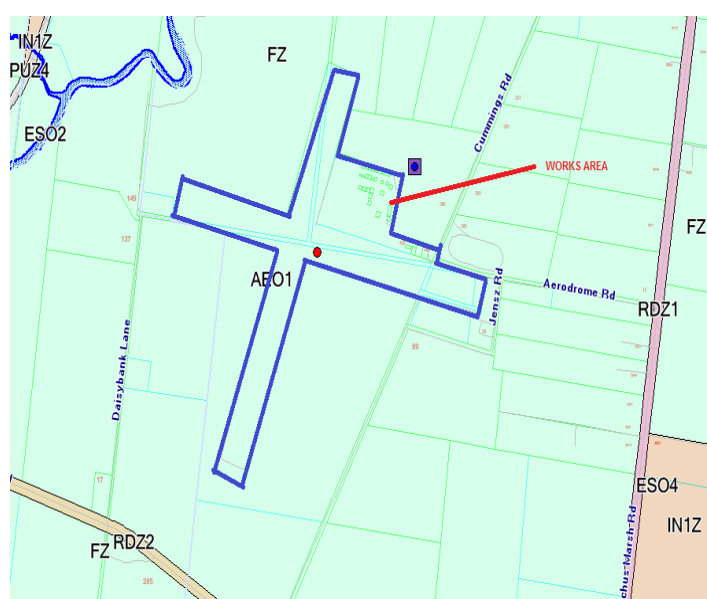
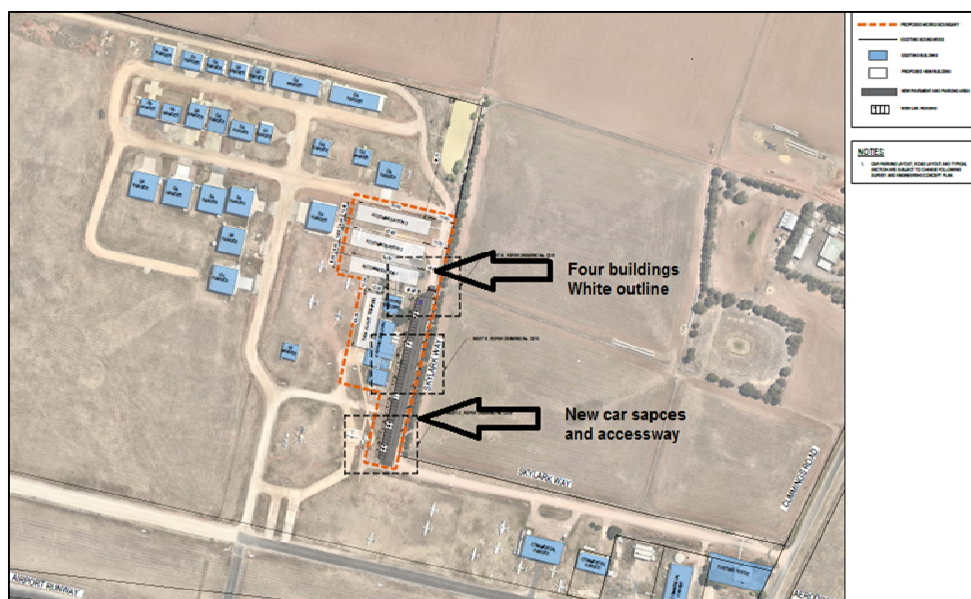


Figure 1 Zoning Map, Blue outline of the subject land.



Site plan

**Planning Scheme Provisions**

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

The relevant clauses are:

- Clause 13.05-1S Noise Abatement
- Clause 13.06-1S Air Quality Management
- Clause 13.07-1S Land Use Capability
- Clause 14.01-1S Agriculture
- Clause 15.01-2S Building Design
- Clause 18.04-1S Planning for Airports and airfields
- Clause 19.03-2S Infrastructure Design and Provision
- Clause 19.03-3S Water supply, sewerage and drainage
- Clause 19.03-4S Stormwater
- Clause 21.03-4 Landscape and Neighbourhood Character
- Clause 21.04-2 Agriculture
- Clause 21.04-5 Local Employment

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

SPPF	Title	Response
Clause 13.07-1S	Amenity (Land Use Capability)	A strategy is to direct land uses to appropriate locations. The accommodation facility part of the proposal is isolated to the nearest commercial and recreational services and is also inconsistent with the sites current zoning – Farming Zone.

SPPF	Title	Response
Clause 14.01-1S	Protection of Agricultural land	The policy objective is to protect productive farmland which is of strategic significance in the local or regional context. A relevant strategy is limit new housing development in rural areas. The proposal is contrary to this as it proposes to increase residential development through the inclusion of a 168 bed accommodation facility (residential hotel).
Clause 18.04-1S	Planning for airport	A relevant strategy is to protect airports from incompatible land-uses and ensuring that in the planning of airports, land-use decisions are integrated, appropriate land-use buffers are in place and provision is made for associated businesses that service airports. This proposal involves a residential component which is not typical of airport operation.

## Zone

The subject site is located in the Farming Zone (FZ).

The purpose of the Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The decision guidelines under general issues has the following objectives:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management. Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

The decision guidelines under environmental issues has the following objectives:

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

The decision guidelines under design and siting issues has the following objectives:

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

A planning permit is required under Clause 35.07-1 to use the land for a residential hotel. Residential hotel is defined under Clause 73.03 as land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.

A planning permit is required under Clause 35.07-4 for building and works for a Section 2 use, applying to both the pilot training centre and the accommodation facilities (Residential hotel).

## **Overlays**

### Design & Development Overlay Schedule 2 (DD02)

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

The purpose of the overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

Part 1 of Schedule 2 of the overlay has the following design objectives:

- To enhance visual amenity in rural, township and vegetated areas of the Moorabool Shire.
- To encourage the use of external cladding, such as non-reflective materials for building construction.
- To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on amenity of the area.

Part 5 of Schedule of the overlay has the following decision guidelines:

- Whether the proposed buildings and works would have any adverse impact on the landscape and the visual amenity of the surrounding area.
- Whether the materials proposed to be used, and the form of development proposed would avoid or reduce any adverse impact on the landscape and the visual amenity of the surrounding area.
- Whether the setbacks of the proposed building and works from adjoining roads and properties will ensure that the development would avoid or reduce any adverse impact on the landscape and the visual amenity of the surrounding area.
- Whether any proposed landscaping around the buildings and works would reduce any adverse visual impacts on the landscape and the visual amenity of the surrounding area.

A planning permit is required under Clause 43.02-2 for building and works consisting of reflective building materials.

#### Airport Environs Overlay (AE01)

The subject site is in the Airport Environs Overlay Schedule 1.

The purpose of the overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas which are or will be subject to high levels of aircraft noise, including areas where the use of land for uses sensitive to aircraft noise will need to be restricted.
- To ensure that land use and development are compatible with the operation of airports in accordance with the appropriate airport strategy or master plan and with safe air navigation for aircraft approaching and departing the airfield.
- To assist in shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in new dwellings and other noise sensitive buildings.
- To limit the number of people residing in the area or likely to be subject to significant levels of aircraft noise.

A planning permit is required under Clause 45.02-2 for the construction of buildings. Under Clause 45.05-2 any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, issued by Standards Australia Limited.

### **Relevant Policies**

Council, in consultation with the Victorian Planning Authority, has been prepared for the Bacchus Marsh District Urban Growth Framework (UGF) to guide growth within Bacchus Marsh to 2041 and beyond. The UGF is a strategic document that will provide a blueprint for future growth. The principal way in which the UGF will guide growth is to nominate potential future land uses within Bacchus Marsh. To support further residential growth strategic planning is progressing a Precinct Structure Plan for a commercial hub to support the region. This proposal whilst not located within this area but directly alongside could contribute to the economic development of this area.

### **Particular Provisions**

#### Clause 52.06 Car Parking

The proposed use is for a pilot training centre and accommodation building. The training centre will have 150 students and under Clause 52.06 requires 60 spaces (0.4 spaces x 150 students). The Residential Hotel is not listed under Clause 52.06. Up to 168 people will occupy the accommodation buildings. The proposal will also have 40 employees. The applicant is providing 35 spaces on site which will result in a reduction to the standard car parking rate at a minimum of 25 bays. See discussion further in this report.

Before deciding that a plan prepared under Clause 52.06-7 is satisfactory, the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area. Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and access ways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).

- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with access ways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay

#### Clause 52.34 Bicycle Facilities.

A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

The applicant in its written submission states they are providing two (2) on site bicycle spaces and is not seeking a reduction to the standard bicycle parking requirement. However the applicant's traffic engineer failed to take into account the student bicycle requirement which is eight (8) spaces. Therefore a total of ten (10) on site bicycle spaces need to be provided. There is space on the site to provide bicycle parking but it will have little value given this site is isolated. There would have been sufficient justification to waiver this requirement if applicant had sort this as part of their application. Without a request to waiver the requirement, the ten (10) bicycle spaces will need to be clearly marked on the plans. This will be addressed by a permit condition.

### **Discussion**

#### Pilot Training Building

The new building will provide for a better internal functioning of the international training facility and is a significant improvement compared to the existing buildings currently on the site which are dysfunctional as they were not constructed for the purpose of pilot training.

The form and scale does not overwhelm the existing built form and it is ideally positioned on the land well away from the nearest public roadways. The positioning of the buildings on Skylark Way is well way from public roadways such as Aerodrome Road and will be seen from obscured views in the public realm. The buildings will not be visible to passing traffic along the high traffic volume main road. Geelong-Bacchus Marsh Road, which is located to the east of the subject land.

#### Residential Hotel Buildings

A large component to this project is the three (3) separate serviced accommodation buildings (Residential Hotel) that will have 168 beds. This is a significant change to the local area which does not currently have this intensity of residential development nor has it been planned for it.

The accommodation would allow for at least 150 trainee pilots to reside on site at any one time. The building areas are arranged with two (2) beds per room and each having a separate toilet. Other amenities and recreational spaces are provided within common areas of each building.

The proposed use is unique as the site is isolated from community services and retail areas. The site is located within a Farming Zone land and surrounding land is used predominately for equine facilities. The use would not be considered if there was no functioning aerodrome on site. The large scale residential development is purpose built not for the general public but for a pilot training centre which is going to be focused on international trainees. The trainees are required to be in close proximity to the training centre and the existing site has a lack of public transport options. In this situation, the proposed use of the land for a residential hotel as defined by the planning scheme is appropriate within the Farming Zone due to an Aerodrome facility on site which includes a pilot training centre.



There is a clear nexus of a pilot training centre for 150 international trainees and providing a 168 beds accommodation facility over three (3) separate building areas.

The proposal is considered to comply with the objectives of Clause 35.07 as it is considered that the use and development would not result in a loss of productive agricultural land as land has not been used for that purpose for a long continuous period of time. The land is a well established Aerodrome.

### Car Parking

There would be up to 150 students and 40 employees for a total of 190 people on site. The proposal only provides 35 car spaces. The applicant has stated all students are international students and they would remain on site except for a shuttle bus service provided by TVSA to take students to the Bacchus Marsh retail area or Bacchus Marsh Railway Station. Given the poor accessibility of the site from transport routes (train and bus) and isolation to the nearest residential precinct does not support short trip modes like walking or bicycling. Employees would dependent on car travel.

The provision of 35 spaces while small in number can cater the employees. The applicant as part of this proposal would be changing the existing site conditions from an informal grassed area for car parking to a properly constructed surfacing and sealing of Skylark Way immediately adjacent to the car spaces. The sealing of the roadway and providing properly constructed and line marked car spaces is a significant improvement for the aerodrome.

It is considered that the car parking proposed should be adequate for the current proposed use, however, should this building be sold in the future or alternatively this site be developed further there may not be adequate car parking available on site.

The car spaces comply with the minimum dimensions under Design Standard 2 and the access way is wider than the minimum requirement at 7.0 metres.

### Signage

The applicant's written submission and concept elevation plans did not show any signage. On the updated elevation plans, business identification signage was shown but was not dimensioned. Under Clause 52.05-14 the maximum signage area is 3sq m. Beyond 3sq m is prohibited. Given the applicant did not seek permission for signage, these signs would need to be removed from the elevation plans should this application be supported. This can be addressed by a permit condition.

### Reflective Building materials

The building areas located well away from the nearest roadways and there are a scattering of dwellings/farm homesteads in the immediate surrounding area. The buildings would be located in corner of the lot and would not affect the amenity of surrounding properties through visual glare. The zinculume wall cladding is only a feature wall with most of the wall materials consisting of James Hardie® matrix cladding. The proposal is considered to comply by the objectives of the Design & Development Overlay Schedule 2 due to the location of the buildings and the remoteness to the nearest residential dwellings.

## Servicing

The site is located on Farming Zone land and has limited basic services. The proposal involves a large scale construction that requires the provision of essential services such as power, water and sewerage. Due to the topography of the land, the water main will be delivered uphill from the nearest connection point. Western Water have advised that the closest connecting water main is already at full capacity, which may present the applicant with challenges supplying a required water supply to the site in the future.

The biggest infrastructure requirement for this site is an appropriate waste water management. The applicant has undertaken a Land Capability Assessment and its wastewater consultant has advised that an onsite waste water treatment plant would require a 50,000 litres capacity based on load of 30,000 litres. The wastewater from the treatment plant would be pumped uphill by two (2) transfer pumps to a sub-surface irrigation field that would cover both side of the northern part of the runway. The total area to be occupied by wastewater would 1.4 hectares. This is a substantial loss of land for the Aerodrome which has a limited land area and could impede future development or redevelopment of the land.

The applicant when lodging the application proposed a sewerage connection to the Parwan Treatment Plant. In discussions with Western Water, they would have no objection in having this development connected to reticulated sewerage however, this would necessitate the applicant paying for the sewer line. This large scale development should be connected to reticulated sewerage and this could be made a condition of any approval issued. The proposed on site sewerage treatment plant has been a late change to the applicant's plans and they have not clearly demonstrated this an effective use of the available land area. The applicant may however undertake a temporary on site waste system if reticulated sewerage cannot be immediately provided. There will be a requirement for a Section 173 Agreement to ensure reticulated sewerage is provided within four (4) years of the commencement of the use and/or development.

Should this application be supported by Council the applicant would be required to connect to reticulated water, supply appropriate storm water management and to provide other required services to the site.

## Flora and Fauna

The applicant has provided a Biodiversity Report prepared by Ecology & Heritage Partners. The report noted there was no native vegetation removal and therefore no permit trigger or assessment is needed under Clause 52.17 of the Moorabool Planning Scheme.

## **General Provisions**

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area. [Emphasis added].
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site. [Emphasis added].
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

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

### Referrals

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

Authority	Response
Western Water	Required detailing of water and sewerage services.
Civil Aviation Safety Authority	No objection, reference to the CAAP Publication 92-1(1) and National Airports Safeguarding Framework (NASF).
VicRoads	Consent
Infrastructure	Required Stormwater Management Plan, consent with conditions.
SSD	Consent. Noted the masterplan has not been completed and identified infrastructure issues.
Environmental Planning	Consent with a condition.
Environmental Health	Consent with conditions.

### Financial Implications

With Council as the landowner, any proposal for the site may ultimately result in risk of financial implications to Council. This would need to be further advised through Council's legal advisors.

### Risk and Occupational Health and Safety Issues

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

## Communications Strategy

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

## Options

Council has the following options it could consider:

- Issue a permit in accordance with the recommendation of this report;
- Issue a permit with amendments to conditions within the recommendation of this report; and
- Should Council wish to consider refusal of the application, Councillors need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme.

## Conclusion

The proposed use and development of a pilot training centre and three (3) accommodation buildings (residential hotel) is appropriate for an existing Aerodrome. The existing Aerodrome is located on land within the Farming Zone but has not served a useful productive agricultural purpose for a continuous period of time. A new pilot training centre will reinforce the site as an Aviation Centre and will assist in maintaining a business activity and future employment growth which are objectives within the Planning Policy Framework.

It is considered that the residential hotel is appropriate as it would be directly related to the pilot training centre which has an international focus with trainees. The proposal would lead to trainees living and working at the same site. The accommodation buildings (residential hotel) requires adequate serving and this will be achieved subject to permit conditions.

Throughout this process, Council officers have ensured that the applicant is well informed of the servicing requirements and whatever may not be addressed as part of the current application before Council may require to be conditioned. It is noted that there would be a cost expenditure in providing services as a result of this by the applicant, but this is essential in providing occupants with the minimum standards of living and internal amenity. It also would ensure that no future development is sterilised due to inappropriate infrastructure servicing this use. The construction phase could be effectively managed through permit conditions including a requirement for a Site Environment Management Plan and a Construction Management Plan.

Objectors concerns were predominately from operators and occupants of the Bacchus Marsh Aerodrome and were not able to be resolved. Operational concerns and available flying slots are a BMAM's responsibility and would need to be addressed through effective communication and agreements with the Aerodrome users. Infrastructure improvements to the Aerodrome has to form part of a masterplan.

The Aerodrome users can continue operating their aviation activity without adverse amenity impacts caused by this proposal. The proposed use and development can be supported subject to conditions.

**Resolution:****Cr. Dudzik/Bingham**

***That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant a Permit for building and works for a pilot training centre, use and development of a Residential Hotel (168 beds), a reduction to the standard car parking rate and the use of reflective building materials at Lot 1 on Title 847678X, known as Aerodrome Road, Parwan:***

***Endorsed plans***

- 1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:***
  - a) Plan annotated that all buildings are to be connected to reticulated sewerage unless an alternative on site wastewater system is approved by the Responsible Authority.***
  - b) Submission of a Site Environment Management Plan as required by condition 12 contained herein.***
  - c) Extension of the constructed access way in accordance with condition 13 contained herein.***
  - d) Show the total area or capacity of each drainage dam/storage pond.***
  - e) Plans annotated that all building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia Limited.***
  - f) Removal of the business identification signage from the elevation plans.***
  - g) Show the location of the ten (10) bicycle spaces in accordance with Clause 52.34 of the Moorabool Planning Scheme.***
  - h) Shown the location of a screened refuse area.***
  - i) If commencement and completion of all four buildings is not to be done at the same time, staging plan identify timelines for each building.***
  - j) Submission of procedures or operations manual to manage the use of low level flying training or night time flying training to the satisfaction of the Responsible Authority. The manual must consider both air safety and noise impacts to nearby residents.***
  - k) Submission of a Construction Management Plan (CMP) as required by condition 34 contained herein.***
  - l) Specify the setback distance from ‘Accommodation 3’ to the edge of the adjacent taxiway, that accesses the detached hanger to the north.***

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

2. ***The layout of the land, the size and type of the proposed building and works including the materials of construction on the endorsed plan must not be altered or modified without the consent of the Responsible Authority.***

#### ***Amenity***

3. ***The amenity of the area must not be detrimentally affected by the use or development, through the:***
  - a) ***Transport of materials, goods or commodities to or from the land;***
  - b) ***Appearance of any building, works or materials;***
  - c) ***Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
  - d) ***Presence of vermin; or***
  - e) ***Any other way.***
4. ***Goods, equipment or machinery associated with the residential hotel must not be stored or left exposed in a position that can be seen from the street or common access ways.***
5. ***External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.***
6. ***The owner, the occupier and the manager of the premises must make reasonable endeavours to ensure that people associated with the site do not create a nuisance and annoyance to neighbours or otherwise disturb the amenity of the area.***
7. ***Noise generated by any air conditioner(s) or other mechanical plant equipment must not cause a nuisance by reason of noise to the occupiers of the subject land or surrounding land.***
8. ***All garbage and other waste material must be stored in an area set aside for such purpose to the satisfaction of the Responsible Authority.***
9. ***No garbage bin or waste materials generated by the permitted use shall be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practicable after garbage collection.***
10. ***The lease area/site shall be maintained in a clean and tidy condition to the satisfaction of the Responsible Authority***

#### ***Environmental Health***

11. ***The accommodation facility must be registered under the Public Health and Wellbeing Act 2008.***

#### ***Environmental Planning***

12. ***Before commencement of works, a Site Environmental Management Plan (SEMP) is to be submitted for approval. The SEMP must include the following identification of primary works area including extent of disturbance including material stockpiles, construction vehicle parking locations and stop work measures if a significant environmental or cultural heritage issue is identified during construction.***

**Infrastructure**

13. ***Prior to the commencement of the use, the main entrance to the Bacchus Marsh Aerodrome must be constructed and sealed, to the satisfaction of the Responsible Authority. The proponent must prepare an engineering plan for the works, for the approval of the responsible authority.***
14. ***Prior to the commencement of the use, Skylark way from Cummings Road through to and including the car parking area for the development is to be constructed and sealed to the satisfaction of the Responsible Authority.***
15. ***A minimum of 35 sealed car parking spaces are required at all times this includes the inclusion of accessibility bays as per the Australian Standards.***
16. ***Prior to the commencement of the development, the proponent must prepare a Stormwater Management Plan for the development for the approval of the responsible authority, to evaluate the impact of the development on the existing aerodrome drainage system, to investigate the potential for reuse of harvested storm water within the development, and to identify an appropriate method and point of discharge for the stormwater effluent. When approved, the Stormwater Management Plan will then form the basis of the drainage design for the development.***
17. ***Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).***
18. ***Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.***
19. ***Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***
20. ***Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:***
  - i. ***Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.***
  - ii. ***Designated loading areas shall be shown on layout plans.***
  - iii. ***The parking areas shall be provided with an asphalt or concrete surface and associated drainage.***
  - iv. ***Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.***
  - v. ***The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.***

21. ***The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.***

***Operational:***

22. ***The proposed buildings must be connected to reticulated water supply and sewerage supply to the satisfaction of Western Water and the Responsible Authority.***
23. ***If the site can not be connected to reticulated water with evidence provided by Western Water, a potable water supply must be provided to the satisfaction of the Responsible Authority and must be installed prior to the occupation of any building hereby approved.***
24. ***The proposed buildings must be connected to power supply to the satisfaction of the Powercor Australia and the Responsible Authority.***
25. ***Prior to any construction of drainage dam/storage ponds, owner's consent must be provided to Responsible Authority will regard to discharging through an adjacent property.***
26. ***All building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, issued by Standards Australia Limited***
27. ***The residential hotel manager/operator must ensure that residents do not gain unauthorised access to the operational (movement) side of the aerodrome to the satisfaction of the Responsible Authority.***
28. ***Each building associated with the residential hotel is to be clearly numbered when viewed from Skylark Way to be readily identifiable for occupants.***
29. ***Unless with the written consent of the Responsible Authority, the maximum number of employees for the pilot training centre is 40.***
30. ***Areas set aside for car parking in the building shall be restricted to the parking of commercial, employer, employee, customer or client vehicles in association with the uses conducted in the buildings hereby approved.***
31. ***All disturbed surfaces on the land resulting from the development must be revegetated and stabilised to the satisfaction of the Responsible Authority.***
32. ***Existing taxiways must be kept open during and after construction or alternative arrangements that provide adequate access to and from hangers must be provided to the satisfaction of Responsible Authority.***
33. ***The use and development must comply with any relevant safety standards regarding air safety including any relevant sections of the Civil Aviation Safety Authority – Manual of Standards Part 139 or Civil Aviation Advisory Publication (CAPP) 92-1(1).***



- 34. Before the development starts, three copies of a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CMP will form part of the permit and must be implemented and complied with at all times to the satisfaction of the Responsible Authority. The CMP must include but not be limited to the following:**
- (a) Details of hours of construction including deliveries;**
  - (b) Details of the construction program;**
  - (c) Traffic Management details;**
  - (d) Methods to contain dust, dirt and mud within land, and the method and frequency of clean up procedures;**
  - (e) Details of facilities on the land for vehicle washing;**
  - (f) Protection measures for features of the land to be retained including vegetation, fencing, buildings, other structures, taxiways and pathways;**
  - (g) Height requirements for temporary cranes**
  - (h) Details of delivery and unloading points and expected frequency;**
  - (i) Details of a liaison officer for contact by aerodrome users and the Responsible Authority in the event queries or problems are experienced;**  
**Details of parking facilities for construction workers;**
  - (j) The measures for prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the land, whether by air, water or other means;**
  - (k) The measures to minimise the amount of waste construction materials; the provision for the recycling of waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling); and**
  - (l) The measures to minimise noise and other amenity impacts from mechanical equipment and construction activities, especially outside of daytime hours.**

#### **Section 173 Agreement**

- 35. Before the use and/or development start(s), the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning & Environment Act to provide the following:**
- (a) All buildings approved under this permit must be connected within four years of commencement to reticulated sewerage to the satisfaction of the Responsible Authority and Western Water. Any existing temporary on site wastewater system must be decommissioned to the satisfaction of the Responsible Authority.**
  - (b) The residential accommodation hotel can only be used in conjunction with the pilot training and cannot be used to accommodate others outside of that use.**

**Before use and or development commences, application must be made to the Register of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.**

***The owner must provide evidence of registration of the Agreement to the Responsible Authority as soon as possible after registration has occurred. The owner/operator under this permit must arrange for the preparation of the 173 Agreement at his/her cost before submitting it the Responsible Authority for approval.***

***The owner/operator under this permit must pay the costs of execution and registration of the section 173 agreement.***

***Permit Expiry***

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

- a) The development and the use are not started within two years of the date of this permit; or***
- b) The development is not completed within four years of the date of this permit.***

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

***Permit Note:***

***Should the applicant be unable to achieve immediate connection to reticulated sewerage this would need to be demonstrated in writing to the satisfaction of the local authority. As an alternative to the sewer servicing requirements identified in Condition 1(a), an onsite sewerage disposal system may be implemented for the development for a temporary period of up to four years. Prior to the commencement of the development, informed plans and reports for an on-site sewerage disposal system including an effluent disposal area shall be submitted to the satisfaction of both Council and the Environment Protection Authority. The on-site sewerage disposal system must comply with EPA license and certificate requirements as well as applicable performance criteria. The on-site sewerage disposal system must not prejudice the ongoing development and operation of Bacchus Marsh Aerodrome and must be managed and maintained to the satisfaction of Council.***

***A building permit must be obtained from a Registered Building Surveyor and buildings must comply with the Building Act and Building Regulations***

**Cr. Toohey called for a Division.**

**Councillors voting for the resolution:**

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

**Councillors voting against the resolution;**

**Cr. Toohey**  
**Cr Sullivan**

**Councillors abstained from voting;**

**Cr. Tatchell**

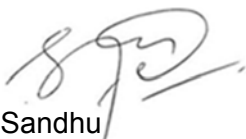
**The resolution was determined to be CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Tuesday, 16 October 2018



**Cr. Toohey left the meeting at 7.41pm.**

**Cr. Toohey returned to the meeting at 7.45pm.**

**Ms. Jeanette McGonegal addressed Council as a supporter to item 11.2.4 Planning Permit PA2018 147 – Development of a 2nd Dwelling at 3 Carlogie Place, Darley.**

#### **11.2.4 Planning Permit PA2018 147 – Development of a 2nd Dwelling at 3 Carlogie Place, Darley**

<b>Application Summary:</b>	
Permit No:	PA2018 147
Lodgement Date:	3 July, 2018
Planning Officer:	Samuel Duff
Address of the land:	3 Carlogie Place, Darley
Proposal:	Development of a second dwelling on a lot
Lot size:	Approximately 1 100 square meters
Why is a permit required?	Development of a second dwelling on a lot in the General Residential Zone (GRZ).
Reason for being presented to full Ordinary Meeting of Council (OMC).	Does not meet the S86 Development Assessment Committee Terms of Reference due to more than five (5) objections received for a residential development.
<b>Public Consultation</b>	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of Objections:	Nine (9).
Consultation Meeting:	<p>There was a meeting undertaken on 18 September, 2018.</p> <p>Objectors, and the applicants with their architect. However, no resolution could be achieved.</p> <p>The objectors were resolute in keeping the existing localities character, which is characterised by a single dwelling on a large lot.</p>

	It was discussed that the applicants and the architect were happy to work with Council to reduce the size and scale of the dwelling, or other design features that would reduce the visual intrusion of the second dwelling, however due to the fundamental objection from the objectors being opposed to a second dwelling the applicant wished to proceed the current application to Council.
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<b>Policy Implications</b>	
Strategy Objective 2:	Minimising Environmental Impact
Context 2A:	Built Environment
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	
<b>Officer's Declaration of Conflict of Interests</b>	
Under section 80C of the <i>Local Government Act 1989</i> (as amended), officers providing advice to Council must disclose any interests, including the type of interest.  <i>Manager – Robert Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report.  <i>Author – Samuel Duff</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
<b>Executive Summary</b>	
Application Referred?	Yes. The application was referred to Councils Infrastructure and Strategic Planning Departments for comment.
Any issues raised in referral responses?	Yes, the Bacchus Marsh Housing Strategy that is a 'seriously entertained document', highlight the potential of this site to be rezoned to Neighbourhood Residential Zone, the approval of a second dwelling would be in contradiction of the future strategic direction for the area which is identified for minimal growth. In addition to this, it is considered the current proposed built form is inconsistent with the current built form of the area.
Preliminary concerns?	The proposal is also not responsive to the neighbourhood character of the area, which, is characterised by single dwellings on large open sloping lots. The introduction of a second larger two (2) storey

	lot on the rear of one of these sites is inconsistent with the established built environment and with the future strategic direction of the area.
Any discussions with applicant regarding concerns?	<p>Council officers have highlighted the strategic direction of the area prior to lodging the application and throughout the application process.</p> <p>A consultation meeting was held on the evening of 18 September, 2018. In attendance was the applicant, their architect and 13 objectors. Following the meeting it was discussed with the applicant that the objectors weren't likely to withdraw their submissions and it was agreed to take it to a council meeting.</p> <p>They understood that an option may be to condition the permit with a condition 1 requirement to reduce the size of the dwelling or other design factors that could result in a lessened impact on the local community.</p>
Any changes made to the application since being lodged?	No.
Brief history.	<p>The applicant is seeking approval for a second dwelling on a lot in the General Residential Zone.</p> <p>The dwelling would be a large split-level structure, with scope to reduce the size of the proposed dwelling, which was discussed at the mediation meeting.</p>
Previous applications for the site?	A search of Council records shows that there are no previous planning permit applications associated with the lot.
General summary	<p>The planning permit application is seeking approval for a second dwelling on a 1100 sq m lot in the General Residential Zone.</p> <p>Objections that were received from the advertising process include complaints regarding the size and bulk of the proposed dwelling, overlooking, and general inappropriateness of the proposal in context of the surrounding development.</p> <p>The current Moorabool Scheme provisions allow for a second dwelling to be considered on this site as it is located within the General Residential Zone currently. However, strategic planning to rezone the site to Neighbourhood Residential Zone has substantially progressed which would result in this site and the local area being inappropriate for this type of development.</p>

**Summary Recommendation**

That, having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council refuse the application as the proposal is not in line with the strategic vision of the area.

**Site Description**



**Figure 1. Aerial photography of the subject site. The northern boundary is 58.35m, eastern boundary is 22.75m, southern boundary is 62.93m and the western boundary 14m.**



**Figure 2. Aerial Photography of the wider area, with the subject site outlined in yellow.**

The subject site is identified as Lot 75 on PS130462, located at 3 Carlogie Place, Darley. The site is an irregular rectangular shaped, measuring approximately 58m (northern boundary), 63m (southern boundary) with the rear (western) boundary measuring 14m and the front (eastern) boundary measuring approximately 22meters. In total, the site is approximately 1,100 sq m. The sites access is limited to a single cross over that splits, with one branch going to the existing dwelling, and the other going towards the back of the site, where the second dwelling is proposed to be. Currently on site there is an existing dwelling and an additional structure that is said to be a timber bungalow.

The existing dwelling on site is a double-storey brick three (3) bedroom, two (2) bathroom dwelling with an attached double garage. The site is sloping, with a fall of approximately 5.5 meters over the site, from the rear of the site to the street. There is some vegetation that is proposed to be removed in order to facilitate the development.

The immediate surrounds are used as a residential area of similar sized lots, all that either have a single dwelling on the lot or are vacant, pending development. The dwellings on Carlogie Place are typically split level or two (2) storey homes that account for the sloping nature of the lots. These dwellings are typically of brick, in accordance with a restrictive covenant that is presumably registered on title, like the one (1) registered on the subject site. Roofs are standard pitched roofs of either tile or colour-bonded steel. Gardens extend to the streetscape, with no footpaths to clearly delineate between the public and private realms. Aerial photography shows that the immediate surrounds have one (1) dwelling per lot, with large sheds/outbuildings being rare in the estate.

The subject site is approximately 3.4km from the Darley Shopping Centre and approximately 6km to Bacchus Marsh Main Street Precinct. The subject site is serviced by two (2) sewer lines (front and rear of the property), reticulated water and electricity.

## **Proposal**

The proposal is for a second dwelling to be located on the rear of a lot in the General Residential Zoned land of Darley.

The dwellings features would be:

- Four (4) bedroom, three (3) bathroom dwelling, set over two (2) levels.
- Open plan kitchen, dining and living area with two (2) additional living areas.
- From the front, the second dwelling would be 7.85 meters tall.
- There would be an attached garage for the second dwelling.
- The building would be required to be of brick or brick veneer in accordance with the Covenant registered on title.
- The roof would be of cement roof tiles.
- Alfresco area off the open planned living area.

At the consultation meeting held 18 September, 2018 the applicant has clarified that the dwelling would home his family, so that they can be closer and help to facilitate aging-in-place.

Below are the plans for the second dwelling, as well as elevations. A full set of plans including shadow plans have been included as an attachment to this report.



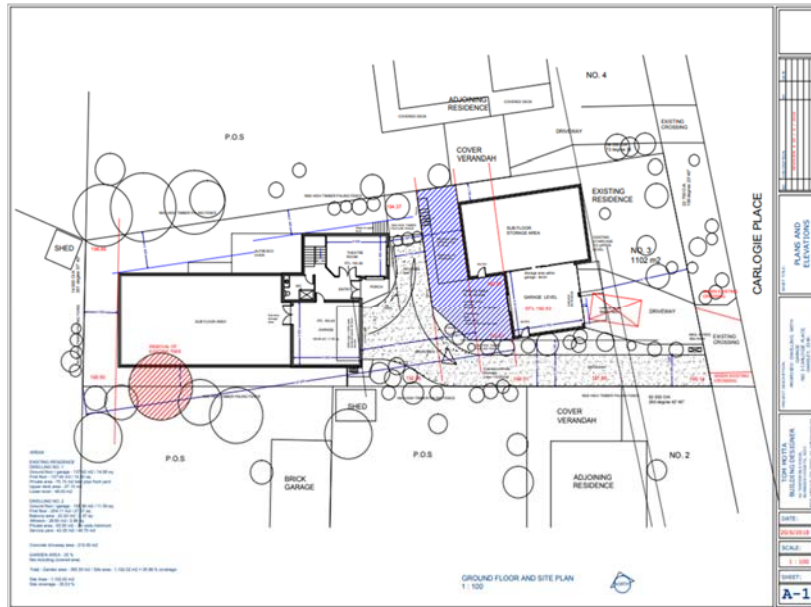


Figure 3. Ground Floor and Site plan, showing the proposed dwelling to the left of page

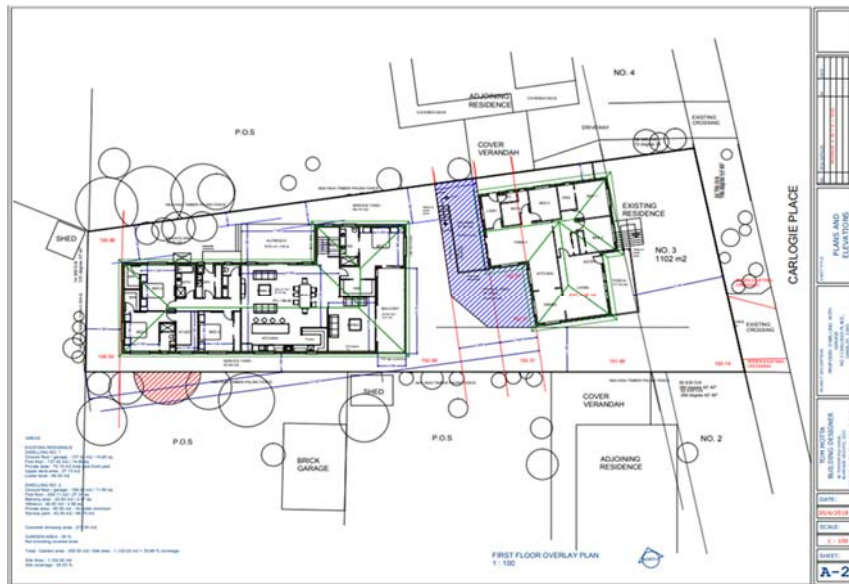


Figure 4. First Floor Plan



Figure 5. Elevation Plans

Already on site is a two (2) storey, three (3) bedroom brick dwelling, this would be kept on the lot, with a slight alteration to the side, where there currently is a gate. The gate would need to be removed to facilitate access to the proposed second dwelling.

**History**

A search of Council records has shown that there are no previous planning permit applications associated with the lot. There is also no VCAT history associated with the site and no compliance issues associated with the lot.

**Public Notice**

The application was advertised to the adjoining and surrounding land owners, by way of a letter in the mail and an A3 yellow sign on site, which was erected on the 13 August, 2018 and was returned with the statutory declaration 29 August, 2018.

As a result of the notification process a total of nine (9) written objections were received by Council.

**Summary of Objections**

The nine (9) submissions that have been received have been broken down into several broad categories, which are detailed below with officer’s comments accompanying them:

Objection	Any relevant requirements
The proposed second dwelling would be an overdevelopment of the site.	Clause 55.03
<b>Officer’s response</b> –It is noted that the subject property is subject to a restrictive covenant on title that specifies that any dwelling would need to be at least 130 square meters, so should a second dwelling be considered on site, it needs to be of a certain size. The proposed dwelling would be larger than the existing dwelling and is in excess of 130m <sup>2</sup> at approximately 250m <sup>2</sup> over two (2) storeys.	

Objection	Any relevant requirements
The proposal is inconsistent with the existing neighbourhood character.	Clause 55.01
<b>Officer's response</b> – The proposal is inconsistent with the existing character of the area. The proposal is seeking approval for a second dwelling on a lot in an area where the character is typically of a single dwelling on a large lot with generous setbacks. The neighbourhood character brochure of the area that Council has, identifies that the built form is modest in the area in relation to the scale of the lots.	
The second dwelling would cause a loss of view, a large reason as to why the objectors purchased land or dwellings in that area.	Clause 55.04
<b>Officer's response</b> – Impact on view and property value is not a valid planning consideration in accordance with Moorabool Planning Scheme. In 1987, a VCAT decision ruled that there was no legal right to a view in the planning system, but that the amenity to an area that they provide must be considered.	
The proposed development would cause a large degree of overlooking and overshadowing to the neighbouring properties.	Clause 55.04
<b>Officer's response</b> – The overshadowing diagram submitted demonstrates that any overshadowing would be limited to the two (2) properties at the south. The dwellings associated with that site are not in shadow, with only part of the private open space nearest to the fence line affected.  Overlooking may be an issue, with the proposed dwelling being located at the highest point of the site, however this issue could still be mitigated via conditions on a permit should Council grant one. The applicant has also identified that any windows would be frosted glass, up to the 1.7 meters above floor level in order to reduce this issue, further design work could also mitigate this issue.	
The proposed development is against the strategic direction of the area.	Clause 21.11
<b>Officer's response</b> – While there is no current formal strategic direction over this area within the Planning Scheme, there are other strategic documents that provide direction. The neighbourhood character brochures, which are not a formal reference document in the Moorabool Planning Scheme have identified that the land within in 'Precinct 1' is slated for minimal growth. This is also compounded by a recent proposed Planning Scheme amendment, C79, which is now a seriously entertained document. The C79 amendment would see the area rezoned to a Neighbourhood Residential Zone, with a minimum lot size of 700 square metres, this would dissuade second lots.	
The area is located away from the centre of town and has limited access to services and amenities. The density shouldn't increase unless services are going to be available to support the higher densities.	Clause 11.03, 21.07-3
<b>Officer's response</b> – Noted, this statement is consistent with Councils Strategic Direction.	

Objection	Any relevant requirements
Incremental development would lead to an increase in traffic on a small local road.	Clause 18.02, Clause 52.06
<b>Officer's response</b> – The cul-de-sac type development that the subject site is located on is not ideally suited for drastically increased densities. However, it is considered the current road network could support an additional dwelling with minimal impact to existing traffic volumes.	
The proposal would set a precedent for the area for further development in the area.	Clause 11.03
<b>Officer's response</b> – The proposed zoning change would reduce the likelihood of a second dwelling being approved in the area significantly, as well as completely remove the possibility of subdivision occurring in the area.	
The development of a second dwelling would decrease the value of the surrounding properties	
<b>Officer's response</b> – The issue of property prices is not a statutory planning issue.	

### Locality Map

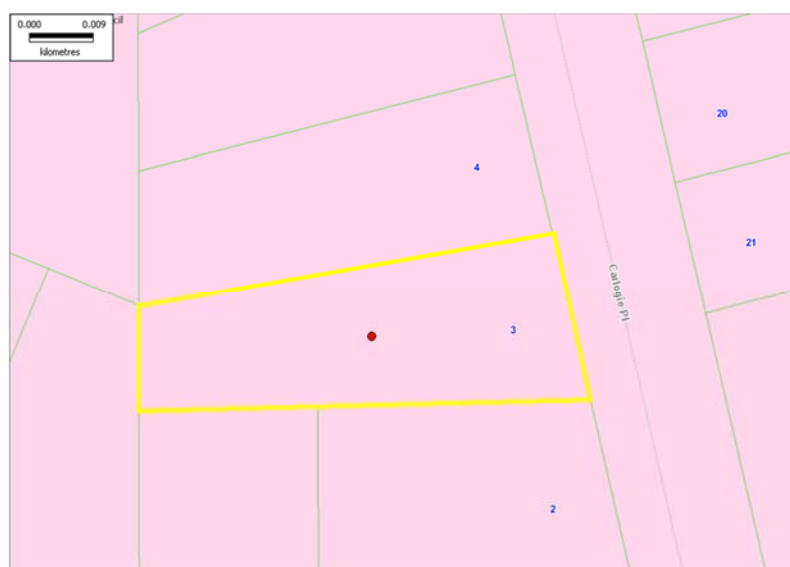


Figure 6. Zoning map of the area.

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

The subject site is located within the General Residential Zone of Darley and is not covered by any overlays.

### Planning Scheme Provisions

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

The relevant clauses are:

Clause 11.03-1S	Activity Centres.
Clause 11.03-2S	Growth Areas.
Clause 11.03-3S	Peri-Urban Areas.
Clause 15.01-2S	Building Design.
Clause 15.01-5S	Neighbourhood Character.
Clause 16.01-2S	Location of residential development.
Clause 16.01-3S	Housing Diversity.
Clause 18.02-3S	Road System.
Clause 21.03-3	Residential Development.
Clause 21.03-4	Landscape and Neighbourhood Character.
Clause 21.07-2	Consolidating Urban Growth.

The proposal is deemed to comply with the relevant sections of the PPF and LPPF, with the exception of the clauses outlined in the table below:

PPF	Title	Response
Clause 11.03-1S	Activity Centres	It is considered that the area of Darley where the proposed development would be located is not particularly well suited for higher density dwelling development due to its location on the outskirts of the Darley area.
Clause 15.01-5S	Neighbourhood Character	The Neighbourhood Character Brochures have identified the neighbourhood character for the area as a single modest dwelling on a large lot with large amounts of private open space. The development of a second dwelling would not be in keeping with the current, or preferred neighbourhood character.
Clause 18.02-3S	Road System	The road system of the immediate roads surrounding the area would unlikely be unable to cope, should every lot in this area propose a second dwelling, however it is considered impact of one additional dwelling would be minimal.
LPPF		
Clause 21.03-4	Landscape and Neighbourhood Character	The development is out of the current neighbourhood character and does not reflect the preferred neighbourhood character of the area. Due to the bulk and scale of development that is proposed it is considered landscaping would not soften the impact.

## Zone

The land is in the General Residential Zone, schedule 1 (GRZ1), the purpose of the GRZ1 is:

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

The sole permit trigger for this application is the zoning controls, specifically Clause 32.08-6 – Construction and extension of two (2) or more dwellings on a lot, dwellings on common property and residential buildings.

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

Pursuant to Clause 32.08-7, Schedule 1 does not vary any of the Clause 55 requirements.

## Overlays

No overlays affect the site.

## Relevant Policies

There are three (3) Council Policies that effect the subject site. The first is the Urban Growth Policy and the associated Neighbourhood Character Brochures and the second is proposed Planning Scheme Amendment C79.

### Urban Growth Policy

The Urban Growth Policy states that:

*The Moorabool Growth Strategy 2041 aims to provide a vision for the type of community Moorabool Shire will be in 2041 and to outline how Council can facilitate an outcome that both allows for growth and keeps the community connectedness, character and sense of place so valued by our current residents.*

*The urban strategy is about planning and managing the pressures of growth in a proactive manner so that a sustainable environment where people can live, work, access retail, social and recreational services and be involved and connected. The strategy looks at what our future population will be and what employment, services and infrastructure will be required to meet their needs so that Council can identify what growth options will meet these needs in a sustainable and cost effective manner.*

### Neighbourhood Character Brochures:

Annexure 4 of the Moorabool 2041 Housing Strategy, the Neighbourhood Character Brochures have categorised the areas of Bacchus Marsh and its suburbs into different neighbourhood precincts, and have identified the existing character of the areas, as well as provide guidelines as to what types of development is preferable. As this site is located in Precinct 1, the area is slated for 'minimal growth'. A copy of the precinct 1 Neighbourhood Character Brochure has been included as an attachment to this report.

Overall, the proposal is inconsistent with the current and preferred neighbourhood character guidelines. The preferred character statement is as follows:

*This precinct will maintain a streetscape rhythm of detached dwellings set behind landscaped front gardens.*

*Built form to side boundaries will generally be avoided and garages, carports and second storey development will not visually dominate dwellings or streetscapes. Built form and hard surfaces will continue to occupy a low portion of the site.*

*The streetscapes will continue to have a sense of openness through new built form retaining generous front setbacks and minimal front fencing, which will allow views to gardens and dwellings. The built form will be of a modest scale and be sympathetic to the existing character of the precinct, however innovative and unique built form that blends with the existing character will be encouraged.*

*New development will complement the existing landscape environment and native and non-native landscaping throughout the precinct is preferred.*

#### Planning Scheme Amendment C79:

Planning Scheme Amendment C79 was prepared by Councils Strategic Planning Department, and was adopted by Council in August, 2016. This amendment was exhibited to the public, which was closed in December, 2017. The amendment was then reviewed by Planning Panels Victoria, and was submitted to the Minister for Planning in August, 2018. As this is now a seriously entertained document, it would be prudent to consider this in assessing the application.

The C79 Amendment would change the zoning of the area to a Neighbourhood Residential Zone, which would introduce minimum lot sizes in this area to a minimum of 700 square metres.

#### **Particular Provisions**

- List any particular provisions under Clause 52 that apply to the proposal
- Brief assessment against the proposal

The proposal complies with ResCode Clause 55, with the exception of the following:

<b>Clause ResCode</b>	<b>Title</b>	<b>Response</b>
55.02-1	Neighbourhood Character	The proposal does not respect the modest spacious character of this area in Darley, typified by single dwelling development with large outdoor areas, including spacious front and rear gardens.
Clause 55.03-3	Site Coverage	The proposed 35.53% site coverage meets the standard, but the design for the driveway covers an additional 215 sq. m of the site. This would increase the impermeable surface percentage significantly.

Clause ResCode	Title	Response
Clause 55.03-8	Landscaping	The spaces around both dwellings would not be sufficient to keep in keeping with the existing neighbourhood character – which has large private open spaces. This feature is something that is preferred to be kept in accordance with the neighbourhood character brochure.
Clause 55.04-6	Overlooking	Due to the sloping nature of the block, there may be a degree of overlooking, both in and out of the site. This could be mitigated by conditioning the permit to require visual screening.

While this application does not seek approval for subdivision of a lot, the development of a second dwelling would, in essence, imply at a later stage that the site could be considered for subdivision. The strategic intent of the area, once amendment C79 has been gazetted into the planning scheme, is that there would be a minimum lot size of 700 sq m requirement which would remove the chances of all future subdivision for this site/precinct.

Although future second dwellings are able to be considered, a stronger argument would be made to refute the application regarding the intent of the area due to the underlying neighbourhood character that would need to be considered.

### Discussion

Overall, the proposal is considered to be inconsistent with relevant State and Local Planning Policy, the General Residential Zone and Clauses 55 and 56 of the Moorabool Planning Scheme, and Council's adopted C79 Planning Scheme Amendment.

As Bacchus Marsh and its suburbs are the primary growth area of Moorabool Shire Council which is slated to support an increased population to help absorb growth pressures of the wider region. The proposal would contribute to consolidated growth of the town, take advantage of existing servicing infrastructure, and contribute the housing stock in the area. However, growth must be balanced with the need for new development to respect the existing neighbourhood character and integrate with the surrounding urban environment and intensification of residential around serviced areas.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is mostly developed with single dwellings with no known exceptions. The purpose of the GRZ includes the following:

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

The purpose of the GRZ indicates that a balance must be achieved in responding to the range of applicable policies. The proposal must satisfy Clauses 55 of the Moorabool Planning Scheme for, medium density dwelling development. Development must meet all the relevant objectives and should meet all the standards but, as outlined above, not all of the objectives have been met.



Clause 21.07 of the Moorabool Planning Scheme is specific to Bacchus Marsh and its suburbs, including Darley and includes the following policy objective for accommodating township growth:

- The form and design of new development in the township should respond to walkability and neighbourhood design principles, and include strategic and environmental assessment.

As previously stated, the site is 3.4km from the Darley Neighbourhood Activity Centre and approximately 6km to Bacchus Marsh Main Street Precinct, and whilst it is acknowledged that this policy does not prevent such development occurring in other parts of the town, it clearly identifies where more intensive growth is particularly desirable, noting that the objective is to encourage growth which achieves a balance between consolidation and respect for the township character. Due to this sites isolation from key servicing areas is one of the reasons why it along with surrounding lots have been earmarked to be rezoned to NRZ.

A consultation meeting was held on the 18 September, 2018 where a total of 13 objectors and the applicants were in attendance. At this consultation meeting, discussions regarding the possibility of reducing the size of the proposed second dwelling were held. One (1) objector was advocating for a large extension which would help to home the applicant's family for the future while maintaining the typical built form of the lot.

The applicant did not like this option, as it would be preferable from their perspective to maintain a degree of separation and privacy, which could not be achieved by this style of development.

As the predominant intent is for the applicant to provide housing for family, consideration was also made by Officers regarding the option of a Dependent Persons Unit (DPU) being more appropriate. However after reviewing the covenant registered on title, it is considered not practical to utilise this option. The definition of a DPU is 'A movable building on the same lot as an existing dwelling and used to provide accommodation for a person dependent on a resident of the existing dwelling'.

The issue relating to the covenant is that the wording specifies that any building would be required to be built of brick or brick veneer, which would reduce the possibility of the moveable aspect being achieved.

Ultimately it comes down to whether it is considered a second dwelling on this site is appropriate, due to the factors specified above it is considered that it's not.

### **General Provisions**

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

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

### **Referrals**

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

Authority	Response
Strategic Planning Department	Objection, which has been attached
Infrastructure	Consent, Subject to Conditions

### Financial Implications

The recommendation of refusal of this development would not represent any financial implications to Council.

### Risk and Occupational Health and Safety Issues

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

### Communications Strategy

Notice was undertaken for the application, in accordance with Section 52 of the *Planning and Environment Act 1987*, and further correspondence is required to all interested parties to the application as a result of a decision in this matter.

A consultation meeting was undertaken on the 19 September, 2018, where the objectors and the applicants discussed other possibilities to develop the site.

All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

### Options

- To refuse the application in accordance with the assessment and recommendations of this report.
- To approve the application, subject to conditions however, based on the above assessment there are significant issues that cannot be resolved by permit conditions.

Both parties, the applicant and objectors, have both indicated that they may lodge an application to review Councils decision at the Victorian Civil and Administrative Tribunal (VCAT).

### Conclusion

Overall, the proposal is inconsistent with the relevant Moorabool Planning Scheme provisions. The development of the additional dwelling on the lot would generally satisfy State and Local Planning objectives to consolidate growth in existing areas of Bacchus Marsh but would not be in keeping with the township character.

Whilst the proposal satisfies some of the relevant provisions for increased housing density, it is not adequately responsive to the constraints of the site. That being inconsistent with the neighbourhood character of the surrounding area and the design objectives for new development in Councils adopted Bacchus Marsh Housing Strategy that Planning Scheme Amendment C79.

**Resolution:****Crs. Edwards/Keogh**


***That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant Planning Permit PA2018147 for the Development of a Second Dwelling at Lot 175 on PS 130462, located at 3 Carlogie Place, Bacchus Marsh on the following grounds:***

- 1. The application does not satisfy the purpose of the General Residential Zone.***
- 2. The application does not satisfy the relevant provisions of Clause 55 of the Moorabool Planning Scheme.***
- 3. The proposal does not represent the orderly planning of the area.***
- 4. The application does not satisfy State and local planning policy in the Moorabool Planning Scheme in relation to neighbourhood character.***
- 5. The application is inconsistent with the Neighbourhood Character Brochures which identifies the preferred neighbourhood character.***
- 6. The application is inconsistent with the proposed Planning Scheme Amendment C79 which would rezone this area to a Neighbourhood Residential Zone, Schedule 2. This would include minimum lot size of 700 square meters.***
- 7. The subject site is located far away from services, which in is not in support of Clause 21.07-3 of the Moorabool Planning Scheme, which dictates that planning is to ‘...direct housing to locations that are easily accessible to activity centres and public transport as a priority’***

**CARRIED.**

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

**Name:** Satwinder Sandhu   
**Title:** General Manager Growth and Development  
**Date:** Tuesday, 16 October 2018

## 11.3 SOCIAL AND ORGANISATIONAL DEVELOPMENT

### 11.3.1 New Tower Site Lease to Telstra Corporation Limited (Telstra) – Western Freeway and Dickson Road, Myrningong

#### Introduction

File No.: 398980  
Author: Ajay Ramdas  
General Manager: Danny Colgan

#### Background

On Wednesday 2 May 2018, the Council resolved to authorise a lease agreement with Telstra Corporation Limited for a telecommunications facility site rental situated on the corner of the Western Highway and Dickson Road, Myrningong.

In July 2018, Telstra requested an expansion to the area of the site under the lease agreement from 4m x 8m to 5.5m to 9.2m. In accordance with section 190 of the *Local Government Act 1989*, a further public notice was placed in the local newspaper to notify the public of this amendment to the original lease agreement and Council's intention to enter into a lease agreement with Telstra Corporation Limited for a telecommunications tower facility. Under Section 223 of the Act, a person has a right to make a submission on the proposed lease. The deadline for submissions was Monday 8 October 2018.

#### Proposal

At the conclusion of the section 223 public submission period, no submissions to the amended lease agreement between Telstra Corporation Limited and Moorabool Shire Council for a telecommunications tower facility at the Western Highway and Dickson Road Myrningong site were received by Council.

It is therefore recommended that Council resolves to approve the amended lease agreement detailing the increased area of the site with Telstra Corporation Limited for a telecommunications tower facility for [Five (5) year term] based on an annual commencement rental of \$8,554.57 (ex GST) with an annual 3% increment. The lease expiry date would be 26 November, 2022 for the initial term of 5 years.

#### Policy Implications

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 3:** Stimulating Economic Development

**Context 3B:** Investment and Employment

The proposal to enter into a lease arrangement with a telecommunications supplier on the site of Western Highway and Dickson Road Myrningong, is consistent with the 2017-2021 Council Plan.

## Financial Implications

Council will receive income of \$8,554.57 per annum, indexed at 3% per annum from 2017 to 2037 and will be received as general revenue in the Governance Unit operational budget.

## Risk & Occupational Health & Safety Issues

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

## Communications Strategy

Where Council enters into a lease agreement for a term 10 years or greater then Council must comply with section 190 of the *Local Government Act 1989*. Council complied with section 190 of the Act by placing a further public notice in the local newspaper with the closing date for public submissions being Monday 8 October 2018.

## Victorian Charter of Human Rights and Responsibilities Act 2006

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

## Officer's Declaration of Conflict of Interests

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

*General Manager – Danny Colgan*

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

*Author – Ajay Ramdas*

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

## Resolution:

### Crs. Edwards/Bingham

***That Council resolves to authorise the signing and sealing of the Lease Agreement with Telstra Corporation Limited for a site rental of \$8,554.57 per annum situated on the corner of the Western Highway and Dickson Road, Myrniong based on the following terms:***

- ***New Lease Commencement Date – 27 November 2017***
- ***Rental Commencement - \$8,554.57 per annum (ex. GST)***
- ***Annual Increases – 3.00% increment***
- ***Lease Term – Five (5) years with three (3) further terms of five (5) years each***
- ***Lease Expiry Date – 26 November 2022 (initial term of 5 years)***
- ***Legal Costs – Reimbursement of \$1,500 (+ GST) to Council***

**CARRIED.**

## Report Authorisation

Authorised by:



**Name:** Danny Colgan

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

**Date:** Thursday, 25 October 2018

### 11.3.2 Navigators Community Centre – Abutting unalienated land parcel – 344 Navigators Road, Navigators

#### Introduction

Author: Michelle Morrow  
General Manager: Danny Colgan

#### Background

Council's Navigators Community Centre (Centre) located at 344 Navigators Road, Navigators, is approximately 10 kilometres south-east of Ballarat and comprises a crown land parcel with an assessed area of 2,023m<sup>2</sup>.

It has been brought to Council's attention that part of the Centre's building is sitting across the subject crown land parcel, inclusive of a rotunda building and part of three tennis courts with fencing.

The subject crown land parcel, outlined in red on aerial image below, borders Council's land to the south.



Initially, when officers engaged a surveyor to determine the status of this land parcel, it was considered that part of the Council owned land was on the title for the adjoining land owner to the south and as such, a subdivision was required to rectify the anomaly.

An investigation of the titles, undertaken by a surveyor with Land Use Victoria as to the status of the strip of land measuring 2,023m<sup>2</sup> that lies between the titles along the southern boundary of Title Plan TP835254X, confirmed that the land is unalienated Crown land.

Land Victoria reviewed the crown grant (011\021) and it grants the southern boundary as 2600 links on 25 March 1863. The parish plan records this granting as 2700 links. The crown grant and parish plan also vary by 20 metres on the eastern and western boundaries and in so confirms the variance of 100 links or approximately 20 metres over the area in question.

The unalienated land will be parcelled up and recorded as unreserved crown land with Department of Environment, Land, Water and Planning (DELWP) as the land administrator.

As a result of these findings it was determined that a re-alignment subdivision was not required and that in order to bring the land into Council's ownership and/or use, the following options may be considered:

- Crown Grant (purchase) – DELWP to Council
- Licence over the Crown land - issued by DELWP
- Reservation of the land with Council as Committee of Management – issued by DELWP

### **Proposal**

The options as listed above are explained in detail as follows:

#### **Crown Grant – Purchase**

Should Council determine to purchase the subject crown land, an expression of interest application will be required and submitted to DELWP. On receipt of an application, DELWP will commence consultations including native title and assessment of the land.

The approximate costs associated with purchase of the land include;

- Administration Fee of approximately \$3200
- Valuation and survey report fees of approximately \$2400
- Valuation of the land to be confirmed by Valuer General.

The process to purchase may possibly take 2 or more years.

A recent independent valuation undertaken by Council's valuer has estimated the market value of this crown land parcel to be \$20,000 to purchase.

#### **Licence over the Crown Land**

A licence process will involve an application from Council to DELWP to licence this parcel of land under conditions of a set period of time with an annual payment to be made to licence the parcel. It would be requested that the period of time be set at 99 years.

#### **Reservation of the land with Council as Committee of Management**

In the event that Council may not be in a position at this point in time to purchase the land, the process of having the land reserved by DELWP and Council appointed as Committee of Management is an option. This process would be quicker and provide Council with the opportunity to have control over the land as the Committee of Management. After being gazetted, the land would remain in this reserve status until such time that Council decides to submit an expression of interest to purchase.



## Policy Implications

The Council Plan 2017-2021 provides as follows:

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

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

The proposal to purchase the subject crown land is not provided for in the Council Plan 2017-2021 and may be actioned by drawing upon on the recreational facilities reserve or alternatively, considered as part of the budget review process.

## Financial Implications

The cost to purchase the 2,023m<sup>2</sup> crown land parcel has been estimated at approximately \$25,600. The matter of purchase may require consideration to draw the estimated amount of \$20,000 from the recreational facilities reserve with the remaining \$5,600 to be financed from Council's operating budget. The Reserve, as it currently stands, has sufficient funds to accommodate this purchase.

To Licence this crown land parcel will incur an annual payment to be included in the budget review process for the 2019/20 financial year.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Future of the Navigators Community Centre	Ability to upgrade the facility into the future	Medium	Council decision to secure the land parcel by one of the 3 options presented

## Communications and Consultation Strategy

Officers will liaise with the Navigators Community Centre Committee of Management to inform the Committee of Council's decision of determining the future of this land parcel.

## 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**

For the subject crown land situated along the southern boundary of Title Plan TP835254X, to be brought under Council's ownership or alternatively its continued use, the following options may be considered:

- Crown Grant (purchase) – DELWP to Council
- Licence over the Crown land - issued by DELWP
- Reservation of the land with Council as Committee of Management – issued by DELWP

As this matter has not been allocated for in the 2019/20 Budget at this time, it is recommended that Council consider the option to purchase the 2,023m<sup>2</sup> crown land parcel at the estimated cost of \$20,000 by drawing upon on the recreational facilities reserve with the remaining \$5,600 to be financed from Council's operating budget.

This process would provide Council with ownership over the land parcel and the ability to use the land as fit for purpose.

**Recommendation:****Crs. Sullivan/Toohey**

1. That Council resolves to submit an expression of interest application to the Department of Environment, Land, Water and Planning to purchase the 2,023m2 crown land parcel abutting the southern boundary of Title Plan TP835254X, Navigators Road, Navigators.
2. That the estimated cost of \$20,000, be drawn from Council's recreational facilities reserve with the remaining \$5,600 to be financed from Council's operating budget.
3. That all terms and conditions for the purchase of the land be approved by the Chief Executive Officer.

**LOST.****Resolution:****Crs. Dudzik/Edwards**

1. *That Council resolves to submit an expression of interest application to the Department of Environment, Land, Water and Planning to purchase or be given management rights to the 2,023m2 crown land parcel abutting the southern boundary of Title Plan TP835254X, Navigators Road, Navigators.*
2. *That a further report be provided to Council with the costs going through the budget process.*
3. *That all terms and conditions for the purchase of the land be approved by the Chief Executive Officer.*

**Cr. Sullivan called for a Division.****Councillors voting for the resolution:**

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

**Councillors voting against the resolution;**

**Cr. Sullivan**  
**Cr. Toohey**  
**Cr. Tatchell**

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

## Report Authorisation



**Authorised by:**

**Name:**

Danny Colgan

**Title:**

General Manager Social and Organisational Development

**Date:**

Tuesday, 30 October 2018

### **11.3.3 Draft Age Well, Live Well Strategy and Disability Access and Inclusion Plan 2018-2021**

#### **Introduction**

Author: Claire Conlon  
General Manager: Danny Colgan

The purpose of the report is to recommend that the Council endorse the draft Age Well Live Well Strategy and Disability Access and Inclusion Plan 2018-2021 for the purposes of public exhibition for a period of four (4) weeks.

#### **Background**

The Council's Age Well, Live Well Strategy and Disability Access and Inclusion Plan 2015-2021 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 the implementation of the *Age Well Live Well Strategy and Disability Access and Inclusion Plan 2015-2021* was undertaken between March and May 2018. The review involved:

- An assessment of progress against each of the actions set out in the Plan (as the majority of actions were due for completion in 2018);
- Analysis of a number of new policies and frameworks, including the Commonwealth Government's Aged Care Diversity Framework (Dec 2017), the WHO's Age-friendly Cities Framework and the *Aged Friendly Cities and Communities Kit* produced by Council of the Aged Victoria and the Municipal Association of Victoria;
- Consideration of the findings of the *Service Review and Planning Report: Provision of Aged and Disability Services* conducted in December 2017;
- A demographic analysis for the Moorabool population, including projections of the ageing population;
- Reflection on the reforms to aged care, including the introduction of My Aged Care, the establishment of the Commonwealth Home Support Program, the Rural Access Worker-Building Inclusive Communities Project and Younger Persons Home and Community Care and changes in the disability sector, in particular the roll-out of the National Disability Insurance Scheme in Moorabool in 2017;
- Two workshops with staff from across Council Departments, which focused on identifying and prioritising practical future actions;
- Consultations with community members facilitated by the Age Friendly Ambassadors, to confirm priority actions.

As a result of the mid-point review, it was decided to:

- Update the *Age Well Live Well Strategy and Disability Access and Inclusion Plan 2015-2021* to reflect the new frameworks and to include practical actions that would be implemented from 2018 onwards;
- Develop an integrated plan that addresses the priorities for the older population, people with a disability and priority 'diverse' population groups, including Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, people who are homeless or at risk of homelessness, people living with a mental illness, people in rural and remote areas, and people who identify as LGBTIQ++;
- Align the actions in the Plan to the eight domains in the WHO's Age-friendly Cities Framework - Respect and Social Inclusion; Communication and Information; Health and Community Support; Housing; Transport; Employment; Social Participation; Outdoor Spaces and Buildings;
- Establish a monitoring process for the Phase 2 Plan to ensure that the actions are implemented in a timely and effective manner.

## Proposal

The draft Age Well Live Well Strategy and Disability Access and Inclusion Plan 2018-2021 is contained in **Attachment 1**. The Plan builds on the work of the previous plan by setting out new actions designed to meet the needs of a diverse and changing population over the coming decades and create an age-friendly Moorabool.

The draft plan is based on the World Health Organisation's Domains for an Age-Friendly Community, which suggests that an age-friendly community promotes:

- a human rights based approach
- an integrated approach to ageing from government and community
- a civil society where people of all ages and all abilities are included and respected
- the social and economic contributions and value that older people make to families and communities
- independence, well-being and quality of life for all people as they age.

The key drivers behind this momentum include:

- population ageing – people are living longer and the proportion of older people in the population is growing
- changing aspirations – older people, regardless of age or ability, want to participate and be included in society, have purpose and stay active in their later years
- an improved understanding of the barriers that inhibit active and healthy ageing and how these barriers can be removed
- increased evidence of individual and community benefits from an active and healthy older population
- the need to reduce the demand on health, care and support services that is anticipated with population ageing
- the need to refocus and reinvest in how older people are supported to live out their lives.

Age-friendly brings together:

- a new and better understanding of ageing and the social and built environments (Council's area of influence) that enable individuals and community to age well
- a greater focus on the ageing population from all levels of government and across government departments
- a whole of population/community response to supporting people as they age.

## Policy Implications

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 4:** Improving Social Outcomes

**Context 4A:** Health and Wellbeing

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

## Financial Implications

The draft Plan contains an integrated action plan outlining goals, objectives and actions to be implemented over the next three years. The draft Plan will be reviewed annually and actions amended to reflect budget and resourcing priorities. A number of actions will require Council funding, and will be subject to the annual Council budget process.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
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.

## Community Engagement Strategy

The following community engagement activities have been undertaken, 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 through 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 completed and three community forums undertaken

## **Communications and Consultation Strategy**

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

Further community consultation will be undertaken in accordance with Council's Community Engagement Framework and will include:

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

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

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

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

*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 draft Plan will 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/Sullivan**

***That Council:***

- 1. Endorses 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.***
- 2. Receives 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.***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**



**Name:**

Danny Colgan

**Title:**

General Manager Social & Organisational Development

**Date:**

Thursday, 18 October, 2018

### **11.3.4 Positive Ageing Advisory Committee**

#### **Introduction**

Author: Claire Conlon  
General Manager: Danny Colgan

#### **Background**

Moorabool's Age Friendly Project 2018 focused on the development of capacity building foundations using co-design principles, and included the recruitment of Age Friendly Ambassadors to undertake extensive community consultation. An outcome of the community consultation was the proposed establishment of a Positive Ageing Advisory Committee.

The community consultation highlighted the need to provide a vehicle for community members to provide advice to ensure that decisions are aligned to local older person's experiences and expectations. In addition, Moorabool Shire Council's Age Friendly Ambassadors felt that a Committee would provide a solid foundation for effective community engagement to implement and enhance the Age Friendly projects and the Council's Age Well, Live Well and Access and Inclusion plan.

#### **Proposal**

The Positive Ageing Advisory Committee ("advisory committee") will provide an opportunity for informed discussion on issues impacting upon older members of the Shire, and increase community awareness of the particular needs and aspirations of older members of the community through collaboration and consultation.

The Advisory Committee will assist in shaping and creating inclusive communities for older people in the Shire by utilising the experience and expertise of older members in bringing new perspectives to both existing and emerging issues. This process will reinforce the regard Council has for the contribution of older members of the community, and will raise awareness of the valued role that older people play.

The Advisory Committee will review and make recommendations for the on-going implementation process of the Shire's Age Well, Live Well and Disability Access and Inclusion Strategy.

In addition the Committee will aim to:

- Identify issues affecting older people within Moorabool Shire;
- Participate in community consultation;
- Contribute to discussions and activities within meetings;
- Assist and provide feedback on the positive profile of older people through Council publications, media and social media;
- Assist in Council becoming a signatory to the Age Friendly Victoria declaration;
- Advocate for improvements to access, services, social and built infrastructure;
- Participate in forums or events;

Nominations will be invited through public advertisement and direct contact with community groups, organisations and agencies. Appointment to the Advisory Committee will be made by a resolution of the Council and reviewed annually at the Statutory Appointments Meeting if not earlier.

### Selection criteria

- Community involvement/connections;
- Understanding of local issues;
- The ability to work co-operatively and as part of a team;
- The ability to contribute to meetings and provide unbiased and diverse perspectives.

Nominees will be interviewed with a report presented to the Council recommending appointment of members to the Committee.

The draft Terms of Reference for the Positive Ageing Advisory Committee is contained in **Attachment 11.3.4.**

### Policy Implications

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 4:** Improving Social Outcomes

**Context 4A:** Health and Wellbeing

The proposal is consistent with the Council Plan 2017-2021, Council's Community Engagement Framework and Age Well Live Well Strategy and Access and Inclusion Plan.

### Financial Implications

The committee would be established using existing resources. The Moorabool Shire Age Friendly project has attracted Age Friendly State funding and would be utilised in the recruitment of committee members as well as other start-up costs for the 2018-2019 year. Any ongoing financial needs would be considered as part of future Council budgetary applications.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Vacant committee positions	Position remains vacant	Low	Appoint committee members to committee using a range of media forums.
Financial – Inadequate funds to implement the Age Well, Live Well and Access and Inclusion plan	Inadequate financial management	Medium	2018-2019 funding has been secured to support the establishment of the committee.
Breach of confidentiality	Breach of confidentiality by Committee members	Medium	Each committee member to undertake an induction program that includes a confidentiality clause.

## Community Engagement Strategy

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 through 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 completed and three community forums undertaken

## Communications and Consultation Strategy

The extent of the communication that has been carried out leading to the writing of this report is reflected in the table above. The consultation identified a need for the establishment of a committee that would oversee the Age Well, Live Well and Access and Inclusion plan implementation and the Age Friendly projects.

The community consultation to establish the Positive Ageing Advisory committee will be in accordance with Council's Community Engagement Framework and will include a comprehensive recruitment process.

## 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

*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 establishment of a Positive Ageing Advisory Committee would recognise the integral role of older people in achieving an Age Friendly Victoria and a commitment to the ongoing involvement of older people making Moorabool a great place to grow old in.

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

- 1. Establish a Positive Ageing Advisory Committee.***
- 2. Adopt the Terms of Reference for the Positive Ageing Advisory Committee (November 2018).***
- 3. Seek nominations for membership of the Positive Ageing Advisory Committee through public advertisement.***
- 4. Receive a further report with recommendations for appointment of community members to the Positive Ageing Advisory Committee.***

**CARRIED.**

---

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

Danny Colgan

**Title:**

General Manager Social &amp; Organisational Development

**Date:**

Thursday, 18 October 2018

***Mr. Robert Young addressed Council as a supporter to item 11.3.4 - Bacchus Marsh Harness Racing Club Lease Agreement- Fee Reduction.***

### **11.3.5 Bacchus Marsh Harness Racing Club Lease Agreement- Fee Reduction**

#### **Introduction**

Author: Ian Waugh  
General Manager: Danny Colgan

The purpose of this report is to provide a recommendation in response to the Bacchus Marsh Harness Racing Club's request for their lease agreement fee for the designated area at the Bacchus Marsh Racecourse & Recreation Reserve to be waived for 2018/19 and reviewed for future years.

#### **Background**

At the Ordinary Meeting of Council on the 7 September 2016, the Council resolved to enter into a lease agreement with the Bacchus Marsh Harness Racing Club (BMHRC) for the lease of an area at the Bacchus Marsh Racecourse and Recreation Reserve (BMRRR). Following this resolution of Council, the Club signed a lease agreement on the 6 April 2017.

The lease provides the club with exclusive management and usage of the buildings and land commonly known as the "Harness Racing Club" as outlined in **Attachment 11.3.5a**, in return for the Club undertaking the majority of maintenance required at the facilities. The initial term of the lease is seven years with two additional seven year options. The original lease fee was \$3,434 GST Inc which increases annually in line with the Consumer Price Index (CPI); the club's current 2018/19 lease fee is \$3,847.74 GST Inc. The lease fee was originally set to remain consistent with the previous licence agreement to continue to contribute toward the management and maintenance of the common areas around the facilities that provide access to their facilities.

Whilst the lease fee was not due to be reviewed until the end of the initial seven year term in April 2024, the BMHRC has submitted a letter to Council contained in **Attachment 11.3.5b** requesting that the Council consider waiving the Club's 2018-19 lease fee and also consider reviewing the Club's annual lease fee to reflect parity with other existing user groups on the BMRRR. The request is also based on the club's planned upgrades to the harness racing track and the funding contributions required from the club. The project is proposed to redevelop the harness racing track to an industry standard 900 metre track with cambered turns and transitions to allow it to reinstate itself as a functioning racing and training centre.

The Club have applied for a grant from the Community Development Fund through Council for the project; if successful the club has outlined that it will need all of its financial resources to match the grant requirements on a dollar for dollar basis and continue to operate for the financial year.

The proposed funding mix for the harness track upgrade project is as follows:

• Bacchus Marsh Harness Racing Club (cash):	\$31,141
• Bacchus Marsh Harness Racing Club (in-kind)	\$68,297
• Victorian Racing Industry Funds	\$199,438
• Moorabool Shire Community Development Fund	\$100,000
• <b>PROJECT TOTAL COST:</b>	<b>\$398,876</b>

Council officers have viewed the club's financial statements as part of the Community Development Fund application process; as such, it is acknowledged that the club is dedicating the majority of its financial resources and demonstrating its commitment to the project. It is proposed that the Council supports the club through this process enabling the club to continue to operate in a sustainable manner if the project is funded to be delivered. The application regarding the Community Development Fund has been assessed with a recommendation to be considered by the Council at the November 2018 Ordinary Meeting of Council.

Below are the current 2018/19 lease fees charged (GST inc) for the other BMRRR user groups:

• Bacchus Marsh Pony Club	\$1,266.76
• Bacchus Marsh Camp Drafting Club	\$652.16
• Bacchus Marsh & Melton Poultry Club	\$273.54
• Footscray & District Poultry Club	\$273.54
• Bacchus Marsh West Golf Club	\$1.00

The above figures outline that there is currently no parity between the lease fees for user groups at the BMRRR, however it does demonstrate that the BMHRC do pay the highest lease fee. The seasonal user groups which will also utilise facilities at the BMRRR include the Bacchus Marsh Soccer Club, Bacchus Marsh Cricket Club and Bacchus Marsh BMX Club which will likely operate under non-exclusive seasonal or annual user agreements. In this case the fee structure will be set as a percentage of ground maintenance and building insurance costs in accordance with the Council's Recreation Reserve Fees & Charges Policy under the Recreation Reserve Management Framework and as such shouldn't be compared to the exclusive lease agreements.

Whilst the club's significant contribution towards the proposed capital works is acknowledged and recognised, it is not recommended that the lease fee be completely waived in 2018/19 given the exclusive management and usage rights which will remain with the Club. It is recommended that, subject to the harness racing track upgrade being funded and confirmed, the lease fee for 2018/19 be reduced to \$2,000 (GST inc) providing a \$1,847.74 (GST inc) saving to the Club to assist in contributing towards the project. Furthermore, it is recommended that this \$2,000 (GST inc) lease fee then increase annually in line with Consumer Price Index through until the end of the initial seven year lease term in April 2024, at which point it then be reviewed. This will provide the club with an approximate net saving of over \$11,000 over this period which will also assist in their operational sustainability once the harness track upgrade is completed.

### **Proposal**

It is proposed that, subject to the harness racing track upgrade being funded and confirmed, Council endorse the reduction of the Bacchus Marsh Harness Racing Club's lease agreement rent amount to \$2,000 GST inc for the 2018-19 financial year, and for this amount to increase annually by CPI until the end of the initial seven year lease period in April 2024. The annual rent fee will then be reviewed at this stage in line with the lease agreement schedule.

## Policy Implications

The 2017– 2021 Council Plan provides as follows:

**Strategic Objective 4** Improving Social Outcomes

**Context 4a** Health & Wellbeing

**Actions** Implement the Reserve Management Framework

The proposed fee reduction for the Bacchus Marsh Harness Racing Club lease agreement is consistent with the 2017-2021 Council Plan.

## Financial Implications

The lease fee reduction for the Bacchus Marsh Harness Racing Club at the Bacchus Marsh Racecourse & Recreation Reserve will result in a reduction of \$1,847.74 (GST inc) in user fee revenue to Council in the 2018-19 financial year. Based on a fixed annual CPI increase of 2.2% through until the end of the initial seven year lease term in April 2024, this will result in a net reduction of approximately \$11,714 in user fee revenue from the Club.

It is proposed that this reduction in revenue to Council is offset by the benefit of the Club directing their funds towards the proposed capital works at the Bacchus Marsh Racecourse & Recreation Reserve harness track and the associated benefits that this will provide the community with greater access and quality of facilities for harness racing in the municipality.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Governance	Ensuring that the lease agreement is adjusted accordingly to ensure it is up to date and continues to reflect the roles and responsibilities of Council and the club at the facility	Low - Medium	Amend the lease agreement with DELWP to reflect the update lease fee
Financial	Ability for the Bacchus Marsh Harness Racing Club to financially contribute to the harness track upgrade project	Medium	Reduction in lease fee to assist the club increase their financial capacity to contribute towards the project as part of the funding model



## Communications and Consultation Strategy

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

Level of Engagement	Stakeholder	Activities	Outcome
Consult	Bacchus Marsh Harness Racing Club	Respond to their formal request regarding their lease fee status	Advise on the outcome of their request and communicate the formal process through DELWP and Council to amend their lease agreement
Consult	Department of Environment, Land, Water & Planning (DELWP)	Request information on the requirements of formally amended a 17D lease agreement to reflect an updated lease fee	Advised of the formal process required to amend a 17D lease agreement for execution with the club and DELWP

## Victorian Charter of Human Rights and Responsibilities Act 2006

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

## Officer's Declaration of Conflict of Interests

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

*General Manager – Danny Colgan*

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

*Author – Ian Waugh*

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

## Conclusion

The Bacchus Marsh Harness Racing Club have a current lease agreement for the designated 'harness club' area of the Bacchus Marsh Racecourse and Recreation Reserve. Whilst the lease fee is not due for review until the end of the initial seven year term in April 2024, the Club has formally requested that Council waive their 2018/19 lease fee and review this fee into the future. Whilst it is acknowledged that this would assist with their financial contribution to the proposed harness track upgrade project, given the current lack of parity between the user groups and the exclusive nature of the lease agreement it is recommended that the lease fee be reduced to \$2,000 (GST inc) for 2018/19 and that this fee amount is increased annually by CPI until the end of the initial seven year term in April 2024. The lease fee will then be reviewed at this point.

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

1. **Endorses the reduction of the lease fee for the Bacchus Marsh Harness Racing Club to \$2,000 (GST inc) for the 2018/19 financial year, increasing annually by CPI until the end of the initial seven year lease term in April 2024, subject to the harness track upgrade project being fully funded and confirmed.**
2. **Authorises Council officers to advise the Bacchus Marsh Harness Racing Club of the lease fee reduction, and engage in the formal process with the Club and the Department of Environment, Land, Water and Planning (DELWP) to amend the lease agreement as required**

***Cr Bingham, proposed the following amendment***

1. ***Endorses the reduction of the lease fee for the Bacchus Marsh Harness Racing Club to \$1,000 (GST inc) for the 2018/19 financial year, increasing annually by CPI until the end of the initial seven year lease term in April 2024, subject to the harness track upgrade project being fully funded and confirmed.***
2. ***Authorises Council officers to advise the Bacchus Marsh Harness Racing Club of the lease fee reduction, and engage in the formal process with the Club and the Department of Environment, Land, Water and Planning (DELWP) to amend the lease agreement as required***

***The Amendment LAPSED due to the want of a seconder.***

***The original Motion was voted upon and was CARRIED.***

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

**Name:** Danny Colgan  
**Title:** General Manager Social & Organisational Development  
**Date:** Thursday, 18 October 2018



***Crs. Bingham and Dudzik left the meeting 8.37pm.***

***Crs. Bingham and Dudzik returned to the meeting at 8.39pm.***

### **11.3.6 First Quarter (July – September) 2018/19 Council Plan Actions Progress Report**

#### **Introduction**

Author: Vanessa O'Toole  
General Manager: Danny Colgan

#### **Background**

The 2017-2021 Council Plan was adopted by Council in July 2017. As part of the development of the framework of the Council Plan, Council determines appropriate actions which will support the framework, delivering agreed outcomes for the communities of Moorabool.

The Council Plan outlines four Strategic Objectives or main themes that guide new initiatives and continuing services, these being:

1. Providing Good Governance and Leadership
2. Minimising Environmental Impact
3. Stimulating Economic Development
4. Improving Social Outcomes

Each Strategic Objective has a set of contexts, or desired outcomes, with sets out strategic actions to be undertaken over the planned four years to achieve the objectives.

All Council Actions, aligned with the Strategic Actions, are linked back to the Council Plan. The Council Plan is reviewed annually.

#### **Discussion**

The 2018/19 Council Plan Actions First Quarter Progress Report contained in **Attachment 11.3.6** shows each of the actions and their progress comments for the 2018/19 Financial Year. Overall there are 70 actions being reported in quarter 1, with 50 actions having reached 90% or greater of their target for the period, and 7 actions having achieved between 60 and 90% of their target. 13 actions remain at less than 60% of their target.

The following table summarises the status of the 2018/19 Council Plan Actions for this quarter:

Strategic Objective	Not Started	In Progress	Deferred	Completed	Total
<b>1. Providing Good Governance and Leadership</b>	1	29	0	1	<b>31</b>
<b>2. Minimising Environmental Impact</b>	1	10	0	2	<b>13</b>
<b>3. Stimulating Economic Development</b>	0	10	1	2	<b>13</b>
<b>4. Improving Social Outcomes</b>		12			<b>12</b>
<b>2017/18 actions carried over from the previous Council Plan</b>		1			<b>1</b>
<b>Totals</b>	<b>3</b>	<b>61</b>	<b>1</b>	<b>5</b>	<b>70</b>

### Proposal

This report is to inform Council and the communities of Moorabool on the progress of Council Plan actions for the 2018/19 financial year.

### Policy Implications

The 2017–2021 Council Plan provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

### 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

Specific projects may have their own communications strategy, nevertheless this report will be displayed on Council's website and the annual progress will be reported in Council's Annual 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 – Vanessa O'Toole*

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

## Conclusion

Council is making good progress in all areas of the Council Plan for this first quarter. Overall, there are 70 actions being reported in quarter 1, with 50 actions having reached 90% or greater of their target for the period, and 7 actions having achieved between 60 and 90% of target. The 13 remaining actions are sitting below 60% of target, as the majority of work to be undertaken on these actions will be performed in subsequent quarters.

### Resolution:

**Crs. Edwards/Bingham**

***That Council receives the First Quarter (July – September) 2018/19 Council Plan Actions Progress Report.***

**CARRIED.**

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## Report Authorisation

Authorised by:

**Name:**

Danny Colgan

**Title:**

General Manager Social and Organisational Development

**Date:**

Thursday, 18 October 2018



### **11.3.7 Greendale Reserves Committee of Management – Draft Egans Reserve Master Plan**

#### **Introduction**

Author: Ian Waugh  
General Manager: Danny Colgan

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

#### **Background**

The preparation of the draft Egans Reserve Master Plan (draft plan) has been developed by the Greendale Reserves Committee of Management (The Committee) and submitted to Council for consideration. Egans Reserve is on Council owned land on the corner of the Ballan-Greendale Road and Bradys Lane in Greendale and is one of the five (5) designated reserves in the Greendale and Dales Creek area, for which the Greendale Reserves Section 86 Committee of Management assumes responsibility. It is the only developed public reserve in the Greendale/Dales Creek area and is in a highly visible and prominent position in the township, however it does not have a current master plan in place.

The draft plan aims to provide a strategic basis to guide future planning and development of the public park over the next five (5) years. The priorities outlined within the master plan have been identified to ensure that the reserve continues to meet the needs of the Greendale community in the future and follows initial community consultation conducted by the Committee to assist in developing the document.

The reserve is utilised as a central meeting place for the community which includes facilities such as:

- Rotunda
- BBQ Facilities
- Children's playground
- Tennis/Netball/Basketball Court
- Football/cricket oval
- Toilet block
- Fitness circuit/walking track

The reserve does not have a user group which regularly uses the facility, however the reserve is utilised by a wide variety of users for passive recreation purposes and for events such as markets, parties, weddings, social club fun days and music festivals.

The local community has contributed significantly to the provision of these public facilities through fundraising, in-kind contributions and grants received from Council and Melbourne Water over time.

Key themes and directions identified within the draft plan include:

#### Improve/replace existing structures and facilities

- Feasibility study into the viability of a community centre/bushfire shelter including consideration of:
  - Public toilet block needing replacing to cater for growing use of the reserve;
  - Secure storage facility;
- Water reticulation system for the oval and garden beds;
- Basketball/tennis court facilities upgrade;
- Cricket pitch completion;
- Additional exercise equipment to complete the exercise circuit;
- Notice board relocation;

#### Vehicle and Pedestrian Management

- Investigation of dedicated formal parking areas around the reserve.

#### Increased passive recreation opportunities

- A new shaded area with an electric BBQ and seating;
- Shading over children's playground area;
- Complete fitness circuit;

Whilst the Committee of Management have conducted community consultation regarding the development of the reserve, this was completed in 2016 and received limited responses. As such, in accordance with Council's Community Engagement Framework, it is recommended that the draft master plan be placed on public exhibition for a period of four (4) weeks to ensure that the community has another opportunity to consider the recommendations to ensure they are current and to provide the opportunity for any new residents to provide feedback.

The feedback from this public exhibition period will then help inform the final master plan which will be refined in partnership with the Committee of Management and presented for Council endorsement.

It is proposed that the Egan's Reserve Master Plan, once endorsed, will then be referred to upcoming Council strategic documents including the Greendale Township Improvement Plan and the Open Space Framework to assist and inform them. This will ensure that the future of the reserve, and any community infrastructure proposed to be developed on it, will be considered in the planning context for the broader catchment area.

#### **Proposal**

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

Following the exhibition period and consideration of feedback, the final master plan will then be presented to Council in February 2019 for endorsement.

The draft Egans Reserve Master Plan is contained in **Attachment 11.3.7**.

## Policy Implications

The 2017– 2021 Council Plan provides as follows:

**Strategic Objective 2** Minimising Environmental Impact

**Context 2a** Built Environment

**Actions** Prepare and revise a rolling cycle of Reserve Master Plans

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

## Financial Implications

The draft master plan has identified a range of priorities for development at the reserve over the next five years. These priorities will require the need for financial investment in infrastructure at the reserve, however it is noted that several priorities identified are relatively low cost items which may be able to be progressively implemented in partnership between the Committee of Management and Council. The proposed improvements have cost estimates provided against each priority item which will be required to be refined prior to delivery. Multiple priorities identified could be addressed as part of the feasibility study into the viability of the proposed community centre/bushfire shelter at the reserve which will align with the upcoming Township Improvement Plan.

A strategic approach towards project funding will be required in partnership with the Greendale Reserve Committee of Management who have driven this planning process on behalf of the community. The priority projects will need to be considered in Council's Strategic Financial Plan, Capital Improvement Program and operational plans as part of discussions with the Committee around their own fundraising initiatives and project delivery methods. This will also allow for external grant funding programs and opportunities to be identified and applications prepared to help plan and deliver projects.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	As the main developed reserve in the township, it needs to be ensured that the site infrastructure is planned to meet the needs of the community to provide access to recreation opportunities	Medium	Council to endorse a master plan for the reserve with priorities outlined that provide strategic direction to meet the communities long term needs for the reserve. Council to assist in investigating the feasibility of the community centre/bushfire shelter as part of the Greendale Township Improvement Plan.
Financial	Funding required to implement any of the infrastructure priorities outlined within the master plan	Medium	Council to partner with the Committee of Management to outline which priority items identified are within the capabilities



			of the CoM to fund and deliver and which items require Council financial resources (Capital Improvement Program or operational budgets) to deliver and/or require planning expertise and support (community centre/bushfire shelter feasibility).
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### Communications and Consultation Strategy

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

Level of Engagement	Stakeholder	Activities	Outcome
Consult	Community members	Committee of Management placed the initial draft master plan out for public comment in 2016	One (1) submission was received
Collaborate	Reserve Committee of Management	Committee of Management provided the initial draft master plan to Council for review and comment	Input has been provided by Council officers on the draft master plan which has since been refined ready for public exhibition
Consult	Council service units	Council staff workshop held to provide feedback to the Committee of Management	Feedback from various service units compiled and provided to the Committee of Management and further work completed to refine the draft master plan

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

- The Have Your Say website, Council's on-line engagement portal;
- Promotion to the community via Council's various communication channels including through the local newspapers, social media, email groups and website;
- Promotion to the community via the Greendale Reserves Committee of Management and their local communication channels including websites, social media and local community networks;

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Ian Waugh*

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

### **Conclusion**

The draft Egans Reserve Master Plan will provide a framework and strategic approach for the future provision, development and usage of the reserve to meet the long term needs of the community. The draft plan has been developed by the Greendale Reserves Committee of Management and is proposed to go on public exhibition for a four week period. The feedback received from the exhibition period will inform the final draft master plan which will go back to Council for adoption.

#### **Resolution:**

**Crs. Bingham/Toohey**

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

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

**CARRIED.**

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### **Report Authorisation**

**Authorised by:**

**Name:** Danny Colgan   
**Title:** General Manager Social & Organisational Development  
**Date:** Thursday, 25 October 2018

### 11.3.8 Community Grants Program Round 2, 2018

Author: Ian Waugh  
General Manager: Danny Colgan

#### Background

The purpose of this report is to present Council with an assessment of applications received for the 2018 Round 2 Community Grants, which total \$270,400 per annum. Round 2 of the Community Grants Program opened on August 1 and closed on September 7 2018 (extended deadline). The submission deadline was extended due to technical issues with the Community Grants submission portal.

At the Ordinary Meeting of Council held on Wednesday 4 October 2017, the Council adopted a revised Community Grants Policy incorporating the Community Development Fund, introducing a Sustainability and Environmental Engagement funding stream, a funding round change from February to March and funding round title changes. This is the second round of community grants under the new adopted policy.

At the Ordinary Meeting of the Council held on Wednesday 6 June 2018, the Council resolved: "That the balances of the Development Works Reserve excluding the Industrial Estate component be transferred to the next round of the Community Grants (Development stream) Fund process". An additional \$113,226 was allocated to the Community Development Fund resulting in a total of \$213,226 for this stream.

The total funding amount for the 2018/2019 Community Grants Program is \$484,431 with the allocation of \$354,028 for Round 2 Community Grants Program as detailed in the table below.

#### Community Grants Funding – 2018/19

Income Stream	2018/19 Annual Allocated Amount	Round 2* Allocation (August)	Explanation for Round 2* (August) Amounts
Community Development Fund	\$100,000	\$100,000	As per policy. Allocated to Round 2
Community Strengthening Grants	\$120,000	\$60,000	As per policy. Total amount split over 2 rounds
Community Arts and Culture Grants	\$20,000	\$10,000	As per policy. Total amount split over 2 rounds
Community Events Grants	\$20,000	\$10,000	As per policy. Total amount split over 2 rounds
Sustainability and Environmental Engagement Grants	\$10,400	\$10,400	As per policy. Allocated to Round 2
Carry over funds from 2017/18	\$100,805	\$50,402	Total amount split over 2 rounds
Reserve Funds	\$113,226	\$113,226	Funds have been added to Community Development Fund, which is allocated to Round 2 as per policy.
<b>Totals</b>	<b>\$484,431</b>	<b>\$354,028</b>	<b>\$191,903 allocated to Round 1* (2019)</b>

\*Grant round number is based on calendar year not financial year

More information regarding the funding streams are detailed in Council's *Community Grants Policy*.

### Policy Assessment Criteria:

- Project Description and why the applicant wants to do the project – 10%
- What will this project achieve? – 20%
- Why is this project needed in your community? – 20%
- Who will be involved in the project? 15%
- How will you carry out your project? (including risk management) – 15%
- Project budget and explanation of how the group arrived at the costs? 20%

Each criterion is assessed out of 10 and weighted according to the criteria percentage. The maximum possible score for any application is 100.

### Number of applications and amount requested

In total, 28 applications were received across the five program categories: Community Strengthening Grants (14), Community Events Grants (6), Arts and Culture Grants (3), Development Fund Grant (4) and Sustainability and Environmental Engagement Grant (1). A total of \$254,852 was requested with \$354,028 available.

Category	Applications Received	Amount Requested	Amount Recommended	Amount Available
Community Strengthening Grant	14	\$36,365	\$23,850	\$60,000
Community Events Grant	6	\$19,000	\$4,000	\$10,000
Community Arts and Culture Grant	3	\$7,600	\$7,600	\$10,000
Community Development Fund Grant	4	\$188,887	\$138,887	\$213,226
Sustainability and Environmental Engagement Grant	1	\$3,000	\$3,000	\$10,400
2017/18 Carry over				\$50,402
<b>Total</b>	<b>28</b>	<b>\$254,852</b>	<b>\$177,337</b>	<b>\$354,028</b>

### Assessment

Assessment of applications was conducted by a panel of council officers and ranked according to the extent to which the application addressed Council's policy assessment criteria. Groups demonstrating a score of 70 or above may be provided with funding if Council so determine.

### Proposal

Based on the assessment process and funding criteria, it is proposed that the Council allocates grants for the *2018 Round 2* of Community Grants as follows

**Community Arts and Culture Grants****Recommended:**

<b>Group Name</b>	<b>Project Description</b>	<b>Community Grant Requested</b>	<b>Policy Score</b>
'WinterKnits' Group	'WinterKnit' will see trader's veranda poles, large established trees and other appropriate items covered in colourful knitting in the Main Street to showcase yarn art in Ballan.	\$3,000	75.94
Gordon Community Fair	To establish an arts showcase for the Gordon Community Fair.	\$3,000	72.75
Bacchus Marsh & Melton District Community Theatre Incorporated	To purchase a portable stage.	\$1,600	70.68
		\$7,600	

## Community Strengthening Grants

### Recommended:

Group Name	Project Description	Community Grant Requested	Policy Score
Moorabool Catchment Landcare Group	To organise a workshop on cultural indigenous heritage, cultural land management and how to protect any sensitive sites.	\$4,300	84.55
Darley Neighbourhood House and Learning Centre	To upgrade facilities and equipment.	\$3,000	82.25
Conservation Volunteers Australia	To provide signage for nature walks.	\$4,800	80.08
Bacchus Marsh Netball Association	To provide equipment and coaching accreditation for a netball squad.	\$1,000	79.43
Ballan Tennis Club	To provide a coaching program for the junior tennis club.	\$3,060	78.25
Elaine Mechanics Institute Committee of Management	To purchase a generator and install external power points.	\$5,000	75.58
Bacchus March Friendship Quilters Inc.	To purchase materials to make patchwork quilts for local charities.	\$950	74.33
Ballan Brumbies Basketball Club	To install three practice backboards at the Ballan Gymnasium.	\$840	74.23
Moorabool Makers (Charity Craft Group)	To make garments and rugs for vulnerable people.	\$900	71.08
<b>Totals</b>		<b>\$23,850</b>	

**Not Recommended:**

Group Name	Project Description	Community Grant Requested	Policy Score
Elaine Cricket Club Inc.	To purchase uniforms for the cricket club.	\$1,000	67.63
Elaine Tennis Club Inc.	To purchase new shirts and skirts for the junior tennis players.	\$978	65.70
Clarendon Recreation Reserve	To purchase new equipment for the hall.	\$4,807	62.20
Ballan Bowling Club	To purchase new uniforms for the bowling club.	\$5,000	61.75
Bacchus Marsh Little Athletics Centre	To purchase a small high jump mat.	\$1,000	59.38

**Community Events Grants****Recommended:**

Group Name	Project Description	Community Grant Requested	Policy Score
Bacchus Marsh Little Athletics Centre	To celebrate the Bacchus Marsh Little Athletics Centre's 50th season.	\$3,000	79.20
Run Ballan	To install permanent signage to create community awareness of our event.	\$1,000	71.03
<b>Totals</b>		\$4,000	

**Not Recommended:**

Group Name	Project Description	Community Grant Requested	Policy Score
Djerriwarrh Health Services	To raise funds for medical equipment.	\$3,000	66.70

**Community Development Fund Grants****Recommended:**

Group Name	Project Description	Community Grant Requested	Policy Score
Bacchus Marsh Harness Racing Club	To redevelop the Harness Racing Track to an industry standard 900 metre track with cambered turns and transitions.	100,000	80.93
Elaine Mechanics Institute Hall	To replace floor and cladding at the Elaine Town Hall.	\$25,000	80.50
Mount Wallace Hall and Reserve	To provide playground fencing and lighting upgrade at Mount Wallace Hall.	\$13,887	75.03
<b>Totals</b>		\$138,887	



**Not Recommended:**

Group Name	Project Description	Community Grant Requested	Policy Score
Australian Working Dog Rescue LTD	To finish upgrading stockyards for dog training.	\$50,000	58.98

**Sustainability and Environmental Engagement Grants****Recommended:**

Group Name	Project Description	Community Grant Requested	Policy Score
Dunnstown Cricket Club	To replace internal fluorescent lighting at the Dunnstown Community Centre with more environmentally friendly LED lighting.	\$3,000	80.98
<b>Totals</b>		<b>\$3,000</b>	

**Ineligible Grant Applications:**

<b>Group Name</b>	<b>Stream</b>	<b>Project Description</b>	<b>Community Grant Requested</b>	<b>Rationale</b>
Monster Mash	Community Events	To provide a Halloween event for youth	\$3,000	Incomplete
BM Aquatic Community Consortium	Community Events	To raise funds for indoor aquatic centre	\$3,000	Incomplete
Webb Events Group & B3 Community	Community Events	To provide a Christmas festival with carols	\$3,000	This event was granted a permit through Economic Development. The event was changed from a festival and carols to a movie night on the village green.

## Policy Implications

The 2017 - 2021 Council Plan provides as follows:

**Strategic objective 4**            **Improving social outcomes**

**Context 4b**                        Community connectedness and capacity

**Actions**                            Community Development and Volunteer Strategies  
*Develop and deliver a community group capacity building and sustainability program*

The proposed allocation of grants under the 2018 Round 2 Community Grants Program is consistent with the 2017-2021 Council Plan.

## Financial Implications

Consistent with the Community Grants Policy and 2018/19 budget allocation, a total of \$354,028 is available for allocation in *Round 2 Community Grants Program*.

The total grant funding being recommended for allocation this round is \$177,337.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk rating	Control/s
Project timelines	Grant recipients exceeding prescribed timelines	Medium	Terms and conditions agreements required to be signed by grant recipients Scheduled monitoring of projects
Financial	Grant recipients appropriate expenditure of Council funds	Medium	Terms and conditions agreements required to be signed by grant recipients Grant acquittal required upon completion of projects

**Community Engagement Strategy:**

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Outcome</b>
Consult	Unsuccessful former applicants	<ul style="list-style-type: none"> <li>• Direct phone calls</li> <li>• Direct emails</li> <li>• Face to face meetings</li> </ul>		MSC provided guidance and advice. Former applicants resubmitted improved grants
Consult	Community Groups	<ul style="list-style-type: none"> <li>• Meetings with applicant groups</li> <li>• Community Grant Writing Workshop</li> <li>• Direct email to Moorabool community/not for profit groups</li> </ul>	Various	MSC provided guidance and advice. Applicants supported to submit applications
	Moorabool residents	<ul style="list-style-type: none"> <li>• Flyers in library books and displayed through the Moorabool libraries</li> </ul>	Various	Broader community reach and awareness of the Community Grants Program. Steer people to the website, which contains all required information to plan for as well as make their application.

Level of Engagement	Stakeholder	Activities	Location	Outcome
		<ul style="list-style-type: none"> <li>• Promotional Flyers displayed on all noticeboards throughout shire</li> </ul>	<ul style="list-style-type: none"> <li>• Darley Early Years Hub</li> <li>• Community Noticeboards:                             <ul style="list-style-type: none"> <li>➢ Mt Egerton</li> <li>➢ Gordon</li> <li>➢ Lal Lal</li> <li>➢ Bungaree</li> <li>➢ Blackwood</li> <li>➢ Yendon</li> <li>➢ Greendale</li> <li>➢ Dunnstown</li> <li>➢ Wallace</li> </ul> </li> <li>• Local Businesses:                             <ul style="list-style-type: none"> <li>➢ Main St BM</li> <li>➢ Darley</li> <li>➢ Supermarkets BM and Ballan</li> </ul> </li> <li>• Darley Neighbourhood House</li> <li>• Ballan &amp; District Community House</li> <li>• BM Leisure Centre</li> <li>• Visitors Centre</li> </ul>	
		<ul style="list-style-type: none"> <li>• Promotional posts on MSC Facebook pages</li> <li>• Promotional and informative posts on MSC website</li> <li>• Community Facebook Page</li> </ul>	<ul style="list-style-type: none"> <li>• Website events page</li> <li>• Website community page</li> <li>• Corporate Facebook page</li> <li>• Leisure Centre Facebook page</li> <li>• Youth Facebook Page</li> </ul>	<p>Broader community reach and awareness of the Community Grants Program.</p> <p>Steer people to the website, which contains all required information to plan for as well as make their application.</p>

Level of Engagement	Stakeholder	Activities	Location	Outcome
		<ul style="list-style-type: none"> <li>• Promotional articles published in the following MSC publications</li> </ul>	<ul style="list-style-type: none"> <li>• Moorabool Matters</li> <li>• Moorabool News - What's on Section</li> <li>• AACA Newsletter</li> <li>• Library Newsletter</li> <li>• Enews - Economic Development</li> <li>• Internal Newsletters</li> </ul>	<p>Broader community reach and awareness of the Community Grants Program. Steer people to the website, which contains all required information to plan for as well as make their application.</p>
	Rural/ Isolated Moorabool residents	Promotional visits to isolated and rural areas, accompanying the Moorabool Shire Library Van to library van stops	<ul style="list-style-type: none"> <li>• Gordon</li> <li>• Elaine</li> <li>• Ballan</li> <li>• Bungaree</li> <li>• Mount Egerton</li> <li>• Dunnstown</li> <li>• Lal Lal</li> <li>• Blackwood</li> </ul>	<p>Broader community reach and awareness of the Community Grants Program. Steer people to the website, which contains all required information to plan for as well as make their application.</p>

By engaging the community through various channels there has been a considerable increase in activity on the Community Grants Program website page. In comparison to Round 2 Community Grants Program 2017, page views for Round 2 Community Grants Program 2018 has increased by 41.05% while individual users accessing the Community Grants Program website page has increased by 32.68%.

### **Communications and Consultation Strategy**

Applicants for the *2018 Round 2* of Community Grants program have been advised that they will be notified of the outcomes of their grant applications in November 2018.

Community Development and Recreation Officers will formally notify groups of the outcome of their applications and provide opportunity for feedback to unsuccessful applicant groups.

Feedback will include:

- Advice to applicant groups of the relative strengths and areas for improvement in their application.
- Options for alternative funding (if applicable).
- Supporting a group to amend and re-lodge their application in the next appropriate round of the Community Grants program.

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Ian Waugh*

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

### **Conclusion**

Applications received under the *2018 Round 2* of Community Grants are reflective of the diverse range of activities that community groups are engaged in and the areas in need of financial support from Council. In total, 28 applications were received across the five program categories: Community Strengthening Grants (14), Community Events Grants (6), Arts and Culture Grants (3), Development Fund Grant (4) and Sustainability and Environmental Engagement Grant (1).

**Recommendation:**

1. That Council allocates the following grants in the Community Arts and Culture Grant category:

Organisation Name	Project name	Amount
'WinterKnits' Group	Festival of WinterKnits	\$3,000
Gordon Community Fair	Arts Showcase	\$3,000
Bacchus Marsh & Melton District Community Theatre Incorporated	Moonlite Theatre	\$1,600
	<b>Total</b>	<b>\$7,600</b>

2. That Council allocates the following grants in the Community Strengthening Grant category:

Organisation Name	Project name	Amount
Moorabool Catchment Landcare Group	Cultural Indigenous Heritage Workshop and Educational awareness activities	\$4,300
Darley Neighbourhood House and Learning Centre	Attractive Versatile Learning Spaces at DNH	\$3,000
Conservation Volunteers Australia	James Whyte Island Reserve Walking Track	\$4,800
Bacchus Marsh Netball Association	Junior Development Program	\$1,000
Ballan Tennis Club	Junior Coaching Program	\$3,060
Elaine Mechanics Institute Committee of Management	Community Engagement	\$5,000
Bacchus March Friendship Quilters Inc.	Charity Quilts	\$950
Ballan Brumbies Basketball Club	Practice backboards	\$840
	<b>Total</b>	<b>\$23,850</b>

3. That Council allocates the following grants in the Community Events Grant category:

Organisation Name	Project name	Amount
Bacchus Marsh Little Athletics Centre	50th Celebrations	\$3,000
Run Ballan	Run Ballan Signage	\$1,000
	<b>Total</b>	<b>\$4,000</b>



**4. That Council allocates the following grants in the Community Development Fund Grant category:**

Organisation Name	Project name	Amount
Bacchus Marsh Harness Racing Club	Harness Racing Track Redevelopment	100,000
Elaine Mechanics Institute Hall	Floorboard and external cladding	\$25,000
Mount Wallace Hall and Reserve	Power and Fencing Project	\$13,887
	<b>Total</b>	<b>\$138,887</b>

**5. That Council allocates the following grants in the Sustainability and Environmental Engagement Grant category:**

Organisation Name	Project name	Amount
Dunnstown Cricket Club	Hall lights	\$3,000.00
	<b>Total</b>	<b>\$3,000.00</b>

- 6. That all applicants be notified in writing of the outcome of their application.**
- 7. That Council Staff provide feedback to unsuccessful groups and provide suggestions for alternative funding (if applicable) or how the group may choose to improve and re-develop their application for submission to the next appropriate round of the Community Grants program.**

**Resolution:** An amendment was made to this resolution - see December 2018 Ordinary Meeting of Council minutes for amendment.

**Crs. Edwards/Bingham**

***That Item 11.3.8 - Community Grants Program Round 2, 2018 be deferred for further consideration by Councillors.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Danny Colgan  
**Title:** General Manager Social & Organisational Development  
**Date:** Tuesday, 30 October 2018

### **11.3.9 Instrument of Appointment and Authorisation of Council Officers under Section 147(4) of the Planning and Environment Act 1987**

#### **Introduction**

Author: Renee Hodgson  
General Manager: Danny Colgan

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

#### **Background**

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

#### **Proposal**

In order to comply with the *Planning and Environment Act 1987* and the *Local Government Act 1989*, an Instrument of Appointment and Authorisation is now presented to the Council, as **Attachment 11.3.9**, requesting that the officers named in that Instrument be hereby appointed for the purposes of section 147(4) of the *Planning and Environment Act 1987* and the regulations made under that Act and section 232 of the *Local Government Act 1989* for the purpose generally to institute proceedings for offences against the Acts and regulations described in the instrument.

The change to this Instrument reflects the following changes to staff assignments within the Planning and Environmental Health service units:

Departure of Andrew Goodsell	Manager Strategic Planning and Development
Departure of Geoff Alexander	Strategic Planner
Commencement of Simon Glenister	Contract Statutory Planning Enforcement Officer/ Community Safety Officer

#### **Policy Implications**

The Council Plan 2017 – 2021 provides as follows:

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

**Context 1C:** Our business and systems

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

#### **Financial Implications**

No financial implications to Council.

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

No Risk and Occupational Health and Safety issues apply to Council unless the relevant Council officers do not receive the appropriate 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 – Renee Hodgson*

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/Edwards**

***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, 26 October 2018

## 11.4 INFRASTRUCTURE

### 11.4.1 Capital Improvement Program Quarterly Report – September 2018

#### Introduction

Author: Ewen Nevett  
General Manager: Phil Jeffrey

#### Background

The delivery of the Capital Improvement Program (CIP) is an important function of Council's operations and represents a significant portion of Council's overall expenditure. Accordingly, the status of the overall program is reported to Council every quarter.

#### Proposal

This quarterly report provides Council with an overview of the progress of Council's 2018/2019 Capital Improvement Program to 30 September 2018.

#### Implementation of the 2018/2019 Capital Improvement Program

The 2018/2019 Capital Improvement Program currently consists of 45 projects, of which only 1 is inactive and cannot commence. Therefore the table below reports on the 44 active projects in terms of percentage. This number will be adjusted throughout the year as other projects become active.

This list incorporates projects from various sources including but not limited to the following:

- Projects carried forward from 2017/2018 program
- 2018/2019 Council budgeted projects
- Grant funded projects

Also for simplicity sake the reseal, final seal, gravel road resheet and shoulder resheet programs have been listed as 4 projects in total rather than listing each individual road under each respective program.

The Engineering Services Unit nominates 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status. The table below summarises the overall program status as at 30 September 2018:

CIP Program Delivery Stage	Actual as of 30 September 2018	
	No. of Projects	%
Not Commenced (inactive/on hold)	1	-
Not Commenced	0	0.0
Documentation/Design Preparation	14	31.8
Tender/Quote Stage	6	13.6
Project Awarded – Waiting Commencement	10	22.7
In Progress/Under Construction	13	29.5
Complete	1	2.3
<b>TOTAL</b>	<b>44</b>	<b>100.00</b>

The attached report details the proposed timeframe and progress of each individual project. In addition the report also provides specific comments in relation to each project and its status.

### Program Status

At this stage of the financial year the program is generally tracking well. Although only one project is complete, there are several projects awarded and waiting for commencement along with a number of projects under construction and almost complete.

### Project Inactive or On-Hold

#### *Public Transport Victoria (PTV) – Bus Shelter Program*

Following the successful upgrade of 12 bus stop throughout Bacchus Marsh through the 2017/18 Capital Improvement Program, PTV have given Council the opportunity to apply for further funding to continue the program. Council officers have identified further high priority sites across Bacchus Marsh and are now awaiting PTV approval.

### Reallocation of funds

#### *Station Street, Maddingley & Duncan Street, Ballan – Asphalt Overlay*

The 2018/19 Capital Improvement Program includes \$90,000 for asphalt overlay works in Station Street, Maddingley. These works were designed to complement the road upgrade works completed in early 2018.

The Bacchus Marsh Station upgrade project being delivered by Melbourne Metro Rail Authority (MMRA), recently provided detailed design drawings to Council outlining the extent of proposed works. It's apparent that the works will conflict with Council's proposed Asphalt Overlay works due to the reconfiguration of the car park fronting the station. MMRA current construction program has their works commencing in November 2018 with an anticipated completion date in August 2019.

Council has recently concluded kerb and channel replacement and associated road works in Duncan Street, Ballan. The project has been constructed to incorporate an asphalt overlay to finalise the works. Council generally construct similar projects and budget for an asphalt overlay the following year. As this project has been constructed early within the 2018/19 program, it is proposed to re-allocate the \$90,000 from Station Street and bring forward the asphalt overlay for Duncan Street. This will then finalise this segment of Duncan Street with the asphalt overlay in Station Street be budgeted for in the 2019/20 Capital Improvement Program following completion of the Bacchus Marsh Station upgrade.

### **Policy Implications**

The Council Plan 2017 – 2021 provides as follows:

<b>Strategic Objective</b>	Providing Good Governance and Leadership
<b>Context</b>	Our Assets and Infrastructure
<b>Action</b>	Deliver Annual Capital Improvement Programs

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

### **Financial Implications**

Reporting of the Capital Improvement Program has been resourced as part of Council's budget; accordingly there are no additional financial implications. At this point in time, the program is within budget parameters.

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

There are no irregular Risk and Occupational Health and Safety issues identified in this report. Specific risk elements are analysed and dealt with as part of the delivery of each individual project.

### **Communications Strategy**

Progress on the Capital Improvement Program will be reported in the following formats:

- Infrastructure update on active projects      Weekly
- Update on major projects                      Monthly
- Moorabool Matters                                Quarterly
- Moorabool News                                  As required
- Report to Council                                  Quarterly

Specific projects are communicated to the community and affected residents as required through a range of methods including but not limited to advertisements, mail outs and letter drops.

### **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 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

This report provides a summary of the progress of the Capital Improvement Program for the first quarter of the 2018/2019 period for the information of Councillors.

### Resolution:

**Crs. Sullivan/Edwards**

***That Council:***

- 1. Receives the Capital Improvement Program quarterly report to 30 September 2018.***
- 2. Reallocates \$90,000 from the Station Street asphalt project to Duncan Street kerb project for an asphalt overlay.***

**CARRIED.**

---

## Report Authorisation

Authorised by:

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Thursday, 18 October 2018

## 11.4.2 Quarterly Financial Report September 2018

### Introduction

File No.: 07/01/004  
Author: Steve Ivelja  
General Manager: Phil Jeffrey

This Quarterly Report covers the period of 1 July 2018 to 30 September 2018. The report outlines the year to date financial position of Council and forecast projections for the full year results.

The forecast result at the end of the financial year is an increase in the surplus by \$1.692m. Please refer to the attached report for a detailed review of the financials.

### Background

Under section 138 – Quarterly Statements, of the *Local Government Act (1989)*, Council is to receive a quarterly report on progress against the adopted budget.

### Proposal

That Council receives the Quarterly Report – September 2018.

### Policy Implications

The adoption of the Quarterly Report – September 2018 meets Council's statutory obligations under section 138 – Quarterly Statements of the *Local Government Act (1989)*.

The 2017-2021 Council Plan provides as follows:

<b>Strategic Objective</b>	Providing Good Governance and Leadership
<b>Context</b>	Our Business and Systems
<b>Action</b>	Financial Sustainability

The proposal to adopt the Quarterly Report – September 2018 is consistent with the Council Plan 2017-2021.

### Amended Budget

Generally, at the end of the financial year it is not uncommon for projects (both Capital projects and Operating projects) to be incomplete. This can happen for a number of reasons, such as delays in construction due to weather or other events, deferral of projects due to operational matters, late receipt of government funding for one off projects, lack of internal resources to complete one off new initiatives due to staff turnover etc.

Throughout this report Council will be reporting on the Amended Budget rather than the Adopted Budget. The Amended Budget contains carry forwards from the 2017/18 financial year. These include grant funded one off projects, Council approved New Initiatives from prior years that are not yet complete, and incomplete/deferred capital projects. The following schedule provides an overview at a high level of the items that have been added to the Adopted Budget to arrive at the Amended Budget.



**Impact on Cash on hand**

Based on the aggregate of both the Operating Budget and Capital Budget carry forward, plus other adjustments, a sum of \$3.147m in cash will be required to fully fund the requirements of the Amended Budget. These are made up of the following:

Net Operating Budget Carry Forwards	\$1.314m
Net Actual CIP Carry Forwards	\$4.365m
Less Net Estimated CIP Carry Forwards	<u>(\$2.532m)</u>
<b>Total cash required</b>	<b>\$3.147m</b>

As at the 30 June 2018, Council held \$16.578m in cash and cash equivalents. Cash holdings were high in part due to the impact of these uncompleted projects.

**Operating Budget**

The net effect on the Operating Budget is a favourable variance of \$1.572m.

Net Operating Surplus in the Adopted 2018/19 Budget	\$11.902m
Net New Initiatives / Grant Funded Projects	(\$1.314m)
Less Estimated Capital Grants (Budget Doc)	(\$0.895m)
Add Actual Carry Forward Capital Grants	<u>\$0.637m</u>
<b>Amended Operating Budget Surplus</b>	<b>\$10.330m</b>

**Capital Budget**

The effect on the capital budget is an increase in expenditure of \$1.575m.

2018/19 Adopted Budget for Capital Expenditure	\$19.051m
Less Estimated Carry Forward Capital Projects	(\$3.427m)
Add Actual Carry Forward Capital Projects	<u>\$5.002m</u>
<b>Amended Capital Budget</b>	<b>\$20.626m</b>

The attached Quarterly Financial Report, **Attachment 11.4.2**, provides an explanation of the Income Statement, Balance Sheet, Cash Flow Statement and Capital Works Statement with the year-to-date actuals compared to the year-to-date amended budget, and the amended annual budgets compared to the annual forecasts.

## **Income Statement**

The main changes within the Income Statement are as follows:

- Increase in “Grants - Operating” (\$0.495m) which relates to new or additional funding received since the adoption of the budget. The largest being Parwan Precinct Structure Plan (\$0.233m).
- Favourable in “Grants – Capital” (\$1.694m) due to new funding received since the adoption of the budget. The more significant projects include; Woolpack Road, Maddingley (\$0.718m) and Maddingley Park Tennis Club (\$0.255m).
- Favourable in “Other Income” (\$1.143m) primarily due to the Blackwood Localised Septic Program. This amount represent the total value of expenditure claims that Council is expected to lodge in the 2018/19 financial year.
- Increase in “Materials and Services” (\$1.911m). The bulk of the expected overspend relates to costs associated with the Blackwood Localised Septic Program and new grants received.

The net effect of these changes and other minor variances causes the total surplus for the year to increase by \$1.692m to \$12.022m.

## **Cash**

The forecast cash balance at 30 June 2019 has decreased slightly by \$0.002m to \$18.106m in comparison to the amended budget.

## **Capital Improvement Program (CIP)**

The total cash expenditure forecast for the CIP at this stage has increased by \$1.694m to \$22.320m. This is due to new funding received since the adoption of the budget.

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

There are no identified risks associated with this process.

## **Communications Strategy**

To Council, through the Ordinary Meeting of Council on 7 November 2018, and to the Audit and Risk Committee meeting on 14 November 2018.

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

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

## Officer's Declaration of Conflict of Interests

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

*General Manager – Phil Jeffrey*

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

*Author – Steve Ivelja*

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

## Conclusion

The Quarterly Report – September 2018 has been prepared in accordance with Section 138 – Quarterly Statements of the *Local Government Act (1989)* for review and receiving by Council.

### Resolution:

**Crs. Bingham/Dudzik**

### *That Council:*


- 1. *Receives the Quarterly Financial Report – September 2018.***
- 2. *Notes the carried forward amounts into the 2018/19 year for the purpose of budget reporting as the Amended Budget.***

**CARRIED.**

---

## Report Authorisation

### Authorised by:

**Name:** Phil Jeffrey   
**Title:** General Manager Infrastructure  
**Date:** Thursday, 18 October 2018

## 12. OTHER REPORTS

### 12.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

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

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

- Assembly of Councillors – Wednesday 03 October 2018 – Draft Local Laws

**Resolution:**

**Crs. Bingham/Edwards**

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

- ***Assembly of Councillors – Wednesday 03 October 2018 – Draft Local Laws***

**CARRIED.**

## 12.2 Section 86 – Delegated Committees of Council – Reports

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

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

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

Committee	Meeting Date	Council Representative
S86 Moorabool Growth Management Committee Meeting <a href="https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2018">https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2018</a>	Wednesday 12 September, 2018	Cr. Tatchell Cr. Keogh Cr. Bingham Cr. Sullivan Cr. Dudzik
S86 Development Assessment Committee Meeting <a href="https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2018">https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2018</a>	Wednesday 19 September, 2018	Cr. Tatchell Cr. Keogh Cr. Bingham Cr. Dudzik
S86 Development Assessment Committee Meeting <a href="https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2018">https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2018</a>	Wednesday 17 October 2018	Cr. Tatchell Cr. Keogh Cr. Bingham Cr. Edwards Cr. Dudzik
S86 Moorabool Growth Management Committee Meeting <a href="https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2018">https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2018</a>	Wednesday 24 October 2018	Cr. Tatchell Cr. Keogh Cr. Bingham Cr. Sullivan
Bacchus Marsh Hall Committee of Management – Annual General Meeting	Thursday 13 September, 2018	Cr. Bingham
Bacchus Marsh Hall Committee of Management	Thursday 9 August, 2018	
Elaine Recreation Reserve Biennial General Meeting	Sunday 23 September, 2018	Cr. Sullivan
Gordon Public Hall Committee of Management Inc	Wednesday 6 June, 2018	
Greendale Recreation Reserves Committee of Management – Annual General Meeting	Thursday 20 September, 2018	

Greendale Recreation Reserves Committee of Management	Thursday 20 September, 2018	
Lal Lal Soldiers' Memorial Hall Committee of Management	Tuesday 2 October, 2018	
Maddingley Park Committee of Management	Tuesday 31 July, 2018	
Navigators Community Centre – Annual General Meeting	Thursday 30 August, 2018	Cr Sullivan
Wallace Recreation Reserve Committee of Management Annual General Meeting	Sunday 23 September, 2018	Cr. Sullivan

**Resolution:**

**Crs. Edwards/Bingham**

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

- ***S86 Moorabool Growth Management Committee Meeting, Wednesday 12 September 2018***
- ***S86 Development Assessment Committee Meeting, Wednesday 19 September S86 Development Assessment Committee Meeting, Wednesday 17 October***
- ***S86 Moorabool Growth Management Committee Meeting, Wednesday 24 October 2018***
- ***Bacchus Marsh Hall Committee of Management – Annual General Meeting, Thursday 13 September, 2018***
- ***Bacchus Marsh Hall Committee of Management, Thursday 9 August, 2018***
- ***Elaine Recreation Reserve Biennial General Meeting, Sunday 23 September, 2018***
- ***Gordon Public Hall Committee of Management Inc, Wednesday 6 June, 2018***
- ***Greendale Recreation Reserves Committee of Management – Annual General Meeting, Thursday 20 September, 2018***
- ***Greendale Recreation Reserves Committee of Management, Thursday 20 September, 2018***
- ***Lal Lal Soldiers' Memorial Hall Committee of Management, Tuesday 2 October, 2018***
- ***Maddingley Park Committee of Management, Tuesday 31 July, 2018***
- ***Navigators Community Centre – Annual General Meeting, Thursday 30 August, 2018***
- ***Wallace Recreation Reserve Committee of Management Annual General Meeting, Sunday 23 September, 2018***

**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.

***Nil.***

**13. NOTICES OF MOTION**

***Cr. Sullivan declared an indirect interest by close association (section 78) in relation to Item 13.1 - Cr. Bingham: N.O.M. No. 274 – Telecommunication Tower PA2018, due to the matter relating to a development close to where he lives.***

***Cr. Sullivan adjourned from the Meeting at 8.50pm and did not participate in voting on the Item.***

**13.1 Cr. Bingham: N.O.M. No. 274 – Telecommunication Tower PA2018****Recommendation:**

**That Council:**

- 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.**

**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.**



***Cr. Sullivan returned to the meeting at 9.03pm.***

#### **14. MAYOR'S REPORT**

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

<b>Cr Paul Tatchell – Mayor's Report</b>	
<b><i>Date: 7 November, 2018</i></b>	
<b><i>10 October</i></b>	<b><i>• Funding Announcement – Ballan Recreation Reserve</i></b>
<b><i>11 October</i></b>	<b><i>• Central Highland Councils Victoria Meeting</i></b>
<b><i>17 October</i></b>	<b><i>• S86 Development Assessment Committee Meeting</i></b>
<b><i>18 October</i></b>	<b><i>• Funding Announcement – Bacchus Marsh Racecourse Recreation Reserve</i></b>
<b><i>24 October</i></b>	<b><i>• S86 Moorabool Growth Management Committee Meeting</i></b>
<b><i>25 October</i></b>	<b><i>• Funding Announcement – Gordon Recreation Reserve Netball Facilities Upgrade</i></b>
<b><i>4 November</i></b>	<b><i>• Opening of Armistice Day Event, Ballan R&amp;SL</i></b>
<b><i>7 November</i></b>	<b><i>• Assembly of Councillors – MMS Planning Scheme Review</i></b> <b><i>• Ordinary Meeting of Council</i></b>

**Resolution:**

**Crs. Toohey/Edwards**

***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:*

<b>Cr. Keogh</b>	
<b>October/November 2018</b>	
<b>10 October</b>	<b>Funding Announcement – Ballan Recreation Reserve</b>
<b>18 October</b>	<b>Funding Announcement Bacchus Marsh Racecourse Reserve</b>
<b>26 October</b>	<b>Western Highway Action Committee Meeting</b>
<b>27 October</b>	<b>Bacchus Marsh Arts Council AGM</b>
<b>28 October</b>	<b>Inaugural Ballan Film Society Committee Meeting</b>
<b>01 November</b>	<b>MAV Media Training Workshop</b>
<b>04 November</b>	<b>Induction Service for Rev. David Withers</b>

<b>Cr. Toohey</b>	
<b>October/November 2018</b>	
<b>18 October</b>	<b>MAV Dinner – Congratulations to Mayor Tatchell</b>

<b>Cr. Sullivan</b>	
<b>October/November 2018</b>	
<b>17 October</b>	<b>Millbrook Community Centre AGM</b>
<b>18 October</b>	<b>Chairperson: Elaine Recreation Reserve AGM</b>
<b>04 November</b>	<b>Chairperson: Morrison Recreation Reserve AGM</b>

**Resolution:**

**Crs. Toohey/Bingham**

***That the Councillors' reports be received.***

**CARRIED.**

**ADMIT ITEM OF BUSINESS**

**Crs. Sullivan/Toohey**

***That a report be received of plans to scale of land uses at Bacchus Marsh Racecourse Reserve.***

**CARRIED.**

**16. URGENT BUSINESS**

*Nil.*

**ADJOURNMENT OF MEETING – 9.10pm**

**Crs. Bingham/ Toohey**

*That the meeting now stand adjourned for a period of 5 minutes.*

**CARRIED.**

**RESUMPTION OF MEETING – 9.18pm**

**Crs. Edwards/ Toohey**

*That the meeting now be resumed.*

**CARRIED.**

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

- 17.1 Confidential Report**
- 17.2 Confidential Report**
- 17.3 Confidential Report**
- 17.4 Confidential Report**

**Resolution:****Crs. Dudzik/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, 17.2, 17.3 & 17.4 are  
confidential items  
and therefore not included  
as part of these Minutes.

**MOTION IN OPEN SESSION:**

***Council resolved to release the Resolution from Confidential Item 17.4 to the public section of the agenda as follows:***

**Resolution:**

**Crs. Edwards/Dudzik**

***That Council:***

- 1. Approve in principle the Deed of Understanding between Bacchus Marsh Aerodrome Management Inc. (BMAM) and Moorabool Shire Council which pertains to:
  - a. BMAM holding a lease for the Bacchus Marsh Aerodrome; and***
  - b. Improved operation, management and condition of the Aerodrome and attract investment to the Aerodrome for the benefit of the community.******
- 2. Delegate to Council's General Manager Growth and Development the finalisation of the Deed of Understanding generally in accordance with the terms as set out in this report.***
- 3. Delegate to Council's Chief Executive Officer the execution of a head lease for the Bacchus Marsh Aerodrome generally in accordance with the terms set out in the existing head lease.***
- 4. Approve the resolution to be released in the public section of the Minutes.***

***Cr. Toohey called for a Division.***

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

***Cr. Dudzik  
Cr. Edwards  
Cr. Bingham  
Cr. Tatchell***

***Councillors voting against the resolution;***

***Cr. Toohey  
Cr. Sullivan  
Cr. Keogh***

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

**18. MEETING CLOSURE**

*The meeting closed at 9.45pm.*

*Confirmed.....Mayor.*