

ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council held at the
the James Young Room, Lerderderg Library, 215 Main Street, Bacchus Marsh on
Wednesday 7 December 2016,
at 5:00 p.m.

Members:

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

Officers:

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

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

The Mayor, Cr. Edwards, opened the meeting at 5.00pm with the Council Prayer.

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. PRESENT

<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. John Keogh</i>	<i>East Moorabool Ward</i>
<i>Cr. Paul Tatchell</i>	<i>Central Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>
<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>

Officers:

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Social and Organisational Development</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Robert Fillisch</i>	<i>Manager Statutory Planning and Community Safety</i>
<i>Ms. Sam Romaszko</i>	<i>Manager Engineering Services</i>
<i>Mr. John Miller</i>	<i>Manager Asset Management</i>
<i>Mr. Andrew Goodsell</i>	<i>Manager Strategic and Sustainable Development</i>
<i>Mr. John Whitfield</i>	<i>Governance Coordinator</i>
<i>Mr. Indy Ghosh</i>	<i>Coordinator Assets Management</i>
<i>Ms. Melissa Hollitt</i>	<i>Minute Taker</i>

4. APOLOGIES

<i>Cr. Jarrod Bingham</i>	<i>East Moorabool Ward</i>
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5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council – Wednesday 16 November 2016

Resolution:

Crs. Toohey/Sullivan

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 16 November 2016.

CARRIED.

6. 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.

6.1 Disclosure of an Indirect Conflict of Interest

Cr. Sullivan declared an Indirect Conflict of Interest (Section 78A) in relation to Item 10.2.2 Planning Permit PA2014-010 – 151-155 Main Street, Bacchus Mars – Five lot subdivision, creation of a carriageway easement and reduction in car parking (10 spaces). The nature of the conflict of interest is due to Cr. Sullivan being engaged as a surveyor assisting the applicant obtain a permit.

6.2 Disclosure of an Indirect Conflict of Interest

Cr. Sullivan declared an Indirect Conflict of Interest (Section 78E) in relation to Item 10.2.5 West Moorabool Heritage Study. The nature of the conflict of interest is due to Cr Sullivan's residence being included in the Heritage Study area.

6.3 Disclosure of an Indirect Conflict of Interest

Cr. Edwards declared an Indirect Conflict of Interest (Section 78B) in relation to Confidential Item 16.1.

6.4 Disclosure of an Indirect Conflict of Interest

Cr. Dudzik declared an Indirect Conflict of Interest (Section 78B) in relation to relation to Confidential Item 16.1.

7. 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.

The Mayor responded to a request by a member of the press to record the Council meeting and advised that permission for this meeting was denied and further that a formal report on the matter was being prepared for the next meeting of Council.

8. PETITIONS

Nil.

9. 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
10.4.3	<i>Petition; Request for Traffic Calming Devices – Manning Boulevard, Darley</i>	Barry Whelan	Supporter of the petition

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
10.2.1	<i>Planning Permit PA2015-139 – Staged 17 Lot Subdivision on Lot 1 on PS 308919Y, Kennedy Place, Maddingley</i>	Graham Dickson <i>(Did not address Council)</i>	Applicant
10.2.3	<i>Planning Permit Application PA2016-134; Development of a Telecommunications Facility (NBN Fixed Wireless Tower) and Native Vegetation Removal at Crown Allotment 2003, Parish of Blackwood, Kangaroo Road, Greendale 3341</i>	Laura Hamer	Applicant
10.2.3	<i>Planning Permit Application PA2016-134; Development of a Telecommunications Facility (NBN Fixed Wireless Tower) and Native Vegetation Removal at Crown Allotment 2003, Parish of Blackwood, Kangaroo Road, Greendale 3341</i>	Matt Evans	Applicant
10.2.3	<i>Planning Permit Application PA2016-134; Development of a Telecommunications Facility (NBN Fixed Wireless Tower) and Native Vegetation Removal at Crown Allotment 2003, Parish of Blackwood, Kangaroo Road, Greendale 3341</i>	Matthew Ayres	Objector

Item No	Description	Name	Applicant/ Objector
10.2.3	<i>Planning Permit Application PA2016-134; Development of a Telecommunications Facility (NBN Fixed Wireless Tower) and Native Vegetation Removal at Crown Allotment 2003, Parish of Blackwood, Kangaroo Road, Greendale 3341</i>	David Boylan	Objector
10.2.4	<i>Planning Permit Application PA2016-135; Development of a Telecommunications Facility (NBN Fixed Wireless Tower) and Native Vegetation Removal at Crown Allotment 27, Parish of Blackwood, Struck Oil Track, Greendale VIC 3341</i>	Laura Hamer	Applicant
10.2.4	<i>Planning Permit Application PA2016-135; Development of a Telecommunications Facility (NBN Fixed Wireless Tower) and Native Vegetation Removal at Crown Allotment 27, Parish of Blackwood, Struck Oil Track, Greendale VIC 3341</i>	Matt Evans	Applicant

10. OFFICER'S REPORTS

10.1 CHIEF EXECUTIVE OFFICER

No reports for this meeting.

10.2 GROWTH AND DEVELOPMENT**10.2.1 Planning Permit PA2015-139 – Staged 17 Lot Subdivision on Lot 1 on PS 308919Y, Kennedy Place, Maddingley VIC 3340.**

Application Summary:	
Permit No:	PA2015-139
Lodgement Date:	26 June 2015
Planning Officer:	Victoria Mack
Address of the land:	Kennedy Place Maddingley
Proposal:	Staged 17 Lot Subdivision
Lot size:	2.96 hectares
Why is a permit required	Staged subdivision in the Industrial 2 Zone.
Public Consultation:	
Was the application advertised?	Yes
Notices on site:	No
Notice in Moorabool Newspaper:	No
Number of Objections:	7
Consultation meeting:	Yes
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.

Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	
Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Rob Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Victoria Mack</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
Application Referred?	Infrastructure Department
Any issues raised in referral response?	No
Preliminary Concerns?	The Planning Department raised concerns with Infrastructure and the applicant about the ability of the lots, particularly the smaller lots, to contain sufficient car parking and loading and unloading facilities on each site when individual applications were later received to develop and use the lots. Proximity of some lots to the residential zone.
Any discussions with applicant regarding concerns	A 7m wide landscape buffer was added to the south boundary of the site butting the rear side of lots fronting Delahey Close. There were similar concerns with lots abutting the south-west corner of the site which front McLennan Avenue. A landscaped walkway is included on the site plan to link the internal roadway on the site to a 5m wide existing walkway to McLellan Avenue. Local Policy at Clause 22.05 of the Moorabool Planning Scheme, in relation to <i>Presentation of Industrial areas</i> requires that land within 7.5 metres of a residential zone must be landscaped to the satisfaction of the responsible authority in such a manner as to screen activities on the site. This

	requirement would apply to Lots 16 and 17 of the proposed subdivision.
Any changes made to the application since being lodged?	Yes, the plan of subdivision was amended to show inset car parking bays to be located within the proposed road reserve at 4 locations, and shared loading and unloading bays to be located at the front of Stage 2 lots.
VCAT history?	Nil
Previous applications for the site?	Nil
General summary	
<p>The proximity of the land to a residential zone has caused concern for the owners of residential lots on the south and south-west boundary of the site.</p> <p>The application has been amended during the assessment process to provide for landscape buffers to be planted between the industrial area and the residential areas.</p> <p>Objectors to the application expressed concern that future industrial activities will occur on the land in close proximity to residential areas. They were concerned that the future use of the lots created is unknown and poses a risk to residents.</p> <p>The plan of subdivision was also modified during assessment to include four (4) general use car parking areas in the road reserve which will assist future lot owners with use and development applications.</p> <p>Similarly shared loading and unloading bays have been included on the plan secured by carriageway easements to facilitate improved load and unloading areas on the smaller lots.</p> <p>The subdivision provides for a range of lot sizes including smaller industrial lots that are in demand for small service industries.</p> <p>It is important to note that each lot to be developed will require an additional permit for use and development. Each application will be assessed on its merits against planning policies at the time.</p> <p>It is considered that the application should be supported.</p>	
Summary Recommendation:	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to grant permit PA2015139 for a Staged seventeen (17) lot subdivision at Kennedy Place Maddingley 3340, otherwise known as Lot 1 on PA308919Y subject to conditions.</p>	

Background

The subject land is vacant land. The land has been zoned Industrial 2 Zone since the new format Planning Schemes were adopted.

Public Notice

The application was not exempt from notice as the land is within 30m of a residential zone. Therefore the application was notified to adjoining and surrounding landowners and seven (7) objections were received.

Summary of Objections

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

Objection	Any relevant requirements
Impacts on the valuation of neighbouring properties – poor visual amenity – invasion of privacy due to elevation of the land.	
Officer's response - VCAT has stated that property valuations are not a planning consideration. The land has been zoned Industrial 2 Zone for many years.	
30m buffer zone (Council guideline).	
<p>Officer's response – It is proposed to include a 20m buffer on the south side of the land between the industrial area and residential area. This buffer would include a 10m wide sealed road with a 7m wide vegetation buffer on the south side and a 3m wide road reserve on the north side of the road.</p> <p>The Industrial 2 Zone requires that if the land is within 30m of a residential area then neighbouring land owners and occupiers must receive notice of the application in accordance with Clause 33.02-3 of the Moorabool Planning Scheme. It does not specify that the buffer has to be 30m. However, Local Policy at Clause 22.05 of the Moorabool Planning Scheme, in relation to <i>Presentation of Industrial areas</i>, requires that land within 7.5 metres of a residential zone must be landscaped to the satisfaction of the responsible authority in such a manner as to screen activities on the site. This requirement would apply to Lots 16 and 17 of the proposed subdivision.</p>	
<p>Changed from Industrial 2 Zone to Industrial 3 Zone with no notification given.</p> <p>Zoning should be changed to Industrial 3 Zone.</p>	
Officer's response - The land has been Industrial 2 Zone for many years. The zoning of the land has not been changed. It remains Industrial 2 Zone. Rezoning of the land to another industrial zone is not part of Council's strategic priorities at the current time.	

Concerned about health hazards posed by industrial emissions including chemical issues and chemical spills, industrial wastes, air pollution, noise pollution – already have noise issues from the Industrial Estate from the hours of operation; industrial and traffic noise.	Environment Protection Act 1970
Officer's response - The land is in the IN2Z. Emissions from all industrial sites is monitored by the Environment Protection Authority (EPA). The industrial zoning of the land allows industrial activities and processes to occur. It should be noted that this permit only allows for subdivision and most development will require planning approval. It is at that stage the activity on the site will be further investigated.	
Unknown uses once / if subdivided.	Use and development in the Industrial 2 Zone and Local policies.
Officer's response - Each lot created must obtain a planning permit for most uses and all development of the land. It is at the time of a separate application that uses are monitored for operations and potential impacts.	
New industrial zoning – why were we not advised of this?	
Officer's response - The land has been Industrial 2 Zone for many years. Nothing has changed. Any proposal to change to zoning would be widely advertised.	
No time limit given to oppose.	
Officer's response - The letters sent to neighbours had a date nominating that a decision would not be made by Council prior to 7 December 2015. However, objections for planning applications can be received at any time after that date until the date of a decision.	
No signs on the site – was not advertised widely enough.	
Officer's response - Placing a sign on the site was not practical as there is little traffic past the site and the residents within 30m of the land front Delahey Close and McLellan Avenue where it was impractical to place a sign. The application was advertised in accordance with Council guidelines.	
17 Lot subdivision will create too much activity close to residential areas.	
Officer's response - The land is in the Industrial 2 Zone. In accordance with the Moorabool Industrial Areas Strategy (adopted by Council in December 2015) there is particularly demand for small lots to service the needs of trade and service oriented businesses and industries.	

Inadequate buffer between industrial site and residential development.	
Officer's response – a 20m buffer has been put in place on the south side boundary. A 7.5m buffer will be required on lots 16 and 17 between the rear of these lots and the residential area, being the two lots that front McLellan Avenue.	

Proposal

It is proposed to subdivide the land into seventeen lots. The subdivision would be a staged subdivision.

Lot sizes would range from 920sqm to 3790sqm. The average across the site would be 1330sqm per lot.

Kennedy Place would be extended to the south and an internal access 'ring' road would be constructed with a total width of 20m, including a 10m wide seal, to afford ease of access around the site.

In addition the south side road reserve would also provide for an appropriately designed 7m wide landscape buffer between the south side of the road and the rear of the residential lots abutting Delahey Place.

In relation to the rear of lots abutting McLellan Avenue a 900sqm rectangular buffer 20m wide and 45m long including vegetation buffer, walkway and drainage easement would be constructed in the south-west corner of the site.

Four (4) public car parking areas would be inset into the road reserve at strategic locations. These car parking insets would be available to each of the lots and would offset some of the required "on site" car spaces required for each future development.

Loading and unloading bays have also been noted on the site plan specifically in Stage 2 of the subdivision. These loading bays will be shared between two lots. The Shared use of loading and unloading bays will reduce the requirement for each lot to have a dedicated loading bay on site which takes up available space and is hard to make work on particularly on narrow on sites.

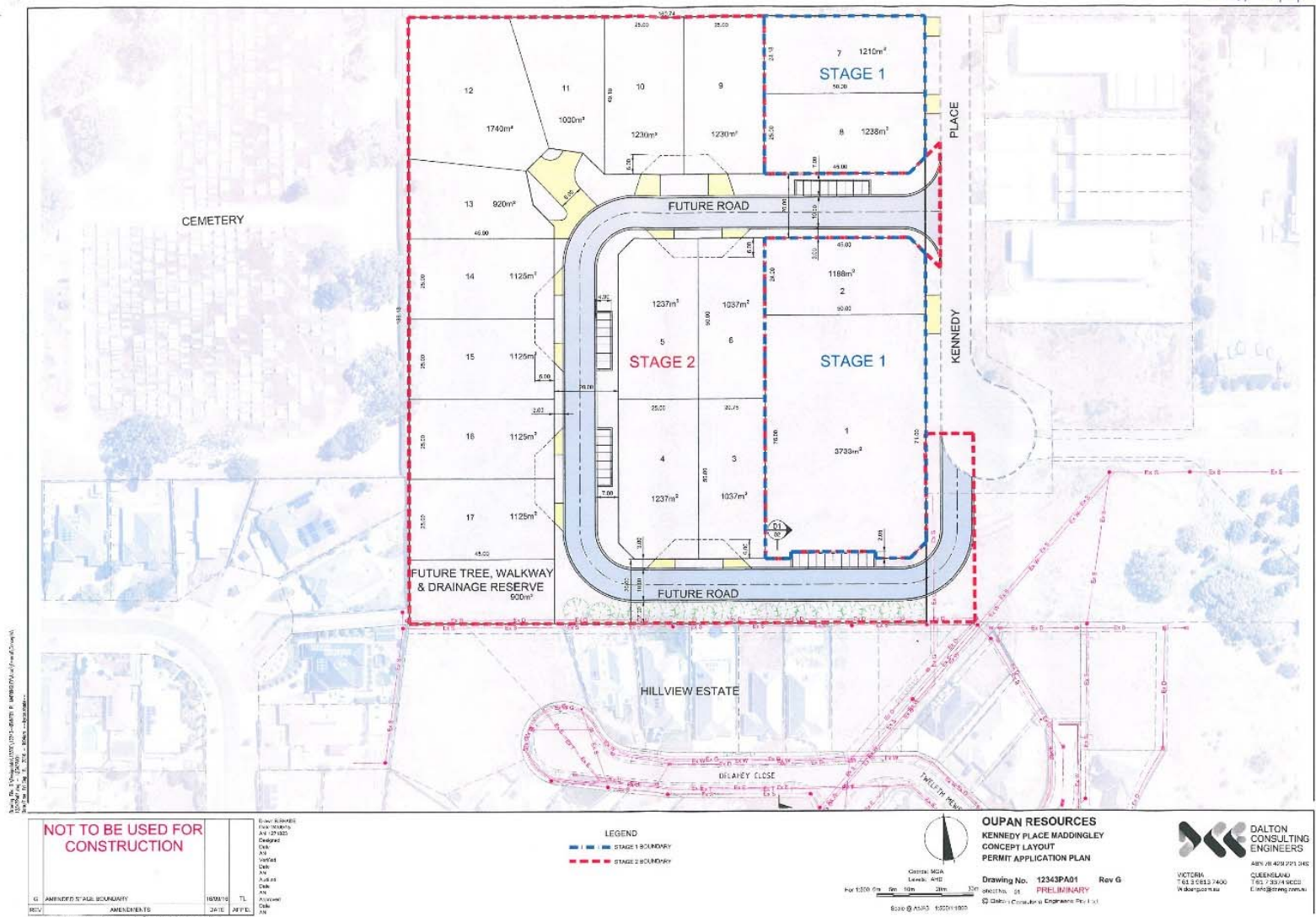
They use of the shared loading bays would be secured on title to each lot by the use of a carriageway easement.

No native vegetation would be impacted by the proposal.

The proposed plan of subdivision is shown below:

:

Rec'd 16/9/16



Site Description

The site is 3.041ha and is vacant land without any native vegetation. The site slopes from 147.5 AHD in the north-west corner down to 130AHD in the south-east corner.

The site has access from Kennedy Place from the north-east corner and along the majority of the eastern boundary of the site. Established factories and industrial buildings are constructed on the east side of Kennedy Place. Kennedy Place currently terminates at a court bowl which also provides access to the Moorabool Shire Council works depot. The Maddingley Cemetery is located along the majority of the west side boundary.

Two dwellings back onto the south-west corner with frontage to McLennan Drive. Five dwellings plus three vacant allotments back onto the south side boundary of the land with frontage to Delahey Close.

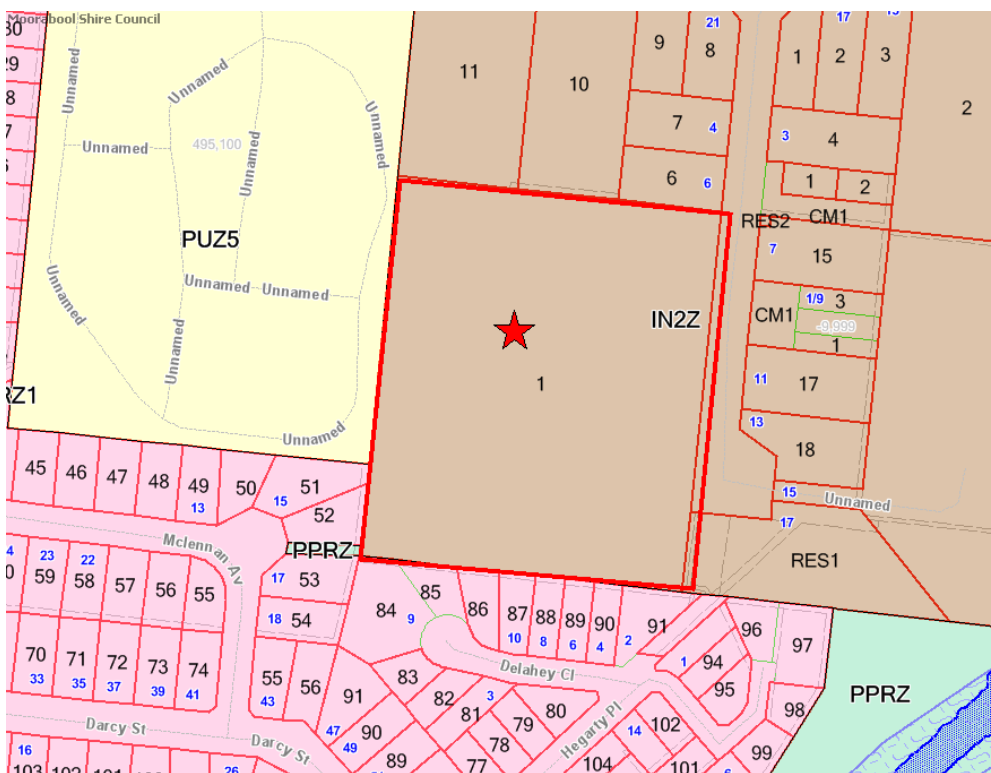
The south-east corner of the site slopes to an unnamed tributary of the Werribee River. South-east of the site is a Reserve No 1. The proposed extension to Kennedy Place south of the court bowl would require access across this Reserve.

Approximately 16m from the south-east corner of the site is an existing constructed walkway from Delahey Close.

To the north and east of the site is land in the Industrial 2 Zone. To the west is the cemetery which is in the Public Use Zone – Schedule 5 (cemetery / crematorium). Land to the south-west and south is in the General Residential Zone – Schedule 1.

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- 17.02-1 - Industrial Land Development.
- 17.02-2 - Design of Industrial Development.
- 22.05 - Presentation of Industrial Areas.

The proposal complies with the relevant sections of the SPPF and LPPF. Local Policy at Clause 22.05 of the Moorabool Planning Scheme relates more to use and development applications than subdivision and has not been addressed in this report.

Zone

The land is within the Industrial 2 Zone (IN2Z). In accordance with Clause 33.02-3 of the IN2Z a permit is required to subdivide land.

The purpose of the IN2Z is as follows:

- 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 manufacturing industry, the storage and distribution of goods and associated facilities in a manner which does not affect the safety and amenity of local communities.
- To promote manufacturing industries and storage facilities that require a substantial threshold distance within the core of the zone.
- To keep the core of the zone free of uses which are suitable for location elsewhere so as to be available for manufacturing industries and storage facilities that require a substantial threshold distance as the need for these arises.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate the IN2Z decision guidelines:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
- Interface with non-industrial areas.
- The suitability of the proposed lots for the types of industries and warehouses shown in the table to Clause 52.10.

The proposal is generally consistent with the purpose of the zone. The decision guidelines will be discussed in the assessment of this application later in this report.

Overlays

No overlays apply to the land.

Relevant Policies

The Moorabool Industrial Areas Strategy May 2015 was adopted as part of the Integrated Strategies Report by Council on 2 December 2015.

The summary report adopted by Council in relation to the Moorabool Industrial Areas Strategy stated that:

Total demand for industrial zoned land is expected to increase from 141 hectares today to 193 hectares in 2051. However, enough industrial zoned land is available to accommodate industrial business activity if adequate supporting infrastructure is in place. Forty-five percent of industrial zoned land is currently considered underutilised due to being vacant or in agricultural use.

Broadly, demand is shifting from manufacturing towards service industrial needs in the Shire as part of the changing shape of industrial land use within the Shire. Planning scheme will need to be monitored and maintained to ensure it reflects these shifts in the broader economy.

In regard to existing industrial zones in Ballan and Maddingley, it has been noted that these are impacted by residential encroachment, reducing viability as heavy industrial zones. These areas may be more suitable to manufacturing, transport and warehousing and local service industry.

Population servicing industries will continue to be the fastest growing sectors (Healthcare, Construction, and Retail) requiring the greatest levels of land supply to keep pace with growth and to provide local employment opportunities.

Strategic Directions

Strategic directions are detailed in the Moorabool Industrial Areas Strategy Executive Summary and on pages 81-85 of the report, including:

- 1. Alternative locations capable of accommodating heavy industry need to be identified to attract new industrial investment with appropriate buffers remote from housing.*
- 2. Parwan identified as the best location for heavy industry due to natural advantages - proximity to Melbourne/absence of residential encroachment.*
- 3. Parwan requires the development of a Governance Model, allocating clear stakeholder roles, for the delivery of support infrastructure including gas, water, improved road access to Western Freeway and possibly other incentives to facilitate/consolidate competitive advantages.*
- 4. Locate industrial precincts as close to Woolpack Road as possible.*
- 5. Provision of Eastern Bypass and the Freeway Interchange are likely to become essential projects.*

6. *Nominate one precinct and encourage manufacturing cluster in one location (potentially Parwan).*
7. *If Parwan is the preferred Manufacturing location and is suitable serviced and funded, transition plans towards lower impact activities should be encouraged for Maddingley 1 (Station St) and 2 (Hillside St) and Ballan.*
8. *Population servicing industries should locate in Ballan and Maddingley.*

Moorabool Shire Economic Development Strategy

The Moorabool Shire Economic Development Strategy June 2015 was adopted by Council in December 2015. The strategy

The strategy identified

Four priority roles for Council in the economy .. based on significant input from local business and a review of best practice local economic development:

1. *Engaging business and stakeholders*
2. *Facilitating investment*
3. *Developing business precincts*
4. *Building local lifestyle and amenity*

A 'whole of Council' approach to economic development is essential if Moorabool's potential economic 'step change' is to be realised. For example, many initiatives identified in this Strategy relate to town planning, community leadership and development for example. A crucial role of the economic development strategy will be to ensure that our actions are coordinated across Council.

The strategy identified core economic objectives for the Moorabool economy in 2021 and beyond as :

1. New local jobs, for local people. As our population grows outward commuting rates continue to increase, having a negative financial and social impact on our community. Creating the preconditions for new local jobs, occupied by residents will help to address this challenge. A key measure will be the Parwan Employment Precinct.
2. A diverse and entrepreneurial local industry base. Moorabool benefits from a diverse and resilient industry base. Supporting innovation, entrepreneurialism and small business in the Shire will sustain this industrial diversity over the longer term. Evidence suggests that small business, and home based businesses in particular, can be a key driver of job growth in growing peri-urban areas.
3. Facilitate the capacity and diversity of our workforce. Our residents are increasingly competing within regional labour markets – in Ballarat and Melbourne. Maximising skills within these labour markets will be key to our economic future. Ensuring that our residents do not rely on one or two industries for employment will ensure our economy is versatile and prepared for economic challenges.

Particular Provisions

No particular provisions are relevant to this application.

Discussion

The decision guidelines for subdivision in the Industrial 2 Zone require that before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
- Interface with non-industrial areas.
- The suitability of the proposed lots for the types of industries and warehouses shown in the table to Clause 52.10.

It is considered that the proposed subdivision provides lot sizes suitable for the growth in small scale manufacturing, transport and warehousing and local service industries.

Infrastructure has recommended conditions on the permit requiring that the site is landscaped including that native species of street trees are planted in front of each lot. Additionally landscaped buffer strips would be required on the south side boundary and in the south-west corner of the site between the industrial zone and the residential zone.

It is also considered that the plan of subdivision should show that on lots 16 and 17 a 7.5m wide landscape buffer must be located at the rear of these lots between the industrial activities and the residential zone.

All lots will require future permits for most uses and all development of the lots. Issues were raised with the applicant about future car parking provision and future loading and unloading facilities.

When lots are on the smaller side it is often very difficult to locate a building on the site with additional car parking, loading and unloading facilities, landscaping and turning templates.

The subdivision layout was altered to include four (4) general use car parking spaces indented into the road reserve which would be considered when future applications are submitted as a contribution to the required car parking provision.

The requirement for loading and unloading bays has also been addressed in the layout plan with shared loading / unloading facilities being noted on the site plan. These would be secured by carriageway easement shared between two lots in the stage 2 part of the subdivision.

It is considered that the "ring road" layout will provide for ease of traffic movement around the site. However the proposed southern extension to Kennedy Place requires the use of a section of land to the south of the court bowl identified as Reserve 1. This land is owned by Council. The Kennedy Place extension will require that the applicant makes a payment to Council for the conversion of this land to a Road to enable legal access to the site.

It is recommended that the existing walkway from Delahey Close to the south-east corner of the site is extended to the Kennedy Place extension to create improved connectivity within the precinct.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application. Clause 65.02 in relation to applications to subdivide land lists a range of matters that the responsible authority must consider. Relevant clauses to this application 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 staging of the subdivision.*
- *The provision of off-street parking.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*

It is considered that the proposal adequately addresses the above criteria. The application was referred to Council's Infrastructure Department which consented to the subdivision plans subject to a range of conditions being included on the permit relating to storm water, drainage, environmental management, road construction, parking, street lighting, servicing lots and landscaping.

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
Infrastructure	Consent subject to twenty five conditions
PowerCor Australia	Consent subject to two conditions
Western Water	Consent subject to seven conditions
Melbourne Water	Consent subject to eight conditions
Downer Utilities	Consent

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

The application is not exempt from notice, pursuant to Clauses 33.02-5 of the Moorabool Planning Scheme as the land is within 30m of a residential area. Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

Options

An alternative recommendation would be to refuse the application on the grounds that the subdivision would result in detriment to residential areas.

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

Conclusion

Objectors to the application are concerned that future industrial activities will occur on the land in close proximity to residential areas. They are concerned that the future use of the lots created is unknown and poses a risk to residents.

Objectors were also unsure as to the zoning of the land with many thinking that the zoning had been recently changed, when in fact the land has been zoned Industrial 2 Zone for many years.

It is considered that the application should be supported. It provides for smaller industrial lots that appear to be in demand by small service industries. It is important to note that each lot to be developed will require an additional permit for most uses and all development. Each application will be assessed on its merits against planning policies at the time.

Resolution:

Crs. Toohey/Sullivan

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to grant permit PA2015-139 for a Staged seventeen (17) lot subdivision at Kennedy Place Maddingley 3340, otherwise known as Lot 1 on PA308919Y subject to the following conditions.

Endorsed plans

- 1. Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:***
 - a) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements including loading bay carriageway easements.***
 - b) A landscape plan across the site including street trees and buffer strips planting plan in accordance with condition 22.***
 - c) Notation on the plan that lots 16 and 17 must include a 7.5m wide landscape buffer at the rear of the lots abutting land in the General Residential Zone.***
- 2. The formal plan of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.***
- 3. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the responsible authority.***
- 4. Before the issue of Statement of Compliance for stage 1 of the subdivision a payment must be made to Council for the use of the portion of Reserve 1 for the extension of Kennedy Place south of the court bowl. A valuation must be obtained by an accredited valuer and the applicant's expense.***

5. ***Before the issue of Statement of Compliance for stage 1 of the subdivision the existing footpath from Delahey Close needs to be extended across Reserve 1 to connect to Kennedy Place to the satisfaction of the Responsible Authority.***

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.***

Infrastructure conditions:

8. ***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:***
 - a) ***Encompass the entire area of the development.***
 - b) ***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.

- c) Provide for outfall drainage from the site connecting to an approved discharge point.**
- d) 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 detailed design documentation of a stormwater system for the development.

- 9. The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:**

- a) The subdivision as a whole must be self-draining.**
- b) All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.**
- c) 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.**
- d) Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 10% 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.**
- e) 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.**
- f) The drainage system must be designed to include provision to intercept litter.**
- g) 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.**
- h) 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.

- 10. 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:**

- a) The requirements for drainage of the whole site.**
- b) If the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.**
- c) If additional outfall drainage or upgrading of the existing drainage network is required.**

11. ***The internal road network layout must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority. The dimensions of the carriageway must as a minimum match the dimensions of the existing construction in Kennedy Place.***
12. ***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.***
13. ***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.***
14. ***Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.***
15. ***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.***
16. ***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).***
17. ***Traffic management treatments must be provided in the form of line-marking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.***
18. ***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.***
19. ***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.

20. **Street names and street signs must be provided to the satisfaction of the responsible authority.**
21. **Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.**
22. **Street trees must be provided in accordance with the Moorabool Shire Council Approved street tree species guide Version 1.0 2016, at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.**
23. **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.**
24. **A security deposit equal to 25% 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.**
25. **Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.**
26. **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.**
27. **A security deposit equal to 25% 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.**
28. **Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:**

- a) **0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.**
 - b) **2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.**
29. **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:**
- a) **Drainage construction details in “D-Spec” format.**
 - b) **Road works construction details in “R-Spec” format.**
30. **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.**
31. **Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.**
32. **Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

Western Water conditions:

33. **Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.**
34. **Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.**
35. **Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.**

36. ***Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.5m wide for a dedicated sewerage easement.***
37. ***Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.***
38. ***The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. A copy of the format of the Agreement will be provided on request. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.***
39. ***All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:***
 - a) ***Own a metered hydrant approved by Western Water;***
 - b) ***Meter and pay for all water taken;***
 - c) ***Display a Western Water Permit Number Sticker on the tanker;***
 - d) ***Only take water from nominated hydrants or standpipes;***
 - e) ***Only use water for the purpose approved in the Water Carters Permit;***
 - f) ***Avoid wastage of water on site; and***
 - g) ***Comply with any water restrictions imposed by Western Water at the time water is used.***

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same.

Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

Melbourne Water conditions:

40. ***Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface***

and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

- 41. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.***
- 42. Prior to the issue of a Statement of Compliance, a stormwater management and drainage strategy must be submitted and approved by Melbourne Water. This strategy must provide details of any new outfall/s for the development and demonstrate how stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.***
- 43. Prior to the issue of a Statement of Compliance for the subdivision, as constructed plans detailing any Water Sensitive Urban Design (WSUD) treatment measures must be submitted to Melbourne Water for our records.***
- 44. Prior to the issue of a Statement of Compliance for the subdivision, documentation supporting the approved ongoing maintenance and ownership of the stormwater treatment measures must be submitted to Melbourne Water for our records.***
- 45. Local drainage must also be to the satisfaction of Council.***
- 46. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.***
- 47. No polluted or sediment laden runoff is to be discharged directly or indirectly into the nearest drain or watercourse, during or after the works. Appropriate silt/debris control measures must be installed preventing any silt/debris discharging into the drain or watercourse from either the development or associated works.***

Powercor conditions:

- 48. 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.***
- 49. The applicant shall:***
 - a) 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).**
- b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.**
 - c) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.**
 - d) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.**
 - e) 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.**
 - f) Where buildings or other installations exist on the land to be subdivided connected to supply prior to 1992 and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System. The requirements for switchboard and cable labelling contained in the Electricity Safety (Installations) Regulations are to apply.**
 - g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.**
 - h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.**
 - i) 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.

- j) 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.**

Expiry condition

50. 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; and**
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.

Permit notes:

Western Water note

Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as any future stages of the development will be connected to Western Water's water supply and sewerage systems independently of this stage, Western Water reserves the right to revise any conditions applicable to any subsequent stages lodged.

Melbourne Water note

51. Flooding may be associated with the Melbourne Water regional drainage system and/or the local Council drainage systems. Information available at Melbourne Water indicates that the property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year. However, to determine if a property is subject to flooding from the local Council drainage system you will need to contact the relevant Council for flood information.

52. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact

Melbourne Water on 9679 7517, quoting Melbourne Water's reference 282459.

Powercor note

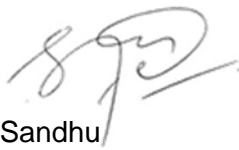
It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling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

CARRIED.

Report Authorisation

Authorised by:



Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday, 30 November 2016

Item 10.2.2 was withdrawn from the Agenda at the request of the applicant.

10.2.2 Planning Permit PA2014-010 – 151-155 Main Street, Bacchus Marsh – Five (5) lot subdivision, creation of a carriageway easement and reduction in car parking (10 car spaces)

Application Summary:	
Permit No:	PA2014-010
Lodgement Date:	15 January 2014
Planning Officer:	Victoria Mack
Address of the land:	151-155 Main Street Bacchus Marsh Lot 1 on TP65002A; and Lot 1 on TP846613U
Proposal:	Five (5) Lot subdivision, creation of a carriageway easement and reduction of car parking (10 car spaces)
Lot size:	Lot 1 on TP65002A – 1417 sqm Lot 1 on TP846613U – 2583 sqm
Why is a permit required	32.08-2 - GRZ1 – Subdivision 52.02 - Creation of carriageway easement 52.06-5 - Reduction of car parking (10 car spaces).
Public Consultation:	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of Objections:	Nil
Consultation meeting:	Not required

Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
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. <i>Manager – Rob Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Victoria Mack</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	Yes
Any issues raised in referral responses?	No
Preliminary Concerns?	1. The existing carriageway easement on land owner by others (Lot 1 on TP130611F) from Graham Street did not benefit the northern-most Lot 1 on TP650022A which is part of this application and contains the shops. Owners consent was required to include this lot to benefit from the easement.

	2. Car parking reduction.
Any discussions with applicant regarding concerns	Yes. It took time to gain consent from the third party owner of the land with the existing carriageway easement to consent to the additional lot to the north being made a beneficiary lot to the carriageway easement. There was considerable discussion with the applicant about the car space reduction, the need for a loading bay and the future size of the car parking area.
Any changes made to the application since being lodged?	Yes, an application to amend the permit in process was made to add the creation of a second carriageway easement to Lot 1 on TP650022A. The car parking area was enlarged to include more car spaces than was originally submitted however still resulted in a reduction from the existing car parking spaces
VCAT history?	None
Previous applications for the site?	None
General summary:	
<p>The subject land comprises two lots:</p> <p>Lot 1 on TP 650022A with an area of 1417sqm being the northern lot which contains a building containing 4 shops and approximately half of the existing rear car parking area; and</p> <p>Lot 1 on TP844613U being a vacant lot with an area of 2583sqm which contains the balance of the existing rear car parking area.</p> <p>The application is to subdivide the four existing shops and create a common property at the rear of the shops for car parking.</p> <p>An existing sealed car parking area at the rear of the shops covers both of the subject lots, in part: the southern part of Lot 1 on TP650022A and the northern part of Lot 1 on 844613U. The balance of Lot 1 on 844613U is vacant land. Lot 1 on TP844613U would be re-subdivided and reduced in area.</p> <p>A new carriageway easement along the western boundary of the southern Lot 1 on TP844613U is proposed to afford permanent access to the rear of the shops. The new easement would link to an existing carriageway easement from Graham Street, over land owned by others (Lot 1 on TP130611F), who have provided consent for the northern lot with the shops, Lot 1 on TP 650022A, to benefit from this carriageway easement, however, their title would need to be amended to reflect this.</p> <p>The subdivision application was amended during the assessment process to amend the common property car parking area which no longer included the whole of the existing car parking area.</p> <p>The floor area of each of the shops ranges between 214-217sqm. Table 1 of Clause 52.06-5 of the Moorabool Planning Scheme requires 4 car</p>	

spaces for each 100sqm of leasable floor area which equates to 8 car spaces per shop (rounded to the lower whole number). The shops would therefore require 32 car spaces.

However, only 22 car spaces are included in the common property area at the rear of the shops including one disabled space. The reduction in parking provision being requested is therefore 10 car spaces.

The existing car parking area if it remained unchanged would not require a car parking reduction as it currently accommodates the required 32 car spaces.

The reason this application is before Council is that the applicant is seeking a reduction of 10 car spaces.

The justification for the request is that the common property parking area is not for the purpose of public car parking and is restricted to the operators of each of the shops and their staff. However, locals who know about the car park do also use it to access Main Street via the walk-way on the eastern side of the shops. This would not be dissimilar to other private shops which provide on-site car parking for both tenants and customers.

On balance it is considered that the existing car parking area should be kept at its current size which currently accommodates 32 car spaces and meets the requirements of the Moorabool Planning Scheme.

As the owner was unwilling to make this concession the application is before Council for a decision.

It is considered that the application should be refused.

Summary Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to grant a Planning Permit for a Five (5) Lot subdivision, creation of a carriageway easement and reduction in car parking spaces (10 spaces) at 151-155 Main Street, Bacchus Marsh otherwise known as Lot 1 on TP65002A and Lot 1 on TP846613U.

Background

Both the subject lots, including the four shops, have been in the one ownership for considerable time. The current owners, including an Estate as a part owner, are seeking now to resolve Estate issues.

The northernmost lot, Lot 1 on TP 650022A, is effectively land locked. However, as land to the south, Lot 1 on TP 844613U, is in the same ownership, access to the rear of the shops has been facilitated across this lot and via a carriageway easement from Graham Street which benefits Lot 1 on TP 844613U, but not Lot 1 on TP 650022A.

Consent was required from the owners of the land with the carriageway easement from Graham Street (Lot 1 on 130611F) to include Lot 1 on TP650022A as a benefiting lot. Provisional consent took some time to be obtained but was eventually granted and it is only now that the application can be tabled at a Council meeting for a decision.

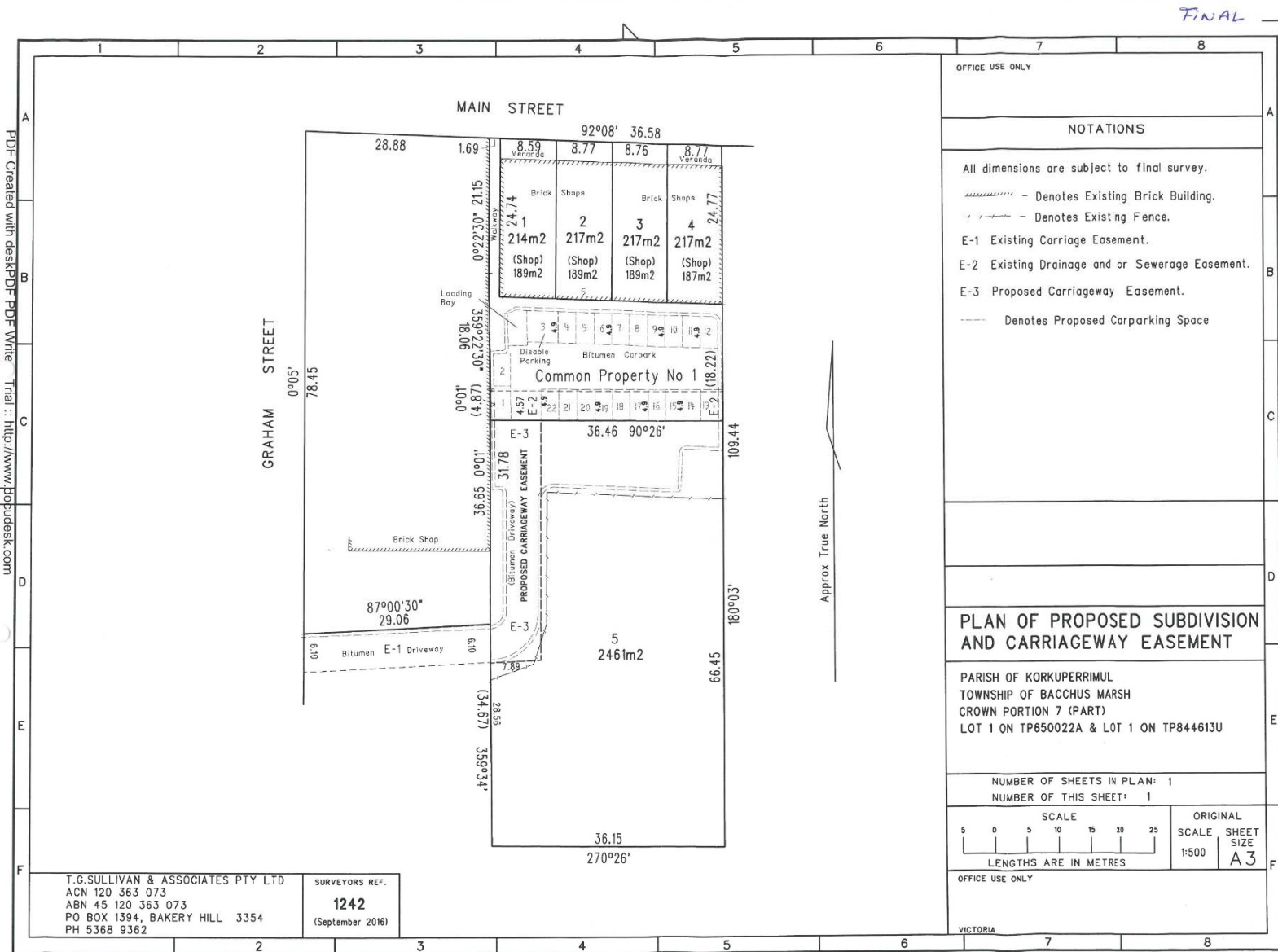
Public Notice

The application was advertised to adjoining and surrounding landowners by letter. No objections were received.

Proposal

The application is for a five lot subdivision, creation of an easement and reduction in car parking requirements by 10 spaces. This would include a reduction in the size of the southern-most lot and the creation of a common property car parking area, but reduced in size from its existing area.

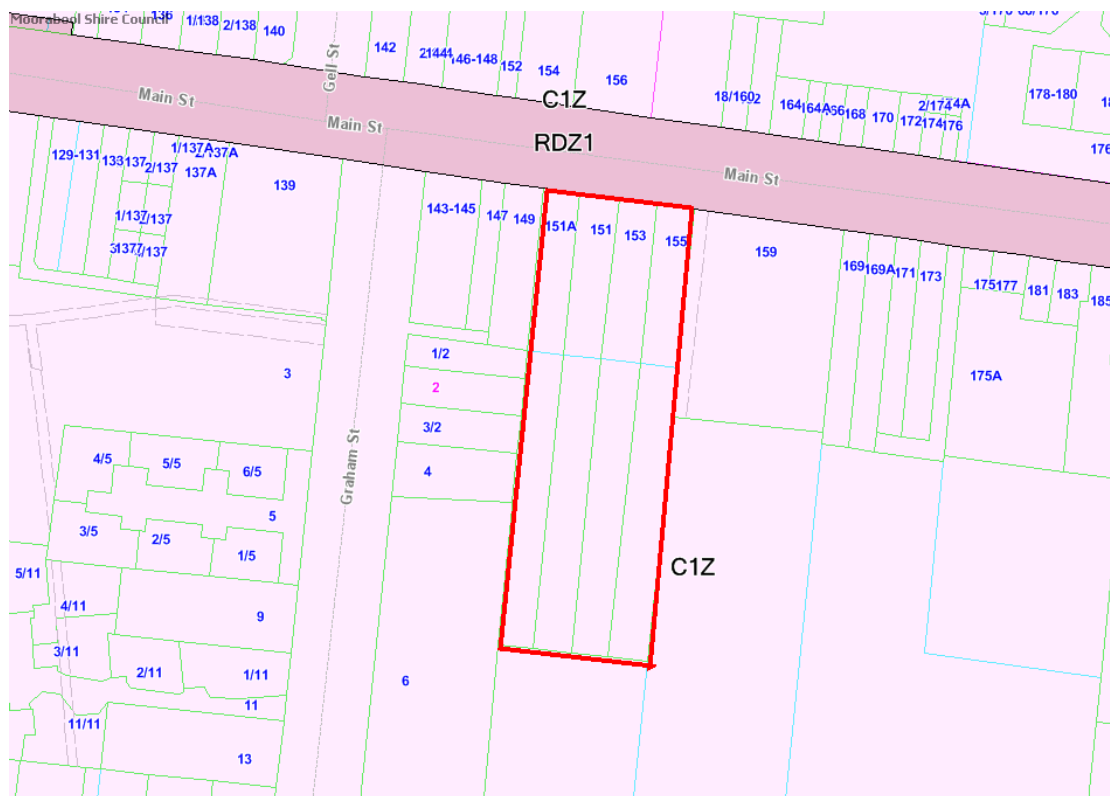
Below is a plan of proposed subdivision and carriageway easement:



Locality Map

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





Site Description

The site is flat. In addition to the four shops that face Main Street there is a walk way to the rear of the site from Main Street on the western side of the shops.

At the rear of the shops is an existing car parking area which covers the south side of Lot 1 on TP 650022A and the north side of Lot 1 on TP 844613U. The car park is constructed and sealed.

The balance of the southern-most lot, Lot 1 on TP 844613U, is vacant land. A carriageway easement across land owned by others from Graham Street affords access to Lot 1 on TP 844613U, and by default Lot 1 on TP 650022A.

To the south-east of the site is land used for agricultural purposes including horticultural purposes despite the land being in the Commercial 1 Zone.

The site has frontage to Main Street in the Bacchus Marsh town centre. The shops include retail and hospitality including: Ferguson Plarre. Talking Heads and Bargains on Parade.

Planning Scheme Provisions

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

The relevant clauses are:

- Clause 11.05-2 Melbourne's hinterland areas.
- Clause 11.06-2 A diversified economy.

- Clause 13.04-1 Noise abatement.
- Clause 17.01-1 Business.
- Clause 18.02-5 Car Parking.
- Clause 21.04-3 Commerce.
- Clause 21.07 Bacchus Marsh.

The proposal complies with the relevant sections of the SPPF and LPPF.

Zone

Commercial 1 Zone (C1Z)

The land is within the Commercial 1 Zone where in accordance with Clause 34.01-3 a permit is required to subdivide land.

The purpose of the C1Z is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Road Zone Category 1 (RDZ1)

The land is adjacent to a Road Zone Category 1, but as no access is to be constructed to the RDZ1 a permit for not triggered by the RDZ1.

Overlays

No overlays apply to the subject site.

Relevant Policies

Car parking

At its Ordinary Meeting on 7th October 2015 Council adopted a policy that Council:

Ensure all planning applications that require a reduction for car parking provisions are only approved by either the Development Assessment Committee (DAC) or at an Ordinary Meeting of Council.

This application is being tabled at a Council meeting for a decision because the application seeks a reduction in car parking provision of 10 spaces.

Particular Provisions

Clause 52.29 Land Adjacent to a Road Zone, Category 1

In accordance with Clause 52.29 a permit is required to subdivide land adjacent to a road in a Road Zone Category 1.

Clause 52.06 – Car Parking

In accordance with Clause 52.06-5 of the Moorabool Planning Scheme and the number of car parking spaces for a shop under Table 1 of Clause 52.06-5 is 4 car spaces to each 100sqm of leasable floor area.

The floor area of each of the shops in this application ranges between 214-217sqm. Table 1 requires 4 car spaces for each 100sqm of leasable floor area which equates to 8 car spaces per shop rounded to the lower whole number.

The shops would therefore require 32 car spaces. However, only 22 car spaces can be accommodated in the proposed common property area at the rear of the shops including one disabled space. The application therefore seeks a reduction of 10 car parking spaces.

Discussion

The subject land comprises two lots: Lot 1 on TP 650022A being the northern lot with a building containing 4 shops and an area of 1417sqm and Lot 1 on TP844613U being a vacant lot with an area of 2583sqm.

The application is to subdivide the four existing shops and create a common property at the rear of the shops for car parking. A new carriageway easement along the western boundary of the southern Lot 1 on TP844613U would afford permanent access to the rear of the shops. The vacant Lot 1 on TP844613U would be reduced in size.

The new carriageway easement would be constructed across the vacant Lot 1 on TP844613U to allow access to a common property area at the rear of the shops. The new easement would link to an existing carriageway easement from Graham Street, over land owned by others, who have provided consent for the northern lot with the shops, Lot 1 on TP 650022A, to benefit from this carriageway easement. This carriageway easement is located on Lot 1 on TP130611F.

The title to the land including the carriageway easement owned by others and identified as Lot 1 on TP130611F must be amended to include the land known as Lot 1 on TP 650022A to benefit from this easement.

The existing sealed car parking area at the rear of the shops covers both of the subject lots, in part: the southern part of Lot 1 on TP650022A and the northern part of Lot 1 on 844613U. The balance of Lot 1 on 844613U is vacant land.

The application seeks a reduction in car parking provision. The floor area of each of the shops ranges between 214-217sqm. Table 1 of Clause 52.06-5 of the Moorabool Planning Scheme requires 4 car spaces for each 100sqm of leasable floor area which equates to 8 car spaces per shop (rounded to the lower whole number). The shops would therefore require 32 car spaces but only 22 car spaces can be accommodated in the common property area at the rear of the shops including one disabled space. The reduction in parking provision being requested is therefore 10 car spaces.

The existing car parking area currently contains 32 car spaces which meets the requirements of Clause 52.06-5 of the Moorabool Planning. However, this application seeks to reduce the size of the existing car parking area to 22 spaces. Increasing the common property area to accommodate 32 car parking spaces would require the applicant to reduce the size of the proposed southernmost lot.

This application is before Council as the applicant is seeking a reduction of 10 car spaces. The justification for this request is that the car parking area is not a public car park but is for the sole use of the shops including staff and customers. It is considered by the applicant that the provision of 22 spaces is sufficient for this purpose.

It is also noted that if in the future the southern-most vacant lot was sold, the common property car parking area that would be created as part of this subdivision would not be available to this lot. Any future development of the southern-most lot would need to provide its own dedicated car parking depending on the application and planning scheme requirements at the time.

Locals who know about the car park however do use it to access Main Street via the walk-way on the eastern side of the shops despite not being marked as a public parking area.

A loading bay has been included at the rear of the shops in the car parking area for the loading and unloading of vehicles.

The application for subdivision would not be considered an issue had the correct number of 32 car spaces been provided on the site and application could have been approved under delegation by Council Officers.

It is considered that the existing car parking area should remain in its current form which is compliant with the provision of the Moorabool Planning Scheme. As the owner was unwilling agree to Council's requirements the application is before Council for a decision.

It is recommended that the application is refused because it does not satisfactorily provide the required number of car spaces.

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.

Clause 66.01-1 requires mandatory conditions for subdivision permits particularly telecommunications conditions which however do not apply to a permit granted to:

- Subdivide an existing building already connected to telecommunication services.

In this instance the subdivision relates to an existing building and it is not considered that the telecommunications conditions apply.

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 Melbourne Water Powercor Tenix VicRoads APA Gasnet	Consent with conditions Consent with conditions Consent with conditions Consent with conditions Consent no conditions Consent no conditions
Infrastructure Strategic and Sustainable Development	Consent with conditions (however, this assessment was made prior to reduction of car parking). They are not supportive of the reduction of car parking. No comment

Financial Implications

Council has acknowledged in recent policy that the provision of adequate car parking in Bacchus Marsh is a priority area for planning decisions. The reduction in car parking provision for each development or subdivision incrementally places strain on other areas of the civic precinct which is a long term cost to Council.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act with no objections received.

Options

The original proposal included using more of the southernmost lot to accommodate additional car parking spaces, but this was subsequently amended to reduce the car parking area to accommodate 22 spaces.

Should the applicant revert to its original application which provided sufficient space to accommodate 32 car parking spaces then consent for approval could be granted.

Conclusion

The purpose of the subdivision is acceptable and facilitates the separation of existing shops into separate titles. Access would be afforded to the rear of the shops via a dedicated carriageway easement, which formalise what appears to be a verbal agreement and therefore provides certainly into the future. However the reduction in car parking is the issue and in this instance it is considered that the car parking area to be provided should remain in accordance with the existing car parking area.

As the owners are not prepared to agree to this requirement it is recommended that the application be refused.

Recommendation:

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant a Planning Permit for a *Five (5) lot subdivision, creation of a carriageway easement and reduction in car parking (10 car spaces)* on the following grounds:

- 1. The application as presented does not meet the requirements of Clause 52.06-5 of the Moorabool Planning Scheme in relation to car parking provision.**
- 2. The existing car parking area at the rear of the site should not be reduced in area as it meets the car parking requirements.**

Report Authorisation

Authorised by:



Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday, 30 November 2016

Consideration of Deputations – Planning Permit Application No. PA2016-134

Ms. Laura Hamer and Mr. Matt Evans addressed Council in favour of the granting of a planning permit for the application.

Mr. Matthew Ayres addressed Council as an objector to the granting of a planning permit for the application.

Mr. David Boylan addressed Council as an objector to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

10.2.3 Planning Permit Application PA2016-134; Development of a Telecommunications Facility (NBN Fixed Wireless Tower) and Native Vegetation Removal at Crown Allotment 2003, Parish of Blackwood, Kangaroo Road, Greendale 3341.

Application Summary:	
Permit No:	PA2016-134
Lodgement Date:	24 May, 2016
Planning Officer:	Tom Tonkin
Address of the land:	Crown Allotment 2003, Parish of Blackwood, Kangaroo Road, Greendale VIC 3341
Proposal:	Development of a Telecommunications Facility (NBN Fixed Wireless Tower) and Vegetation Removal
Lot size:	11.68ha
Why is a permit required?	Clause 52.17 – Native Vegetation – Removal of native vegetation Clause 52.19 – Telecommunications Facility – Buildings and works
Restrictions registered on title	None
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Number of notices to properties?	11
Notices on site?	One (1)

Notice in Moorabool Newspaper?	None
Number of Objections?	14. There were also four (4) supporters of the proposal.
Consultation meeting?	Yes, held 19 September 2016 for this application and PA2016-134 with the applicant and several of the objectors and supporters. There were no subsequent changes made to the application.
Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
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. <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 – Tom Tonkin</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application referred?	The application was referred to Southern Rural Water, Western Water and the Department of Environment Land Water and Planning, and internally to Council's Infrastructure and Environmental Planning units.

Any issues raised in referral responses?	None raised, subject to conditions being placed on a permit.
Preliminary Concerns?	None
Any discussions with applicant regarding concerns?	Not applicable
Any changes made to the application since being lodged?	No
VCAT history?	None
Previous applications for the site?	None
General summary	<p>The application is for the development of a telecommunications facility, specifically a 40m high NBN fixed wireless tower, and removal of native vegetation.</p> <p>The development would be sited on forested Crown land at the northern periphery of Greendale's residential area.</p> <p>Objections to the development generally relate to visual appearance, health effects, inferior service compared to other options, loss of property values and impact on wildlife habitat.</p> <p>Overall, the proposal satisfies the relevant provisions of the Moorabool Planning Scheme and is a generally acceptable response to the amenity of the area.</p>
Summary Recommendation:	
It is recommended that Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i> , subject to conditions detailed at the end of this report.	

Background

The applicant has also submitted application PA2016-135 for a similar facility in Greendale but proximate to the Dales Creek settlement. The applicant has advised that that proposed development is reliant on the infrastructure to be developed as part of this proposal (PA2016-134). If the development at Kangaroo Road does not proceed the development near Dales Creek will apparently not proceed.

Public Notice

The application was advertised to adjoining and nearby landowners by mail on 22 July 2016 and a sign erected on site from 29 July until 15 August 2016. 14 objections and four (4) letters of support were received.

Summary of Submissions

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

Objection	Any relevant requirements
Transmission will be affected by existing tree cover, and tree removal should not be allowed given its landscape value.	Clauses 12.01-2 & 52.17
<p>Officer's response -</p> <p>The 40m height of the proposed tower has been designed to overcome constraints affecting network line of sight. The 340sq m patch of native vegetation removal proposed for removal is relatively small in the context of the site and surrounds, and a native vegetation offset would be required as a condition of any approval.</p>	
People who choose to move to the country understand the implications of doing so, such as going without some luxuries.	N/A
<p>Officer's response -</p> <p>Rural and regional communities, like urban areas, include people who hold a broad range of aspirations and values. Assessment of the application must consider a range of objectives, including conflicting objectives, to achieve net community benefit.</p>	
Impact on property values.	N/A
<p>Officer's response -</p> <p>Property values are impacted by a range of factors and thus not considered to be a valid objection to a planning application.</p>	
Fibre optic cable should be installed instead of the towers.	Clause 52.19
<p>Officer's response -</p> <p>The applicant advises that fixed wireless would be the most appropriate technology in this instance, taking account of a range of factors such as population density, geography and other network specific considerations when defining rollout plans. Fixed wireless locations are determined by a number of factors including the availability of both the NBN Fibre Transit Network, rings of fibre optic cable which connect exchanges to the NBN central hub, and the availability of Point of Interconnect facilities to allow for the installation of NBN fibre equipment.</p> <p>Unlike a mobile wireless service where speeds can be affected by the number of people moving into and out of an area, the speed available in a fixed wireless network remains relatively steady. This means that bandwidth per household is designed to be more consistent than mobile wireless, even in peak times of use. The proposed fixed wireless network is designed to offer service providers with wholesale access speeds of up to 50Mbps for downloads and 20Mbps for uploads.</p>	

Exposure to electromagnetic radiation, including that any long term effects are unknown.	Clause 52.19
<p>Officer's response -</p> <p>The proposed fixed wireless facilities must comply with the prescribed health standards developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is the Federal Government agency charged with the responsibility for protecting the health and safety of people and the environment from all sources of radio frequency electromagnetic energy (RF EME).</p> <p>It is NBN Co's responsibility to comply with the mandated standard for RF EME set down by ARPANSA, which is the safety standard recommended by the World Health Organisation. The safety standard works by limiting the network signal to a level low enough to protect all people, in all environments, 24 hours a day. The safety limit itself is precautionary, in that it has a significant safety margin built into it.</p> <p>The maximum cumulative EME level from the proposed facility would be 0.11% of the ARPANSA exposure limit (the ARPANSA standard public exposure limit is represented as 100%). This is less than 1% of the allowable limits, and over 1000 times below the maximum allowable limit. As the nearest dwellings are more than 50.0m away, at that distance the levels of EME would be many orders of magnitude lower than the maximum levels found in the Environmental EME report.</p>	
Fixed wireless NBN is outdated and an inferior technology to ADSL.	N/A
<p>Officer's response -</p> <p>See above response to 'Fibre optic cable should be installed instead of the towers'.</p>	
Noise during construction and noise output during generator usage.	
<p>Officer's response -</p> <p>Noise during construction is an inevitable part of development but should be managed according to relevant laws as part of a building permit. Noise associated with the operation of the facility would be required to meet relevant standards, which would be reinforced by a condition of any approval.</p>	
Removal of vegetation and impact on wildlife habitat.	Clauses 12.01-2 and 52.17.
<p>Officer's response -</p> <p>A 340sq m patch of native vegetation would be removed to facilitate development, and a condition of any approval would require the loss of vegetation to be offset in accordance with State standard provisions. The loss of vegetation would be minimized to a reasonable extent.</p>	
Visual impact.	Clauses 12.04-2 & 21.02-2.

Officer's response -

The specific site of the facility is on a slight slope and surrounded by forested land which would contribute to screening. Vegetation removal for the location of the compound would be minimized as much as possible. The lattice tower structure type, grey colour and non-reflective finish, and the distance and existing vegetation between nearby residential properties to mitigate the visual impact of the proposal.

Proposal

It is proposed to develop a telecommunications facility (NBN fixed wireless tower) and remove vegetation. The development would comprise a 40 metre high lattice tower, two (2) parabolic dish antennas, three (3) panel antennas, two (2) outdoor cabinets at ground level, 2.4 metre high security fencing and ancillary equipment.

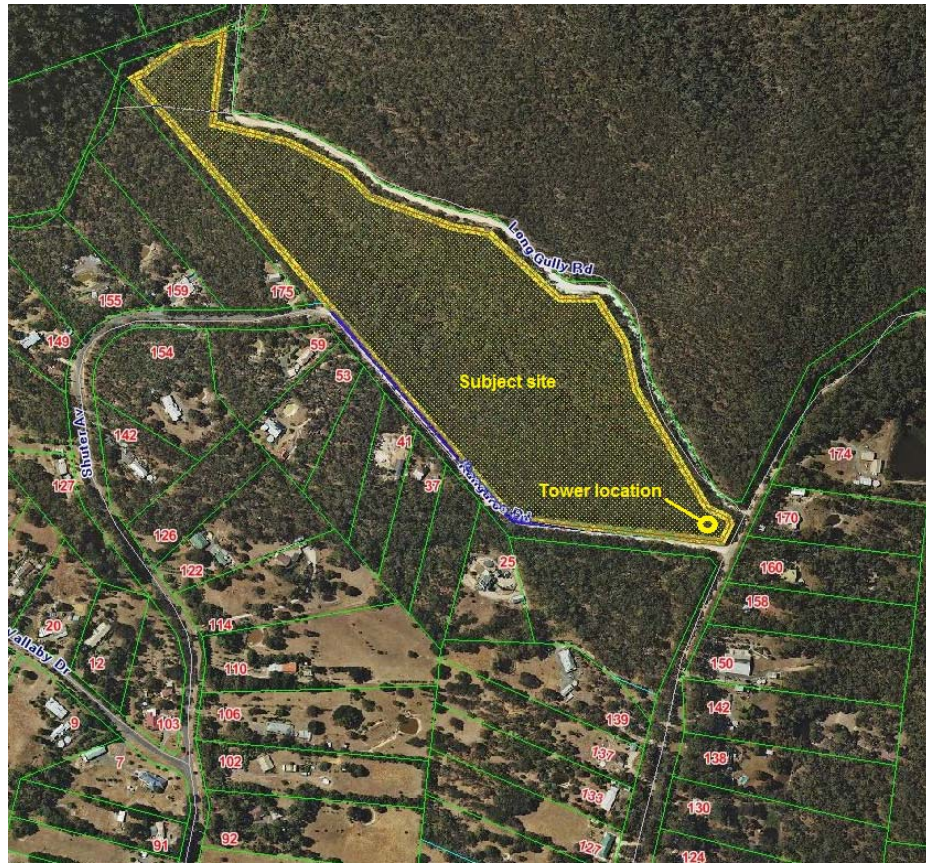
The tower would be located near the eastern boundary of the land at the highest part of the site. A 340sq m patch of vegetation would be removed to facilitate the development.

The proposed plans are included at Attachment 1.

Site Description

The site is identified as Crown Allotment 2003, Parish of Blackwood and known as Kangaroo Road, Greendale. The site is 11.68ha in size, irregular in shape and comprises forested Crown land which falls generally to the northwest. The site is bound by La Cote Road to the east, Long Gully Road to the north and Kangaroo Road to the south.

The site and surrounding land to the north is in the Public Conservation and Resource Zone and comprises heavily forested Crown land. To the south, across Kangaroo Road is a Council owned parcel of forested land in the Public Park and Recreation Zone. Remaining land nearby is in the Rural Living Zone and mostly developed for rural residential purposes.



Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- 11.05-2 – Melbourne’s hinterland areas
- 11.06 – Central Highlands regional growth
- 12.01-2 Native vegetation management
- 12.04-2 Landscapes
- 14.02 Water
- 19.03-4 Telecommunications
- 21.02-2 Non-Urban Landscapes

- 21.02-3 – Water and Catchment Management
- 22.02 – Special Water Supply Catchments

The proposal generally complies with the relevant sections of the SPPF and LPPF.

Zone

The subject site is in the Public Conservation and Resource Zone, and the provisions of Clause 36.03 apply.

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 protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.*
- *To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.*
- *To provide for appropriate resource based uses.*

Under Clause 36.03-1 a permit is not required to use land for a Utility Installation.

Overlays

The subject site is affected by a Bushfire Management Overlay.

Under the Bushfire Management Overlay, a permit is not required for development associated with a telecommunications facility.

Particular Provisions

Clause 52.17 Native Vegetation

A permit is required to remove native vegetation.

Clause 52.19 Telecommunications Facility

Under Clause 52.19 a permit is required to develop land for a Telecommunications facility.

The purpose of Clause 52.19 is:

- To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.
- To ensure the application of consistent provisions for telecommunications facilities.
- To encourage an effective statewide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in Section 4 of the Planning and Environment Act 1987.

- To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

The responsible authority must consider the following relevant decision guidelines before deciding on an application:

- The principles for the design, siting, construction and operation of a Telecommunications facility set out in A Code of Practice for Telecommunications Facilities in Victoria.
- The effect of the proposal on adjacent land.

Discussion

Overall, the proposed development of a Fixed Wireless Telecommunications Tower at Greendale is considered to be generally consistent with relevant State and Local planning policy, State provisions for telecommunications facilities and native vegetation, and the decision guidelines at Clause 65.

The application was advertised and several objections were received, and some letters of support.

The key issues for discussion are:

- How does the proposed development respond to the purpose and decision guidelines of Clause 52.19?
- Is the visual appearance of the proposed development consistent with relevant State and local planning policy?

How does the proposed development respond to Clause 52.19?

The purpose and decision guidelines of Clause 52.19 are provided above.

The applicant has indicated that provision of fixed wireless in Greendale is the most appropriate technology in this instance, including from a cost perspective.

The objectives of planning in Victoria are:

- To provide for the fair, orderly, economic and sustainable use, and development of land;
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e); and
- To balance the present and future interests of all Victorians.

A Code of Practice for Telecommunications Facilities in Victoria includes the following relevant principles, as follows:

- A Telecommunications facility should be sited to minimise visual impact;
- Telecommunications facilities should be co-located wherever practical;
- Health standards for exposure to radio emissions will be met; and
- Disturbance and risk relating to siting and construction should be minimised; and
- Construction activity and site location should comply with State environment protection policies and best practice environmental management guidelines.

The proposal is generally considered to satisfy Clause 52.19 for the following reasons:

- The site and surroundings are heavily vegetated, and notwithstanding the vegetation removal needed to facilitate the development, it would be screened to an acceptable extent from residents and passersby.
- The topography of the area and significant vegetation cover would reduce the visual prominence of the development both below and above the tree line. Viewed from further afield, the development would possibly be a prominent but not dominant landscape element.
- The facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz, Arpana, May 2002.
- Adjacent land comprises public land to the south, north and west and residential land to the east. Although there are dwellings in the vicinity further to the south the site is at the periphery of Greendale's residential area.

The site and surrounding land is in a Special Water Supply Catchment. The application was referred to the relevant water authorities Southern Rural Water and Western Water, who consent to the application.

Is the visual appearance of the proposed development consistent with relevant State and local planning policy?

State and local planning policy recognises the natural landscape and its contribution to the character, identity and sustainability of the State and local areas, and generally seeks to preserve and enhance such areas for these reasons. Council's Municipal Strategic Statement includes the objective at Clause 21.02-2 to maintain and enhance the natural environment and the Shire's rural identity and character. Relevant strategies include:

- Protect the landscape and scenic qualities of forested hill slopes, rural landscapes, and bushland setting of the Shire's rural and urban areas.
- Preserve high quality landscapes by not supporting development on hilltops and ridgelines.

Based only on an assessment against the above policy the proposal would not comply. However, Council must consider the range of applicable policies to this application to decide its suitability in achieving net community benefit. From this perspective the visual appearance of the proposal is considered acceptable for the following reasons:

- It is recommended that any condition of approval require the proposed tower to be amended from a lattice tower to a monopole to limit its visual impact.
- This type of development requires an elevated location to achieve its objectives.
- The site is screened by expansive tree cover not only on the site but on surrounding properties, generally limiting views from dwellings in the vicinity of the site, particularly that part of the tower protruding above the surrounding tree canopy.
- Although long distance views from some vantage points are expected, the distance would reduce the visual prominence to a reasonable extent.

General Provisions

Clause 62 – Uses, Buildings, Works, Subdivisions and Demolition Not Requiring a Permit

Under Clause 62 the use and development of land for a Telecommunications facility does not require a permit if the requirements of Clause 52.19 are met.

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

Referrals

The following referrals were made pursuant to s.52 and 55 of the *Planning and Environment Act 1987* and relevant Council departments were provided with an opportunity to comment on the proposal.

Authority	Response
Southern Rural Water (s.55)	Consent subject to conditions
Western Water (s.55)	Consent subject to conditions
DELWP (s.52)	Consent subject to conditions
Infrastructure	Consent subject to conditions
Environmental Planning	Consent subject to conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

The recommendation of an approval of this development does not implicate any risk or OH & S issues for 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. The submitters and the applicant were invited to attend this meeting and address Council if desired.

Options

An alternative recommendation would be to refuse the application on the grounds that the development would have a detrimental impact on the landscape values and amenity of the area, and does not reflect orderly planning.

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

Conclusion

It is considered that the application is generally consistent with relevant State and local planning policy, the Rural Living Zone, relevant Overlays, Particular and General Provisions of the Moorabool Planning Scheme.

It is therefore recommended that the application be supported by Council.

Resolution:

Crs. Toohey/Sullivan

That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council issue a Notice of Decision to Grant Permit PA2016-134; Development of a Telecommunications Facility (NBN Fixed Wireless Tower) and Native Vegetation Removal at Crown Allotment 2003, Parish of Blackwood, Kangaroo Road, Greendale VIC 3341 subject to the following conditions:

Endorsed Plans:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

a) The lattice tower structure replaced with a monopole structure.

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

satisfaction of the Responsible Authority prior to the commencement of the use.

Materials and Colour:

- 2. All external walls and roof areas of the proposed building/s are to be clad with non-reflective materials except with the written consent of the Responsible Authority.**

Environmental Planning conditions:

- 3. Offset requirement: In order to offset the removal of 0.034ha of remnant vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with DELWP's publication Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual.**
- 4. General offset: The offset must:**
 - a) Contribute gain of 0.005 general biodiversity equivalence units.**
 - b) Be located within the Port Phillip and Westernport Catchment Management Authority (PPWCMA) boundary or Moorabool Shire Municipal District.**
 - c) Have a minimum strategic biodiversity score of at least 0.080.**
- 5. Offset evidence: Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of DELWP's publication Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:**
 - a) a credit register extract from the Native Vegetation Credit Register (for more information refer to DELWP's publication Permitted clearing of native vegetation Meeting permit conditions – Third party offsets); or**
 - b) a security agreement, to the required standard, for the offset site or sites, including a ten (10) year offset management plan. Every year for ten (10) years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.**

Revegetation must be done in accordance with the minimum planting standard specified in Appendix 2 of DELWP's publication Native vegetation gain scoring manual and revegetation sites must meet the following size requirements:

- i. At least 1 hectare in size**
- ii. Have an average width of at least 20 metres**
- iii. Have a perimeter to area ratio of 1:20. Perimeter to area ratio can be calculated by dividing the area (metres²) by the perimeter (metres)**

Telecommunications conditions:

- 6. All noise emanating from any mechanical plant on the site must comply with the Environment Protection Authority's (EPA's) regulations and Council Environmental Health department requirements.**
- 7. The telecommunications facility must comply with "A Code of Practice for Telecommunications Facilities in Victoria".**
- 8. The telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard-Maximum exposure Levels to Radiofrequency Fields-3kHz to 300 GHz.**

Infrastructure conditions:

- 9. The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 52.47-3 of the Moorabool Planning Scheme, to the satisfaction of the Responsible Authority.**
- 10. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).**
- 11. Unless otherwise approved by the responsible authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**
- 12. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

Southern Rural Water conditions:

13. **Sediment control measures outlined in the EPA's publication No 275 Sediment Pollution Control, shall be employed whilst carrying out works and maintained until the disturbed areas have been revegetated.**

Department of Environment Land Water and Planning conditions:

14. **Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.**
15. **Before works start, a native vegetation protection fence must be erected around all remnant patches and trees to be retained on site. This fence must be erected around the remnant patch at a minimum distance of 1 metre from retained native vegetation. The fence must be constructed of para webbing, and star pickets or similar to the satisfaction of the Department of Environment, Land, Water and Planning. The fence must remain in place until all works are completed.**

Except with the written consent of the Department of Environment, Land, Water and Planning within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- a) **Vehicular or pedestrian access**
 - b) **Trenching or soil excavation**
 - c) **Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products**
 - d) **Entry and exit pits for underground services**
 - e) **Any other actions or activities that may result in adverse impacts to retained native vegetation.**
16. **To offset the removal of 0.034 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEPI 2013) as specified below:**

A general offset of 0.005 general biodiversity equivalence units with the following attributes:

 - **Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Moorabool municipal district**
 - **Have a strategic biodiversity score of at least 0.08.**
 17. **Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Department of**

Environment, Land, Water and Planning. The offset evidence can be:

- **A security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or**
- **An allocated credit extract from the Native Vegetation Credit Register.**

A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

Expiry condition:

- 18. This permit will expire if one the following circumstances apply:**
- a) The development is 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:

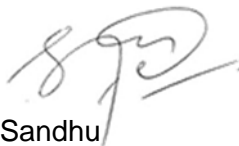
DELWP: Works or other activities on public land, which may impact on protected plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee Act 1988 (FFG). All native vegetation likely to be impacted should be checked against the Protected Flora List (DEPI 2014) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from DELWP's regional office.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 15 November 2016



Consideration of Deputations – Planning Permit Application No. PA2016-135

Ms. Laura Hamer and Mr. Matt Evans addressed Council in favour of the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

10.2.4 Planning Permit Application PA2016-135; Development of a Telecommunications Facility (NBN Fixed Wireless Tower) and Native Vegetation Removal at Crown Allotment 27, Parish of Blackwood, Struck Oil Track, Greendale VIC 3341.

Application Summary:	
Permit No:	PA2016-135
Lodgement Date:	10 May, 2016
Planning Officer:	Tom Tonkin
Address of the land:	Crown Allotment 27, Parish of Blackwood, Struck Oil Track, Greendale VIC 3341
Proposal:	Development of a Telecommunications Facility (NBN Fixed Wireless Tower) and Native Vegetation Removal
Lot size:	Approximately 850ha
Why is a permit required?	Clause 52.17 – Native Vegetation – Removal of native vegetation Clause 52.19 – Telecommunications Facility – Buildings and works
Restrictions registered on title	None
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Number of notices to properties?	Nine (9)
Notices on site?	One (1)
Notice in Moorabool Newspaper?	None

Number of Objections?	Four (4). There were also two (2) supporters of the proposal.
Consultation meeting?	Yes, held 19 September 2016 for this application and PA2016 134 with the applicant and several of the objectors and supporters. There were no subsequent changes made to the application.
Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
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. <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 – Tom Tonkin</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application referred?	The application was referred to Southern Rural Water, Western Water and the Department of Environment Land Water and Planning, and internally to Council's Infrastructure and Environmental Planning units.
Any issues raised in referral responses?	None raised, subject to conditions being placed on a permit.

Preliminary Concerns?	None
Any discussions with applicant regarding concerns?	Not applicable
Any changes made to the application since being lodged?	No
VCAT history?	None
Previous applications for the site?	None
General summary	<p>The application is for the development of a telecommunications facility, specifically a 40m high NBN fixed wireless tower, and removal of native vegetation.</p> <p>The development would be sited on forested Crown land at the northern periphery of Greendale's residential area.</p> <p>Objections to the development generally relate to health effects, inferior service compared to other options and fire danger.</p> <p>Overall, the proposal satisfies the relevant provisions of the Moorabool Planning Scheme and is a generally acceptable response to the amenity of the area.</p>
Summary Recommendation:	
It is recommended that Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i> , subject to conditions detailed at the end of this report.	

Background

The applicant has also submitted application PA2016-134 for a similar facility at Kangaroo Road, Greendale. The applicant has advised that that proposed development includes infrastructure essential to the development of this proposal (PA2016-135). If the development at Kangaroo Road does not proceed then this development will apparently not proceed.

Public Notice

The application was advertised to adjoining and nearby landowners by mail on 22 July 2016 and a sign erected on site from 29 July until 15 August 2016. Four (4) objections and two (2) letters of support were received.

Summary of Submissions

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

Objection	Any relevant requirements
Transmission will be affected by existing tree cover.	N/A
<p>Officer's response - The 40m height of the proposed tower has been designed to overcome constraints affecting network line of sight.</p>	
People who choose to move to the country understand the implications of doing so, such as going without some luxuries.	N/A
<p>Officer's response - Rural and regional communities, like urban areas, include people who hold a broad range of aspirations and values. Assessment of the application must consider a range of objectives, including conflicting objectives, to achieve net community benefit.</p>	
Fibre optic cable should be installed instead of the towers.	Clause 52.19
<p>Officer's response - The applicant advises that fixed wireless would be the most appropriate technology in this instance, taking account of a range of factors such as population density, geography and other network specific considerations when defining rollout plans. Fixed wireless locations are determined by a number of factors including the availability of both the NBN Fibre Transit Network, rings of fibre optic cable which connect exchanges to the NBN central hub, and the availability of Point of Interconnect facilities to allow for the installation of NBN fibre equipment. Unlike a mobile wireless service where speeds can be affected by the number of people moving into and out of an area, the speed available in a fixed wireless network remains relatively steady. This means that bandwidth per household is designed to be more consistent than mobile wireless, even in peak times of use. The proposed fixed wireless network is designed to offer service providers with wholesale access speeds of up to 50Mbps for downloads and 20Mbps for uploads.</p>	
Exposure to electromagnetic radiation, including that any long term effects are unknown.	Clause 52.19

Officer's response -	
<p>The proposed fixed wireless facilities must comply with the prescribed health standards developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is the Federal Government agency charged with the responsibility for protecting the health and safety of people and the environment from all sources of radio frequency electromagnetic energy (RF EME).</p> <p>It is NBN Co's responsibility to comply with the mandated standard for RF EME set down by ARPANSA, which is the safety standard recommended by the World Health Organisation. The safety standard works by limiting the network signal to a level low enough to protect all people, in all environments, 24 hours a day. The safety limit itself is precautionary, in that it has a significant safety margin built into it.</p> <p>The maximum cumulative EME level from the proposed facility would be 0.11% of the ARPANSA exposure limit (the ARPANSA standard public exposure limit is represented as 100%). This is less than 1% of the allowable limits, and over 1000 times below the maximum allowable limit. As the nearest dwellings are more than 50.0m away, at that distance the levels of EME would be many orders of magnitude lower than the maximum levels found in the Environmental EME report.</p>	
Fixed wireless NBN is outdated and an inferior technology to ADSL.	N/A
Officer's response -	
See above response to 'Fibre optic cable should be installed instead of the towers'.	
Fire danger, in particular interruption of the service by smoke or damage or destruction at times when communication is critical.	N/A
Officer's response -	
The proposed facility would be designed to limit as far as possible the risk of damage or destruction by bushfire, but it is acknowledged that damage could occur.	

Proposal

It is proposed to develop a telecommunications facility (NBN fixed wireless tower) and remove vegetation. The development would comprise a 40 metre high monopole, one (1) parabolic dish antenna, two (2) panel antennas, two (2) outdoor cabinets at ground level, 2.4 metre high security fencing and ancillary equipment.

The tower would be located near the western boundary of the land bordering Greendale-Trentham Road near the intersection with Cowans Drive, Dales Creek. A 200sq m patch of native vegetation would be removed to facilitate the development.

The proposed plans are included at Attachment 1.

Site Description

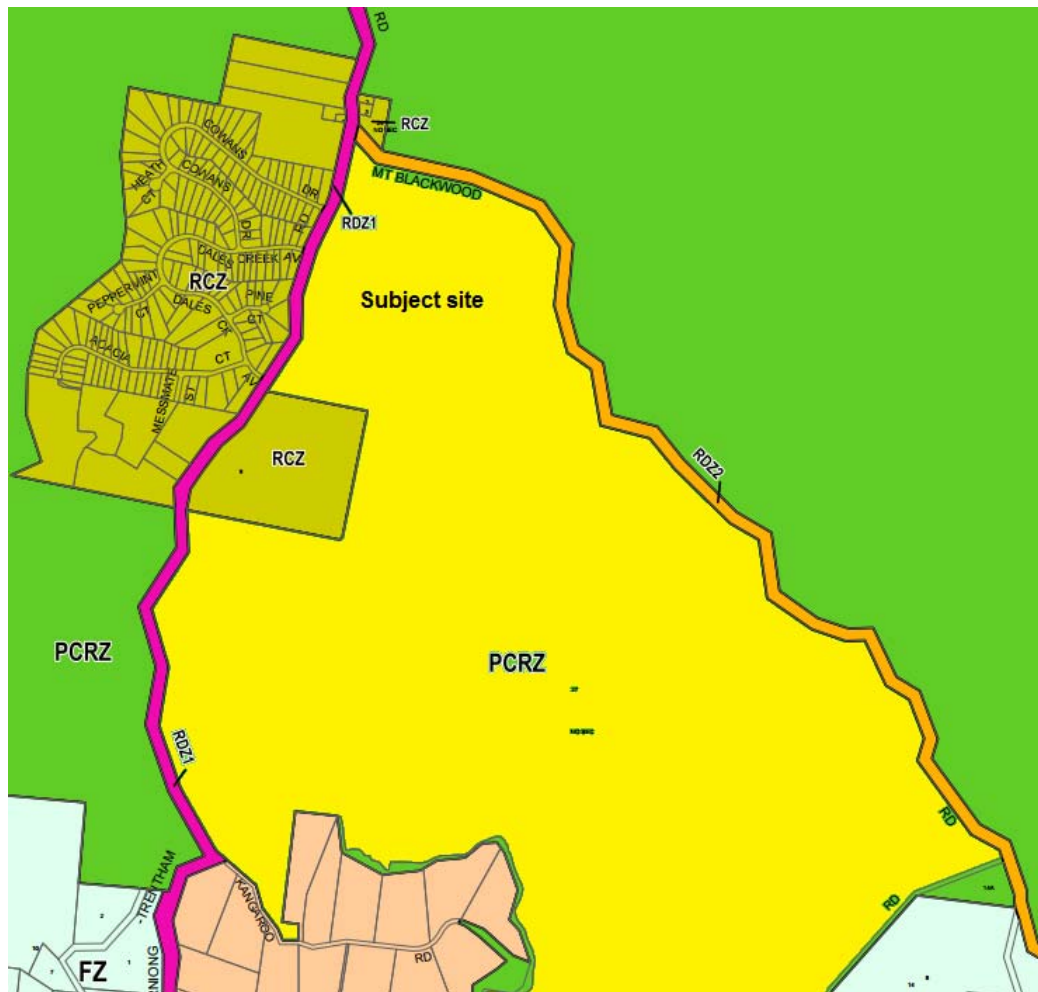
The site is identified as Crown Allotment 27, Parish of Blackwood and known as Struck Oil Track, Greendale. The site is approximately 850ha in size, irregular in shape and comprises forested Crown land. The site is generally bound by Mount Blackwood Road to the northeast, Greendale-Trentham Road and private land to the west, La Cote Road to the southeast, and private land and Long Gully Road to the south.

The site and some surrounding land is in the Public Conservation and Resource Zone and comprises heavily forested Crown land. To the southeast is land in the Farming Zone, to the south land in the Rural Living Zone, and to the northwest land in the Rural Conservation Zone. The nearest residential areas are in Dales Creek to the west of the site.



Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- 11.05-2 – Melbourne’s hinterland areas.
- 11.06 – Central Highlands regional growth.
- 12.01-2 Native vegetation management.
- 12.04-2 Landscapes.
- 14.02 Water.
- 19.03-4 Telecommunications.
- 21.02-2 Non-Urban Landscapes.
- 21.02-3 – Water and Catchment Management.
- 22.02 – Special Water Supply Catchments.

The proposal generally complies with the relevant sections of the SPPF and LPPF.

Zone

The subject site is in the Public Conservation and Resource Zone, and the provisions of Clause 36.03 apply.

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 protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.*
- *To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.*
- *To provide for appropriate resource based uses.*

Under Clause 36.03-1 a permit is not required to use land for a Utility Installation.

Overlays

The subject site is affected by a Bushfire Management Overlay.

Under the Bushfire Management Overlay, a permit is not required for development associated with a telecommunications facility.

Particular Provisions

Clause 52.17 Native Vegetation

A permit is required to remove native vegetation.

Clause 52.19 Telecommunications Facility

Under Clause 52.19 a permit is required to develop land for a Telecommunications facility.

The purpose of Clause 52.19 is:

- To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.
- To ensure the application of consistent provisions for telecommunications facilities.
- To encourage an effective statewide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in Section 4 of the Planning and Environment Act 1987.
- To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

The responsible authority must consider the following relevant decision guidelines before deciding on an application:

- The principles for the design, siting, construction and operation of a Telecommunications facility set out in A Code of Practice for Telecommunications Facilities in Victoria.
- The effect of the proposal on adjacent land.

Discussion

Overall, the proposed development of a Fixed Wireless Telecommunications Tower at Greendale is considered to be generally consistent with relevant State and Local planning policy, State provisions for telecommunications facilities and native vegetation, and the decision guidelines at Clause 65.

The application was advertised and several objections were received, and some letters of support.

The key issues for discussion are:

- How does the proposed development respond to the purpose and decision guidelines of Clause 52.19?
- Is the visual appearance of the proposed development consistent with relevant State and local planning policy?

How does the proposed development respond to Clause 52.19?

The purpose and decision guidelines of Clause 52.19 are provided above.

The applicant has indicated that provision of fixed wireless in Greendale is the most appropriate technology in this instance, including from a cost perspective.

The objectives of planning in Victoria are:

- To provide for the fair, orderly, economic and sustainable use, and development of land;
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e); and
- To balance the present and future interests of all Victorians.

A Code of Practice for Telecommunications Facilities in Victoria includes the following relevant principles, as follows:

- A Telecommunications facility should be sited to minimise visual impact;
- Telecommunications facilities should be co-located wherever practical;

- Health standards for exposure to radio emissions will be met; and
- Disturbance and risk relating to siting and construction should be minimised; and
- Construction activity and site location should comply with State environment protection policies and best practice environmental management guidelines.

The proposal is generally considered to satisfy Clause 52.19 for the following reasons:

- The site and surroundings are heavily vegetated, and notwithstanding the vegetation removal needed to facilitate the development, it would be screened to an acceptable extent from residents and passersby.
- The topography of the area and significant vegetation cover would reduce the visual prominence of the development both below and above the tree line. Viewed from further afield, the development would possibly be a prominent but not dominant landscape element.
- The facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz, Arpana, May 2002.
- Adjacent land comprises public land to the south, north and west and residential land to the east. Although there are dwellings in the vicinity further to the south the site is at the periphery of Greendale's residential area.

The site and surrounding land is in a Special Water Supply Catchment. The application was referred to the relevant water authorities Southern Rural Water and Western Water, who consent to the application.

Is the visual appearance of the proposed development consistent with relevant State and local planning policy?

State and local planning policy recognises the natural landscape and its contribution to the character, identity and sustainability of the State and local areas, and generally seeks to preserve and enhance such areas for these reasons. Council's Municipal Strategic Statement includes the objective at Clause 21.02-2 to maintain and enhance the natural environment and the Shire's rural identity and character. Relevant strategies include:

- Protect the landscape and scenic qualities of forested hill slopes, rural landscapes, and bushland setting of the Shire's rural and urban areas.
- Preserve high quality landscapes by not supporting development on hilltops and ridgelines.

Based only on an assessment against the above policy the proposal would not comply. However, Council must consider the range of applicable policies to this application to decide its suitability in achieving net community benefit. From this perspective the visual appearance of the proposal is considered acceptable for the following reasons:

- This type of development requires an elevated location to achieve its objectives.

- The site is screened by expansive tree cover not only on the site but on surrounding properties, generally limiting views from dwellings in the vicinity of the site, particularly that part of the tower protruding above the surrounding tree canopy. The tower would be particularly visible from roads including Cowans Drive approaching Greendale-Trentham Road.

General Provisions

Clause 62 – Uses, Buildings, Works, Subdivisions and Demolition Not Requiring a Permit

Under Clause 62 the use and development of land for a Telecommunications facility does not require a permit if the requirements of Clause 52.19 are met.

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

Referrals

The following referrals were made pursuant to s.52 and 55 of the *Planning and Environment Act 1987* and relevant Council departments were provided with an opportunity to comment on the proposal.

Authority	Response
Southern Rural Water (s.55)	Consent subject to conditions
Western Water (s.55)	Consent subject to conditions
DELWP (s.52)	Consent subject to conditions
Infrastructure	Consent subject to conditions
Environmental Planning	Consent subject to conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

The recommendation of an approval of this development does not implicate any risk or OH & S issues for 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. The submitters and the applicant were invited to attend this meeting and address Council if desired.

Options

An alternative recommendation would be to refuse the application on the grounds that the development would have a detrimental impact on the landscape values and amenity of the area, and does not reflect orderly planning.

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

Conclusion

It is considered that the application is generally consistent with relevant State and local planning policy, the Rural Living Zone, relevant Overlays, Particular and General Provisions of the Moorabool Planning Scheme.

It is therefore recommended that the application be supported by Council.

Resolution:

Cr. Toohey/Sullivan

That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council issue a Notice of Decision to Grant Permit PA2016 135; Development of a Telecommunications Facility (NBN Fixed Wireless Tower) and Native Vegetation Removal at Crown Allotment 27, Parish of Blackwood, Struck Oil Track, Greendale VIC 3341 subject to the following conditions:

Endorsed Plans:

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority. All buildings and works must be located clear of any easements or water and sewer mains or septic tank and effluent lines unless written approval is provided by the relevant authority.***

Materials and Colour:

- 2. All external walls and roof areas of the proposed building/s are to be clad with non-reflective materials except with the written consent of the Responsible Authority.***

Environmental Planning conditions:

- 3. Offset requirement: In order to offset the removal of 0.020ha of remnant vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with DELWP's publication Permitted clearing of native vegetation***

– ***Biodiversity assessment guidelines and the Native vegetation gain scoring manual.***

4. ***General offset: The offset must:***
- a) ***Contribute gain of 0.005 general biodiversity equivalence units.***
 - b) ***Be located within the Port Phillip and Westernport Catchment Management Authority (PPWCMA) boundary or Moorabool Shire Municipal District.***
 - c) ***Have a minimum strategic biodiversity score of at least 0.148.***
5. ***Offset evidence: Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of DELWP's publication Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:***
- a) ***a credit register extract from the Native Vegetation Credit Register (for more information refer to DELWP's publication Permitted clearing of native vegetation Meeting permit conditions – Third party offsets); or***
 - b) ***a security agreement, to the required standard, for the offset site or sites, including a ten (10) year offset management plan. Every year for ten (10) years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.***

Revegetation must done in accordance with the minimum planting standard specified in Appendix 2 of DELWP's publication Native vegetation gain scoring manual and revegetation sites must meet the following size requirements:

- i. ***At least 1 hectare in size***
- ii. ***Have an average width of at least 20 metres***
- iii. ***Have a perimeter to area ratio of 1:20. Perimeter to area ratio can be calculated by dividing the area (metres²) by the perimeter (metres)***

Telecommunications conditions:

6. ***All noise emanating from any mechanical plant on the site must comply with the Environment Protection Authority's (EPA's) regulations and Council Environmental Health department requirements.***

7. ***The telecommunications facility must comply with “A Code of Practice for Telecommunications Facilities in Victoria”.***
8. ***The telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard-Maximum exposure Levels to Radiofrequency Fields-3kHz to 300 GHz.***

Infrastructure conditions:

9. ***The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 52.47-3 of the Moorabool Planning Scheme, to the satisfaction of the Responsible Authority.***
10. ***Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).***
11. ***Unless otherwise approved by the responsible authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.***
12. ***Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***

Southern Rural Water conditions:

13. ***Sediment control measures outlined in the EPA's publication No 275 Sediment Pollution Control, shall be employed whilst carrying out works and maintained until the disturbed areas have been revegetated.***

Department of Environment Land Water and Planning conditions:

14. ***Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.***
15. ***Before works start, a native vegetation protection fence must be erected around all remnant patches and trees to be retained on site. This fence must be erected around the remnant patch at a minimum distance of 1 metre from retained native vegetation. The fence must be constructed of para webbing, and star pickets or similar to the satisfaction***

of the Department of Environment, Land, Water and Planning. The fence must remain in place until all works are completed.

Except with the written consent of the Department of Environment, Land, Water and Planning within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- a) Vehicular or pedestrian access;**
- b) Trenching or soil excavation;**
- c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;**
- d) Entry and exit pits for underground services; and**
- e) Any other actions or activities that may result in adverse impacts to retained native vegetation.**

16. To offset the removal of 0.02 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEPI 2013) as specified below:

- A general offset of 0.005 general biodiversity equivalence units with the following attributes:**
 - Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Moorabool municipal district**
 - Have a strategic biodiversity score of at least 0.148.**

17. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Department of Environment, Land, Water and Planning. The offset evidence can be:

- A security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or**
- An allocated credit extract from the Native Vegetation Credit Register.**

A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

Expiry condition:

18. This permit will expire if one the following circumstances apply:

- a) ***The development is 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:

DELWP: Works or other activities on public land, which may impact on protected plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee Act 1988 (FFG). All native vegetation likely to be impacted should be checked against the Protected Flora List (DEPI 2014) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from DELWP's regional office.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu 
Title: General Manager Growth and Development
Date: Tuesday, 15 November 2016

Cr. Sullivan declared an Indirect Conflict of Interest (Section 78E) in relation to Item 10.2.5 West Moorabool Heritage Study. The nature of the conflict of interest is due to Cr Sullivan's residence being included in the Heritage Study area.

Cr. Sullivan left the meeting at 5.29pm and did not participate in discussion or voting of the Item.

10.2.5 West Moorabool Heritage Study Stage 2a

Introduction

File No.: 13/01/001
Author: Joe Morgan-Payler
General Manager: Satwinder Sandhu

Background

At the Ordinary Meeting of Council in April 2016 it was resolved that the West Moorabool Heritage Study Stage 2a (the Study) be exhibited for a period of three months commencing in May 2016. Thereafter, it was also resolved that post exhibition a further report be presented to Council on the next steps including suggested changes to the Heritage Study resulting from submissions received and the next steps in implementing the Study findings.

The Study was publicly exhibited between June and August 2016.

A mail out to all parties impacted by the Study in terms of proposed heritage listings occurred at the beginning of the consultation phase. Four public information sessions or community drop-ins were held between June and July 2016 at Blackwood, Ballan, Lal Lal and Bungaree. This process gave affected owners and other interested stakeholders an opportunity to gain further information about the study and to seek clarification on specific details. The Study authors attended three sessions as did Council staff.

The Study was also available on the 'Have your say' website during the exhibition period.

Seventeen submissions were received and considered. There were also some additional meetings and phone discussions with individual owners and Council staff and/or the consultants during the period. The submissions and actions resulting from these are recorded in the table that is attached to this report (attachment 01).

The West Moorabool Heritage Study Stage 2a is now tabled, as amended, for Council adoption to enable implementation via future amendment into the planning scheme.

Area covered by Stage 2a.

As stage 2 was to be split due to limited available funding, priorities for the first phase of the study were put forward to the Moorabool Heritage Advisory Committee (MHAC). Areas targeted were those most likely to be effected in the shorter term by Moorabool 2041 and also to those settlements that contained unique and rich elements of local heritage. As a result, stage 2a targeted:

- Heritage precincts (Ballan; Blackwood; Lal Lal).
- Individual heritage places in Blackwood.
- Individual heritage places between Ballan and Ballarat along the Western Freeway corridor.

Consultation

As part of the studies consultation, Council conducted a mail out to the 206 affected landowners, staged four public information sessions, ran the *Have Your Say* website and placed newspaper advertising informing residents of the study during the exhibition period.

There were 17 submissions. Of these 8 were broadly supportive but wanted minor changes to the listing and or were requesting /providing further information.

The remaining 9 submissions objected to the listing entirely based on perceived repercussions of a heritage overlay and or they challenged the heritage significance of the property and therefore the appropriateness of such an overlay.

For those parties not satisfied with the heritage listing proposed in the Study, it is important to note that there will be further opportunity to put forward their case when the draft amendment is prepared and exhibited – likely to be in 2017/18 subject to funding by Council.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment.
Objective	Promote and enhance places of heritage, landscape and environmental significance.
Strategy	Complete West Moorabool Heritage Study Stage 2A and include funding its implementation and the completion of Stage 2 in the Strategic Resource Plan. (2015/16 Budget initiative).

The proposal is consistent with the 2013-2017 Council Plan.

Financial Implications

Substantial financial assistance (\$100,000) has been provided to Council by the State Governments to enable the preparation of Stage 2a to this point.

A condition of the assistance was subject to Council fund and undertake the planning scheme amendment on completion of the study to implement the recommendations.

Council will be expected to cover the costs associated with community consultation, preparation of planning scheme amendment documents, costs associated with exhibition, panel and changes prior to adoption of the planning scheme amendment, including the cost of any expert assistance it requires. A funding bid for the financial year 2017-18 has been made to enable implementation of the Study to occur (\$60,000).

Work required to complete following the adoption of the Stage 2a Study.

- Securing funding for the future amendment stage.
- Preparation of planning scheme amendment documents to implement the Study recommendations;
- Exhibition and ultimate adoption of a planning scheme amendment to implement the Study.

An itemised schedule of costs will be prepared in the funding bid to further scope the manner in which the next stages of work will be resourced, including any experts required. As indicated in the Council agenda report of April 2016, it is a condition of the Heritage Victoria grant funding that the Study now be implemented.

It is important to note that in adopting the Strategy any landowner not satisfied with the heritage descriptions attached to their property will have a further opportunity to make comment when the draft amendment is prepared.

Risk and Occupational Health and Safety Issues

This strategy, by identifying Council's statutory obligations in relation to heritage as well as ways to improve staff understanding of their role in heritage which will improve compliance and reduce financial and reputational risk to 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 – Satwinder Sandhu

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

Author – Joe Morgan-Payler

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

Conclusion

The West Moorabool Heritage Study Stage 2A is a comprehensive piece of work that adds considerably to the knowledge of Council and the community on local heritage.

The Study has been exhibited in accordance with Council's previous resolution and the submissions and information during this period has been considered in the revised final study document.

As a result, it is recommended that the document be adopted by Council as now tabled.

All affected owners and other stakeholders will be given further opportunity for consultation as part of any future planning scheme amendment to implement the recommended heritage overlays. Additionally, it is recommended that during an amendment process the condition, integrity and significance of certain heritage places are confirmed, as appropriate by site visits (with permission from the respective owners) at that time.

Recommendation:

That Council:

- 1. Receive the submissions in relation to the West Moorabool Heritage Study Stage 2A, as tabled in Attachment 01.**
- 2. Adopt the West Moorabool Heritage Study Stage 2A, as tabled in Attachment 01 and authorises its publication on the Moorabool Shire Council web site.**
- 3. Seek authorisation from the Minister for Planning to prepare a planning scheme amendment to implement the recommendations of the West Moorabool Heritage Study Stage 2A.**
- 4. Request variation to the Heritage Victoria grant, as relevant, to address the timelines determined by funding of the draft amendment.**

Motion: Cr. Dudzik/

That Council:

- 1. Receive the submissions in relation to the West Moorabool Heritage Study Stage 2A, as tabled in Attachment 01.**
- 2. Adopt the West Moorabool Heritage Study Stage 2A, as tabled in Attachment 01 and authorises its publication on the Moorabool Shire Council web site.**

3. **Seek authorisation from the Minister for Planning to prepare a planning scheme amendment to implement the recommendations of the West Moorabool Heritage Study Stage 2A.**
4. **Request variation to the Heritage Victoria grant, as relevant, to address the timelines determined by funding of the draft amendment.**

The Motion lapsed due to the want of a Secunder.

Resolution:

Crs. Dudzik/Toohey

That Council receive the submissions in relation to the West Moorabool Heritage Study Stage 2A, as tabled in Attachment 01.

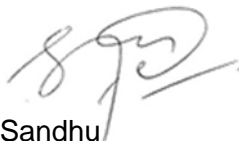
CARRIED.

Cr. Sullivan returned to the meeting at 5.34pm.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday, 30 November 2016



10.2.6 Moorabool Shire Council Meeting Framework

Introduction

File No.: 02/02/002
Author: John Whitfield
General Manager: Satwinder Sandhu

At the Statutory and Annual Appointments Meeting of the Council held Monday 7 November 2016, the Council considered a report on the Moorabool Shire Council Meeting Framework. It resolved as follows:

Resolution:

Crs. Sullivan/Tatchell

- 1. That the December Ordinary Meeting of Council be held on Wednesday 7 December 2016, commencing at 5.00pm at the James Young Rooms, Lerderberg Library, 215 Main Street, Bacchus Marsh.*
- 2. That a report be presented to the December Ordinary Meeting of Council regarding the Council Meeting Framework including dates and venues of meetings.*

CARRIED.

This report is not to address the timing of meetings, frequency of meetings or efficiency factors. This report is to address venue options, and meeting set up matters including technology and formality of council meetings.

Background

It is the generally accepted view of good governance that the decision-making processes of the Council should be open to public scrutiny and conducted in a transparent manner which enables input by the community.

In order that the functions of the Council in fulfilling its policy determination, leadership and strategic planning roles can be successfully undertaken, the conduct of the business of the Council requires a flexible approach with respect to its meeting framework.

The conduct of meetings of Council should enable Councillors to best inform themselves in regard to matters for decision, engaging a process that appears comprehensive, democratic and professional to the community the Council serves.

In addition, the Council's Meeting Framework should endeavour to make efficient use of both Councillors' and Council officer's time. In this regard, the primary activity of the elected Council is to make decisions on policy matters and set strategic direction.

The primary function of the organisation and its resources is then to implement such policy and strategic direction, providing accountability reporting back to the Council and the community. Sufficient scope needs to exist for community consultation which acts as a guide to the decision-making processes of the elected Council.

Discussion

The proposed meeting framework has been developed to provide for the efficient and effective conduct of the business of Council, in a manner which enables a transparent and interactive decision making process involving Moorabool Shire Council and the community, leading to effective decision making protocols.

It varies from the framework recommended at the Special Meeting on 7 November 2016 by proposing that Ordinary Meetings of Council be held in three locations; Bungaree, Ballan and Bacchus Marsh, during the next 12 months. These three meeting venues are situated across the Shire; in the west, the centre and the east. As such these locations spread the accessibility for our community to attend Council meetings. They all offer good meeting facilities for both Council and the public wishing to attend the meetings. These venues all have appropriate information technology setups enabling the display of the Agenda to the public attending Council meetings.

The proposed framework is as follows:

Moorabool Shire Council Meeting Framework

Ordinary Meetings of Council

One Ordinary Meeting of Council be held each calendar month with the exception of January where no meeting will be held. Meetings will be held on the first Wednesday of each month, commencing at 5.00pm with three meetings to be held in Bungaree, four meetings in Ballan and four meetings in Bacchus Marsh as indicated in the attached schedule.

The Ordinary Meeting of Council generally considers matters listed under the services areas of Governance, Infrastructure, Community Services and Growth and Development relating to service delivery policy and statutory obligations in addition to statutory planning and strategic land use planning. Notwithstanding, if matters of a more general nature require some urgency, the arrangements will facilitate incorporation within the agenda of the meeting for decisions to be made in order to meet pressing timelines.

Council Section 86 Delegated Committees and Advisory Committees

A schedule for the following Council committee meetings is attached:

- Social Development Committee (Advisory)
- Place Making Committee (Advisory)
- Development Assessment Committee (S86 Delegated)
- Urban Growth Strategy Committee (S86 Delegated)
- Rural Growth Strategy Committee (S86 Delegated)

Assembly of Councillors

In instances where discussion or interaction between Councillors and Council officers is required on policy or strategic matters an Assembly of Councillors shall be convened pursuant to the provisions of the *Local Government Act 1989*.

Such Assemblies of Councillors may, insofar as practicably possible, be convened on the afternoon of scheduled Ordinary Meetings of Council, the first Wednesday of each calendar month. Additional Assemblies can be scheduled, if required, for the second and third Wednesdays each month commencing from 2.00pm.

Proposal

This report offers a revised Moorabool Shire Council Meeting Framework for the period ending at the next Statutory and Annual Appointments Special Meeting of Council.

Policy Implications

The 2013–2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our community.
Objective	Good governance through open and transparent processes and strong accountability to the community.
Strategy	Ensure policies and good governance are in accordance with legislative requirements and best practice.

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

The Council will provide to the community by public notice, as required by the *Local Government Act 1989*, the time, date and venue for Ordinary Meetings of Council and Council Committee Meetings, as adopted by the 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 – Satwinder Sandhu

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

Author – John Whitfield

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

Conclusion

There are a variety of options that all can work effectively for the Council in the way it structures and arranges its meetings. The recommendation below is an option for holding ordinary meetings at venues across the Shire.

Resolution:

Crs. Dudzik/Toohey

- 1. *That in order to undertake considerations and decisions for the good governance of the Moorabool Shire, the Council determines the following meeting framework to be convened and undertaken in accordance with the provisions of the Local Government Act 1989 and the Moorabool Shire Council Meeting Procedure Local Law No. 9:***
 - a. Ordinary Council Meetings to be held on the first Wednesday of each calendar month with the exception of January, commencing at 5.00pm, with three meetings to be held in Bungaree, four meetings in Ballan and four meetings in Bacchus Marsh as indicated in the attached schedule.***
 - b. Council Committee meetings, comprising both Advisory Committees and Section 86 Delegated Committees, be held as indicated in the attached schedule and in line with the Terms of References adopted by Council for each committee.***
 - c. An Assembly of Councillors shall be convened pursuant to the provisions of the Local Government Act***

1989 in instances where discussion or interaction between Councillors and Council officers is required on Policy or Strategic Matters.

Such Assemblies of Councillors may, insofar as practicably possible, be convened on the afternoon of scheduled Ordinary Meetings of Council, the first Wednesday of each calendar month. Additional Assemblies can be scheduled, if required, for the second and third Wednesdays each month commencing from 2.00pm.

- 2. That the Council provides public notice, as required by the Local Government Act 1989, indicating the time, date and venue for convening Ordinary Meetings of Council and Council Committee Meetings, which shall be open to the public.**

CARRIED.

Report Authorisation

Authorised by:

Name:

Satwinder Sandhu 

Title:

General Manager Growth and Development

Date:

Wednesday, 30 November 2016

10.2.7 Appointment of Municipal Emergency Resource Officer (MERO) – Moorabool Shire Council

Introduction

File No.: 12/13/005
Author: Satwinder Sandhu
General Manager: Satwinder Sandhu

Background

With the departure of the current incumbent and to ensure preparedness for the forthcoming fire the season the Council is required under the Emergency Management Act 1986 and Emergency Management Act 2013 to appoint a new MERO.

A position description is included in the Council's Municipal Emergency Management Plan as adopted by Council.

Proposal

Under section 21 of the Emergency Management Act entitled Municipal Co-ordination and planning:

- a) A municipal council must appoint a person or persons to be the municipal emergency resource officer or municipal emergency resource officers.
- b) A municipal emergency resource officer is responsible to the municipal council for ensuring the co-ordination of municipal resources to be used in emergency response and recovery.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	A safe community
Strategy	Support the community in emergency management planning, response, recovery and in the prevention and mitigation of all hazards and work towards community resilience.

The proposal is consistent with the Council Plan.

Financial Implications

An annual allowance equivalent to the availability allowance indexed annually is payable and budgeted for this position.

Risk & Occupational Health & Safety Issues

Nil if appointed.

Communications Strategy

Nil required included in Emergency Plan.

Advice will be provided to all neighbouring Councils and emergency service agencies to updated records.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Satwinder Sandhu

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

Conclusion

It is recommended to Council to appoint Ms Cherie Graham, Manager Emergency Management to the position of Moorabool Shire Council's Municipal Emergency Resource Officer (MERO). Deputy MEROs will be Mr Glenn Townsend, Manager Operations and Ms Di Elshaug, Executive Personal Assistant to the CEO.

Resolution:

Crs. Sullivan/Dudzik

Pursuant to Section 21 of the Emergency Management Act 1986 and Emergency Management Act 2013 the Council appoint Ms Cherie Graham as the Moorabool Shire Council's Municipal Emergency Resource Officer (MERO) and the Manager Operations, Glenn Townsend and Executive Personal Assistant to the CEO, Di Elshaug to assume the positions of Deputy MEROs.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: Thursday 17 November 2016



10.2.8 Development Assessment Committee – Appointment of Chairperson

Introduction

File No.: 02/01/013
 Author: John Whitfield
 General Manager: Satwinder Sandhu

Background

At the Development Assessment Committee held on Wednesday 23 November 2016, the committee appointed an interim Chairperson for that meeting only. The committee resolved as follows:

Resolution:

*Moved: Cr. Tatchell Seconded: Cr. Dudzik
 That Cr. Toohey be appointed as Interim Chair of the Section 86
 Development Assessment Committee until the next public council
 meeting where a permanent chair will be appointed.*

CARRIED.

Proposal

The current Terms of Reference for the Development Assessment Committee says:

“The Chairperson will be appointed by Council or the Committee, and reviewed each year at the Statutory and Annual Appointments Meeting of Council.”

Typically the committee has appointed the Chairperson. On this occasion, the committee has resolved that the Council make that appointment. This appointment will expire at the next Statutory & Annual Appointments Special Council Meeting to be held in 2017.

Policy Implications

The 2013 – 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Good governance through open and transparent processes and strong accountability to the community
Strategy	Ensure policies and good governance are in accordance with legislative requirements and best practice.

Financial Implications

No financial implications to Council.

Risk & Occupational Health & Safety Issues

No Risk and Occupational Health and Safety issues relating to this report.

Communications Strategy

The resolution of the Council will be recorded in the Minutes of the meeting. No further communication is needed for this matter.

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 – John Whitfield

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

Conclusion

As resolved by the Development Assessment Committee and in accordance with the committee's Terms of Reference, that the Council appoint the Chairperson of the Development Assessment Committee with that appointment expiring at the next Statutory and Annual Appointments Special Council meeting in 2017.

Recommendation:

That the Council appoint Cr. _____ to be the Chairperson of the Development Assessment Committee with that appointment expiring at the next Statutory and Annual Appointments Special Council meeting in 2017.

Resolution:

Crs. Dudzik/Sullivan

That the Council appoint Cr. Toohey to be the Chairperson of the Development Assessment Committee with that appointment expiring at the next Statutory and Annual Appointments Special Council meeting in 2017.

CARRIED.

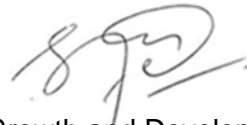
Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: Wednesday 30 November 2016



10.3 SOCIAL AND ORGANISATIONAL DEVELOPMENT

No reports for this meeting.

10.4 INFRASTRUCTURE SERVICES

10.4.1 Review of Council's Procurement Policy

Introduction

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

Background

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

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

Council's existing Procurement Policy was first adopted 18 November 2009 and in accordance with legislative requirements has continued to be reviewed on an annual basis. The last formal review and adoption of the policy was 3 June 2015.

A review of the existing policy has been undertaken by the internal Procurement Steering Group (a cross functional committee that has been established to oversee all procurement related matters).

Initially presented to Council at the September Ordinary Meeting, it was resolved that the updated draft policy lay on the table to be presented to a meeting of the new Council.

On Wednesday 16 November 2016, the new Council resolved to defer consideration of the updated policy to an Assembly of Council so Councillors could further discuss the policy and policy implications. The policy is now being presented to Council for formal adoption.

Proposal

As a result of the review, there are some adjustments proposed. These amendments do not affect the overall intent of the policy. The revised policy is presented as an attachment to this report.

The key changes being proposed to the policy are:

- The alteration of the procurement threshold requirements to enable Council Officers to more efficiently undertake their duties; and
- The recognition of compliance requirements to Council Fraud Management Plan.

The key change to the proposed procurement thresholds relate to purchases between \$2,501 and \$50,000. In the current procurement policy, it is a requirement for at least 2 written quotes for all purchases between \$2,501 and \$50,000. Under the proposed changes, it is recommended that for purchases between \$2,501 and \$15,000 a requirement that only 1 written quote be received. For purchases between \$15,001 and \$50,000, 2 written quotations will be required before a purchase is made.

The recommendation to alter procurement spend thresholds came about as a result of benchmarking with other Councils and a desire to improve efficiencies in day to day activities whilst maintaining accountable and responsible spending of ratepayer funds. If the proposed amendment is not supported, an alternate would be to revert back to the previous version of the policy.

This policy will continue to be reviewed on an annual basis.

Policy Implications

The 2013–2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Good governance through open and transparent processes and strong accountability to the community.
Strategy	Ensure policies and good governance are in accordance with legislative requirements and best practice.

Financial Implications

The adoption of the revised Procurement Policy has no additional known financial implications to Council. It is not anticipated that the changes proposed will have a material financial impact on Council.

Risk & Occupational Health & Safety Issues

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

Communications Strategy

Once Council has adopted the revised Procurement Policy, the updated document will be communicated to all staff and will be placed on Council's website.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager Infrastructure – Phil Jeffrey

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

Author – Jacinta Erdody

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

Conclusion

In accordance with section 186A(7) of the Local Government Act at least once in a financial year, Council must review its current Procurement Policy.

After considering the revised policy, it is recommended that Council adopt the updated document.

SUSPENSION OF STANDING ORDERS 5.38PM

Resolution:

Crs. Tatchell/Dudzik

That Standing Orders be suspended to facilitate a discussion on Item 10.4.1.

CARRIED.

RESUMPTION OF STANDING ORDERS 5.41PM

Resolution:

Crs. Sullivan/Toohey

That Standing Orders now be resumed to facilitate a return to the business of the Agenda.

CARRIED.

The business of the meeting then returned to the agenda Item 10.4.1, titled Review of Council's Procurement Policy.

Recommendation:

That Council adopts the revised Procurement Policy (IS014 / Version 007).

Resolution:

Crs. Keogh/Dudzik

That Council adopts the revised Procurement Policy (IS014 / Version 007) as presented to the Council with the following amendments:

- The table in Section 2.5.- Procurement methods according to amount to be replaced with the table below:***

Threshold Amount (Inc. GST)	Available Methods
1. \$0 - \$100	<ul style="list-style-type: none"> • <i>MSC Purchase Card</i> • <i>Petty Cash (Employee Reimbursement Form)</i> • <i>Purchase Order (electronic)</i> • <i>Request for Payment</i>
2. \$101 - \$5,000	<ul style="list-style-type: none"> • <i>MSC Purchase Card (< \$2,500)</i> • <i>Purchase Order (electronic) – in conjunction with 1 verbal quote</i> • <i>Request for Payment</i>
3. \$5,001 - \$50,000	<ul style="list-style-type: none"> • <i>Purchase Order (electronic) – in conjunction with a request for 3 written quotations</i> • <i>Request for Payment</i>
4. \$50,000 - \$150,000 (goods and services) or \$200,000 (carrying out works)	<ul style="list-style-type: none"> • <i>Purchase Order (electronic) – in conjunction with an approved project brief and request for a minimum of 3 written quotations</i> • <i>Request for Payment</i> • <i>Tender (electronic) (optional)</i>
5. \$150,000 + (for goods and services) or \$200,000 + (carrying out works)	<ul style="list-style-type: none"> • <i>Tender (electronic) – compulsory in accordance with S186 LGA 1989.</i>

- The addition in Section 2.1.4 – Conflict of Interest, that a Register of Conflicts of Interests be established for officers dealing with purchases, contracts or any other financial dealings with the public with that Register to be maintained and audited annually by the CEO.***

CARRIED.

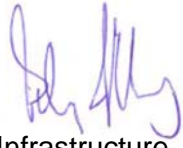
Report Authorisation

Authorised by:

Name: Phil Jeffrey

Title: General Manager Infrastructure

Date: Wednesday, 30 November 2016

A handwritten signature in blue ink, appearing to read 'Phil Jeffrey', is positioned to the right of the 'Authorised by' section.

10.4.2 Ballan Industrial Estate - RDV Funding and Outcome of National Stronger Regions Fund (Round 3) Funding Application

Introduction

Author: Sam Romaszko
General Manager: Phil Jeffrey

Background

In 2016 Regional Development Victoria (RDV) allocated \$450,000 towards the proposed upgrade of the Ballan Industrial Estate, to promote economic development. The project was proposed to be supplemented by the Federal Government's National Stronger Regions Fund (NSRF) and enable businesses in the estate to expand their operations and also attract new business to the township of Ballan.

The Federal Government's National Stronger Regions Fund (NSRF) is a programme to promote economic development in Australia's regions. \$1 billion is provided over five years, commencing in 2015-16, to fund priority infrastructure in local communities.

Advice has recently been received that the NSRF funding has been unsuccessful and thus a decision on the \$450,000 RDV funds is required.

Given the NSRF outcome, discussions have taken place with RDV regarding the possibility of reallocating the \$450k to an alternative project. RDV has advised the reallocation of this funding to another project will not be supported and if it is not used on this project then the funds would need be relinquished and application for a different project be made as a separate process.

Proposal

As the \$450,000 RDV funding allocation to the Ballan Industrial Estate project cannot be reallocated to another project, it is recommended that these funds be used to deliver an extension of Haddon Drive including an extension of services. This would enable acquittal of the grant and would also benefit adjacent landowners and enable articulated vehicle turnaround area. The alternative is to hand back the funding.



Haddon Drive, Ballan – location of proposed extension

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Ensure current and future infrastructure meets the needs of the community
Strategy	Construct physical infrastructure to appropriate standards

The proposal is consistent with the 2013-2017 Council Plan.

Financial Implications

There are no financial implications from this report. The revised scope including the extension of Haddon Drive will be delivered within the existing \$450,000 grant allocation. Some of these costs would have likely been incurred by construction of a new depot therefore there is an ultimate financial benefit.

Risk & Occupational Health & Safety Issues

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

Communications Strategy

There is no formal communications strategy required as a result of the recommendation within this report.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Sam Romaszko

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

Conclusion

Council has recently been advised that it has been unsuccessful in obtaining grant funding for the Ballan Industrial Estate project via the NSRF funding stream however has been granted a \$450k grant from the state government towards the project.

Given the existing \$450,000 grant provided by RDV is unable to be allocated to an alternative project, it is proposed that it be utilised to deliver an extension of Haddon Drive, in the Ballan Industrial Estate, rather than hand back the funding.

Resolution:

Crs. Tatchell/Toohey

That Council retains the \$450,000 grant and proceeds with an extension to Haddon Drive with associated services.

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey

Title: General Manager Infrastructure

Date: Wednesday, 30 November 2016



Consideration of Presentation

Mr. Barry Whelan addressed Council in relation to the request for traffic calming devices in Manning Boulevard, Darley.

The business of the meeting then returned to the agenda.

10.4.3 Petition; Request for Traffic Calming Devices – Manning Boulevard, Darley

Introduction

Author: John Miller
General Manager: Phil Jeffrey

At the Ordinary Meeting on 3 August 2016, Council received a petition containing 45 signatures, requesting the installation of traffic calming devices along Manning Boulevard, Darley. This petition follows a customer request in the same regard.

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

Background

Manning Boulevard is a section of road located in the Manning Estate in Darley, which commences at Links Road and terminates at the end of current construction. There are a number of intersections with various courts and a through road, Ramsay Crescent, as shown on the image below. Beyond Ramsay Crescent intersection, Manning Boulevard is essentially a no through road.



Site Assessment

Manning Boulevard is 9 metres wide and is approximately 1.18km in length, with a combination of steep grades and tight bends and is classified as a Local Access 1 sealed road under Council's Road Management Plan.

The road is a 'No Through' road and the Manning Estate is a 'Low Density Residential Zone' (LDRZ) area.

Generally, the traffic issues being experienced in Manning Boulevard are described as hoon behaviour and speeding vehicles, as well as noise issues.

There are three existing speed calming devices in place as can be seen in the images below:

Location: 185m east of Whelan Court



Location: Corner of Manning Boulevard and Delwyn Court



Location: 106m South of Delwyn Court on Manning Boulevard



In addition to the above, following a customer request, Council installed four 50km/h speed restriction and three curve warning signs in June 2016.

Traffic counts conducted after the installation of the initial speed restriction signs have shown a decrease in the 85th percentile speed from 58km/h to 55km/h. It is evident that this has been an effective measure to remove any confusion regarding the current speed limit along Manning Boulevard and has seen a reduction in the number of speeding motorists.

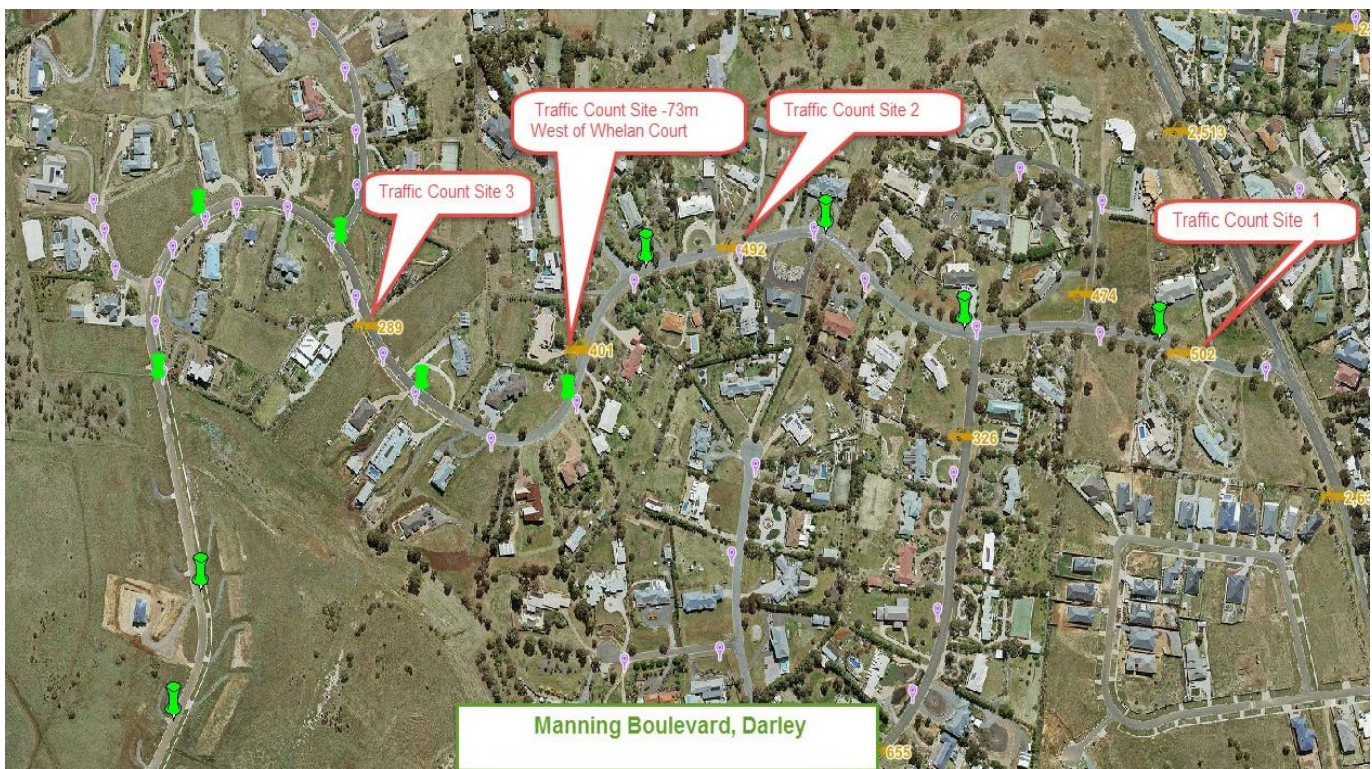
Subsequent to the petition being received, officers have received two further requests from residents along Manning Boulevard, stating that they do not support the installation of speed humps along the road. Their main concerns are around risk and the impact on larger vehicles.

Traffic Count Data

The tables below shows the average daily vehicle counts and 85%ile speed (speed at which 85% of vehicles travel at or below) before and after the installation of both Speed Restriction and Curve Warning Signs for the 4 traffic count sites along Manning Boulevard. A further breakdown of the data shows that downhill speeds are slightly higher than uphill speeds as would be expected. A map is included below showing these locations.

Date	Before signs installed		21/07/2016 (after signs installed)	
Site Number	Vehicle Count	85%ile speed	Vehicle Count	85%ile speed
1	828	59km/h	502	57km/h
2	393	60km/h	502	54km/h
3	252	55km/h	289	54km/h
New	-	-	401	56km/h

Sites



Anti-hoon Laws

Anti-hoon laws are about making roads safer and reducing road trauma. They were introduced in Victoria in July 2006, and give police the power to impound, immobilise or permanently confiscate vehicles driven by people in a dangerous manner.

Residents that witness hoon behaviour are encouraged to contact Crime Stoppers on 1800 333 000 or www.crimestoppers.com.au and provide as many details as possible.

Traffic Calming Devices

Traffic Calming is the term given to measures utilised to attempt to improve the safety or amenity of roads, by either reducing the volume of traffic or reducing the speed of traffic using that road. Council follows VicRoads standards, Austroads guidelines and internal procedures when considering Traffic Calming Devices.

For speed humps to be effective, the site needs to be well lit, relatively straight and flat with devices spaced at intervals between 80m to 150m apart. While speed humps assist in a reducing speed, they are generally most effective where the 85th percentile speed is 15km/h above the posted limit, in this instance the 85th percentile speed is 5km/h above the posted limit and the road has a combination of steep grades and tight bends.

It is also noted that traffic calming devices have the potential to introduce additional issues such as:

- Increase in noise and fumes next to the traffic calming structures due to braking and acceleration
- Can be uncomfortable for vehicle passengers and cyclists
- Reduction of on street parking
- Increased glare at night from car lights
- Increased maintenance costs to Council
- Slower access for emergency and service vehicles.

It is important to note that traffic calming devices are not designed to control irresponsible driving behaviour.

Proposal

Following an investigation of the existing conditions and traffic data as outlined above, it is considered that the installation of traffic calming devices is not warranted at this time.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area

Enhanced Infrastructure and Natural and Built Environment

Objective	Ensure current and future infrastructure meets the needs of the community
Strategy	Provision of effective and safe transport networks

The proposal is consistent with the 2013-2017 Council Plan.

Financial Implications

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

However, if Manning Boulevard met the criteria for installation of traffic calming devices, standards would require the construction of nine sets of devices as well as the installation additional street lights and poles with an estimated total cost of approximately \$95,000.

Risk & Occupational Health & Safety Issues

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

Communications Strategy

The convener of the petition will be formally notified of Council's decision following a resolution.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – John Miller

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

Conclusion

At the Ordinary Meeting on Wednesday 3 August 2016, Council received a petition requesting the installation of speed limiting devices in Manning Boulevard, Darley.

Following an investigation of the existing conditions and traffic data as outlined within this report, it is considered that the installation of traffic calming devices is not warranted at this time.

Recommendation:

That Council notes the concerns of residents as outlined in the petition, however does not support the installation of traffic calming devices in Manning Boulevard, Darley, at this time.

Resolution:


Crs. Dudzik/Sullivan

That Item 10.4.3 – Petition, Request for Traffic Calming Devices – Manning Boulevard Darley, be deferred to the next Council meeting held in Bacchus Marsh.

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey 
Title: General Manager Infrastructure
Date: Wednesday, 30 November 2016

11. OTHER REPORTS

11.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

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

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

- Assembly of Councillors – Wednesday 23 November 2016 – Draft Procurement Policy

Resolution:

Crs. Sullivan/Tatchell

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

- ***Assembly of Councillors – Wednesday 23 November 2016 – Draft Procurement Policy***

CARRIED.

11.2 Advisory Committees of Council - Reports

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

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

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

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

Committee	Meeting Date	Council Representative
Audit and Risk Committee	10 August 2016 7 September 2016	Cr. Dudzik Cr. Tatchell
Bacchus Marsh District Trails Advisory Committee	8 November	Cr. Bingham

Resolution:

Crs. Tatchell/Toohey

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

- ***Audit and Risk Committee meetings of Wednesday, 10 August 2016 and Wednesday, 7 September 2016.***
- ***Bacchus Marsh District Trails Advisory Committee meeting of Tuesday, 8 November 2016.***

CARRIED.

12. NOTICES OF MOTION

12.1 Cr. Sullivan - Notice Of Motion 260 – Former Bungaree Police Station Site, Corner Lesters Road and Wallace-Bungaree Road, Bungaree

Resolution:

Crs. Sullivan/Toohey

- 1. *That the development and potential sale of the former Bungaree Police Station site be deferred until the release of the final version of Central Highlands Water Five Year Water Plan.***
- 2. *Upon release of the final version of the Central Highlands Water Five Year Water Plan, that the matter of the future of the former Bungaree Police Station site be brought back to Council for a decision.***

CARRIED.

13. MAYOR'S REPORT

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

Cr Edwards– Mayor's Report	
<i>November/December 2016</i>	
20 November	Ballan Autumn Festival Priscilla Queen of the Desert High Tea Event
22 November	Bacchus Marsh Community Bank AGM and Community Grants Presentation Night
23 November	Assembly of Councillors – Draft Procurement Policy
25 – 27 November	VLGA Essential Mayor's Weekend, Kalorama
29 November	Moorabool Shire Council Community Grants Presentation Evening
1 December	Minister for Local Government Welcome Event for Mayors and CEOs, Melbourne
2 December	Reception at Government House to unveil the Victorian Community Christmas Tree
3 December	Ballan & District Community House "Welcome to your Community Centre"
5 December	Bacchus Marsh Fire Station Zero Tolerance Campaign Moorabool Landcare Advisory Committee and Moorabool Landcare Network Field Trip
7 December	Assembly of Councillors – Budget Meeting Assembly of Councillors – Councillor Code of Conduct

Resolution:

Crs. Toohey/Sullivan

That the Mayor's report be received.

CARRIED.

14. COUNCILLORS' REPORTS

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

Cr. Tatchell	
<i>November 2016</i>	
<i>20 November 2016</i>	Ballan Autumn Festival - Priscilla Queen of Dessert High Tea event

Cr. Dudzik	
<i>November 2016</i>	
<i>20 November 2016</i>	Ballan Autumn Festival - Priscilla Queen of Dessert High Tea event
<i>26 November 2016</i>	Relay for Life – <i>Thank you to all Council officers who participated.</i>

Cr. Toohey	
<i>December 2016</i>	
<i>7 December 2016</i>	Met with Southern Rural Water to discuss Five Year Plan, Upgrades of Infrastructure, Water Sales, etc.

Cr. Sullivan	
<i>November 2016</i>	
<i>25 November 2016</i>	National Timber Council AGM - Melbourne.

Resolution:

Crs. Sullivan/Dudzik

That the Councillors' reports be received.

CARRIED.

15. URGENT BUSINESS

Nil.

ADJOURNMENT OF MEETING – 6.12PM

Crs. Sullivan/Tatchell

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

CARRIED.

RESUMPTION OF MEETING – 6.21PM

Crs. Toohey/Dudzik

That the meeting now be resumed.

CARRIED.

16. CLOSED SESSION OF THE MEETING TO THE PUBLIC

16.1 Confidential Report

16.2 Confidential Report

Resolution:

Crs. Toohey/Sullivan

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 16.1 – 16.2 are confidential items
and therefore not included
as part of these Minutes.

17. MEETING CLOSURE

The meeting closed at 6.28PM.

Confirmed.....Mayor.