

SPECIAL MEETING OF COUNCIL

Notice is hereby given of a
Special Meeting of Council to be held at
the James Young Room, Lerderderg Library,
215 Main Street, Bacchus Marsh on
Wednesday 22 June 2016,
commencing at 6:00 p.m.

Members:

Cr. Allan Comrie (Mayor)	East Moorabool Ward
Cr. Paul Tatchell	Central Ward
Cr. David Edwards	East Moorabool Ward
Cr. John Spain	East Moorabool Ward
Cr. Tonia Dudzik	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 Community Services

Rob Croxford
Chief Executive Officer

AGENDA

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1. OPENING OF MEETING

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. PRESENT

4. APOLOGIES

5. 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. PRESENTATIONS / DEPUTATIONS

The Council has made provision in the business of the Special Meeting 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 the Council on a matter included in the agenda shall inform Council by 1pm on the Friday 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 the 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:

As listed.

7. BUSINESS

7.1 Consideration of Submissions to the Proposed 2016/17 Annual Budget

Introduction

File No.: 07/01/015A
Author: Steve Ivelja
General Manager: Phil Jeffrey

Background

This report relates to the process for Council to adopt the 2016/17 Annual Budget in accordance with section 127 of the Local Government Act 1989 (The Act). The process includes giving public notice to allow 28 days for submissions to be made by members of the public and such submissions to be heard prior to Council adopting the 2016/17 Annual Budget.

Council commenced statutory procedures dealing with the 2016/17 Annual Budget at the Council Meeting held on Wednesday, 4th May 2016. At this meeting, Council resolved to put on public display the Proposed 2016/17 Annual Budget that was considered at this meeting.

A public notice was published in "The Moorabool News" on Tuesday, 10th May 2016 and also in "The Courier" in Ballarat on Saturday, 14th May 2016. These public notices called for submissions to the proposed budget.

The proposed 2016/17 budget has been prepared in accordance with Section 127 of the Local Government Act 1989 (the Act) and part 3 of the Local Government (Planning and Reporting) Regulations 2014 (the Regulations).

As a result of this advertising process, eight written submissions were received by the stated cut-off 7th June 2016 (refer Attachment 7.1 (a)), and one received late on 15th June (refer Attachment 7.1 (b)), for consideration by Council. The following is a summary of the submissions that have been received:

No.	Submission From	Main Points	Response
1	Moorabool Heritage Advisory Committee	<p>At its April meeting of the Moorabool Heritage Advisory Committee it was recommended that a submission be made in support for funding of the West Moorabool Heritage Study 2a.</p> <p>Heritage provides an essential link with the past and contributes to the creation of a sense of place for our community.</p>	<p><i>A new initiative of \$40,000 for the West Moorabool Heritage Study 2a and \$50,000 for 2b was submitted as part of the 2016/17 budget process. Given the financial constraints of the organisation to fund all new initiatives, this initiative is currently not being recommended for funding in the 2016/17 budget.</i></p> <p><i>It is recommended that the West Moorabool Heritage Study 2a and 2b be deferred for consideration as part of the 2017/18 budget process.</i></p>
2	Chris Sharkey	<p>The submission asks council to address three questions regarding the farm rate category;</p> <ol style="list-style-type: none"> <li data-bbox="524 788 1272 919">1. Is the figure of 1,443 assessments accurate and reflective of primary producers who are eligible for the farm rate category in accordance to the definition stated in the Land Valuations Act? <li data-bbox="524 1267 1272 1335">2. If council agree these figures are true but acknowledge ABS figures of 2011 show there are only 412 legally 	<p><i>Currently as per the Draft 2016/17 Budget, Council has 1,443 assessments that receive the benefit of the farm rate. At some point in the past, these properties have applied and have successfully satisfied the definition as per the Valuation of Land Act. Notwithstanding this, Council is currently undertaking a progressive review of properties that are eligible to receive the farm rate via a reapplication process. The process is being applied to all farm assessments that are either sold or subject to ownership changes on or after the 1st July 2015. To date, this process has resulted in 48 assessments no longer being eligible to receive the farm rate.</i></p> <p><i>Council will continue to review on a progressive basis properties eligible to receive the farm rate to ensure the integrity of its Rating Strategy is maintained.</i></p> <p><i>In line with the Local Government Act, Council currently assesses 1,443 rateable assessments as eligible to</i></p>

		<p>registered farm businesses in the Moorabool Shire, then why doesn't council reflect actual farm business numbers in the current budget so when decisions are made both council staff and councillors understand the cumulative effects of their decisions against a minority group in the community?</p> <p>3. By not using accurate farm business numbers in the budget could it be suggested council are been discriminatory?</p>	<p><i>receive a farm rate. Council is currently undertaking a progressive review of properties that are eligible to receive the farm rate. As a result, Council does not capture or collect information relating to the number of farming enterprises in the Shire.</i></p> <p><i>The Draft 2016/17 Budget has been prepared in accordance with the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014. The budget is required to include information about the rates and charges that Council intends to levy, as well as a range of other information required by the Regulations which support the Act.</i></p> <p><i>The 2016/17 Draft Budget fully complies with the Local Government Act, associated Regulations and best practice guidelines.</i></p>
3	Gordon Recreation Reserve	<p>In keeping with the Gordon Recreational Reserve (GRR) Masterplan for the Gordon Football Netball Club (GFNC) grounds (endorsed by Council, 2015), the following outlines the current need, foreseeable benefits, planning and costs for the construction of an additional netball court with lighting.</p> <p>GFNC has currently 7 netball teams competing in the Central Highlands League and a "nursery" of future competitors training weekly in the "Net Set Go" program. With coaches, assistants and reserve players this constitutes a weekly training population of approximately 80 Gordon and district community members sharing a single court. Due to "cramped" conditions training requires</p>	<p><i>The Council's Recreation and Leisure Strategy 2015 – 2021 assessed the supply of netball courts for competition across the Shire as currently adequate. The Gordon Recreation Reserve Master Plan lists the project as their third priority however it is acknowledged that this may have changed recently with an increase in demand.</i></p> <p><i>Secondary netball courts for competition purposes in small towns such as Gordon are not considered an immediate need, more a medium term need. The Strategy identified that warm up facilities are increasingly required and it is suggested that this could be achieved by constructing half court facilities or a concrete / asphalt pad at a much lower cost. The strategy recommends that any short term netball</i></p>

	<p>significant and complex rostering which despite best efforts results in teams having to train on different evenings - not ideal for club team building opportunities, or late into evenings - not conducive to work, school or family commitments.</p> <p>On match day numbers swell to at least 120 total participants. The single court is tightly scheduled for competition leaving no time nor space for all important pre match warm up. Teams are forced to warm up in public areas – jogging and ball handling about the ground navigating people, potholes and debris – leading to player and general public safety issues.</p> <p>Further to training and match day challenges, due to inadequate court space and lighting GNFC is currently unable to host games in Central Highlands interleague competition nor the annual Ballarat Lightning Premiership - despite our junior players having competed in this competition for the past five years. The inability to host games denies the club the opportunity to not only promote the sport and participation but to raise all important revenue from gate and catering sales.</p> <p>The population and demographic profile recently published by the council as part of the Moorabool Shire Recreation and Leisure Strategy tells us that current usage will remain constant if not increase over the next 20 years.</p> <p>Anecdotally, team managers and coaches state that an additional court and lighting would not only increase participation in the sport by existing members but would</p>	<p><i>space need could be satisfied by overlaying a netball court at the Gordon Public Park tennis courts that were recently constructed.</i></p> <p><i>It is recommended that if possible, training space could be accommodated at the Gordon Public Park by overlaying a netball court on the tennis courts that were recently constructed.</i></p> <p><i>Alternatively, an examination be undertaken to determine if a warm up area could be constructed at a reduced price to a full court or refer the full court construction project to the 2017/18 budget process.</i></p>
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		<p>enable them to market the club, particularly Net Set Go, to increase membership and participation.</p> <p>It is therefore the intention of the GRR to work for the community toward the construction of an additional netball court with lighting adjacent to the existing court as outlined in the GRR Masterplan. Funding, approval from council and completion of ground power upgrade (referred to in Masterplan and currently being resolved with Powercor) would enable the GRR to begin work at the conclusion of the 2016 season in readiness for season 2017.</p>	
4	Wallace Recreation Reserve CoM	<p>We request your consideration to provision of a grant to provide lighting to the tennis court/secondary netball court at the Wallace Recreation Reserve. As you will see from the accompanying letters from the Springbank Football/Netball Club, the Wallace Tennis Club and Ange Simpson who runs fitness classes, lighting addition/improvement to the court will enable safe use of this area for our ever growing user groups. We have serious safety concerns and have developed a plan with our community to alleviate risk.</p> <p>To alleviate the risk problem, we are proposing to illuminate the court to training standard lighting to make things safer for all concerned. All components to our lighting are to Australian Netball Training Standards. We are seeking a one off grant from Council of \$15,000.00 combined with a sponsorship deal we have acquired to contribute the remaining cost of \$6,275.00 which will total the project cost of \$21,275.00.</p>	<p><i>The Recreation and Leisure Strategy 2015 – 2021 recommends upgrading the existing netball court lighting and also installing sport court lighting on the multipurpose tennis courts as a medium term recommendation. The Wallace Recreation Reserve master plan lists installing lighting on the tennis courts as a medium term priority. There are higher priorities listed in the master plan yet to be completed.</i></p> <p><i>Officer recommendation: Whilst the project is consistent with both the Recreation and Leisure Strategy 2015-2021 and the Reserve Master Plan and in principle support would be provided by Officers, there remain other Recreation and Leisure higher priorities listed in Councils Capital Improvement Program and Recreation and Leisure Strategy 2015-2021 requiring implementation.</i></p> <p><i>Given that the submission didn't include a design or quotations, and recent lighting upgrade to the Dunnstown Netball Court cost approximately \$60,000, it is proposed that Council Officers work with the committee to obtain a design and quotations and that the project be referred to</i></p>

		<p>We must show a duty of care to our user groups and community, and with close to 200 people (children and adults) all training on the same night, enhanced lighting will show the community that we are serious about their safety and want to provide a safe environment for all.</p> <p>If Council can help, we are ready to commence and would have this great addition to our facility working in a timeframe of six weeks after permits were acquired.</p>	<p><i>the next round of Council's Community Development Fund or Capital Improvement Program process.</i></p>
5	Gordon Public Park and Recreation Reserve	<p>We have recently had our tennis courts upgraded to safe and playable standard as well as replacing internal and external doors, spouting and plumbing works which were completed as stage one of our master plan.</p> <p>We are now making this submission in the hope of commencing stage 2 of our master plan, which is to cater for extra user groups such as local schools, child care and community groups.</p> <p>Stage 2 will include a half basketball court and rotunda / picnic area to create a more family friendly place for user groups, residents and visitors to Gordon. These additional facilities will encourage attendees to participate and be more active in their lifestyle.</p> <p>The expected costs amount to \$37,500 for this project.</p>	<p><i>The proposed project is consistent with the Council's Recreation and Leisure Strategy 2015 – 2021 that recommends developing the Gordon Public Park with other recreational facilities to improve the park as a community meeting space; and the Gordon Public Park Master Plan which lists as a medium priority the installation of a basketball practice court and ring; seating and additional shelters. The two high priorities listed in the master plan have recently been completed.</i></p> <p><i>It is proposed that Council Officers work with the Committee and refer the project to the next round of Council's Community Development Fund as part of the 2017/18 budget process.</i></p>
6	Concetta McFall	<p>Recently I completed the Moorabool Community Leadership Program and found it inspirational, redefining who I am and helping me set short-term and long-term goals for my community and my creative future.</p>	<p><i>The feedback on the value and success of the Council's Community Leadership Program is appreciated and acknowledged. Council staff will continue to seek funding opportunities to enable further Community Leadership Programs to be provided. In relation to hearing</i></p>

		<p>The experience, insights and skills that Tim Ferguson from Leading Teams Australia imparted to all us participants was invaluable...enabling us to become not just more informed, confident and resourceful individuals but invaluable members and leaders of our communities.</p> <p>Also the support and assistance provided by Moorabool Shire Council co-ordinators was extraordinary.</p> <p>Another important reason for wishing the Leadership Program to continue is encouraging not only able bodied individuals, but others with disabilities such as myself. I have a hearing impairment and I shy away from public events and gatherings because I cannot follow proceedings. This exclusion makes people like I feel we are not part of our community yet we are intelligent, insightful and resourceful individuals with valuable skills and deserve to be heard.</p> <p>Let the Leadership Program become an agent of change, helping put measures in place and be part of a dialogue that will improve public access and participation to all community members.</p>	<p><i>impairments and Council meetings and events, quotes are currently being sourced for the purchase and installation of hearing loops for use at Council meetings and events.</i></p>
7	Greendale Reserves CoM	<p>Upgrade of the toilet lock at Egan's Reserve Greendale, which was initially built to cater for an open space recreation area. However, since the completion of the rotunda, playgrounds and exercise track, the reserve has seen a much increased patronage. The result is that the toilet block is now hopelessly inadequate to deal with the demands placed upon it.</p> <p>Facilities have continually improved over the last ten years to make Egan's Reserve the main social meeting place at Greendale besides the hotel. It is regularly used on</p>	<p><i>This project is listed in the long term Capital Improvement Program and has been assessed and given a score as part of that process. It is not currently being recommended for funding in 2016/17 and will continue to be assessed for future capital funding.</i></p> <p><i>The toilets are currently maintained and cleaned by Moorabool Shire. The three cubicles that exist in the existing toilets are considered adequate for general use at the reserve. It seems that inadequacies may exist during</i></p>

		<p>weekends for children’s birthday parties, social gatherings for interest groups and family functions.</p> <p>The existing three stall toilet block no longer meets demand for current usage. Replacing the toilet block is the highest priority on the Reserve’s Master Plan 2016-2021.</p> <p>Additionally, it has to be noted that the building is also unsafe, with joining walls not interlocked and able to be shaken, loosening the mortar between the cement blocks.</p> <p>The Committee of Management would like to upgrade the facilities to be equivalent to the new toilets at Moon Reserve. The Committee requests that this submission be considered for the 2016-17 budget.</p>	<p><i>large events only and these could be catered for by the use of portable toilets.</i></p> <p><i>Although not considered a priority at this stage, it is recommended that this project remain in the long term CIP list for consideration in future years.</i></p>
8	Blacksmith Cottage and Forge	<p>On behalf of the Blacksmith’s Cottage and Forge Special Committee I wish to submit for your consideration an application for Capital Improvement Program funds allocation.</p> <p>Following a request from Moorabool Shire, in November 2012 this Committee submitted a list of projects for capital improvement that were considered to be high priority. Since that date, we have not received any funding for capital improvement works from the Shire. Two of the nominated projects have been completed, one funded from our operational grant (repair and maintenance of Annexe 3) and one from a combination of Community Grant funds and volunteer labour provided by The Lions Club (repair and maintenance of police lock-up). The remaining two projects, (demolition of existing porch to cottage and reconstruction of porch, and picket fence replacement), have yet to be financed and carried out. The</p>	<p><i>Council officers recently visited the Blacksmith’s Cottage to conduct an assessment of the porch and picket fence. Observations were as follows;</i></p> <p><i>Porch – the porch is structurally sound, so based solely on condition it would not be a high priority within the Capital Improvement Program. It seems that the project is being requested as a heritage restoration project that could attract a grant. However, Council will contact the Committee to discuss the proposed demolition and restoration works to determine if it can be covered within the buildings maintenance budget. If it cannot be achieved through maintenance, it could be a good project for a community grant or the community development fund processes.</i></p> <p><i>The gate lock is a simple fix and can be rectified through maintenance within the coming weeks.</i></p>

		<p>porch and fence continue to deteriorate at an ever-increasing rate.</p> <p>The Committee takes its responsibility as custodian of this valuable Shire-owned heritage property seriously, and is disappointed with the lack of funding granted to its upkeep.</p> <p>The Committee plans for a complete restoration of the cottage front porch within the next twelve months, and replacement of the picket fence within the next two years. The restoration of the porch is urgent, as it is not only an eye-sore to greet visitors, but also the security of the cottage is compromised as the wrought iron gate can no longer be locked safely. In 2012, the estimated cost of the porch restoration was \$8,500.00. The estimated cost of replacing the picket fence was \$11,550.00. We request an immediate capital improvement grant of \$15,000.00 to commence work on the restoration of the cottage porch, under the guidance of a heritage architect.</p>	<p><i>Picket Fence – One post has rotted through, as well as numerous pickets and plinth boards. Once advice has been received by the Heritage Architect, Council will arrange for the picket fence to be repaired and/or replaced through maintenance in the coming months.</i></p> <p><i>It is noted that although the submission states that no capital funds have been received from Council, funding for the two projects listed did come from Council. It is recommended that Council officers work with the CoM to undertake requested works out if maintenance budgets and if all cannot be achieved, work with the CoM to apply for community grants.</i></p>
9	Maddingley Park CoM	<p>Under Asset Upgrade Expenditure on the proposed budget, two items refer to intended works at Maddingley Park. Namely: MP Change room Refurbishment and MP Pavilion improvements.</p> <ul style="list-style-type: none"> • Change rooms Refurbishment is to put partitioning in the showers to enable female footballers to use this facility. An amount of \$96,000 has been allocated to this with \$71,000 coming from Council, and \$25,000 from grants. • Pavilion improvements is to construct an extension to the west end of the pavilion to provide cover for spectators, barbecue facilities, game day bar, canteen and toilet facilities freeing up the existing clubrooms for 	<p><i>The draft capital budget includes an allocation of \$70,685 towards conversion of the existing showers and toilets to female friendly within the change rooms. The scope of this project includes extending the building to fit individual partitions to meet the AFL design guidelines.</i></p> <p><i>The submission from Maddingley Park CoM proposes a reduced scope whereby there is no extension to the building but only a retrofit within the existing footprint. This is an achievable outcome however won't technically meet the AFL guidelines and thus attract funding. The reduction in cost would out way this possible grant though.</i></p>

		<p>functions. An amount of \$150,000 has been allocated made up of \$50,000 from the Football & Cricket Clubs and a grant from SRV for \$100,000. We have now been informed that the SRV grant has been unsuccessful so this project would not proceed.</p> <p>After meetings with the users and Council officers we would like to revamp the proposal for the change rooms and put in shower partitioning at a cost of \$30,000 with \$15,000 coming from the Councils \$71,000 and \$15,000 from a Federal Government grant for Strengthening communities. (This grant has been approved.) The project has been revised to provide shower partitions in the 2 change rooms to provide privacy and will not include major structural works to walls or roof line.</p> <p>We then propose to use the remaining funds from Council (\$56,000) to go with the \$50,000 from the Football & cricket clubs and the CoM contributing \$10,000, and seek additional funding from Council to cover the shortfall of \$54,000. We are also keen to seek additional funding for this project through the Committee of management contacts.</p> <p>The outcome is that we could complete the two projects this financial year and therefore still retain the \$50,000 offer from the Football and Cricket Clubs and the \$10,000 from the CoM. The two projects would be capped at a total cost of \$200,000. Work would be undertaken this calendar year and be completed prior to the start of football season in April 2017.</p>	<p><i>It is proposed to use any savings to then construct the pavilion extension project that was recently unsuccessful in the country football netball program. It would utilise the savings plus previous club commitments to the project and additional CoM contribution however requires an additional \$54,000 from Council.</i></p> <p><i>It is recommended that consideration be given to this proposal as it could deliver two outcomes at the reserve without needing to wait for external grants. The additional funds would need to come from reserves for the project to proceed.</i></p>
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The following parties have indicated their intention to be heard in support of their written submissions:

- Chris Sharkey – 315 Sharkey Road, Balliang East
- Russell Hendry on behalf of Maddingley Park CoM – 47 Clarinda St, Bacchus Marsh

Policy Implications

The 2013 – 2017 Council Plan provides as follows;

Key Result Area	Continuous Improvement in Council Services
Objective	Sound, long term financial management
Strategy	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets.

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

Financial Implications

The 2016/17 Budget contains details of the financial resources required to deliver the 2013 - 2017 Council Plan.

Communications Strategy

Following adoption of the 2016/17 Annual Budget, advertisement of the adoption of the budget will be provided through a public notice in local newspapers and the full 2016/17 Annual Budget document will be posted on the website.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Steve Ivelja

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

Conclusion

Council's consideration of budget submissions is a statutory step necessary to formally adopt the 2016/17 Annual Budget for Moorabool Shire Council and forward it to the Minister.

Recommendation:**1. That Council receives the following submissions:**

No.	Submission From	Main Points	Response
1	Moorabool Heritage Advisory Committee	<p>At its April meeting of the Moorabool Heritage Advisory Committee it was recommended that a submission be made in support for funding of the West Moorabool Heritage Study 2a.</p> <p>Heritage provides an essential link with the past and contributes to the creation of a sense of place for our community.</p>	<p><i>A new initiative of \$40,000 for the West Moorabool Heritage Study 2a and \$50,000 for 2b was submitted as part of the 2016/17 budget process. Given the financial constraints of the organisation to fund all new initiatives, this initiative is currently not being recommended for funding in the 2016/17 budget.</i></p> <p><i>It is recommended that the West Moorabool Heritage Study 2a and 2b be deferred for consideration as part of the 2017/18 budget process.</i></p>
2	Chris Sharkey	<p>The submission asks council to address three questions regarding the farm rate category;</p> <p>1. Is the figure of 1,443 assessments accurate and reflective of primary producers who are eligible for the farm rate category in accordance to the definition stated in the Land Valuations Act?</p>	<p><i>Currently as per the Draft 2016/17 Budget, Council has 1,443 assessments that receive the benefit of the farm rate. At some point in the past, these properties have applied and have successfully satisfied the definition as per the Valuation of Land Act. Notwithstanding this, Council is currently undertaking a progressive review of properties that are eligible to receive the farm rate via a reapplication process. The process is being applied to all farm assessments that are either sold or subject to ownership changes on or after the 1st July 2015. To date, this process has resulted in 48 assessments no longer being eligible to receive the farm rate.</i></p>

		<p>2. If council agree these figures are true but acknowledge ABS figures of 2011 show there are only 412 legally registered farm businesses in the Moorabool Shire, then why doesn't council reflect actual farm business numbers in the current budget so when decisions are made both council staff and councillors understand the cumulative effects of their decisions against a minority group in the community?</p> <p>3. By not using accurate farm business numbers in the budget could it be suggested council are been discriminatory?</p>	<p>Council will continue to review on a progressive basis properties eligible to receive the farm rate to ensure the integrity of its Rating Strategy is maintained.</p> <p><i>In line with the Local Government Act, Council currently assesses 1,443 rateable assessments as eligible to receive a farm rate. Council is currently undertaking a progressive review of properties that are eligible to receive the farm rate. As a result, Council does not capture or collect information relating to the number of farming enterprises in the Shire.</i></p> <p><i>The Draft 2016/17 Budget has been prepared in accordance with the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014. The budget is required to include information about the rates and charges that Council intends to levy, as well as a range of other information required by the Regulations which support the Act.</i></p> <p><i>The 2016/17 Draft Budget fully complies with the Local Government Act, associated Regulations and best practice guidelines.</i></p>
3	Gordon Recreation Reserve	In keeping with the Gordon Recreational Reserve (GRR) Masterplan for the Gordon Football Netball Club (GFNC) grounds (endorsed by Council, 2015), the following outlines the current need, foreseeable	<i>The Council's Recreation and Leisure Strategy 2015 – 2021 assessed the supply of netball courts for competition across the Shire as currently adequate. The Gordon Recreation Reserve Master Plan lists the project as their third priority however it is</i>

	<p>benefits, planning and costs for the construction of an additional netball court with lighting.</p> <p>GFNC has currently 7 netball teams competing in the Central Highlands League and a “nursery” of future competitors training weekly in the “Net Set Go” program. With coaches, assistants and reserve players this constitutes a weekly training population of approximately 80 Gordon and district community members sharing a single court. Due to “cramped” conditions training requires significant and complex rostering which despite best efforts results in teams having to train on different evenings - not ideal for club team building opportunities, or late into evenings - not conducive to work, school or family commitments.</p> <p>On match day numbers swell to at least 120 total participants. The single court is tightly scheduled for competition leaving no time nor space for all important pre match warm up. Teams are forced to warm up in public areas – jogging and ball handling about the ground navigating people, potholes and debris – leading to player and general public safety issues.</p> <p>Further to training and match day challenges, due to inadequate court space and lighting GNFC is currently unable to host games in Central Highlands interleague competition nor the annual Ballarat Lightning Premiership - despite our junior players having competed in this competition for the past five years. The inability to host games denies the club the opportunity to not only promote the sport and</p>	<p><i>acknowledged that this may have changed recently with an increase in demand.</i></p> <p><i>Secondary netball courts for competition purposes in small towns such as Gordon are not considered an immediate need, more a medium term need. The Strategy identified that warm up facilities are increasingly required and it is suggested that this could be achieved by constructing half court facilities or a concrete / asphalt pad at a much lower cost. The strategy recommends that any short term netball space need could be satisfied by overlaying a netball court at the Gordon Public Park tennis courts that were recently constructed.</i></p> <p><i>It is recommended that if possible, training space could be accommodated at the Gordon Public Park by overlaying a netball court on the tennis courts that were recently constructed.</i></p> <p><i>Alternatively, an examination be undertaken to determine if a warm up area could be constructed at a reduced price to a full court or refer the full court construction project to the 2017/18 budget process.</i></p>
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		<p>participation but to raise all important revenue from gate and catering sales.</p> <p>The population and demographic profile recently published by the council as part of the Moorabool Shire Recreation and Leisure Strategy tells us that current usage will remain constant if not increase over the next 20 years. Anecdotally, team managers and coaches state that an additional court and lighting would not only increase participation in the sport by existing members but would enable them to market the club, particularly Net Set Go, to increase membership and participation.</p> <p>It is therefore the intention of the GRR to work for the community toward the construction of an additional netball court with lighting adjacent to the existing court as outlined in the GRR Masterplan. Funding, approval from council and completion of ground power upgrade (referred to in Masterplan and currently being resolved with Powercor) would enable the GRR to begin work at the conclusion of the 2016 season in readiness for season 2017.</p>	
4	Wallace Recreation Reserve CoM	<p>We request your consideration to provision of a grant to provide lighting to the tennis court/secondary netball court at the Wallace Recreation Reserve. As you will see from the accompanying letters from the Springbank Football/Netball Club, the Wallace Tennis Club and Ange Simpson who runs fitness classes, lighting addition/improvement to the court will enable safe use of this area for our ever growing user groups. We have serious safety concerns and have</p>	<p><i>The Recreation and Leisure Strategy 2015 – 2021 recommends upgrading the existing netball court lighting and also installing sport court lighting on the multipurpose tennis courts as a medium term recommendation. The Wallace Recreation Reserve master plan lists installing lighting on the tennis courts as a medium term priority. There are higher priorities listed in the master plan yet to be completed.</i></p>

		<p>developed a plan with our community to alleviate risk.</p> <p>To alleviate the risk problem, we are proposing to illuminate the court to training standard lighting to make things safer for all concerned. All components to our lighting are to Australian Netball Training Standards. We are seeking a one off grant from Council of \$15,000.00 combined with a sponsorship deal we have acquired to contribute the remaining cost of \$6,275.00 which will total the project cost of \$21,275.00.</p> <p>We must show a duty of care to our user groups and community, and with close to 200 people (children and adults) all training on the same night, enhanced lighting will show the community that we are serious about their safety and want to provide a safe environment for all.</p> <p>If Council can help, we are ready to commence and would have this great addition to our facility working in a timeframe of six weeks after permits were acquired.</p>	<p><i>Officer recommendation: Whilst the project is consistent with both the Recreation and Leisure Strategy 2015-2021 and the Reserve Master Plan and in principle support would be provided by Officers, there remain other Recreation and Leisure higher priorities listed in Councils Capital Improvement Program and Recreation and Leisure Strategy 2015-2021 requiring implementation.</i></p> <p><i>Given that the submission didn't include a design or quotations, and recent lighting upgrade to the Dunnstown Netball Court cost approximately \$60,000, it is proposed that Council Officers work with the committee to obtain a design and quotations and that the project be referred to the next round of Council's Community Development Fund or Capital Improvement Program process.</i></p>
5	Gordon Public Park and Recreation Reserve	<p>We have recently had our tennis courts upgraded to safe and playable standard as well as replacing internal and external doors, spouting and plumbing works which were completed as stage one of our master plan.</p>	<p><i>The proposed project is consistent with the Council's Recreation and Leisure Strategy 2015 – 2021 that recommends developing the Gordon Public Park with other recreational facilities to improve the park as a community meeting space; and the Gordon Public Park Master Plan which lists as a medium priority the</i></p>

		<p>We are now making this submission in the hope of commencing stage 2 of our master plan, which is to cater for extra user groups such as local schools, child care and community groups.</p> <p>Stage 2 will include a half basketball court and rotunda / picnic area to create a more family friendly place for user groups, residents and visitors to Gordon. These additional facilities will encourage attendees to participate and be more active in their lifestyle.</p> <p>The expected costs amount to \$37,500 for this project.</p>	<p><i>installation of a basketball practice court and ring; seating and additional shelters. The two high priorities listed in the master plan have recently been completed.</i></p> <p><i>It is proposed that Council Officers work with the Committee and refer the project to the next round of Council's Community Development Fund as part of the 2017/18 budget process.</i></p>
<p>6</p>	<p>Concetta McFall</p>	<p>Recently I completed the Moorabool Community Leadership Program and found it inspirational, redefining who I am and helping me set short-term and long-term goals for my community and my creative future.</p> <p>The experience, insights and skills that Tim Ferguson from Leading Teams Australia imparted to all us participants was invaluable...enabling us to become not just more informed, confident and resourceful individuals but invaluable members and leaders of our communities.</p> <p>Also the support and assistance provided by Moorabool Shire Council co-ordinators was extraordinary.</p> <p>Another important reason for wishing the Leadership Program to continue is encouraging not</p>	<p><i>The feedback on the value and success of the Council's Community Leadership Program is appreciated and acknowledged. Council staff will continue to seek funding opportunities to enable further Community Leadership Programs to be provided. In relation to hearing impairments and Council meetings and events, quotes are currently being sourced for the purchase and installation of hearing loops for use at Council meetings and events.</i></p>

		<p>only able bodied individuals, but others with disabilities such as myself. I have a hearing impairment and I shy away from public events and gatherings because I cannot follow proceedings. This exclusion makes people like I feel we are not part of our community yet we are intelligent, insightful and resourceful individuals with valuable skills and deserve to be heard.</p> <p>Let the Leadership Program become an agent of change, helping put measures in place and be part of a dialogue that will improve public access and participation to all community members.</p>	
7	Greendale Reserves CoM	<p>Upgrade of the toilet lock at Egan’s Reserve Greendale, which was initially built to cater for an open space recreation area. However, since the completion of the rotunda, playgrounds and exercise track, the reserve has seen a much increased patronage. The result is that the toilet block is now hopelessly inadequate to deal with the demands placed upon it.</p> <p>Facilities have continually improved over the last ten years to make Egan’s Reserve the main social meeting place at Greendale besides the hotel. It is regularly used on weekends for children’s birthday parties, social gatherings for interest groups and family functions.</p> <p>The existing three stall toilet block no longer meets demand for current usage. Replacing the toilet block</p>	<p><i>This project is listed in the long term Capital Improvement Program and has been assessed and given a score as part of that process. It is not currently being recommended for funding in 2016/17 and will continue to be assessed for future capital funding.</i></p> <p><i>The toilets are currently maintained and cleaned by Moorabool Shire. The three cubicles that exist in the existing toilets are considered adequate for general use at the reserve. It seems that inadequacies may exist during large events only and these could be catered for by the use of portable toilets.</i></p> <p><i>Although not considered a priority at this stage, it is recommended that this project remain in the long term CIP list for consideration in future years.</i></p>

		<p>is the highest priority on the Reserve’s Master Plan 2016-2021.</p> <p>Additionally, it has to be noted that the building is also unsafe, with joining walls not interlocked and able to be shaken, loosening the mortar between the cement blocks.</p> <p>The Committee of Management would like to upgrade the facilities to be equivalent to the new toilets at Moon Reserve. The Committee requests that this submission be considered for the 2016-17 budget.</p>	
<p>8</p>	<p>Blacksmith Cottage and Forge</p>	<p>On behalf of the Blacksmith’s Cottage and Forge Special Committee I wish to submit for your consideration an application for Capital Improvement Program funds allocation.</p> <p>Following a request from Moorabool Shire, in November 2012 this Committee submitted a list of projects for capital improvement that were considered to be high priority. Since that date, we have not received any funding for capital improvement works from the Shire. Two of the nominated projects have been completed, one funded from our operational grant (repair and maintenance of Annexe 3) and one from a combination of Community Grant funds and volunteer labour provided by The Lions Club (repair and maintenance of police lock-up). The remaining two projects, (demolition of existing porch to cottage and reconstruction of porch, and picket fence replacement), have yet to be financed and carried</p>	<p><i>Council officers recently visited the Blacksmith’s Cottage to conduct an assessment of the porch and picket fence. Observations were as follows;</i></p> <p><i>Porch – the porch is structurally sound, so based solely on condition it would not be a high priority within the Capital Improvement Program. It seems that the project is being requested as a heritage restoration project that could attract a grant. However, Council will contact the Committee to discuss the proposed demolition and restoration works to determine if it can be covered within the buildings maintenance budget. If it cannot be achieved through maintenance, it could be a good project for a community grant or the community development fund processes.</i></p> <p><i>The gate lock is a simple fix and can be rectified through maintenance within the coming weeks.</i></p> <p><i>Picket Fence – One post has rotted through, as well as numerous pickets and plinth boards. Once advice</i></p>

		<p>out. The porch and fence continue to deteriorate at an ever-increasing rate.</p> <p>The Committee takes its responsibility as custodian of this valuable Shire-owned heritage property seriously, and is disappointed with the lack of funding granted to its upkeep.</p> <p>The Committee plans for a complete restoration of the cottage front porch within the next twelve months, and replacement of the picket fence within the next two years. The restoration of the porch is urgent, as it is not only an eye-sore to greet visitors, but also the security of the cottage is compromised as the wrought iron gate can no longer be locked safely. In 2012, the estimated cost of the porch restoration was \$8,500.00. The estimated cost of replacing the picket fence was \$11,550.00. We request an immediate capital improvement grant of \$15,000.00 to commence work on the restoration of the cottage porch, under the guidance of a heritage architect.</p>	<p><i>has been received by the Heritage Architect, Council will arrange for the picket fence to be repaired and/or replaced through maintenance in the coming months.</i></p> <p><i>It is noted that although the submission states that no capital funds have been received from Council, funding for the two projects listed did come from Council. It is recommended that Council officers work with the CoM to undertake requested works out of maintenance budgets and if all cannot be achieved, work with the CoM to apply for community grants.</i></p>
<p>9</p>	<p>Maddingley Park CoM</p>	<p>Under Asset Upgrade Expenditure on the proposed budget, two items refer to intended works at Maddingley Park. Namely: MP Change room Refurbishment and MP Pavilion improvements.</p> <ul style="list-style-type: none"> • Change rooms Refurbishment is to put partitioning in the showers to enable female footballers to use this facility. An amount of \$96,000 has been allocated to this with \$71,000 coming from Council, and \$25,000 from grants. 	<p><i>The draft capital budget includes an allocation of \$70,685 towards conversion of the existing showers and toilets to female friendly within the change rooms. The scope of this project includes extending the building to fit individual partitions to meet the AFL design guidelines.</i></p> <p><i>The submission from Maddingley Park CoM proposes a reduced scope whereby there is no extension to the building but only a retrofit within the existing footprint. This is an achievable outcome however</i></p>

	<ul style="list-style-type: none"> • Pavilion improvements is to construct an extension to the west end of the pavilion to provide cover for spectators, barbecue facilities, game day bar, canteen and toilet facilities freeing up the existing clubrooms for functions. An amount of \$150,000 has been allocated made up of \$50,000 from the Football & Cricket Clubs and a grant from SRV for \$100,000. We have now been informed that the SRV grant has been unsuccessful so this project would not proceed. <p>After meetings with the users and Council officers we would like to revamp the proposal for the change rooms and put in shower partitioning at a cost of \$30,000 with \$15,000 coming from the Councils \$71,000 and \$15,000 from a Federal Government grant for Strengthening communities. (This grant has been approved.) The project has been revised to provide shower partitions in the 2 change rooms to provide privacy and will not include major structural works to walls or roof line.</p> <p>We then propose to use the remaining funds from Council (\$56,000) to go with the \$50,000 from the Football & cricket clubs and the CoM contributing \$10,000, and seek additional funding from Council to cover the shortfall of \$54,000. We are also keen to seek additional funding for this project through the Committee of management contacts.</p> <p>The outcome is that we could complete the two projects this financial year and therefore still retain the \$50,000 offer from the Football and Cricket Clubs and the \$10,000 from the CoM. The two projects</p>	<p><i>won't technically meet the AFL guidelines and thus attract funding. The reduction in cost would out way this possible grant though.</i></p> <p><i>It is proposed to use any savings to then construct the pavilion extension project that was recently unsuccessful in the country football netball program. It would utilise the savings plus previous club commitments to the project and additional CoM contribution however requires an additional \$54,000 from Council.</i></p> <p><i>It is recommended that consideration be given to this proposal as it could deliver two outcomes at the reserve without needing to wait for external grants. The additional funds would need to come from reserves for the project to proceed.</i></p>
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		<p>would be capped at a total cost of \$200,000. Work would be undertaken this calendar year and be completed prior to the start of football season in April 2017.</p>	
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2. That having considered the public submissions, the adoption of the 2016/17 Annual Budget, including any amendments required, is referred to the Special Meeting of Council of Wednesday 29 June 2016 to be held at 6.00pm in Council Chamber, 15 Stead Street, Ballan.
3. That following the adoption of the 2016/17 Annual Budget, responses are provided to each Submitter.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday 15 June 2016

Attachment 7.1 (a)



Moorabool Heritage Advisory Committee

31 May 2016

Rob Croxford
Chief Executive Officer
Budget Submission
Moorabool Shire Council
PO Box 18
BALLAN 3442

MOORABOOL SHIRE COUNCIL
CENTRAL RECORDS

- 2 JUN 2016

File No. 13/01/001

Dear Rob

Submission 2016/17 Annual Budget

At its April meeting of the Moorabool Heritage Advisory Committee it was recommended that a submission be sent to the 2016/17 Annual budget in support of the completion of the West Moorabool Heritage Study 2a.

Heritage provides an essential link with the past and contributes to the creation of a sense of place for our community. The West Moorabool Heritage Study Stage 2a has assisted Council in identifying the Shire's significant heritage places.

It is understood that a budget bid has been submitted for 2016/17 Annual budget to complete this project. The Moorabool Heritage Advisory Committee believes this is a key priority for Council and therefore would like to support this bid.

Yours sincerely



Andrew Goodsell

Shire Rep – Moorabool Heritage Advisory Committee
On behalf of Cr P Tatchell
Chair Moorabool Heritage Advisory Committee

Moorabool Shire Council budget submission 2016/17

This budget submission addresses the continuing issue of inequity and unfairness in the farm rate category. The issue has been raised with council in previous budgets and a question regarding the accuracy of farm business numbers was taken on notice at a meeting in February 2014. A resolution to this question has still not been given.

The 2016/17 budget states 1443 farm rate assessments. This submission asks three (3) questions of council

Question 1 Is the figure of 1443 assessments accurate and reflective of primary producers who are eligible for the farm rate category in accordance to the definition stated in the Land Valuations Act?

Question 2 If council agree these figures are true but acknowledge ABS figures of 2011 show there are only 412 legally registered farm businesses in the Moorabool Shire then why doesn't council reflect actual farm business numbers in the current budget so when decisions are made both council staff and councillors understand the cumulative effects of their decisions against a minority group in the community.

Question 3 by not using accurate farm business numbers in the budget could it be suggested council are been discriminatory

Budget Submission Form

Budget submissions must be received no later than the close of business on **Tuesday 7 June 2016**, addressed to:

The Chief Executive
Budget Submission
Moorabool Shire Council
P.O Box 18,
Ballan Vic. 3342.

Note: Submitters need to be aware that submissions are public documents and form part of the meeting agenda and minutes. Therefore, budget submissions cannot be suppressed and will become part of the public record.

Contact details of person / groups of persons making a written submission under S.223 of the Local Government Act.

Name: Adam Frazer
Organisation / group _____
(optional): Gordon Recreational Reserve
Address: Post Office Box 211 Gordon 3345
Contact number: _____

Any person / persons who have made a written submission to the Council are entitled to appear in person or by a person acting on his / her behalf before a meeting of the Council.

Do you wish to appear in person or by a person acting on your behalf before a Special Meeting of Council on Wednesday, 3 June 2015 from 5.00pm in support of your written submission?

Please tick: Yes
 No

If you have chosen yes, Council will provide notice of the time and place for the meeting to the presenter of the submission.

I / We under S.223 of The Local Government Act (Right to make submission) are hereby making a formal written submission in relation to the 2016/2017 proposed budget.

Please document your written submission within the space provided (If you require more space please attach additional pages to this form).

SUMMARY OF YOUR SUBMISSION

In keeping with the Gordon Recreational Reserve (GRR) Masterplan for the Gordon Football Netball Club (GFNC) grounds (endorsed by Council, 2015), the following outlines the current need, foreseeable benefits, planning and costs for the construction of an additional netball court with lighting.

GFNC has currently 7 netball teams competing in the Central Highlands League and a "nursery" of future competitors training weekly in the "Net Set Go" program. With coaches, assistants and reserve players this constitutes a weekly training population of approximately 80 Gordon and district



community members sharing a single court. Due to “cramped” conditions training requires significant and complex rostering which despite best efforts results in teams having to train on different evenings - not ideal for club team building opportunities, or late into evenings - not conducive to work, school or family commitments.

On match day numbers swell to at least 120 total participants. The single court is tightly scheduled for competition leaving no time nor space for all important pre match warm up. Teams are forced to warm up in public areas – jogging and ball handling about the ground navigating people, potholes and debris – leading to player and general public safety issues.

Further to training and match day challenges, due to inadequate court space and lighting GNFC is currently unable to host games in Central Highlands interleague competition nor the annual Ballarat Lightning Premiership - despite our junior players having competed in this competition for the past five years. The inability to host games denies the club the opportunity to not only promote the sport and participation but to raise all important revenue from gate and catering sales.

The population and demographic profile recently published by the council as part of the Moorabool Shire Recreation and Leisure Strategy tells us that current usage will remain constant if not increase over the next 20 years. Anecdotally, team managers and coaches state that an additional court and lighting would not only increase participation in the sport by existing members but would enable them to market the club, particularly Net Set Go, to increase membership and participation.

It is therefore the intention of the GRR to work for the community toward the construction of an additional netball court with lighting adjacent to the existing court as outlined in the GRR Masterplan. Funding, approval from council and completion of ground power upgrade (referred to in Masterplan and currently being resolved with Powercor) would enable the GRR to begin work at the conclusion of the 2016 season in readiness for season 2017.

Please find attached quotes and costings.

Wednesday 3rd of February, 2016

Attention: Mr Peter Clifford
 Gordon Football & Netball Club Inc.
 P.O. Box 201
 Gordon Vic 3345

Quotation for Gordon Concrete Netball Court

JOB DESCRIPTION:
CONCRETE NETBALL COURT WITH SYNPAVE SURFACE

DESCRIPTION	LINE TOTAL (excl GST)
Supply, place and compact Class 4 sub grade and class 2 FCR base layer to achieve 1% cross fall in both directions.	\$28,000.00
Construct in 2-pours (with construction joint) 125mm minimum thickness reinforced concrete pavement, 50mm bedding, waterproof membrane, SL82 Mesh top, 40mm cover. 25MPa concrete strength.	\$60,000.00
Supply and install (by approved manufacturer and contractor) ReboundAce Sports SYNPAVE surface inclusive of Rebound Linemarking - As to Netball Victoria approved court dimensions.	\$22,000.00
4 x 6M Light Poles - Fixed Medium Duty Tapered Octagonal Column, Baseplate Mounted, Hot Dipped Galvanized C/W Access Door & Spigot	\$ 5,000.00
Tree removal	\$ 7,000.00
Total (excl GST)	\$122,000.00

Please note this quote is subject to change once final plans have been designed and is only inclusive of those items which are mentioned above. If you have any questions in relation to the quotation, please feel free to contact me directly to discuss.

Leisa Carey
 Carey Civil Contractors

GORDON RECREATION RESERVE

DRAFT MASTER PLAN 2015-2020

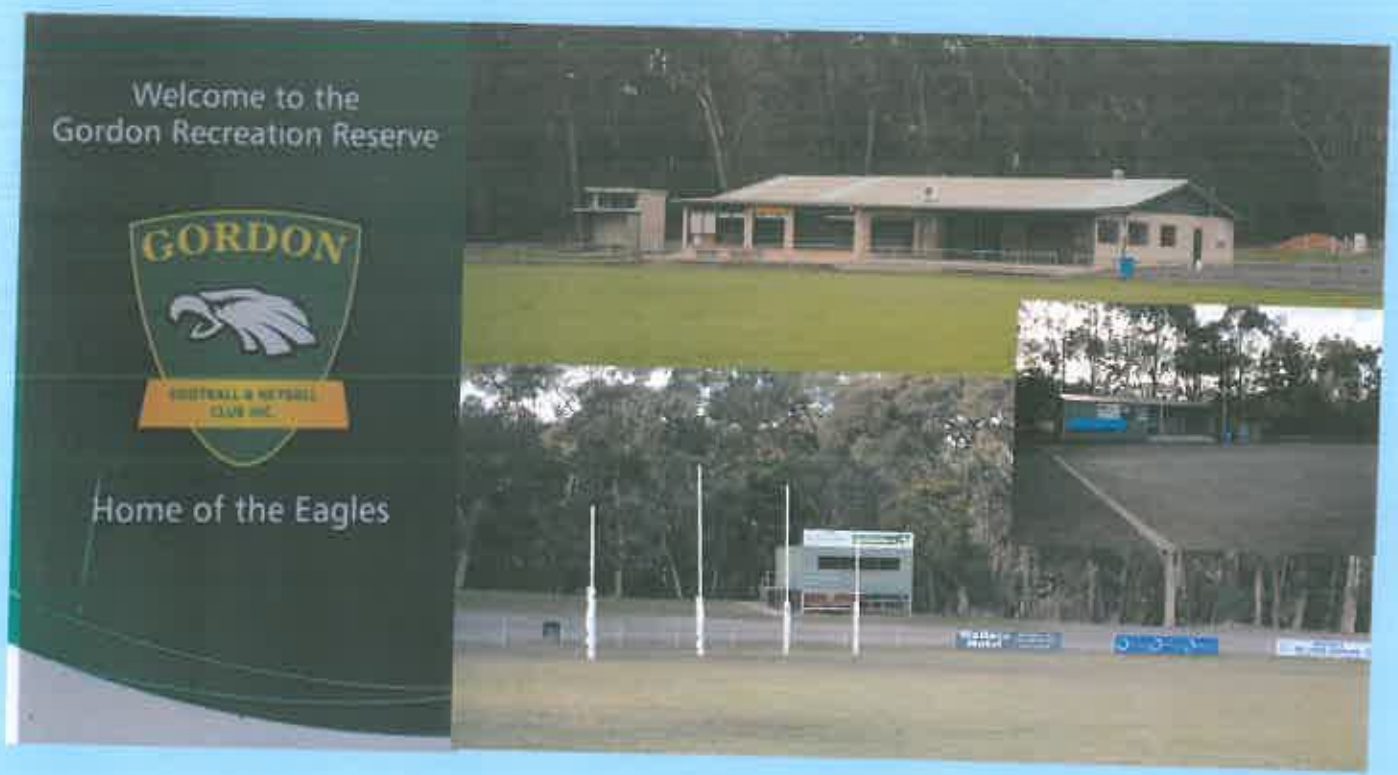


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APPENDICES

- Appendix A - Existing Recreation Reserve Layout
- Appendix B - Draft Recreation Reserve Concept Master Plan
- Appendix C - Community Consultation

EXECUTIVE SUMMARY

The Gordon Recreation Reserve Master Plan has been developed by the Gordon Recreation Reserve Committee of Management and Community in partnership with the Moorabool Shire Council. The Master Plan aims to provide a strategic basis to guide future planning and development of the reserve over the next 3-5 years. The Master Plan is a key resource tool to support the Gordon Recreation Reserve Committee of Management to manage and develop the reserve in the future and act as a key resource tool to assist in the identification of funding sources to support development.

The key directions identified for the development of the reserve are:

1. Reconstructing the sportsground playing surface.

This project would create a level playing surface, reducing the west to east slope currently experienced at the site. The development would be undertaken with a cut-and-fill approach and see the expansion of the playing surface to meet current AFL dimensions for senior competition.

The construction would see the installation of associated sportsground infrastructure required to support the playing surface ongoing. This would include, but not be limited to post and rail fencing, sportsground drainage system with five meter spacing of lateral lines, uniformed automated irrigation system, a mixture of warm and cool season grassed and AFL goal posts.

Due to the size and scope of the project, relocation of the existing scoreboard/timekeepers box would be required, as would the removal of the existing post and rail fence surrounding the oval.

2. Install/upgrade sports ground and netball court lighting to Australian Standards

The installation of Australian Standard Lux level lighting will provide for football and netball training. Lighting the courts will allow for increased participation at the reserve as currently no senior netball teams train at the facility due to lack of appropriate lighting infrastructure. An upgrade of sports ground lighting to Australian Standards lux levels for training will create a safe year round training facility allowing for greater use by more user groups, whilst spreading usage uniformly across the oval, reducing load on 'high-use' areas. This element of the project may trigger an electrical upgrade to the reserve.

3. Construct second Netball Court with adjacent player change rooms including toilet and shower amenity.

With the continued growth of female participation, combined with the winter playing environment in Gordon, it has become increasingly more important to provide additional netball space for training and competition. Similarly, the existing netball facility has no toilet or shower amenity provision and spectators are exposed to the elements with no shade or wind protection.

4. Construct new Community Centre/ Sports Pavilion

To meet the growing demands of the community and local sports, it is proposed to undertake a considerable development at the reserve to include the development of a large open plan community space, with associated toilet, storage, bar and kitchen space and canteen.

The facility would also encompass new change space to support the sportsground, including home and away team rooms, separate shower and toilet facilities, umpire change space and public toilets.

The facility will be designed in consultation with the community.

INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

The Gordon Recreation Reserve Master Plan has been developed to strategically guide future development at the Reserve.

1.2 PURPOSE OF THE PROJECT

To develop the Master Plan for the Gordon Recreation Reserve to guide future planning and decision-making in relation to the future management, development and use of the Reserve over the next 3-5 years. The Master Plan is an important resource for the Gordon Recreation Reserve to support the Gordon Recreation Reserve Committee of Management to manage and develop the Reserve in the future to source funding opportunities.

1.3 PROJECT OBJECTIVES & SCOPE

The project objective is to provide a clear, comprehensive and logical plan for the future development of all community facilities (active and passive) provided at the Gordon Recreation Reserve including capital improvement requirements and opportunities.

The scope of the project includes:

- Incorporate the views of the community gathered through consultation undertaken by the Gordon Recreation Reserve Committee of Management with the assistance of Council Officers.
- Review the site to identify potential opportunities and constraints.
- To develop concept plan options, based upon objective data analysis and consultation, identifying the potential future use of the site.
- To identify and assess the capacity of the site to meet the identified recreation and sporting facility needs.
- To develop a Master Plan for the reserve that's implementation is achievable with recommended developments.

1.4 PROJECT METHODOLOGY

Preparation of the Master Plan has been supported by the following project methodology tasks detailed below:

- Project Clarification
- Community Engagement
- Detailed site assessment
- Draft Master Plan
- Community feedback to draft master plan
- Final Master Plan and Report

1.5 STUDY AREA

The Gordon Recreation Reserve is owned by the Crown and managed by the Department of Environment, Land, Water and Planning (DELWP), via a community appointed Committee of Management. The Reserve is located on the corner of Willunga Avenue and Old Melbourne Road in Gordon, close to the Western Highway which runs from Melbourne to Ballarat.

Ballarat, a large regional city with over 100,000 people, is located within twenty minutes' drive. Ballan, which is the nearest service hub, is located less than 10 minutes' drive.

1.5.1 Current Reserve Components and Facilities

The following provides a summary of existing infrastructure at the Gordon Recreation Reserve.

Sportsground	Sportsground lighting
Community Centre/Pavilion	Netball shelter and scorers box
Groundwater Bore	Entrance and Ticket Booth
Water Storage Infrastructure	Netball Court
Scoreboard	Coaches Boxes

1.5.2 Current Reserve usage

The Reserve is currently tenanted by the Gordon Football Netball Club, but is also utilised by several community groups including Auskick, NetSetGo and the Pole Walking group. The Recreation Reserve hosts large local events such as sporting Football and Netball and has been to the Gordon Cricket Club in the past. This usage attracts large numbers of visitors from both inside and outside the Shire to the town and particularly the Recreation Reserve.

1.6 PROJECTED NEED

With the reserve acting as a community hub for its residents, community groups and large sporting events, the existing infrastructure at Gordon Recreation Reserve requires development in order to facilitate the provision of expected future demand for its users and the general community.

MARKET RESEARCH & CONSULTATION

2.1 INTRODUCTION

A summary of the consultation methods undertaken included the following:

- Demographic analysis
- User group survey
- Gordon Recreation Reserve Committee of Management workshops

2.2 DEMOGRAPHIC REVIEW

The following section summarises the key population and demographic characteristics and trends likely to impact future participation in sport and recreation in the area and public open space requirements. The population and demographic profiles are based on the recently completed review as part of the Moorabool Shire Recreation and Leisure Strategy.

2.2.1 Demographic Profile of Moorabool Shire

The demographic characteristics of Moorabool Shire relevant to sport, recreation and leisure planning are outlined below:

- The estimated population of the Moorabool Shire in 2011 was 28,125 people¹. This is an increase of 10.4% since 2006, being a marginally lower rate of population growth than for Metropolitan Melbourne (10.9%) over the same period, but significantly higher than Regional Victoria (5.5%).
- The age profile of the Moorabool Shire is varied when compared to Metropolitan Melbourne. It has a 'younger' profile for the 0-17 year age cohort, a higher proportion of people in the mid-age cohort, and a 'younger' profile for people aged over 70 years.
- Further, Moorabool Shire has a relatively low level of cultural diversity, with 83.1% of residents being Australian-born compared to 63.3% compared to for Metropolitan Melbourne.
- Average weekly household income levels are lower in Moorabool Shire than Metropolitan Melbourne. For socio-economic disadvantage, Moorabool Shire has a SEIFA Index score of 1008.5, which ranks it 52nd in the level of disadvantage of all Victorian municipalities - placing it amongst the least disadvantaged 35% of all municipalities in the state. However, there are pockets of disadvantage in Moorabool Shire, including Bacchus Marsh, Maddingley and Ballan.
- There is a slightly higher proportion of Moorabool Shire residents who live in households with children (46.0%) compared to Metropolitan Melbourne with 44.0%.

2.2.2 Population Projections and Age Cohorts

A key to predicting the future sporting and recreational needs of a local government area is to understand the projected growth of the population, particularly the growth within different areas of a municipality and within specific age cohorts.

The population of Moorabool Shire is projected to grow to 51,730 people by 2041 (or an 81% increase between 2011 and 2041)², however, the projected population growth will not be uniform across the Shire. A significant proportion of the population growth will occur in the east, with Bacchus Marsh and Surrounds projected to experience 76% of all projected

growth in the Shire to 2041. The combined Ballan and Central Moorabool region is projected to experience 21% of all growth, and West Moorabool 3%.

Of note are the findings of the *Small Towns Services Study: Bungaree, Dunnstoun and Wallace* (2014). The study concluded that if the three towns were to be connected to reticulated utility services in the future (water, gas and sewerage), an additional 5,000 people could reside in Bungaree and Wallace (West Moorabool) by 2041. The potential additional population of 5,000 people has been taken into account when assessing the adequacy of the current supply of sporting facilities in Ballan and West Moorabool.

Another important characteristic of the projected population growth between the eastern and the western areas of the Shire, is the projected growth by age cohorts. Table 2 shows that there is significantly more growth expected to occur in the age cohorts of 0-11 years and 5-39 years in Bacchus Marsh and Surrounds compared to Ballan and the Rural Balance, even allowing for any additional growth in West Moorabool that may occur as a result of the connection of additional services.

The age cohorts of 0-11 years and 60+ years are important, as trends of growth or decline in these cohorts are important as indicators to assess how the profile of a population might change during the forecast period, i.e. is it ageing, or is it to remain young? The age cohort of 5-39 years is important as most people who are actively involved in organised sporting activities will fall within this age cohort, so the trend of growth or decline in this age cohort can be used to predict with some confidence if the overall demand for sporting facilities is likely to increase, be stable or decrease during the forecast period.

Comparison of Projected Population Growth by Age Cohort between Bacchus Marsh and Surrounds, Ballan and the Rural Balance

Location	0-11 Years		5-39 Years		60+ Years	
	2014 Population	Projected 2041	2014 Population	Projected 2041	2014 Population	Projected 2041
Bacchus Marsh and Surrounds	2,942	4,885	8,156	13,447	3,276	7,243
Ballan	461	850	1,228	2,369	708	1,680
Rural Balance	1,559	2,446	4,200	6,378	2,266	4,574

2.2.3 Implications for Sports and Recreation Planning

The net projected population increase in Moorabool Shire to 2041 will result in a corresponding increase in demand for access to sporting and recreation facilities. Research shows that the rate of participation by people in 'organised physical activity' and 'club-based activities' is highest for young people and declines with age. Given that the rate of population growth in the Central and West Moorabool regions will be relatively low for the next 25 years, including the active age cohort of 5-39 years, it can be asserted with some confidence that if the provision of sporting facilities in Ballan and the other larger townships is adequate now, then it should remain adequate for the forecast period.

2.2.4 Equity and Diversity

Females of all ages generally have lower physical activity participation rates than males and it is recognised that increased physical activity levels are essential for a community's health and mental wellbeing. The barriers that prevent more female participation are complex however, undoubtedly the design of sports and recreation facilities plays a key role in

increasing participation rates for women and girls. Designing facilities that provide appropriate toilet and shower amenities for women and girls as well as provide family friendly spaces, including baby changing facilities and playgrounds and are safe and welcoming to women and children will increase the participation rates of females and children..

Provision of diverse physical activity opportunities is also shown to have an impact on increasing female physical activity participation rates and thereby increasing health and mental wellbeing. It is important for the Gordon Recreation Reserve to be a safe and welcoming environment for current and potential user groups such as children, elderly and families to ensure that infrastructure that facilitates increased physical activity for all is provided in the community.

2.3 MOORABOOL SHIRE RECREATION AND LEISURE STRATEGY – SPORT SPECIFIC RECOMMENDATIONS

As part of the investigations and recommendations form the Moorabool Shire Recreation and Leisure Strategy, the demand assessment summarises the following strategic recommendations for the Gordon Recreation Reserve to 2041 in regards to active sports currently being participated at the reserve.

The Recreation and Leisure Strategy Sporting Facilities Audit specifically states that the reserve does not have a master plan. *“A master plan could investigate options to improve the evenness of the oval playing surface, the potential expansion of the pavilion, and the introduction of other recreation facilities and spaces.”*

2.3.1 Australian Rules Football

The demand assessment for Australian Rules Football specifically relating to Gordon Recreation Reserve includes:

- Prepare a reserve master plan.
- Investigate options to improve the level of the oval.
- Upgrade the oval floodlighting to training standard (50 lux).

2.3.2 Netball

The demand assessment for Netball specifically relating to Gordon Recreation Reserve recommends to identify options to install a second netball court (refer task to the master plan process), but if not possible consider using Gordon Public Park.

2.4 COMMUNITY CONSULTATION

The Gordon Recreation Reserve Committee of Management, consisting of reserve user groups and community members, was consulted to determine their current membership levels, usage patterns and priority infrastructure needs.

Consultation undertaken included:

- Completion of a survey identifying current issues and possible improvements
- Committee of Management and community Master Plan workshop(s)
- Public Exhibition phase

A detailed summary of information submitted in the initial user group consultation process is provided in Appendix C

Key themes collated during the consultation process include:

- Levelling of sportsground playing surface and expansion to meet current AFL dimensions for competition
- Install/upgrade sports ground and netball court lighting to Australian Standards
- Upgrade all sportsground and spectator supporting infrastructure at reserve including car parks, internal road and path network, reserve drainage and water storage.
- Construct second Netball Court with adjacent player change rooms including toilet and shower amenity.
- Construct new Community Centre/ Sports Pavilion

OPPORTUNITIES AND CONSTRAINTS

3.1 INTRODUCTION

The following provides a summary of the opportunities and constraints identified for the ongoing redevelopment of Gordon Recreation Reserve.

3.2 OPPORTUNITIES

- Reconstruction of oval to AFL dimension with lesser gradient, irrigation, drainage and fencing
- Upgrade existing sports ground lighting to meet Australian Standards for training (i.e. 100 Lux)
- Installation of additional netball court
- Install court lighting to meet Australian Standards for training to the Netball Court (i.e. 100 Lux)
- Construction of a new netball shelter with amenities alongside netball courts to provide all weather protection and player facilities
- Improve netball court fencing
- Formalise and widen the entrance to reserve with signage to reduce congestion and safety concerns
- Formalise vehicle pathways throughout the Reserve
- Installation of carpark and hard surface drainage to prevent flooding of spectator areas and oval, whilst collecting run off for irrigation purposes
- Upgrade Water storage dam
- Clearing of trees and vegetation to improve to appearance of the reserve and increase car parking
- New Pavilion development including Community Centre and Player amenities.
- Investigate power usage at the Reserve and possible power upgrade

3.3 CONSTRAINTS

- Small population of Gordon may restrict what needs to be installed at the reserve
- Funding opportunities
- Large variances in terrain

KEY RECOMMENDATIONS

4.1 INTRODUCTION

The vision for the Gordon Recreation Reserve is to become a community hub for the town of Gordon. With the provision of active and passive recreation opportunities and improved infrastructure, the reserve can cater for large sporting events and the growing community groups that utilise the facility

4.2 DRAFT MASTER PLAN DESIGN

The following details the key elements of the recommended draft Master Plan as attached in Appendix B. The recommended layout will ensure the provision of active and passive recreation infrastructure and the amenities to go with it.

1. Reconstructing the sportsground playing surface.

This project would create a level playing surface, reducing the west to east slope currently experienced at the site. The development would be undertaken with a cut-and-fill approach and see the expansion of the playing surface to meet current AFL dimensions for senior competition.

The construction would see the installation of associated sportsground infrastructure required to support the playing surface ongoing. This would include, but not be limited to post and rail fencing, sportsground drainage system with five meter spacing of lateral lines, uniformed automated irrigation system, a mixture of warm and cool season grassed and AFL goal posts.

Due to the size and scope of the project, relocation of the existing scoreboard/timekeepers box would be required, as would the removal of the existing post and rail fence surrounding the oval.

2. Install/upgrade sports ground and netball court lighting to Australian Standards

The installation of Australian Standard Lux level lighting will provide for football and netball training. Lighting the courts will allow for increased participation at the reserve as currently no senior netball teams train at the facility due to lack of appropriate lighting infrastructure.

An upgrade of sports ground lighting to Australian Standards lux levels for training will create a safe year round training facility allowing for greater use by more user groups, whilst spreading usage uniformly across the oval, reducing load on 'high-use' areas.

Further investigation will be required to determine if this element of the project may trigger an electrical upgrade to the reserve.

3. Vehicle and Pedestrian Management

With large numbers of users visiting the reserve for sporting events each week, the current pedestrian and traffic management system requires upgrading to manage the level of traffic through the Reserve. Increasing the dimensions of the oval will put further strain on the existing system, reducing the car parking available surrounding the oval.

Safety concerns have been raised about the entrance to the Reserve and it is recommended that changing the way vehicles enter the reserve during busy days will ensure safe access to, from and around the reserve which becomes congested in peak times of use.

Additional car parking within the reserve during busy times is also a growing requirement at the reserve and can be achieved in the space at the northern end of the reserve, behind the existing viewing mound. Drainage of these areas will need to be considered as part of the implementation of this recommendation.

4. Construct second Netball Court with adjacent player change rooms including toilet and shower amenity.

With the continued growth of female participation, combined with the winter playing environment in Gordon, it has become increasingly more important to provide additional netball space for training and competition. Similarly, the existing netball facility has no toilet or shower amenity provision and spectators are exposed to the elements with no shade or wind protection. The community is strong in their views that any such development should support family friendly design.

5. Construct new Community Centre/ Sports Pavilion

To meet the growing demands of the community and local sports, it is proposed to undertake a considerable development at the reserve to include the development of a large open plan community space, with associated toilet, storage, bar and kitchen space and canteen.

The facility would also encompass new change space to support the sportsground, including home and away team rooms, separate shower and toilet facilities, umpire change space and public toilets. The facility will be designed in consultation / partnership with the community, which is strong in its views that such a development should support family friendly design.

4.3 TABLE OF WORKS

The below table of works summarises the key recommendations, prioritises each recommendation and provides a broad cost estimate based on previous projects undertaken in recent years across the region.

It is acknowledged that a planning process is required to progress each recommendation to clearly refine the scope, design and funding requirements for each recommendation.

Table of Works

Item	Recommendation	Priority	Approximate Cost
1-4	<p>Reconstruct Sportsground</p> <ul style="list-style-type: none"> • Remove existing and replace with new; Oval fence, goalposts and scoreboard • Cut and fill surface and expand playable area to AFL standard dimensions • Construct Sportsground drainage (5m spacing's) • Construct automated irrigation 	High	\$750,000-\$900,000 (Price based on current commercial rates and does not include potential 'in-kind work' by the community)
5	Investigate and undertake tree removal around reserve	High	\$40,000 (Does not include permits and offsets which may be required)
6	Sports ground and netball court lighting upgrade to Australian training standards	High	\$200,000 (Does not include reserve power upgrade which may be required)
7	Installation of new shelter to the netball courts with toilet and shower amenity	High	\$50,000
8	Construct new additional netball court	Medium	\$40,000
9	Upgrade Dam to improve water retention	Medium	\$20,000
10	Construction of additional overflow car parking north of oval	Medium	TBA
11	Design and construct vehicle and pedestrian paths around the reserve	Medium	T.B.A.
12	Design and construct new community facility and sports pavilion	Low	\$1,600,000 (Price based on current commercial rate for 600m2 building)

Budget Submission Form

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The Chief Executive
Budget Submission
Moorabool Shire Council
P.O Box 18,
Ballan Vic. 3342.

Note: Submitters need to be aware that submissions are public documents and form part of the meeting agenda and minutes. Therefore, budget submissions cannot be suppressed and will become part of the public record.

Contact details of person / groups of persons making a written submission under S.223 of the Local Government Act.

Name: Paul Mahar (President)
Organisation / group
(optional): Wallace Recreation Reserve Committee of Management
Address: Ormond Road, Wallace Victoria 3352
Contact number:

Any person / persons who have made a written submission to the Council are entitled to appear in person or by a person acting on his / her behalf before a meeting of the Council.

Do you wish to appear in person or by a person acting on your behalf before a Special Meeting of Council Wednesday, 3 June 2015 from 5.00pm in support of your written submission?

Please tick: Yes
 No

If you have chosen yes, Council will provide notice of the time and place for the meeting to the presenter of the submission.

I / We under S.223 of The Local Government Act (Right to make submission) are hereby making a formal written submission in relation to the 2016/2017 proposed budget.

Please document your written submission within the space provided (if you require more space please attach additional pages to this form).

SUMMARY OF YOUR SUBMISSION
We request your consideration to provision of a grant to provide lighting to the tennis court/secondary netball court at the Wallace Recreation Reserve.
As you will see from the accompanying letters from the Springbank Football/Netball Club, the Wallace Tennis Club and Ange Simpson who runs fitness classes, lighting addition/improvement to the court will enable safe use of this area for our evergrowing user groups. We have serious safety concerns and have developed a plane with our community to

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DETAILS OF SUBMISSION/ COMMENTS

alleviate risk.

To alleviate the risk problem, we are proposing to illuminate the court to training standard lighting to make things safer for all concerned. All components to our lighting are to Australian Netball Training Standards. **We are seeking a one off grant from Council of \$15,000.00 combined with a sponsorship deal we have acquired to contribute the remaining cost of \$6275.00 which will total the project cost of \$21,275.00.**

We must show a duty of care to our user groups and community, and with close to 200 people (children and adults) all training on the same night, enhanced lighting will show the community that we are serious about their safety and want to provide a safe environment for all.

If Council can help, we are ready to commence and would have this great addition to our facility working in a timeframe of six weeks after permits were acquired.

SPRINGBANK FOOTBALL NETBALL CLUB Inc. EST 1925

Affiliated with the Central Highlands Football League

PO Box 2085, Ballarat Mail Centre 3354

www.springbankfc.vcfl.com.au



10 May 2016

Moorabool Shire Council
PO Box 18
Ballan Vic 3342
info@moorabool.vic.gov.au

To Whom It May Concern

This letter is to support the Wallace Recreation Reserve Committee of Management in its request of a grant to provide lighting to the tennis court/secondary netball court at the Wallace Recreation Reserve.

As we now have seven netball teams, only having lighting on the main netball court creates mayhem and headaches on training night, when there are 70 plus people trying to train, and all teams like to have access to the court that has lights. Even staggering their training time is of little help, especially during the autumn and winter months when it is darker so much earlier.

To have the second netball court with lighting would enable the 'traffic flow' on the main court to be reduced, and make it a much safer training environment for all concerned.

It would also benefit our footballers, as on wet nights they would be able to use the tennis court for training, so as to protect the condition of the football oval.

The Springbank Football/Netball Club hopes that the Moorabool Shire Council will look favourably upon the request of the Wallace Recreation Reserve Committee of Management.

Yours sincerely

Leanne O'Neil
Secretary
Springbank Football/Netball Club Inc



D.R.A.R.
CONSTRUCTIONS
PTY. LTD.

3rd of June 2016

Dear Sirs,

As part of my support to the Wallace Recreation Reserve Netball Lighting Project my company is willing to supply materials and project management to the total of \$6,275.00 to facilitate the completion of this very worthwhile facility improvement.

As a local resident the value of catering for our young and old user groups will be seen for many years to come.

You're sincerely

Des Rix

P.O. Box 1427, Bakery Hill, 3354
Phone (03) 5332 1767 Facsimile (03) 5332 1787
email:des@desrixhomes.com.au

BPB DB - U2917 GB - U2484 A.B.N. 90 105 174 776



Netball Single Court Training 100 LUX.

Capital Costs.

Geotech Soil Report	\$1,000.00
Floodlights Supply	\$3,200.00
Floodlight Install	\$600.00
Poles Supply	\$3,450.00
Poles Install	\$900.00
Foundations	\$1,700.00
Cranage	\$750.00
Power Supply	\$300.00
Distribution Boards	\$1,500.00
Lighting Controls	\$300.00
Cabling	\$650.00
Underground Works Pits/Conduit	\$2,650.00
Test Aim and Commission	\$1,500.00
Design and Project Management	\$2,775.00

<u>TOTAL (EXC):</u>	\$21,275.00
<u>GST:</u>	\$2127.50
<u>TOTAL (EXC):</u>	\$23,402.50

P.O. Box 1427, Bakery Hill 3354
 Phone (03) 5332 1767 Facsimile (03) 5332 1787
 email:des@desrixhomes.com.au

BPB DB - U2917 CB - U2484 A.B.N. 90 106 174 776

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Contact details of person / groups of persons making a written submission under S.223 of the Local Government Act.

Name: Jamie Love

Group Gordon Public Parks and Recreation Reserve

Address: Stanley Street Gordon

Contact number: _____

Any person / persons who have made a written submission to the Council are entitled to appear in person or by a person acting on his / her behalf before a meeting of the Council.

Do you wish to appear in person or by a person acting on your behalf before a Special Meeting of Council on Wednesday, 3 June 2015 from 5.00pm in support of your written submission?

Please tick:

Yes

No

<input type="checkbox"/>
<input checked="" type="checkbox"/>

If you have chosen yes, Council will provide notice of the time and place for the meeting to the presenter of the submission.

I / We under S.223 of The Local Government Act (Right to make submission) are hereby making a formal written submission in relation to the 2016/2017 proposed budget.

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SUMMARY OF YOUR SUBMISSION

- We have recently had our tennis courts upgraded to safe and playable standard as well as replacing internal and external doors, spouting and plumbing works which were completed as stage one of our master plan. We are now making this submission in the hope of commencing stage 2 of our master plan which is to cater for extra user groups such as local schools, child care and community groups. Stage 2 will include a half basketball court and rotunda / picnic area to create a more family friendly place for user groups, residents and visitors to Gordon. These additional facilities will encourage attendees to participate and be more active in their lifestyle.

PLEASE TURN PAGE OVER FOR MORE WRITING SPACE – DETAILS / COMMENTS



DETAILS OF SUBMISSION/ COMMENTS

Details

Please find attached costings and designs for the above mentioned project to construct a half basketball court adjacent to the recently constructed tennis courts in an area that is currently unsafe, untidy and an eyesore on this Central Park in the community of Gordon. It is also proposed in this costed project to construct a modest rotunda and picnic tables on a lawn area to enhance this parks appeal for young families and people travelling through and visiting Gordon. We seek your consideration through the budget process for funding allocation to assist with completion of this project in this current financial year and look forward to working with Moorabool Shire Council and relevant State and Federal Government funding departments should they be applicable for this minor project. We are happy to discuss this proposal with council officers and state and federal members should further details be required., We look forward to a positive working relationship with all concerned to complete this essential community facility upgrade in the third largest growing community in Moorabool with a significant influx of young families and tourist visiting the business in the township of Gordon.

A breakdown of the construction cost for a half court, shelter and seating would be:

Concrete Pad	\$18,000
Basketball infrastructure	\$4,000
Line marking	\$1,000
Basic Shelter	\$7,500
Picnic table and chairs	\$1,500
Remove residual pavement, topsoil and seed	\$2,500
Contingency	\$3,000
TOTAL	\$37,500

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Contact details of person / groups of persons making a written submission under S.223 of the Local Government Act.

Name: Concetta McFall
Organisation / group
(optional): _____
Address: 3 Densley Street Ballan 3342
Contact number: _____

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Do you wish to appear in person or by a person acting on your behalf before a Special Meeting of Council on Wednesday, 3 June 2015 from 5.00pm in support of your written submission?

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 No

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Please document your written submission within the space provided (if you require more space please attach additional pages to this form).

SUMMARY OF YOUR SUBMISSION

Recently I completed the Moorabool Community Leadership Program and found it inspirational, redefining who I am and helping me set short-term and long-term goals for my community and my creative future.

The experience, insights and skills that Tim Ferguson from Leading Teams Australia imparted to all us participants was invaluable. Through group sessions and workshops he helped us identify our personal and our public personas, setting our future goals and the necessity for change within ourselves. In short enabling us to become not just more informed, confident and resourceful individuals but invaluable members and leaders of our communities.

Also the support and assistance provided by Moorabool Shire Council co-ordinators Michelle Richards, Renae Knight and Kirsty Doncon was extraordinary. Their enthusiasm and passion for the



project was infectious, helping us through those shaky moments when some of us questioned our involvement in this program.

Another important reason for wishing the Leadership Program to continue is encouraging not only able bodied individuals but others with disabilities such as myself. I have a hearing impairment and I shy away from public events and gatherings because I cannot follow proceedings e.g. council meetings.

This exclusion makes people like I feel we are not part of our community yet we are intelligent, insightful and resourceful individuals with valuable skills and deserve to be heard. Let the Leadership Program become an agent of change, helping put measures in place and be part of a dialogue that will improve public access and participation to all community members.



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Moorabool Shire Council
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Ballan Vic. 3342.**

**MOORABOOL SHIRE COUNCIL
CENTRAL RECORDS**

- 7 JUN 2015

File No. 07/01/ASA

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Contact details of person / groups of persons making a written submission under S.223 of the Local Government Act.

Name: Phil O'Keefe

Organisation / group
(optional): Greendale Reserves Committee of Management

Address: 59 Shuter Ave Greendale 3341

Contact number: _____

Any person / persons who have made a written submission to the Council are entitled to appear in person or by a person acting on his / her behalf before a meeting of the Council.

Do you wish to appear in person or by a person acting on your behalf before a Special Meeting of Council **Wednesday, 3 June 2015 from 5.00pm** in support of your written submission?

Please tick: Yes

 No

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Please document your written submission within the space provided (if you require more space please attach additional pages to this form).

SUMMARY OF YOUR SUBMISSION

Upgrade of toilet block at Egar's Reserve Greendale, which was initially built to cater for an open space recreation area. However since the completion of the rotunda, playgrounds and exercise track, the reserve has seen a much increased patronage. The result of this is that the toilet block is now hopelessly inadequate to deal with the demands placed upon it.

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DETAILS OF SUBMISSION/ COMMENTS

Facilities have continually improved over the last 10 years to make Egan's Reserve the main social meeting place at Greendale besides the hotel.

It is regularly used on weekends for children's birthday parties, social gatherings for interest groups and family functions.

The existing 3 stall toilet block no longer meets demand for current usage.

Replacing the toilet block is the highest priority on the Reserves Master Plan 2016-2021.

Additionally, it has to be noted that the building is also unsafe, with joining walls not interlocked and able to be shaken, loosening the mortar between the cement blocks.

The Committee of Management would like to upgrade the facilities to be equivalent to the new toilets at Moon Reserve.

The Committee requests that this submission be considered for the 2016 -17 budget.

The CEO, Mayor and Councillors

The Secretary

Moorabool Shire Council

MOORABOOL SHIRE COUNCIL
CENTRAL RECORDS

Blacksmith Cottage and Forge

PO Box 18

- 8 JUN 2016

PO Box 45

Ballan 3342

Bacchus Marsh 3340

Wednesday 25 May 2016

File No. 16/01/001

Re: **Capital Improvement Program**

Dear CEO, Mayor and Councillors.

On behalf of the Blacksmith's Cottage and Forge Special Committee I wish to submit for your consideration an application for Capital Improvement Program funds allocation.

Following a request from Moorabool Shire, in November 2012 this Committee submitted a list of projects for capital improvement that were considered to be high priority. Since that date, we have not received any funding for capital improvement works from the Shire. Two of the nominated projects have been completed, one funded from our operational grant (repair and maintenance of Annexe 3) and one from a combination of Community Grant funds and volunteer labour provided by The Lions Club (repair and maintenance of police lock-up). The remaining two projects, (demolition of existing porch to cottage and reconstruction of porch, and picket fence replacement), have yet to be financed and carried out. The porch and fence continue to deteriorate at an ever-increasing rate.

The Committee takes its responsibility as custodian of this valuable Shire-owned heritage property seriously, and is disappointed with the lack of funding granted to its upkeep.

The Committee plans for a complete restoration of the cottage front porch within the next twelve months, and a replacement of the picket fence within the next two years. The restoration of the porch is urgent, as it is not only an eye-sore to greet visitors, but also the security of the cottage is compromised as the wrought iron gate can no longer be locked safely. In 2012, the estimated cost of the porch restoration was \$8,500.00. The estimated cost of replacing the picket fence was \$11,550.00. We request an immediate capital improvement grant of \$15,000.00 to commence work on the restoration of the cottage porch, under the guidance of a heritage architect.

Yours sincerely,



Chrissy Stancliffe

Secretary

Attachment 7.1 (b)

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Contact details of person / groups of persons making a written submission under S.223 of the Local Government Act.

Name: Russell Hendry
Organisation / group
(optional): Maddingley Park Committee of Management
Address: 47 Clarinda St Bacchus Marsh
Contact number: _____

Any person / persons who have made a written submission to the Council are entitled to appeal person or by a person acting on his / her behalf before a meeting of the Council.

Do you wish to appear in person or by a person acting on your behalf before a Special Meeting of Council on Wednesday, 3 June 2015 from 5.00pm in support of your written submission?

Please tick: Yes
 No

If you have chosen yes, Council will provide notice of the time and place for the meeting to the presenter of the submission.

I / We under S.223 of The Local Government Act (Right to make submission) are hereby making a formal written submission in relation to the 2016/2017 proposed budget.

Please document your written submission within the space provided (if you require more space please attach additional pages to this form).

SUMMARY OF YOUR SUBMISSION

Under Asset Upgrade Expenditure on the proposed budget, two items refer to intended works at Maddingley Park.

Namely: MP Changeroom Refurbishment and MP Pavilion improvements.

- Changerooms Refurbishment is to put partitioning in the showers to enable female footballers to use this facility. An amount of \$96,000 has been allocated to this with \$71,000 coming from Council, and \$25,000 from grants.
- Pavilion improvements is to construct an extension to the west end of the pavilion to provide cover for spectators, barbecue facilities, game day bar, canteen and toilet facilities freeing up the existing clubrooms for functions. An amount of \$150,000 has been allocated made up of \$50,000 from the Football & Cricket Clubs and a grant from



SRV for \$100,000. We have now been informed that the SRV grant has been unsuccessful so this project would not proceed.

After meetings with the users and Council officers we would like to revamp the proposal for the changerooms and put in shower partitioning at a cost of \$30,000 with \$15,000 coming from the Councils \$71,000 and \$15,000 from a Federal Government grant for Strengthening communities. (This grant has been approved.) The project has been revised to provide shower partitions in the 2 changerooms to provide privacy and will not include major structural works to walls or roof line.

We then propose to use the remaining funds from Council (\$56,000) to go with the \$50,000 from the Football & cricket clubs and the CoM contributing \$10,000, and seek additional funding from Council to cover the shortfall of \$54,000. We are also keen to seek additional funding for this project through the Committee of management contacts.

The outcome is that we could complete the two projects this financial year and therefore still retain the \$50,000 offer from the Football and Cricket Clubs and the \$10,000 from the CoM. The two projects would be capped at a total cost of \$200,000. Work would be undertaken this calendar year and be completed prior to the start of football season in April 2017.

7.2 Consideration of Public Submissions for the proposed 2013-2017 Council Plan (2016 revision)

Introduction

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

Background

Part 6, Section 125 (7) of the *Local Government Act 1989* (the Act) determines that at least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.

On Wednesday 4 May 2016, Council resolved to place the reviewed 2013-2017 Council Plan (2016 revision), inclusive of the Strategic Resource Plan, on public exhibition, seeking submissions in accordance with Section 223 of the *Local Government Act 1989*.

A communications plan was developed to advise the community via Council's website, local and regional newspapers, media release, social media, Council's community consultation website: haveyoursay.com.au and with hard copies available at all Council offices. The public submission period commenced on Tuesday 10 May and closed on Tuesday 7 June 2016.

In accordance with Section 223 of the Act, Council is required to formally consider any submissions and allow the submitter should they request to, to address Council in relation to their submission.

Proposal

This report is presented to Council at the conclusion of the public submission period for the Proposed 2013-2017 Council Plan (2016 revision), including the Strategic Resource Plan.

In line with Section 223 of the *Local Government Act 1989*, no submissions have been received and therefore no requests to address Council in relation to a submission regarding the proposed 2013-2017 Council Plan (2016 revision) were received.

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.

The proposal to consider submissions in relation to the proposed 2013-2017 Council Plan (2016 revision) is consistent with the 2013-2017 Council Plan.

Financial Implications

The four-year forecast is Council's accountability to the community in the way it will deliver on the 3 key result areas as set out in the 2013-2017 Council Plan being:

1. Representation and Leadership of our Community
2. Community Wellbeing
3. Enhanced Infrastructure and Natural and Built Environment

The Strategic Resource Plan for each financial year is subject to final determination as part of Council's Annual Budget Process.

Council considered submissions to the Annual Budget in the Agenda item immediately prior to this one. Changes to the budget as resolved by the Council will be incorporated into the Strategic Resource Plan of the Council Plan prior to it coming to Council at a Special Meeting of Council on 29 June 2016 for adoption.

Communications Strategy

Community consultation and engagement is essential in preparing a new Council Plan. In line with Section 223 of *the Local Government Act 1989* advertisements to notify the community of an opportunity to provide submissions to the proposed 2013-2017 Council Plan (2016 revision) either in writing or via Council's 'Have your Say' web page were provided via Council's website, local and regional newspapers, media release, social media, Council's community consultation website: haveyoursay.com.au and with hard copies available at all Council offices This public submission period was conducted for no less than 28 days from May 10, 2016 closing on June 7, 2016.

Results from the “Have your Say Moorabool” online portal indicated that 31 people said they were aware of the document, 23 people were informed of the process and the document was downloaded 23 times and viewed once and no one engaged, no submissions were received.

In accordance with *the Local Government Act 1989*, the proposed 2013-2017 Council Plan (2016 revision) and Strategic Resource Plan will progress through the following adoption process:

Timetable for the Proposal and Adoption of 2013-2017 Council Plan (2016 revision) and Strategic Resource Plan	
Consider Public Submissions as per Section 223 (1)(b) of the <i>Local Government Act 1989</i> for proposed 2013-2017 Council Plan (2016 revision) and Strategic Resource Plan at a Special Meeting of Council.	22 June 2016
Formally adopt 2013-2017 Council Plan (2016 revision) and Strategic Resource Plan	29 June 2016
Public Notice - Adoption of 2013-2017 Council Plan (2016 revision) and Strategic Resource Plan	2 July 2016
Submit 2013-2017 Council Plan (2016 revision) and Strategic Resource Plan to Minister for Local Government by:	31 July 2016

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

Council's consideration of Council Plan submissions is a statutory requirement necessary to formally adopt the 2013-2017 Council Plan (2016 revision) for Moorabool Shire Council and forward the Plan to the Minister.

As a result of the public submission process, in accordance with section 223 of the *Local Government Act 1989*, Council received no public submissions.

The Council Plan will be updated to reflect the adopted Budget.

Recommendation:

That Council:

1. Notes that no submissions have been received.
2. Refer the adoption of the proposed 2013-2017 Council Plan (2016 revision), to the Special Meeting of Council of Wednesday 29 June 2016 to be held at 6.00pm in Council Chamber, 15 Stead Street, Ballan.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday 10 June 2016



7.3 **Consideration of Public Submissions for Making of new Local Law – Meeting Procedure Local Law No. 9 to replace Meeting Procedure Local Law No. 8**

Introduction

File No.: 02/01/001
Author: John Whitfield
General Manager: Satwinder Sandhu

Background

Section 91(1) of the *Local Government Act* 1989 (the Act) stipulates that Council's must make a Local Law governing the conduct of Council and Special Committee meetings to ensure the orderly function of Council business.

Council's existing Meeting Procedure Local Law No. 8 was adopted by Council in 2009. Since this time, there have been a number of amendments to the Act that has necessitated a review of Council's Meeting Procedure Local Law.

On Wednesday 4 May 2016, Council resolved to place the reviewed Meeting Procedure Local Law No. 9 on public exhibition, seeking submissions in accordance with Section 223 of the Local Government Act 1989.

A communications plan was developed to advise the community via the Government Gazette, Council's website, local and regional newspapers, media release, social media, Council's community consultation website: haveyoursay.com.au and with hard copies available at all Council offices. The public submission period commenced on Tuesday 10 May and closed on Tuesday 7 June 2016.

A Local Law Community Impact Statement (LLCIS) in support of the Local Law was prepared to inform the community about the proposed Meeting Procedure Local Law No. 9.

In accordance with Section 223 of the Act, Council is required to formally consider any submissions and allow the submitter should they request to, to address Council in relation to their submission.

Proposal

This report is presented to Council for consideration of public submissions in relation to the proposed Meeting Procedure Local Law No. 9.

At the conclusion of the public submission period at 5.00pm on Tuesday 7 June 2016, Council received one submission, received by email. A copy of the submission is attached to this report.

The following is a summary of the submissions that were received including advice to Council from officers:

No.	Submission From	Main Points	Response
1.	Mr. John Kowarsky	<p>The following brief comments were provided for Council’s consideration:</p> <p>Section 5: - It should be explicit that the Minutes contain the names of each person speaking to a particular item as per section 6.5, and whether they are supporting or objecting to the recommendation under consideration.</p> <p>Section 5.1 (e):-“questions upon notice” should include those questions submitted for “public question time” as detailed in Section 6.9.</p> <p>Section 6.1 (c) (i): - I object to the Prayer being included: We now have a diverse society and Local Government should not take any particular religious line.</p> <p>Section 6.5: - I support this procedure. The three-minute time period is reasonable, with discretion of the Mayor for longer periods. However, for teams of people to be brought to the Council (such as at the last meeting about the application for extension of permit for residential village) and then lengthy submissions being made taking 20 plus minutes is unreasonable and should be clamped down upon.</p> <p>Section 6.9:- I support this procedure.</p>	<p><i>Section 5 – Agreed. At present the Minutes record the speaker to an item but not whether the speaker supports or objects to the recommendation in the Agenda. An additional clause is suggested to be inserted in Section 5.1 to require the recording of a speaker to an item and whether they support or object to the Agenda recommendation.</i></p> <p><i>Section 5.1 (e):- In the Public Question Time section of a Council meeting, a record of the speaker and the question asked of Council is recorded in the Minutes. “Questions upon notice” is Public Question Time. A small addition to Section 5.1 (e) would clarify this.</i></p> <p><i>Section 6.1 (c) (i) – This is a matter for Council consideration and resolution.</i></p> <p><i>Section 6.5 – The support is noted. No change to this section to place a maximum time limit is recommended. It is felt that the management of speakers to an item on the Agenda is best left to the Mayor to manage within the provisions of the local law as provided.</i></p> <p><i>Section 6.9 - The support is noted.</i></p>

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.

The proposal is consistent with the 2013-2017 (Revised 2015) Council Plan.

Financial Implications

The only financial implications to Council are administrative and advertising costs.

Risk & Occupational Health & Safety Issues

There are no risk and occupational health and safety issues associated with the preparation of the proposed Local Law No. 9.

Communications Strategy

Community consultation and engagement is essential in preparing a revised Meeting Procedure Local Law. In line with Section 223 of *the Local Government Act 1989* advertisements to notify the community of an opportunity to provide submissions to the proposed Meeting Procedure Local Law No. 9 either in writing or via Council's 'Have your Say' web page were provided via Council's website, local and regional newspapers, media release, social media, Council's community consultation website: haveyoursay.com.au and with hard copies available at all Council offices. This item was also advertised in the Government Gazette as is required by the Local Government Act 1989 for local laws. This public submission period was conducted for no less than 28 days from May 10, 2016 closing on June 7, 2016.

Results from the "Have your Say Moorabool" online portal indicated that 30 people said they were aware of the document, 22 people were informed of the process and the document was downloaded 22 times and viewed once and no one engaged, no submissions were received via this website. As previously reported, one submission was received via email to the Council.

In accordance with *the Local Government Act 1989*, the proposed Meeting Procedure Local Law will progress through the following adoption process:

Timetable for the Proposal and Adoption of Meeting Procedure Local Law No. 9	
Consider Public Submissions as per Section 223 (1)(b) of the <i>Local Government Act</i> 1989 for proposed Meeting Procedure Local Law No. 9 at a Special Meeting of Council.	22 June 2016
Formally adopt the Meeting Procedure Local Law No. 9	29 June 2016
Public Notice - Adoption of Meeting Procedure Local Law No. 9	2 July 2016

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

Council's consideration of Meeting Procedure Local Law No. 9 submissions is a statutory requirement necessary before revising this local law.

As a result of the public submission process, in accordance with section 223 of the *Local Government Act* 1989, Council received one public submission. The suggested changes to the proposed Meeting Procedure Local Law No. 9 are outlined below:

- Section 5.1 (e) to be; questions upon notice, including the name of the person asking the question, what the question is and the response to the question provided at the meeting (refer Section 6.9 - Public Question Time);
- Section 5.1 (f) to be added as below and other subsections after this to be renumbered; for Presentations / Deputations, the speaker to an Agenda item and whether they support or object to the Agenda recommendation;

Recommendation:

1. That Council receives the following submissions:

No.	Submission From	Main Points	Response
1.	Mr. John Kowarsky	<p>The following brief comments were provided for Council’s consideration:</p> <p>Section 5: - It should be explicit that the Minutes contain the names of each person speaking to a particular item as per section 6.5, and whether they are supporting or objecting to the recommendation under consideration.</p> <p>Section 5.1 (e):-“questions upon notice” should include those questions submitted for “public question time” as detailed in Section 6.9.</p> <p>Section 6.1 (c) (i): - I object to the Prayer being included: We now have a diverse society and Local Government should not take any particular religious line.</p> <p>Section 6.5: - I support this procedure. The three-minute time period is reasonable, with discretion of the Mayor for longer periods. However, for teams of</p>	<p><i>Section 5 – Agreed. At present the Minutes record the speaker to an item but not whether the speaker supports or objects to the recommendation in the Agenda. An additional clause is suggested to be inserted in Section 5.1 to require the recording of a speaker to an item and whether they support or object to the Agenda recommendation.</i></p> <p><i>Section 5.1 (e):- In the Public Question Time section of a Council meeting, a record of the speaker and the question asked of Council is recorded in the Minutes. “Questions upon notice” is Public Question Time. A small addition to Section 5.1 (e) would clarify this.</i></p> <p><i>Section 6.1 (c) (i) – This is a matter for Council consideration and resolution.</i></p> <p><i>Section 6.5 – The support is noted. No change to this section to place a maximum time limit is recommended. It is felt that the management of</i></p>

		<p>people to be brought to the Council (such as at the last meeting about the application for extension of permit for residential village) and then lengthy submissions being made taking 20 plus minutes is unreasonable and should be clamped down upon.</p> <p>Section 6.9:- I support this procedure.</p>	<p><i>speakers to an item on the Agenda is best left to the Mayor to manage within the provisions of the local law as provided.</i></p> <p><i>Section 6.9 - The support is noted.</i></p>
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2. That having considered the public submissions, the adoption of the Meeting Procedure Local Law No.9, including any amendments required, is referred to the Special Meeting of Council of Wednesday 29 June 2016 to be held at 6.00pm in Council Chamber, 15 Stead Street, Ballan.
3. That following the adoption of the Meeting Procedure Local Law No.9, a response be provided to the Submitter.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday 10 June 2016



Attachment 7.3

From: [REDACTED]
Date: Sat May 14 02:50:55 PM AEST 2016

Mr R Croxford
CEO Moorabool Shire Council.

Dear Mr Croxford

I offer the following brief comments for your Council's consideration:

Section 5: It should be explicit that the Minutes contain the names of each person speaking to a particular item as per section 6.5, and whether they are supporting or objecting to the recommendation under consideration.

Section 5.1 (e): "questions upon notice" should include those questions submitted for "public question time" as detailed in Section 6.9.

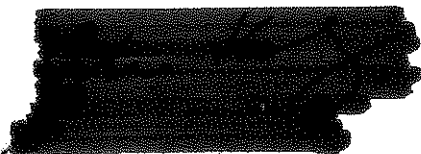
Section 6.1 (c) (i): I object to the Prayer being included: we now have a diverse society and Local Government should not take any particular religious line.

Section 6.5: I support this procedure. The three-minute time period is reasonable, with discretion of the Mayor for longer periods. However, for teams of people to be brought to the Council (such as at the last meeting about the application for extension of permit for residential village) and then lengthy submissions being made taking 20 plus minutes is unreasonable and should be clamped down upon.

Section 6.9: I support this procedure.

Thank you for your consideration.

Yours sincerely



John Kowarsky

John Kowarsky



[REDACTED]

Telephone: + [REDACTED]

Mobile: [REDACTED]

Email: [REDACTED]

7.4 Planning Scheme Amendment C73 (Flood Controls); Consideration of Submissions

File No.: 13/06/076
Author: Rod Davison
General Manager: Satwinder Sandhu

Executive Summary

This report considers submissions made in response to the recent public exhibition of Amendment C73 (the Amendment) which seeks to introduce flood controls into the Moorabool Planning Scheme. The proposed controls include the Land Subject to Inundation Overlay (LSIO), the Special Building Overlay (SBO), updated Municipal Strategic Statement, a new local planning policy relating to floodplain management and the addition of three new reference documents.

Melbourne Water is the proponent for the Amendment, being the floodplain management authority for the Port Phillip and Westernport catchments.

Council received 44 submissions during the exhibition period, including 36 submissions which either object or seek changes to the Amendment.

It is recommended that Council:

- adopt a position on the submissions; and
- request the Minister for Planning to appoint a Planning Panel to hear submissions regarding the Amendment.

Background

On 1 November 2013, Melbourne Water requested an amendment to the Moorabool Planning Scheme to introduce flood controls.

Section 6(2)(e) of the *Planning and Environment Act 1987* (the Act) enables planning schemes to 'regulate or prohibit any use or development in hazardous areas, or in areas which are likely to become hazardous'. As a result, planning schemes contain State planning policy for floodplain management requiring, among other things, that flood risk be considered in the preparation of planning schemes and in land use and development decisions.

The *Victorian Floodplain Management Strategy* (DELWP, 2016) places accountability with Councils "for ensuring that their planning schemes correctly identify the areas at risk of a 1% annual exceedance probability flood, and contain the appropriate objectives and strategies to guide decisions in exercising land use controls in regard to flooding". Overall, the Strategy key elements are to map flooding risk accurately and communicate shared responsibilities. The Amendment before Council is consistent with this philosophy.

Flood Extent Mapping

In 2005, Council commissioned WBM Oceanics Australia Pty Ltd to prepare the *Bacchus Marsh Flood Risk Study*, to identify areas at risk of flooding and provide recommendations for mitigating that risk. The study identified and mapped areas subject to inundation during a 100 year average recurrence interval (ARI) flood event.

Planning scheme Amendment C14 was subsequently prepared, with the aim of applying the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) to affected land. The Amendment was publicly exhibited in 2008. Council received public submissions which questioned the data/methodology used in preparing the flood risk study. Following a review of the submissions, Council and Melbourne Water determined that the study methodology did not provide sufficient strategic justification to support the implementation of the LSIO and FO (as exhibited) and the Amendment lapsed.

A review of the *Bacchus Marsh Flood Risk Study* recommended that a new flood investigation be undertaken for the Bacchus Marsh area using newly available LiDAR data. Lidar (also known as airborne laser scanning) is a technology used to produce high-resolution topographic maps.

In 2010/2011, Melbourne Water prepared several flood study reports including:

- *'Report for Bacchus Marsh Area Floodplain Mapping'* (GHD November 2010);
- *'Lower Lerderderg Catchments Flood Mapping Report'* (Engeny Water Management, December 2011);
- *'Ballan Township Flood Study, Final Report'* (Halcrow Pacific Pty Ltd, November 2011);

In addition, Melbourne Water has prepared flood extent mapping for rural areas within the catchments of the Werribee River, Lerderderg River and Little River, based on flood modelling work that has been undertaken over a number of years.

Authorisation of Amendment C73

At its ordinary meeting on 3 June 2015, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C73 to the Moorabool Planning Scheme. On 21 August 2015, Council was granted authorisation by the Minister to prepare and exhibit the Amendment, subject to four conditions (see Attachment 1) which have been complied with.

Summary of Amendment C73

The proposed Amendment seeks to make the following changes to the planning scheme:

- Amend the Municipal Strategic Statement Clause 21.02 'Natural Environment', by:
 - Inserting reference to Little River;

- Recognising that some urban areas are prone to inundation by overland flows from the urban drainage system; and
- Inserting objectives and strategies relating to floodplain management.
- Amend the Municipal Strategic Statement Clause 21.11, by adding the following to the list of reference documents:
 - *'Report for Bacchus Marsh Area Floodplain Mapping'* (GHD November 2010);
 - *'Lower Lerderderg Catchments Flood Mapping Report'* (Energy Water Management, December 2011);
 - *'Ballan Township Flood Study, Final Report'* (Halcrow Pacific Pty Ltd, November 2011);
- Insert a new local planning policy Clause 22.07 'Floodplain Management', for the protection and management of floodplains and overland flow paths within Moorabool Shire.
- Apply the Land Subject to Inundation Overlay (LSIO) to urban and rural areas affected by riverine flooding, within the catchments of the Werribee River and Lerderderg River in the eastern portion of Moorabool Shire.
- Insert a new Schedule to the LSIO, to provide planning permit exemptions for specified types of buildings and works, and to specify permit application and referral requirements.
- Apply the Special Building Overlay (SBO) to urban areas of Bacchus Marsh that are liable to inundation by overland flows from the urban drainage system.
- Insert a new Schedule to the SBO, to specify permit application and referral requirements.
- Insert 32 new planning scheme overlay maps.
- Amend the schedule to Clause 61.03, to update the list of maps forming part of the planning scheme.

The Amendment will ensure that the planning scheme overlay maps are updated to reflect the extent of the identified flood risk. On land affected by the LSIO or SBO, a planning permit will be required for subdivision and most new buildings and works (including some fences). Circumstances where a planning permit is not required are specified in both overlays.

In accordance with Clause 66.03, any application for a planning permit for development on flood prone land will need to be referred to Melbourne Water for consideration as the relevant floodplain management authority.

Land Affected by Amendment C73

The Amendment applies to land subject to inundation in a 100 year ARI flood event, within the Werribee River, Lerderderg River and Little River catchments in the eastern portion of Moorabool Shire (see Figure 1).

Approximately 2,600 parcels of land are affected by the proposed LSIO or SBO to varying degrees. The affected areas are shown in more detail on the planning scheme maps forming part of the Amendment.

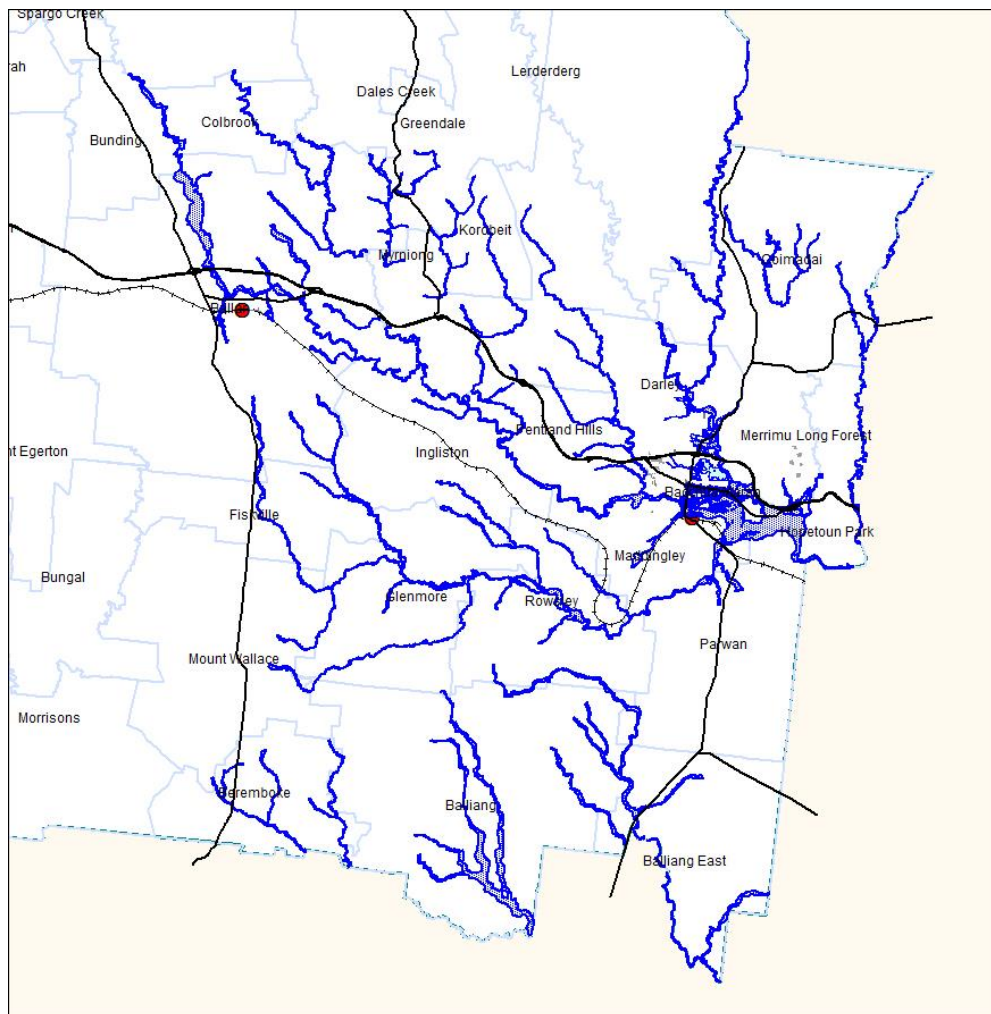


Figure 1: Areas affected by the proposed LSIO and SBO (in blue)

The Role of Council as a Planning Authority under S8A(1) *Planning and Environment Act 1987*

Section 12 of the Act sets out the duties and powers of planning authorities. In preparing a planning scheme amendment, a planning authority must take into account any significant effects which it considers the amendment might have on the environment as well as its social and economic effects. A planning authority must also have regard to the Minister’s directions, the Victorian Planning Provisions (VPPs), and any municipal strategic statement, strategic plan, policy statement, code or guideline which forms part of the scheme.

Minister’s Direction Number 11 ‘*Strategic Assessment of Amendments*’ requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. Planning Practice Note 46 (July 2014) ‘*Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments*’ provides a consistent framework of strategic considerations for preparing and evaluating a proposed planning scheme amendment and its outcomes.

Public Exhibition Process

Amendment C73 was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* from 28 January to 11 March 2016. Notice was provided to all relevant Government departments, agencies and affected landowners and occupiers. Notices were placed in the Moorabool News, Melton and Moorabool Star Weekly, and Victorian Government Gazette publications.

A copy of the Amendment documents that were placed on exhibition is included in Attachment 2.

During the public exhibition period, Council and Melbourne Water officers met with a number of affected residents and landowners. Three public information sessions were held at the Lerderberg Library on 15 and 22 February and 3 March 2016.

A total of 44 submissions were received, including 36 submissions which object or seek changes to the Amendment.

Consideration of Submissions

The table in Attachment 3 outlines the specific issues raised in the submissions and provides an officer response. In the event that Council resolves to proceed with the Amendment and refer these submissions to a Planning Panel appointed by the Minister for Planning, these responses will form the basis for Council's presentation to the Panel. Out of 44 submissions, 35 submissions cannot be resolved through minor changes to the proposed Amendment.

The key issues raised in relation to the Amendment include:

- 1) Is the Amendment necessary?
- 2) Are the proposed planning controls appropriate?
- 3) Is the flood extent mapping accurate?
- 4) Non-planning matters:
 - a) Drainage system capacity and upgrades
 - b) Property values and insurance

Key issues and other matters raised in the submissions are discussed in detail below. Some submissions raise concerns about matters which are not planning considerations. These matters have been responded to accordingly in the table in Attachment 3.

Key Issues

1. Is the Amendment Necessary?

Issues raised in submissions:

Some submitters have expressed concern that the Amendment is unnecessary, for reasons such as:

- Existing controls are more than suffice to control current flood issues.

- This is another layer of local and state government control that is purely bureaucratic.

Response to the issues raised:

The Amendment is necessary as Council has knowledge of flood extent mapping prepared by or on behalf of Melbourne Water. The Moorabool Planning Scheme currently does not contain any overlays to identify areas affected by flooding and overland drainage and therefore does not require a planning permit for many types of buildings and works. Consequently, flood risk may not be identified until such time as the developer applies for a building permit.

If a planning permit is not required, a building permit applicant must obtain the 'report and consent' of Council if the land is liable to flooding. Council officers currently use the latest flood extent mapping prepared by Melbourne Water (i.e. the same mapping as exhibited under this Amendment), to determine whether land is liable to flooding. Council must not give its consent if it is of the opinion that there is likely to be a danger to the life, health or safety of the occupants of the building due to flooding of the site. In its report, Council may specify a minimum floor level for the building. Before specifying a floor level, Council "must:

- a) *consult with the floodplain management authority for that site; and*
- b) *specify a level at least 300mm above any flood levels declared under the Water Act 1989 or otherwise determined by the floodplain management authority, unless the authority consents to a lower floor level."*

Even if a planning permit is required for a particular development, without the appropriate flood overlays and permit triggers, flood risk may not be taken into consideration. Thus, there is currently potential for a scenario whereby a planning permit is issued for a development without due consideration of flood risk, and the developer may subsequently have difficulty obtaining a building permit. This may result in Council being accused of not fulfilling its duty as a planning authority or responsible authority under the *Planning and Environment Act 1987*.

By undertaking the Amendment, Council will ensure that flood risks associated with proposed subdivisions, buildings and works are either avoided or mitigated.

The *Victorian Floodplain Management Strategy* (DELWP, 2016) supports the amendment proceeding as evidenced by the following statements:

"All levels of government have recognised that land use planning can help mitigate the threat from natural hazards. The Council of Australian Governments' National Strategy for Disaster Resilience recognised that 'responsible land use planning can prevent or reduce the likelihood of hazards impacting communities', especially for new developments."

"The Victorian Floods Review noted that land use planning and building controls were generally more cost effective than flood mitigation infrastructure, flood warning systems, education programs or emergency responses."

“Policy 13c

- *LGAs with areas at risk of a 1% annual exceedance probability flood must ensure that their planning scheme contains:*
 - *The objectives and strategies for managing the risk in the Municipal Strategic Statement.*
 - *The appropriate zone and overlays.*

The State Planning Policy Framework (SPPF) of the Moorabool Planning Scheme includes a *‘Floodplain Management’* policy under Clause 13.02-1, which has objectives for protecting life, property and community infrastructure, and for protecting natural flood carrying capacity, flood storage and floodplain areas of environmental significance. One of the strategies listed under Clause 13.02-1 is to *“identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority”*.

As a planning authority, Council has a legal obligation under Section 12(1) of the *Planning and Environment Act 1987* to implement the objectives of planning in Victoria. The Amendment will implement the objectives of planning by ensuring that flood risk is considered in land development decisions, thereby:

- providing for the fair, orderly, economic and sustainable use, and development of land;
- providing for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- balancing the present and future interests of all Victorians.

Pursuant to Section 12(2)(b) of the Act, in preparing a planning scheme or amendment, a planning authority *“must take into account any significant effects which it considers the scheme or amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the scheme or amendment”*. (N.B. underlining is for emphasis)

The Amendment accords with *Planning Practice Note 12 - Applying the flood provisions in planning schemes* (DELP, June 2015). Practice Note 12 provides guidance about applying the flood provisions in planning schemes, including the preparation of policy, identifying land affected by flooding, preparing a local floodplain development plan and the application and operation of the flood provisions, including the preparation of schedules. The following extracts from Practice Note 12 are relevant:

“Flooding is a natural hazard, however, unlike most other natural hazards; floods are to a great degree predictable in terms of their location, depth and extent. This means that appropriate measures can be developed to reduce flood damage. Land use planning is recognised as being the best means of avoiding future flooding problems. Through careful planning, flood risks to life, property and community infrastructure can be minimised and the environmental significance of our floodplains protected.”

“A Council (as the planning authority) can use flood information to articulate local planning objectives and strategies for flooding in its Local Planning Policy Framework (LPPF) and apply the most appropriate flood provision to control land use and development in flood affected areas.

The planning authority has a range of tools to choose from to identify flood affected land in its planning scheme. There are four types of flood provisions available; the Urban Floodway Zone (UFZ), Floodway Overlay (FO), Land Subject to Inundation Overlay (LSIO) and Special Building Overlay (SBO). These have been derived based on the type of flooding and the potential level of risk to life and property.”

The Amendment will ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity. Inclusion of flood information in the planning scheme will enable landowners and developers to have immediate access to this critical information in the early stages of the development approval process, thereby ensuring that new development is designed with flood risk in mind.

Ensuring that development does not increase risk to life and property from flood will assist Council in its emergency management responsibilities. Applying the appropriate planning controls will contribute to financially and socially responsible conduct.

Moorabool Planning Scheme:

State Planning Policy Framework (SPPF)

The Amendment supports and implements the SPPF as follows:

Clause 13.02-1 Floodplain Management

This policy has objectives for protecting life, property and community infrastructure, and for protecting natural flood carrying capacity, flood storage and floodplain areas of environmental significance. The Amendment supports and implements this policy by identifying land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps.

On land affected by flooding, a planning permit will be required for subdivision and most new buildings and works (including some fences). Planning decisions will be based on the most accurate flood information and modelling available, thereby avoiding intensifying the impacts of flooding through inappropriately located uses and developments.

Clause 14.02-1 Catchment management and planning

The Amendment supports and implements this policy, the objective of which is to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

Local Planning Policy Framework (LPPF)

The Amendment supports and implements the LPPF as follows:

*Clause 21.01 Municipal Context**Clause 21.01-2 Key Issues*

This clause recognises flooding as a significant constraint for urban development.

Clause 21.02 Natural Environment

Flood management is listed as a key issue and influence under Clause 21.02-1, which acknowledges that large areas of the Moorabool Shire are prone to flooding as the Moorabool, Werribee, and the Lerderderg Rivers flow through the Shire.

The Amendment amends this clause, by inserting reference to the Little River, and by recognising that some urban areas are prone to inundation by overland flows from the urban drainage system.

The Amendment adopts one of the implementation strategies listed under Clause 21.02, by applying the Land Subject to Inundation Overlay (LSIO) to reflect relevant Council flood studies.

The Amendment inserts the following new clause:

Clause 21.02-7 Objective Flood Management

- To minimise the risks of flooding to life and property, and to minimise the impacts of development on flood levels and the function of floodways, floodplains and overland flow paths.
- To recognise the constraints of floodplains and overland flow paths on the use and development of land.

Strategies

- To discourage development and subdivision on land subject to flooding.
- To ensure that all new development maintains the free passage and temporary storage of floodwater, minimises flood damage, is compatible with flood hazard and local drainage conditions, and minimises soil erosion, sedimentation and silting.
- To develop and implement a Floodplain Management policy.

Clause 21.02-9 Other Actions

The Amendment implements Clause 21.02-9, by encouraging greater land owner awareness, involvement, and responsibility towards protecting their land and property from the threat of flooding.

2. Are the Proposed Planning Controls Appropriate?

Issues raised in submissions:

- The planning controls will ‘significantly affect my property’;
- The LSIO and SBO would impose an unreasonable impost, by triggering the need for a planning permit even for minor works.
- There is a serious flaw in the proposed SBO, as all properties are being subjected to the same strict requirements, irrespective of the estimated flood depth. Also, there has been no consideration as to the percentage of the property that is estimated to be affected by flooding.
- One of the proposed local policy objectives in Clause 22.07-2, namely “*to discourage the intensification of land use and development in the floodplains or overland flow paths*” contradicts the strategic planning objectives for urban consolidation/growth in Bacchus Marsh. This objective should either be deleted or reworded to assist future decision makers to balance competing policy objectives for the town centre, for example: “*to ensure any development in the floodplains will be not be subject to an unreasonable flood risk and will not unreasonably disrupt overland flow paths*”. Proposed local policy clause 22.07-3 states that “*it is policy that subdivision applications should demonstrate that all lots can accommodate an adequate building envelope on land not affected by the LSIO or the SBO*”. This component of the policy should be deleted or reworded to make it clear that building envelopes should, where possible, be located on land not affected by the LSIO.

Response to issues raised:

The Amendment makes proper use of the Victoria Planning Provisions, as it addresses known flood risk by amending the Municipal Strategic Statement, inserting a local ‘Floodplain Management’ policy, and applying the LSIO and SBO to areas identified as being subject to flooding during a 100 year ARI event.

The LSIO will be applied to land affected by mainstream flooding from waterways, while the SBO will be applied to land liable to inundation by overland flows from the urban drainage system. This approach is consistent with Planning Practice Note 12 ‘*Applying the Flood Provisions in Planning Schemes*’ (June 2015) and other similar amendments across the Melbourne Water’s waterway management district.

The LSIO has the following purposes (amongst others):

- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

The SBO has the following purposes (amongst others):

- *To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

Any application for a planning permit on land affected by the LSIO or SBO will need to be referred to Melbourne Water for consideration as the relevant floodplain management authority. Melbourne Water's response to planning referrals will be guided by a document titled '*Guidelines for Development in Flood-prone Areas*'. The guidelines specify five core requirements for development proposals, including flood flow, flood storage, freeboard, site safety and access safety. The depth of flooding is an important consideration when assessing whether a development proposal meets the site safety and access safety requirements stipulated in the guidelines.

In order to address any flood risk to a proposed development, Melbourne Water may specify requirements or conditions in relation to matters such as development intensity, subdivision lot configuration, road/driveway access, siting of buildings and minimum floor levels.

It should be noted that the proposed planning controls will have no effect on any existing lawful use or development on flood-prone land.

Proposed Clause 22.07 Floodplain Management:

Council and Melbourne Water officers concur with the concerns expressed in submission 41, in that there is tension between elements of the proposed local policy wording and the urban growth/consolidation objectives of Council's Moorabool 2041 Urban Growth Strategy. Bacchus Marsh has been identified as a 'regional centre' for urban growth in the *Central Highlands Regional Growth Plan* and *Plan Melbourne*. To alleviate this tension, it is recommended that:

- The local policy objective in Clause 22.07-2 should be reworded as follows:
 - To discourage the intensification of land use and development on land where the depth or velocity of floodwaters will be hazardous.
- The subdivision policy statement in Clause 22.07-3 should be reworded as follows:
 - It is policy that subdivision applications should demonstrate that all lots can accommodate an adequate building envelope on land where the depth and velocity of floodwaters will not be hazardous.

(N.B. underlining indicates added text; strikethrough indicates deleted text)

3. Is the Flood Extent Mapping Accurate?

Issues raised in submissions:

- Some submitters have questioned the accuracy of the flood extent mapping in relation to their property.
- Some submitters have questioned the accuracy of the flood modelling, including some of the assumptions and data inputs.

Response to the issues raised:

The flood extent mapping represents a theoretical 100 year ARI flood event, derived from flood modelling techniques which Melbourne Water officers believe are technically sound and current best practice.

The mapping has been prepared using two different models. First, a hydrology model (RORB) was used to estimate the amount of rain that will fall (using data from the Australian Rainfall and Runoff for the area of interest) and the amount of this rainfall that will runoff. The discharges estimated by RORB are used as the inputs to a hydraulic model (TUFLOW) that estimates how deep and wide the flow (runoff) will be.

For the two Bacchus Marsh flood studies, the modelling process involved calibration using observed flood levels and gauged flows (where available) from real flood events.

The 'Ballan Township Flood Study, Final Report' states the following in the conclusions:

"Methodology and technological improvements developed since the previous studies has allowed for higher confidence of results in a format that that is more flexible and accessible to those without direct modelling experience.

Given the lack of historical flow recordings available calibration of the models was not possible, however, by comparing the model results to Rational Method estimates and previous modelling results (with consideration to improvements since the time of creation) a satisfactory level of robustness was achieved."

All submissions were forwarded to Melbourne Water for consideration and its responses are included in the table in Attachment 3.

In most cases, Melbourne Water reaffirmed the flood extent mapping by stating that it *"will not be making any changes to the exhibited LSIO/SBO at this location"*. However, Melbourne Water has agreed to remove the proposed SBO from 62 Dickson Street, Bacchus Marsh (submission number 23), 32 Young Street, Bacchus Marsh (submission number 42) and 17 Cairns Drive, Darley (submission number 4) as the proposed overlay affects only a tiny portion of these properties (approximately 0.27m², 0.08m² and 0.03m² respectively).

4. Non-planning matters

a. Drainage system capacity and upgrades

Issues raised in submissions:

- Melbourne Water and Council are shirking their responsibilities by failing to adequately maintain the drainage system and the drainage function of waterways.
- New subdivisions are a significant contributory factor in applying the proposed LSIO and SBO to existing properties.
- The Amendment would not be necessary if the drainage system was upgraded and flood mitigation works were implemented.
- A detailed flood mitigation feasibility study should be commissioned as soon as possible, to investigate potential for improved flood protection to the town centre.

Response to issues raised:

Flood events are a natural occurrence that can have significant detrimental impacts, but can also provide important environmental benefits including supporting biodiversity, maintaining water quality, and spreading organic material, nutrients, and sediments which enrich floodplain soils.

Melbourne Water has advised that the flood modelling undertaken for this Amendment was predicated upon all drainage assets functioning properly and at design capacity. All drains, overland flow paths and waterways were assumed to operate effectively in a 100 year ARI storm event. Maintaining these assets is the joint responsibility of Council and Melbourne Water. If effective maintenance is not delivered on a scheduled on-going basis, the extent and severity of flooding could be increased, and the proposed LSIO and SBO might not be representative of the actual flooding risk (i.e. the risk could be greater).

Planning permits for new urban developments, including subdivisions, typically require that the stormwater drainage system be designed such that flows downstream of the development are restricted to pre-development levels. Clause 56.07-4 of the Moorabool Planning Scheme requires this standard to be achieved for residential subdivisions. The Infrastructure Design Manual (IDM), which has been adopted by Moorabool Shire and many other Victorian rural and regional Councils, extends this requirement to multi-dwelling developments, industrial developments, commercial developments and low density residential developments.

Current engineering standards require that new urban development provides an underground drainage system designed to cater for either a 5, 10, or 20 year ARI storm event, depending on the type of development. In addition to underground drainage, new urban developments are required to provide overland flow paths, designed to cater for excess flows during a 100 year ARI storm event (IDM and Clause 56.07-4 of the planning scheme).

Flood mitigation works are beyond the scope of this planning scheme Amendment.

However, it is noted that both the *'Report for Bacchus Marsh Area Floodplain Mapping'* and the *'Lower Lerderderg Catchments Flood Mapping Report'* recommend that further work be undertaken to investigate flood mitigation options and to assess the economic and social benefits of such options.

In 2012, Council commissioned an investigation of flood mitigation options for Bacchus Marsh, the results of which are detailed in a *Report for Bacchus Marsh Floodplain Management Plan; Flood Mitigation Option Assessment Report* (GHD; August 2012). The project steering group included representatives from Council, Melbourne Water, the Department of Sustainability and Environment, the State Emergency Service and GHD. The report identifies five flood mitigation options for Bacchus Marsh, including:

- Option 1 – Raise the levees along Werribee River, upstream of Fiskin Street bridge;
- Option 2 – Raise the Grant Street bridge over the Werribee River;
- Option 3 – Channel maintenance (vegetation removal) along the Werribee River, from the Fiskin Street bridge to approximately 600 metres upstream of the Grant Street bridge;
- Option 4 - Raise the levees along Werribee River, upstream of Fiskin Street bridge, and increase the capacity of Fiskin Street drain; and
- Option 5 - Raise the levees along Werribee River, upstream of Fiskin Street bridge, and increase the capacity of Maddingley Park drain.

The report recommends option 1 based on the results of a multi-criteria analysis, but recommends that options 4 and 5 should also be further investigated, as they offer the greatest degree of flood protection during a 100 year ARI event. Implementation of flood mitigation works is a future ambition for Council and would be subject to significant funding.

Melbourne Water has advised that flood mitigation works for the Port Phillip and Westernport catchments (38 municipalities) are financed through the urban drainage rate, and prioritised according to frequency and severity of flooding and maximum community benefit.

b. Property values, insurance and compensation

Issues raised in submissions:

- The introduction of the LSIO and SBO will result in devaluation of affected properties.
- What liability will Council and/or Melbourne Water accept for the devaluation of affected properties?
- The introduction of the LSIO and SBO will result in increased insurance premiums, or difficulties in obtaining insurance, for affected properties.

Response to issues raised:

Neither the Moorabool Planning Scheme nor the *Planning and Environment Act 1987* enable Council to address the potential impact of the amendment on property values or insurance.

As the flood extent mapping has already been in the public realm for some time prior to the Amendment being exhibited, the Amendment only reflects information already being used. If a person was to apply to Melbourne Water for a flood certificate for a flood affected property, they would be advised that the property is subject to inundation. People not previously aware that their property is flood prone now have the opportunity to check their insurance policy coverage and, if not considered adequate, seek alternative insurance.

A number of Planning Panels (most recently Port Phillip Amendment C111) have considered these issues. Panels have consistently found that there is no justification for setting aside any amendment to introduce the LSIO or SBO (or other overlays) on the basis of concerns about loss of property value or possible increase in insurance premiums. The inclusion of these overlays in the scheme represents an important piece of information for property owners and potential purchasers and developers.

In response to the question of liability, Part 5 of the *Planning and Environment Act 1987* sets out circumstances where compensation is payable and is essentially limited to where land is reserved or required for a public purpose, or where access is to be denied by the closure of a public road. It does not cover situations where controls such as the LSIO or SBO are imposed.

Is a Planning Panel Required?

In accordance with section 22 of the *Planning and Environment Act 1987*, Council must consider all submissions made on or before the closing date set out in the notice.

Pursuant to section 23 of the Act, after considering any submission which requests a change to the amendment, Council as the planning authority must:

- a) change the Amendment in the manner requested in any submissions;
or
- b) refer the submissions to an independent Planning Panel appointed under Part 8 of the Act; or
- c) abandon the Amendment or part of the amendment.

In this instance, Council is not able to resolve all the issues raised in submissions by changing the Amendment. Thus, Council must either refer the submissions to a Planning Panel, or abandon the Amendment.

The role of a Planning Panel is to give submitters an opportunity to be heard in an independent forum and in an informal, non-judicial manner. A Planning Panel is not a court of law. It will allow the proponent (Melbourne Water in this instance) an opportunity to respond to issues raised by submitters. The perspective of Council (as the planning authority) will also be tabled.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area 1 Enhanced infrastructure and natural and 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 the planning scheme is reviewed and updated in order to facilitate land use and development to support the social, economic, environment and well-being of the shire. Ensure that development is sustainable, resilient to change and respects the existing character.
Key Result Area 2	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 works towards community resilience.

The proposed changes to the planning scheme are consistent with the 2013-2017 Council Plan.

Financial Implications

Melbourne Water has agreed to finance any Panel hearing costs associated with the consideration of submissions pertaining to their catchment areas. As the proponent for the Amendment, Melbourne Water will be responsible for providing the technical evidence to support the proposed controls.

The application of flood mapping consistent with the adopted flood and drainage studies will limit the potential for affected property owners to seek redress against Council, in the event that their property is adversely affected by flooding.

The introduction of the LSIO and SBO will trigger the need for a planning permit for subdivisions, buildings and works on land affected by the overlays. Currently, buildings and works do not often require a planning permit and therefore the introduction of these overlays will result in an increase in the number of planning permit applications.

Risk & Occupational Health & Safety Issues

Council has a duty of care as a planning authority to ensure that available flood extent mapping is translated into meaningful planning controls and are applied in a transparent manner. By undertaking the planning scheme amendment, Council will ensure that development decisions (on land affected by the LSIO or SBO) are based on known flood extents. This will ensure that flood risks associated with proposed subdivisions, buildings and works are either avoided or mitigated.

Pursuant to section 12(2)(b) of the Act, in preparing a planning scheme or amendment, a planning authority ‘must take into account any significant effects which it considers the scheme or amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the scheme or amendment’. If the overlays are not applied to the affected areas, Council may risk approving potentially inappropriate developments without due consideration of flood risk. This may lead to a situation where Council is deemed negligent or liable in its roles as planning authority or responsible authority under the *Planning and Environment Act 1987*.

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial – Flood risk not considered in development approvals decision making.	Potential litigation.	High	Implement appropriate planning controls.

Communications and Consultation Strategy

Consultation occurred during the formal exhibition period, with affected property owners/occupiers and relevant authorities. If Council proceeds with the Amendment, a Planning Panel will be appointed to hear submissions to the Amendment. All submitters would be notified by Planning Panels Victoria and provided the opportunity to address the Panel.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Rod Davison

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

Conclusion

There is clear strategic justification for this Amendment. Council has a statutory responsibility to introduce flood controls and flood extent mapping to the Moorabool Planning Scheme, given that flood modelling and mapping has been undertaken by Melbourne Water as the relevant floodplain management authority.

Many submitters expressed concerns about perceived impact on property values and insurance policies. For reasons outlined, these are not relevant planning considerations.

Many submitters expressed concerns about the extent to which their property will be affected by the proposed LSIO or SBO. Melbourne Water has considered all such submissions and, in most cases, has concluded that the flood extent mapping is considered accurate and should not be altered.

As Council is not able to resolve the issues raised in submissions by changing the Amendment, it is considered appropriate that Council should refer the submissions to a Planning Panel.

Recommendation:

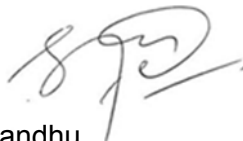
That Council, having considered all submissions to Moorabool Planning Scheme Amendment C73, resolves to:

- 1) Request the Minister for Planning to appoint a Planning Panel under Part 8 of the *Planning and Environment Act 1987* for Amendment C73.**
- 2) Refer Amendment C73 (including submissions) to the Planning Panel for consideration.**
- 3) Adopt a position on submissions to Panel as outlined in the Table to Attachment 3.**

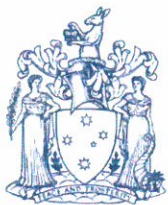
Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Thursday 16 June 2016



Attachment 7.4 (a)



Department of Environment, Land, Water & Planning

111 Armstrong Street North
Ballarat Victoria 3350
Telephone (03) 5327 2800

Ref: MBR027461

“*MBR027461*”

Rod Croxford
Chief Executive Officer
Moorabool Shire Council
PO BOX 18
BALLAN VIC 3342

Attention: Rod Davison

Dear Mr Croxford

PROPOSED MOORABOOL PLANNING SCHEME AMENDMENT C73

I refer to your council's application for authorisation to prepare an amendment to the Moorabool Planning Scheme. The amendment proposes to introduce floodplain management into the Moorabool Planning Scheme by applying new local planning policy, new overlays and mapping.

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* (the Act) I authorise your council as planning authority to prepare the amendment subject to the following conditions:

- Planning Practice Note 12 'Applying the Flood Provisions in Planning Scheme' provides that the SBO should apply to stormwater flooding in urban areas only. Please review the proposed application of the SBO to remove the rural properties from the SBO.
- Amend Clause 21.02-7 Flood Management to be inline with Planning Practice Note 4 'Writing a Municipal Strategic Statement', which provides that objectives should be separate items, not grouped as provided.
- Amend the Schedule to 44.05 Special Building Overlay to delete "1.0 Application Requirements" because it repeats Clause 44.05-3 Application Requirements.
- As the proposed amendment affects Crown land, Native Title Services Victoria should be given notice of the amendment.

It is noted that the proposed amendment could provide further clarification in the Explanatory report on the criteria use to apply both the Special Building Overlay (SBO) and Land Subject to Inundation Overlay (LSIO). This would assist with understanding the choice of the proposed overlays and how it links with the Melbourne Water flood studies.

The amendment must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and
- before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report [Practice Note 77: Pre-setting panel hearing dates](#) provides information about this step).

The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in [Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process](#).

In accordance with sections 17(3) and (4) of the Act the amendment must be submitted to the Minister **at least 10 business days** before council first gives notice of the amendment.

Please submit the amendment electronically to planning.amendments@dtpli.vic.gov.au

If you have any further queries in relation to this matter, please contact Hayley Becker of Grampians Regional Office on (03) 5327 2862.

Yours sincerely



Somma Sourivong
Manager – Grampians, Regional Planning Service

Attachment 7.4 (b)

21.02 NATURAL ENVIRONMENT

10/11/2011
C57
[Proposed C73](#)

Key Issues and Influences

26/02/2009
C34
[Proposed C73](#)

Non Urban Landscapes

- Moorabool Shire’s natural environment, towns, rural landscapes, and forested areas are important elements of the Shire’s character.

Water and Catchment Management

- Large areas of Moorabool Shire are in Special Water Supply Catchments providing potable water for local and regional populations.
- Much of the Special Water Supply Catchment areas contain towns, communities, and productive farms that have a legitimate expectation to grow and prosper.
- There is a combined responsibility for water quality by the Shire, Water Authorities and Catchment Management Authorities.

Biodiversity

- Lerderderg State Park, the Brisbane Ranges National Park, Wombat State Forest, Werribee Gorge State Park, Long Forrest Nature Conservation Reserve and other bushland areas in the Shire are highly significant natural resources with nationally important flora, fauna habitat values. These values are also valuable attractors of recreation and tourism.
- Human activity particularly the impacts of population growth, urban growth, and agricultural activity have contributed to the decline in biodiversity, quality and quantity of native vegetation and waterway condition.
- Roadside vegetation is of great value to the Moorabool Shire as it provides for flora and fauna movement corridors between State and National Parks or Forests and supports the rural character of the area.
- Pest and environmental weed control are important issues within the Shire as is the revegetation of native flora along waterways.

Wildfire

- Large areas of the Shire are at risk of wildfire particularly forested areas on steep inclines.

Environmentally Sustainable Development

- Planning for development in Moorabool Shire must give deliberate consideration to environmentally sustainable development principals that will maintain and enhance the quality of the environment and natural resource base.

Flood Management

- Large areas of the Moorabool Shire are prone to flooding ~~as from waterways that through the Shire, including~~ the Moorabool, Werribee, ~~and~~ Lerderderg ~~and Little~~ Rivers ~~flow through the Shire and their tributaries.~~
- Some urban areas are prone to inundation by overland flows from the urban drainage system.

26/02/2009
C34

Objective—Non Urban Landscapes

- To maintain and enhance the natural environment and the Shire’s rural identity and character.

Strategies

- Maintain the open rural landscape between the Shire's eastern boundary and Bacchus Marsh as a visual buffer.
- Recognise and protect the national, state and regional values of Werribee George State Park, Bungal State Forest, Long Forest nature Reserve, Lal Lal State Forest, Lal Lal Falls, Brisbane Ranges Lerderderg State Park, and Wombat State Forest.
- 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.

21.02-3 Objective—Water and Catchment Management

26/02/2009
C34

- To protect the quality and quantity of water within the Moorabool Shire.

Strategies

- Where reasonable, promote the installation of reticulated sewerage within all areas of Moorabool Shire.
- Promote land use and development compatible with the Shire's natural environment, native vegetation, and places of environmental significance.
- Ensure that the removal of all stormwater and effluent associated with new development is undertaken in a way which is not to the detriment of the quality or quantity of water in local watercourses and limits downstream effects.
- Ensure the retention, protection, and revegetation of the riparian area along watercourses.

21.02-4 Objective—Biodiversity

10/11/2011
C57

- To positively enhance biodiversity in the Moorabool Shire.

Strategies

- Support the implementation of the appropriate Regional Catchment Management Strategy
- Require land use change and development to retain native vegetation and to minimise topsoil disturbance.
- Require an increase in sustainable rural land management practices (in particular weed and pest management) when supporting land use change or development within rural areas.
- Maintain protect, and enhance the biodiversity values of important roadsides, particularly those within the surrounds of the state and national parks or forests.
- Maintain, protect and enhance the River Red Gum (*Eucalyptus Camaldulensis*) Population within the Bacchus Marsh Valley.

21.02-5 Objective—Wildfire

26/02/2009
C34

- To minimise risk of wildfire damage.

Strategies

- Develop and apply the annual Moorabool Municipal Fire Prevention Plan.

21.02-6 Objective—Environmentally Sustainable Development

26/02/2009
C34

- To manage land use in an environmentally sustainable manner, to assist in reducing the ecological footprint of land within Moorabool Shire.

Strategies

- Ensure that the natural drainage functions are retained in the development of land for residential purposes.
- Ensure that new dams in the rural zones consider stream flow, catchment, landscape, environmental and land degradation issues.
- Encourage the principals of energy efficient building design and site layout to be considered for new developments, to reduce reliance on artificial heating and cooling and therefore subsequently reducing green house gas emissions.
- Ensure Best Practice Water Sensitive Urban Design principals are applied to all new development within the Moorabool Shire.

21.02-7 Objective-Flood Management

~~21.02-7~~
Proposed C73

- To minimise the risks of flooding to life and property.
- To minimise the impacts of development on flood levels and the function of floodways, floodplains and overland flow paths.
- To recognise the constraints of floodplains and overland flow paths on the use and development of land.

Strategies

- To discourage development and subdivision on land subject to flooding.
- To ensure that all new development maintains the free passage and temporary storage of floodwater, minimises flood damage, is compatible with flood hazard and local drainage conditions, and minimises soil erosion, sedimentation and silting.
- To develop and implement a Floodplain Management policy.

21.02-78 Implementation

26/02/2009
C34
Proposed C73

Zones and Overlays

Specific application of zones and overlays to achieve the strategic objectives includes:

- Apply relevant overlays (VPO or ESO) to reflect biodiversity mapping of the Shire when completed;
- Apply Erosion Management Overlay (EMO) and Salinity Management Overlays (SMO) to reflect land capability across the Shire;
- Apply Floodway Overlay (FO) and Land Subject to Inundation Overlays (LSIO) to reflect relevant Council flood studies;
- Apply Significant Landscape Overlay (SLO) to ridgelines, escarpments, and hilltops; and
- Apply Wildfire Management Overlay to areas of fire risk.

21.02-89 Further Strategic Work

10/11/2011
C57
Proposed C73

- Complete the biodiversity mapping project.
- Undertake studies to further identify areas subject to flooding and areas subject to poor drainage.
- Undertake erosion studies to inform the incorporation of the Erosion Management Overlay.

- Undertake salinity mapping to inform the incorporation of the Salinity Management Overlay.
- Investigate an appropriate buffer zone around the Ballan and Parwan Waste Water Plants in conjunction with the relevant Water Authorities, and develop ESO's within these buffers in conjunction with the Water Authorities and the EPA.
- Revise Environmental Significance Overlay Schedule 2 (ESO2 Waterway Protection) to incorporate floodway management.
- Extend and update the Wildfire Management Overlay (WMO) based on CFA mapping for bushfire prone areas.
- Review, update, and implement the Moorabool Shire Council Roadside Management Plan, 2001, including the application of a Vegetation Protection Overlay along roadsides with vegetation of significance.

21.02-910

Other Actions

26/02/2009
 C34
 Proposed C73

- Work with and encourage other land managers and authorities to ensure a consistent and proactive approach to land and biodiversity conservation and enhancement.
- Encourage greater land owner awareness, involvement, and responsibility towards protecting their land and property from the threat of wildfire and flooding.
- Support the introduction of Stream Flow Management Plans.
- Work with the State Government to monitor the impact of domestic and stock dams on river flows and ground water quality and quantity.
- Work with Water Authorities to review planning controls relating to development in Special Water Supply Catchments.

21.11

10/11/2011
~~C67~~
Proposed C73

REFERENCE DOCUMENTS

- Bacchus Marsh Accessibility, Parking, and Traffic Management Strategy 2003.
- Bacchus Marsh Gateways Strategy 2003.
- Bacchus Marsh Heritage Study, 1995.
- Bacchus Marsh Tracks and Trails Master Plan 2004-2005.
- Ballan Township Flood Study, Final Report, November 2011.
- Bences Road Local Area Structure Plan Report 2007.
- Growing Moorabool, Economic Development Strategy, 2006.
- Lower Lerderderg Catchments Flood Mapping Report, December 2011.
- Moorabool Growth Management Strategy, 2002.
- Moorabool Industrial Areas Strategy, 2001.
- Moorabool Shire Council Roadside Management Plan, 2001.
- Moorabool Social Infrastructure Plan 2007.
- Moorabool Shire Land Use and Development Strategy 1997.
- Moorabool Municipal Fire Prevention Plan.
- Report for Bacchus Marsh Area Floodplain Mapping, November 2010.
- River Red Gums in the Bacchus Marsh Valley, December 2008

22.07 FLOODPLAIN MANAGEMENT

--/20--
Proposed C73

This policy applies to all land affected by the Land Subject to Inundation Overlay (LSIO) or the Special Building Overlay (SBO).

22.07-1 Policy Basis

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Proposed C73

The catchments of the various rivers and streams within Moorabool Shire include areas of flood prone land where flooding has historically caused substantial damage to the natural and built environment. The town of Bacchus Marsh is most affected by flooding due to the confluence of the Werribee and Lerderderg Rivers. The town of Ballan is affected by flooding from the Werribee River. The Little River is another key floodplain affecting the south-east of the Shire. Floods are naturally occurring events, and the inherent functions of floodplains and overland flow paths to convey and store floodwater should be recognised and preserved to minimise the long term flood risk to floodplain production, assets and communities. Natural flooding, long term productivity of flood prone land, waterway and wetland health are all closely linked. Inappropriate development on floodplains or overland flow paths can lead to the deterioration of environmental values, reduced agricultural production and increased risk to life and property downstream.

It is evident that the impact of floods is increasing due to land use and vegetation changes. In particular:

- Urban expansion has occurred in Bacchus Marsh and Ballan, increasing the speed and quantity of flood runoff while at the same time reducing natural flood storage and obstructing flood flows leading to an increase in the risk to life, health and safety of occupants of the floodplain.
- Raised earthworks (including but not limited to roadworks, levees and farm channels) have reduced natural flood storage, obstructed and/or redistributed flood flows, and increased flow velocities and levels.
- Clearing of land for rural and urban development.

Sound floodplain management in the municipality is the critical means by which the economic, social and environmental risks associated with development of floodplains and overland flow paths can be minimised.

This policy:

- Applies the floodplain management State Planning Policy Framework objective in clause 13.02 to local circumstances;
- Builds on the Municipal Strategic Statement objectives and strategies in clause 21.02-7 relating to floodplain management; and
- Implements the objectives of Melbourne Water Corporation's Port Phillip and Westernport Flood Management and Drainage Strategy; 2007.

22.07-2 Objectives

--/20--
Proposed C73--

- To minimise flood risk and promote sustainable use and development of floodplains and overland flow paths.
- To ensure land use and development on floodplains or overland flow paths is compatible with flood risk.
- To ensure that where permitted, development on a floodplain or overland flow path:
 - Maintains the free passage and temporary storage of floodwaters;
 - Minimises flood damage;
 - Will not cause any significant rise in flood level or flow velocity; and
 - Will not cause any impact on adjacent property.
- To discourage the intensification of land use and development on floodplains or overland flow paths.

- To recognise the natural flood carrying capacity of rivers, streams, wetlands and overland flow paths.
- To recognise the natural flood storage function of floodplains.
- To protect surface and ground water quality, and preserve important wetlands and areas of environmental significance.
- To minimise risk associated with overland flow of storm water.

22.07-3 Policy

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Proposed C73--

Exercising discretion

It is policy to:

- Achieve appropriate development that takes flooding into consideration.
- Discourage the filling of land in all areas subject to flooding, other than for building envelopes in flood fringe areas. Flood fringe areas are usually within the Land Subject to Inundation Overlay or the Special Building Overlay, towards the limit of inundation extent where the depth of flooding is less than 0.5 metres.
- Discourage large building extensions that will be below the nominal flood protection level.
- Discourage the construction of levees, except to protect existing dwellings and their immediate curtilage and where deemed acceptable to the floodplain management authority.
- Discourage earthworks that obstruct natural flow paths or drainage lines.
- Encourage the retention of natural drainage corridors with vegetated buffer zones at least 30m wide along waterways to maintain the natural drainage function, stream habitat and wildlife corridor and landscape values.
- Minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.

Performance Measures and Standards

Buildings and Works

It is policy that, where permitted, any buildings (including extensions) and works shall be subject to the following measures and standards:

- Be located on the highest available natural ground unless the applicant can demonstrate to the satisfaction of the responsible authority that an alternative site is more suitable.
- Have a 100-year Average Recurrence Interval (ARI) flood depth of less than 500mm above the natural ground level at the building site.
- Be aligned with their longitudinal axis parallel to the predicted predominant direction of flood flow. This requirement may override other alignment requirements.
- Buildings shall include flood-proofing measures that minimise the effects of flooding on the building structure and its contents, e.g. keeping sub-floor areas open, using water resistant materials and raising electrical fittings and wiring above the nominal flood protection level.
- Buildings shall have vehicular access to building envelopes on each lot meets the appropriate flood hazard rating, to the satisfaction of the floodplain management authority
- Limit the size of building (fill) pads to as near as practical to the building footprint.
- Construct foundations compatible with the flood risk.
- Minimise site coverage and hard surface areas.
- Maximise permeable surfaces to minimise run-off.
- Where a building extension (or multiple extensions) is greater than 20m² and the floor level is below the nominal flood protection level, the owner must:

- Enter into an agreement with Council under Section 173 of the *Planning and Environment Act 1987*, stating that the floor level is below nominal flood protection level and the owner takes full responsibility for any damage caused by flooding. This agreement must be registered on title; and
- Use water resistant materials that are designed for flood proofing and any possible flow velocity impacts.

Subdivision

It is policy that subdivision applications should demonstrate:

- That all lots can accommodate an adequate building envelope on land not affected by the Land Subject to Inundation Overlay or the Special Building Overlay.
- That vehicular access to building envelopes on each lot meets the appropriate flood hazard rating, to the satisfaction of the floodplain management authority.
- That each lot is capable of containing an appropriate effluent disposal field on land that is not flood prone, unless the lots will be connected to reticulated sewerage.

Fences

It is policy that fencing should be designed in a way that enables movement of floodwaters through the fence and:

- Should not act as a partial or continuous barrier to floodwaters.
- Should not trap debris in floodwaters.

Earthworks

Construction of a dam for stock or domestic water supply purposes may be permitted provided excavated material is removed off site and away from land within flood extent and there is no increase in the surface level of land surrounding the dam, including embankments.

Any approved earthworks, such as for access, must not impede the flow of flood waters.

44.04

21/09/2009
VC60

LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as **LSIO** with a number (if shown).

Purpose

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

To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.

To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

44.04-1

15/09/2008
VC49

Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 4500 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
 - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.

- The erection of telephone or power lines provided they do not involve the construction of towers or poles.
- To post and wire and post and rail fencing.

44.04-2
19/01/2006
VC37

Subdivision

A permit is required to subdivide land.

44.04-3
19/01/2006
VC37

Application requirements

Local floodplain development plan

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

44.04-4
19/01/2006
VC37

Exemption from notice and review

An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

44.04-5
19/01/2006
VC37

Referral of applications

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

44.04-6
21/09/2009
VC60

Decision guidelines

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 local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

Notes: *Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

--/20--
C73**SCHEDULE TO THE LAND SUBJECT TO INUNDATION OVERLAY**

Shown on the planning scheme map as **LSIO**.

1.0 Permit requirement--/20--
C73

A permit is not required to construct or carry out:

- An extension to an existing dwelling, provided the floor level of the proposed extension is not less than the existing floor level and the gross floor area of the extension does not exceed 20 square metres.
- Works ancillary to an existing dwelling, including landscaping, a pergola, driveway, verandah, barbeque and water tank.
- An open building with no walls.
- An open-style fence.
- A tennis court at natural surface level with open-style fencing.
- A below-ground swimming pool and open-style safety fencing.
- Earthworks for the purpose of constructing a swimming pool or spa and associated mechanical and safety equipment if associated with an existing dwelling on the same lot.
- A non-habitable building or extension to a non-habitable building, provided the floor level is at least 300 mm above the flood level and the gross floor area of the new building or extension does not exceed 20 square metres.
- A radio mast.
- An advertising sign on a post or attached to a building.
- An upper storey extension or alteration to an existing building.
- A replacement fence of the same material as the existing fence.
- An aviary or other enclosure for domestic animals.
- An agricultural or farm building with permanent openings on all sides such as a hay shed, stockyard or covered horse stable.
- Earthworks associated with the construction of a dam, provided no fill is imported to the site and no embankment is above ground level.
- A picnic shelter.

2.0 Application requirements--/20--
C73

An application to construct a building or construct or carry out works must be accompanied by four sets of plans drawn to scale which show:

- The boundaries and dimensions of the site.
- Relevant ground levels, to Australian Height Datum, taken by a licensed surveyor.
- The layout of existing and proposed buildings and works.
- Floor levels of any existing and proposed buildings, to Australian Height Datum, taken by a licensed surveyor.

3.0 Referral of applications--/20--
C73

An application to construct a building or construct or carry out works or an application to amend a permit does not have to be referred to the floodplain management authority if the application:

- Is accompanied by the relevant floodplain management authority's written approval. The written approval must:

- Be granted not more than three months prior to lodging with the responsible authority.
- Quote the reference number of the approved plans.
- State the applicable flood level and any required floor levels.
- Is in accordance with any adopted local floodplain development plan.
- Complies with a building envelope, filling levels and floor levels specified by Melbourne Water in the previous six months.

44.05

15/09/2008
VC49

SPECIAL BUILDING OVERLAY

Shown on the planning scheme map as **SBO** with a number (if shown).

Purpose

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

To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

44.05-1

15/09/2008
VC49

Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
 - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
 - The erection of telephone or power lines provided they do not involve the construction of towers or poles designed to operate at more than 66,000 volts.
- To landscaping, driveways, vehicle cross overs, footpaths or bicycle paths if there is no significant change to existing surface levels, or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.

- To roadworks and associated works if this is limited to resurfacing the existing road or the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.
- To an extension of less than 20 square metres in floor area to an existing building (not including an out-building), where the floor levels are constructed to at least 300mm above the flood level or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.
- To an upper storey extension to an existing building.
- To an alteration to an existing building where the original building footprint remains the same and floor levels are constructed to at least 300mm above flood level.
- To an out-building (including replacement of an existing building) if the out-building is less than 10 square metres in floor area and constructed to at least 150mm above the flood level or the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.
- To a replacement building (not including an out-building) if it is constructed to at least 300mm above the flood level and the original building footprint remains the same. The responsible authority may require evidence of the existing building envelope.
- To fencing with at least 25% openings and with the plinth at least 300mm above the flood level.
- To a replacement fence in the same location and of the same type and materials as the existing fence.
- To a pergola or an open deck area with unenclosed foundations.
- To a carport constructed over an existing carspace.
- To an in-ground swimming pool and associated security fencing, where the perimeter edging of the pool is constructed at natural surface levels and excavated material is removed from the flowpath.
- To a tennis court at existing surface level with fencing designed to minimise obstruction to flows.
- To an aviary or other enclosure for a domestic animal if it is less than 10 square metres in floor area at ground level.
- To open sided verandahs, open sided picnic shelters, barbeques and park furniture (excluding playground equipment) if there is less than 30mm change to existing surface levels.
- To radio masts, light poles or advertising signs on posts or attached to buildings.

44.05-2

19/01/2006
VC37

Subdivision

A permit is required to subdivide land.

44.05-3

19/01/2006
VC37

Application requirements

Unless otherwise agreed in writing by the relevant floodplain management authority, an application to construct a building or construct or carry out works must be accompanied by a site plan which shows, as appropriate:

- The boundaries and dimensions of the site.
- Relevant existing and proposed ground levels, to Australian Height Datum, taken by or under the direction or supervision of a licensed land surveyor.
- The layout, size and use of existing and proposed buildings and works, including vehicle parking areas.

- Floor levels of any existing and proposed buildings to Australian Height Datum.
- Cross sectional details of any basement entry ramps and other basement entries to Australian Height Datum, showing floor levels of entry and exit areas and drainage details.

Local floodplain development plan

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

44.05-4 Exemption from notice and review

19/01/2006
VC37

An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

44.05-5 Referral of applications

19/01/2006
VC37

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority.

44.05-6 Decision guidelines

19/01/2006
VC37

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 local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

Notes: *Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

--/20--
C73-

SCHEDULE TO THE SPECIAL BUILDING OVERLAY

Shown on the planning scheme map as SBO.

1.0 Permit requirement

--/20--
C73

None specified.

2.0 Referral of applications

--/20--
C73

An application to construct a building or construct or carry out works or an application to amend a permit does not have to be referred to the floodplain management authority if the application:

- Is accompanied by the relevant floodplain management authority's written approval. The written approval must:
 - Be granted not more than three months prior to lodging with the responsible authority.
 - Quote the reference number of the approved plans.
 - State the applicable flood level and any required floor levels.

09/07/2015

C62

Proposed C73

SCHEDULE TO CLAUSE 61.03

Maps comprising part of this scheme:

Zoning maps 1 to 55 inclusive

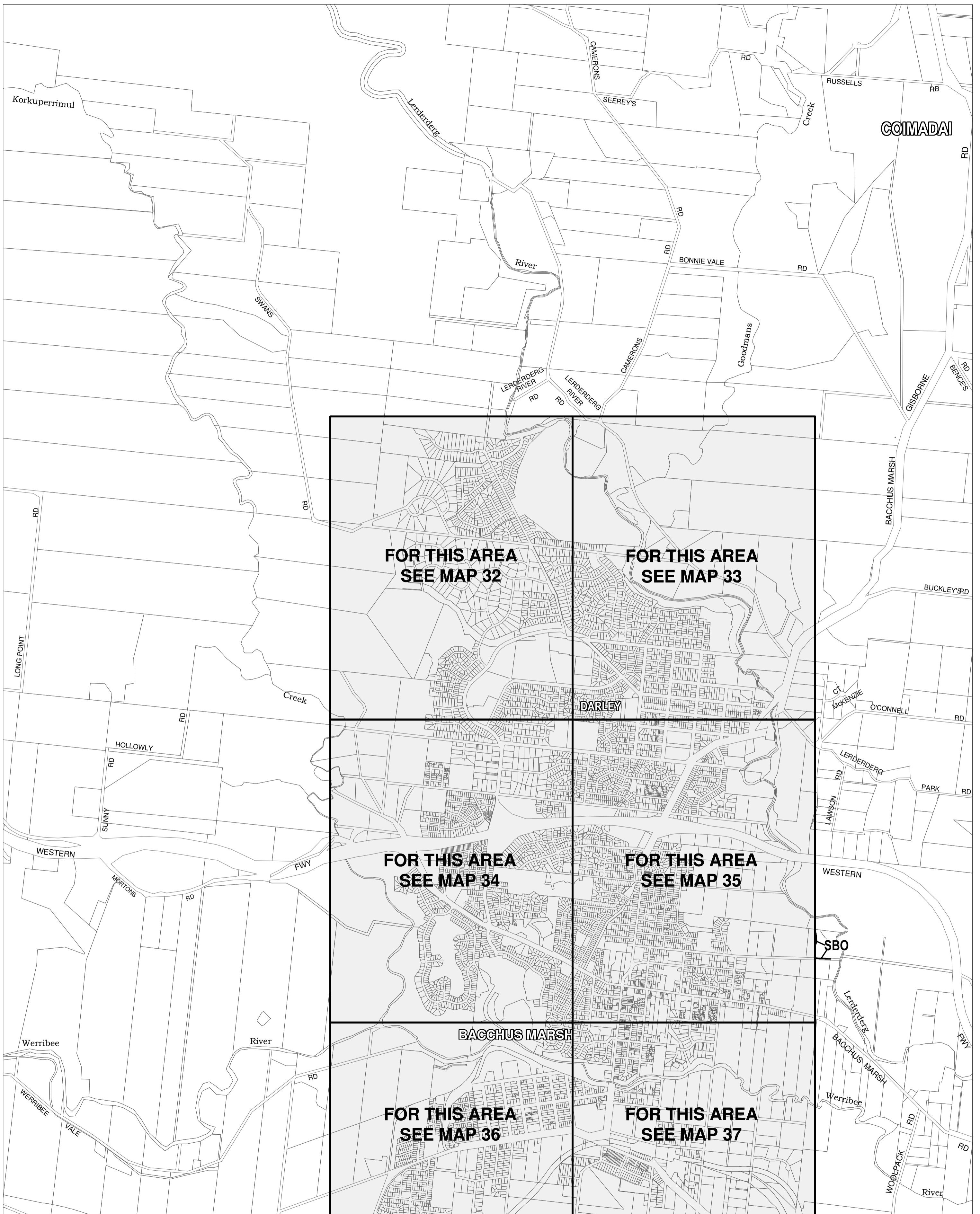
Overlay maps

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MOORABOOL PLANNING SCHEME

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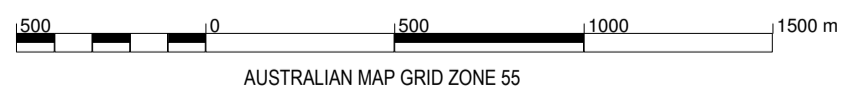
MOORABOOL PLANNING SCHEME - LOCAL PROVISION



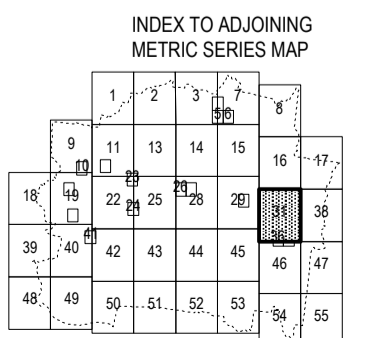
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SBO Special Building Overlay



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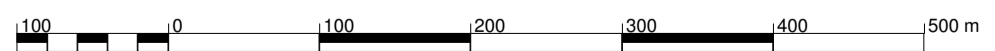


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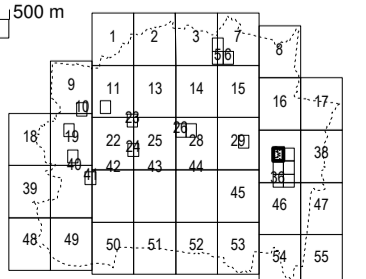
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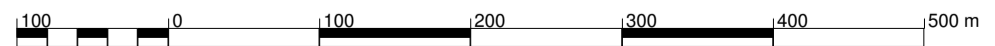


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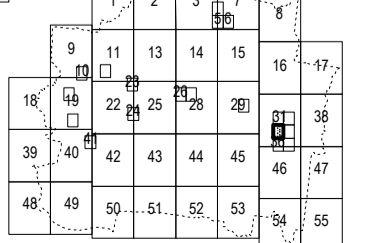
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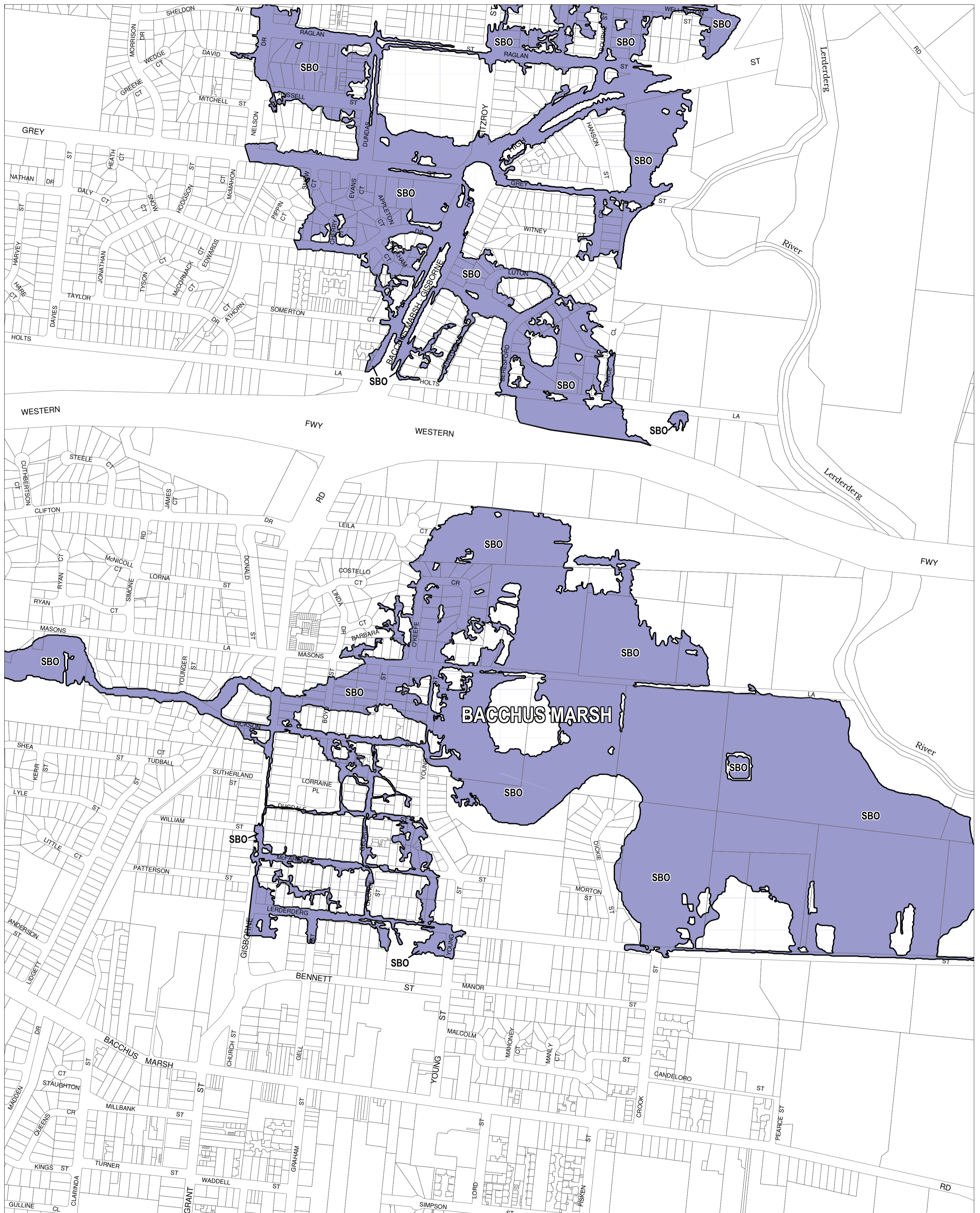
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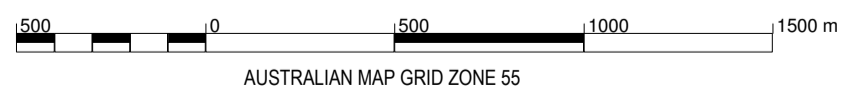


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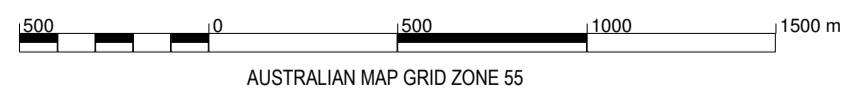
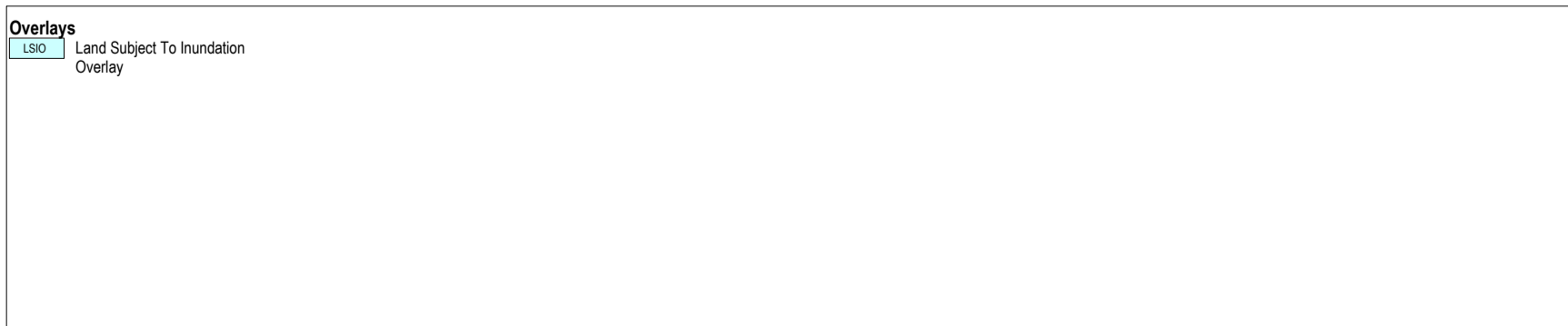
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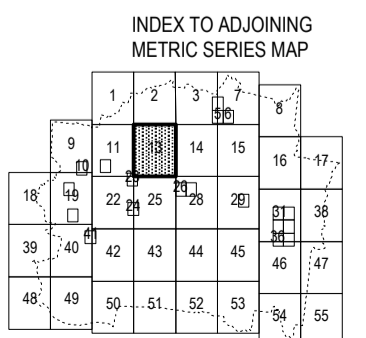
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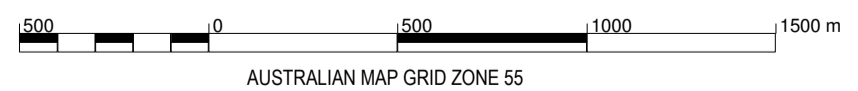
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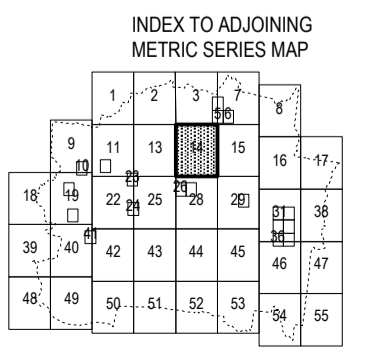
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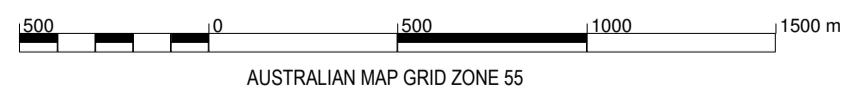
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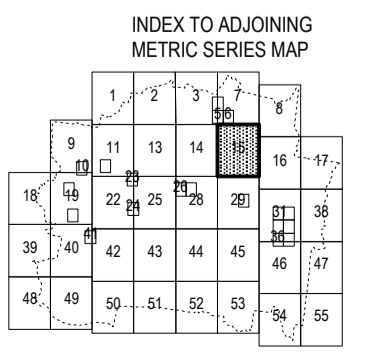
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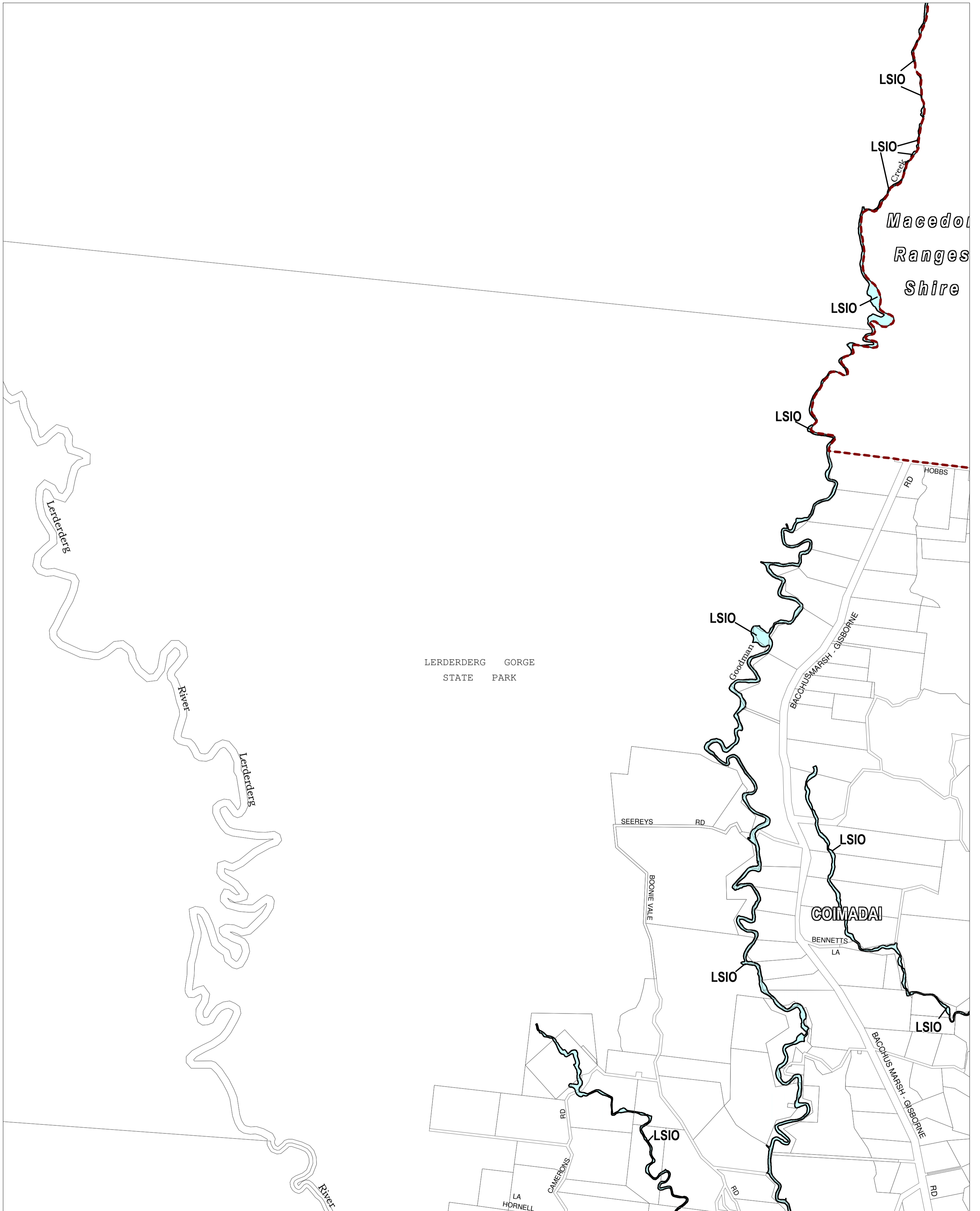
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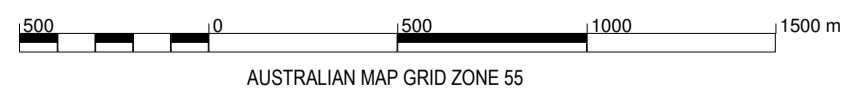
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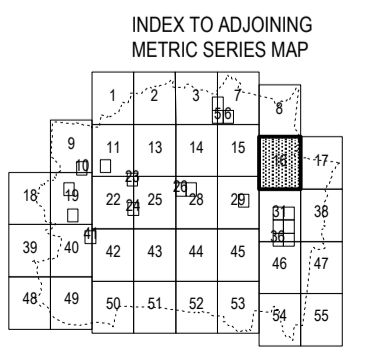
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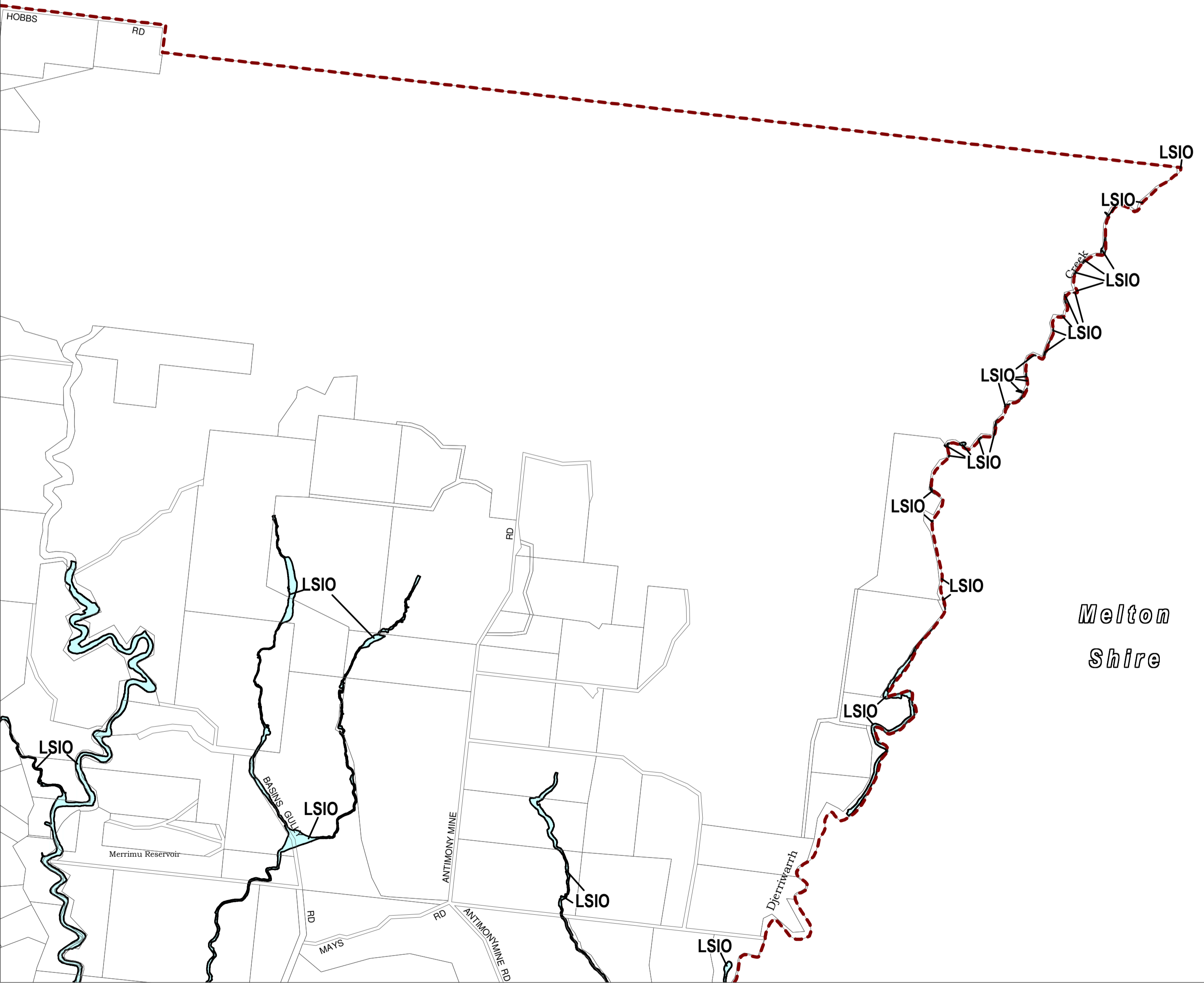
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Macedon
Ranges
Shire

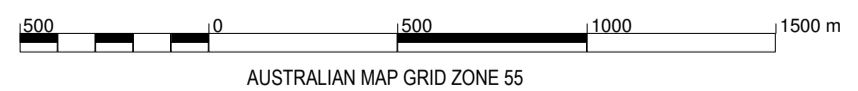
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Shire



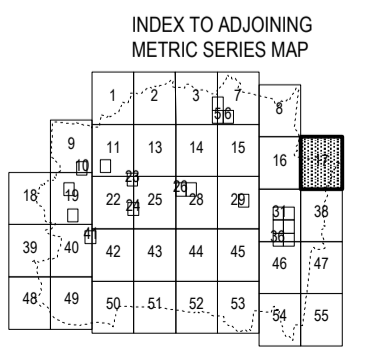
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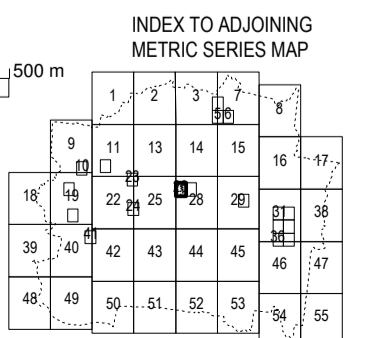
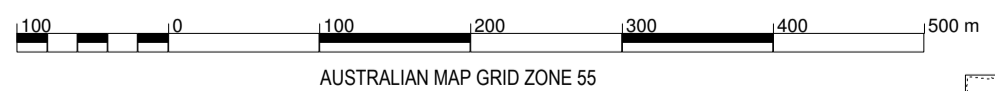


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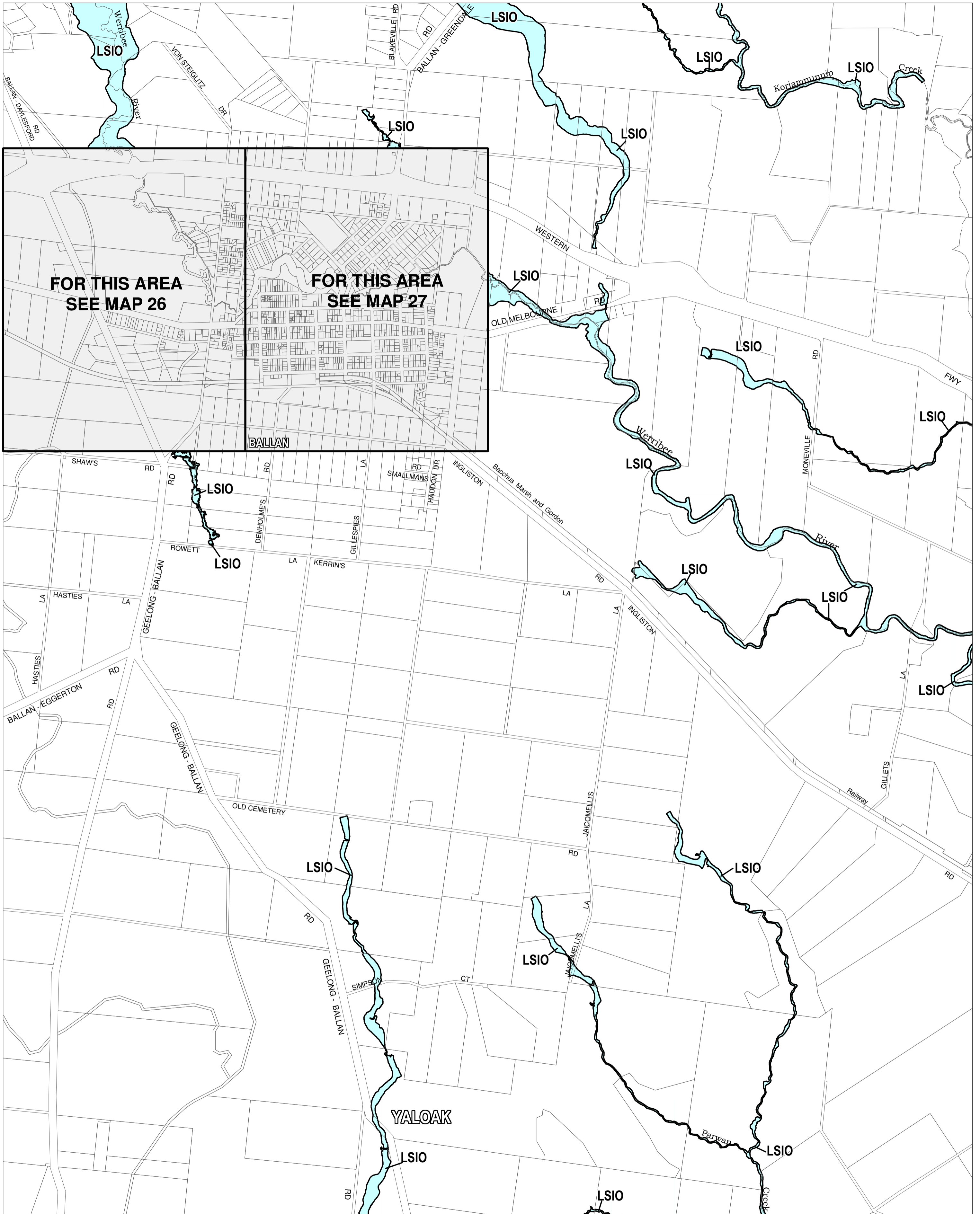
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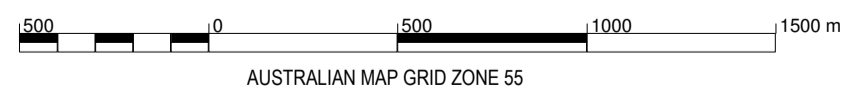
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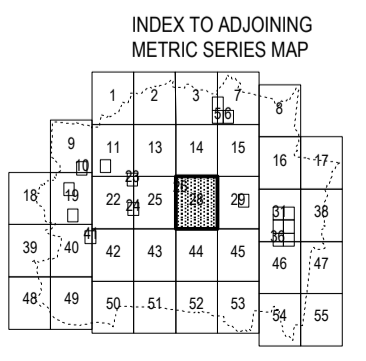
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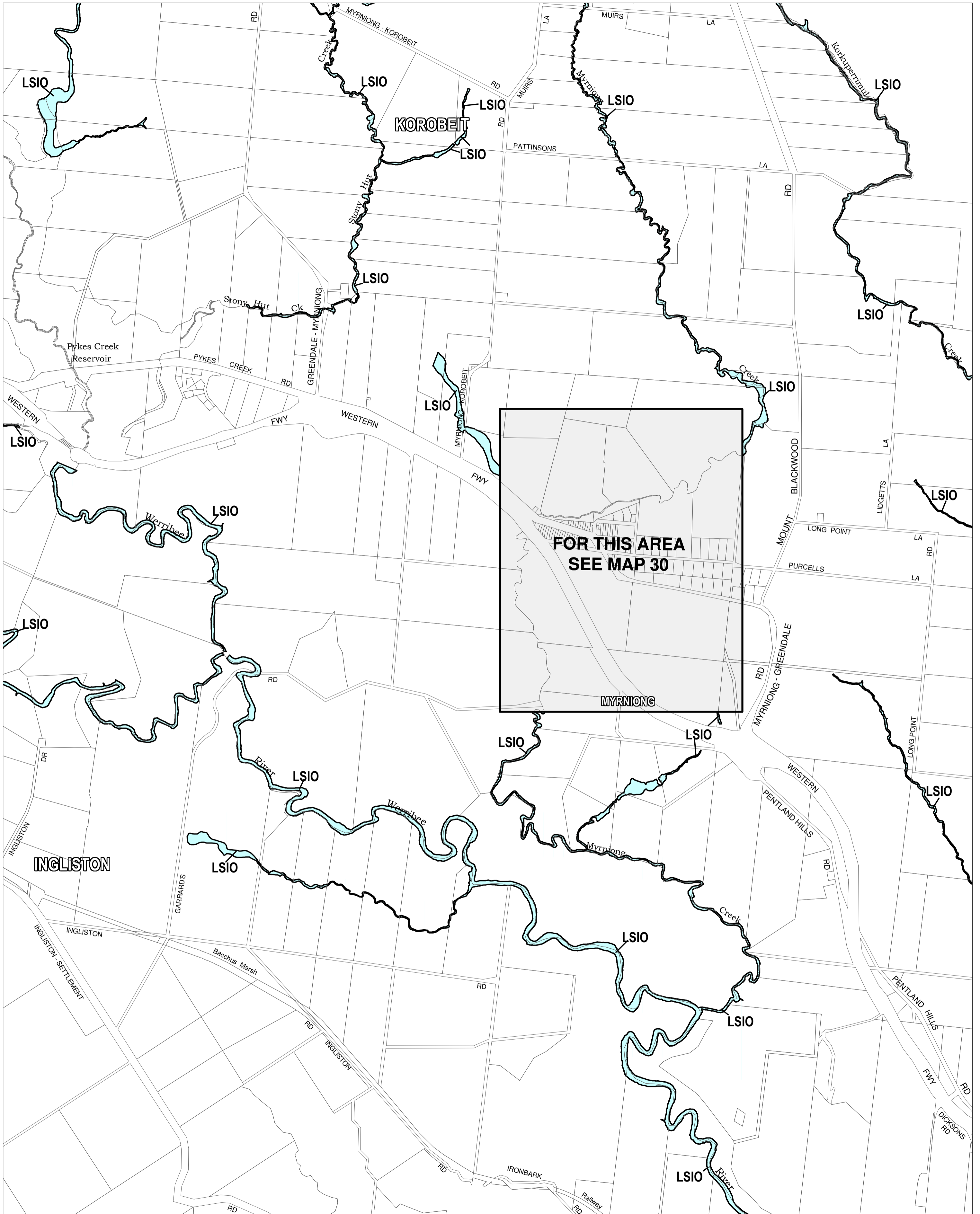
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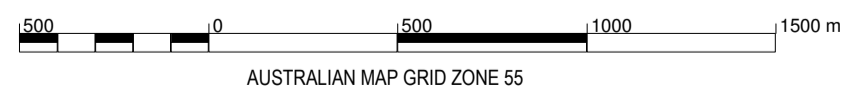
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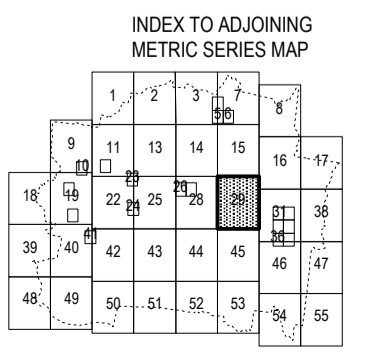
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Unknown Category
 Unknown Code

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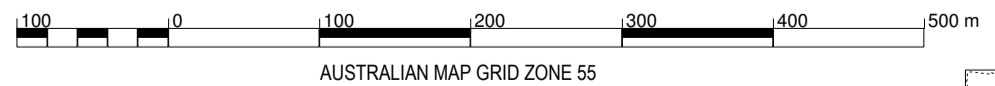


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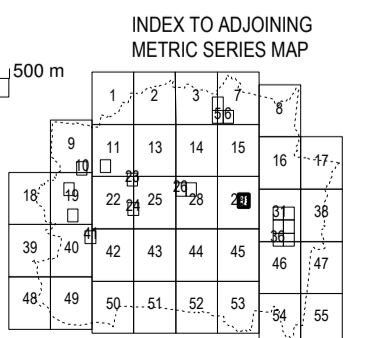
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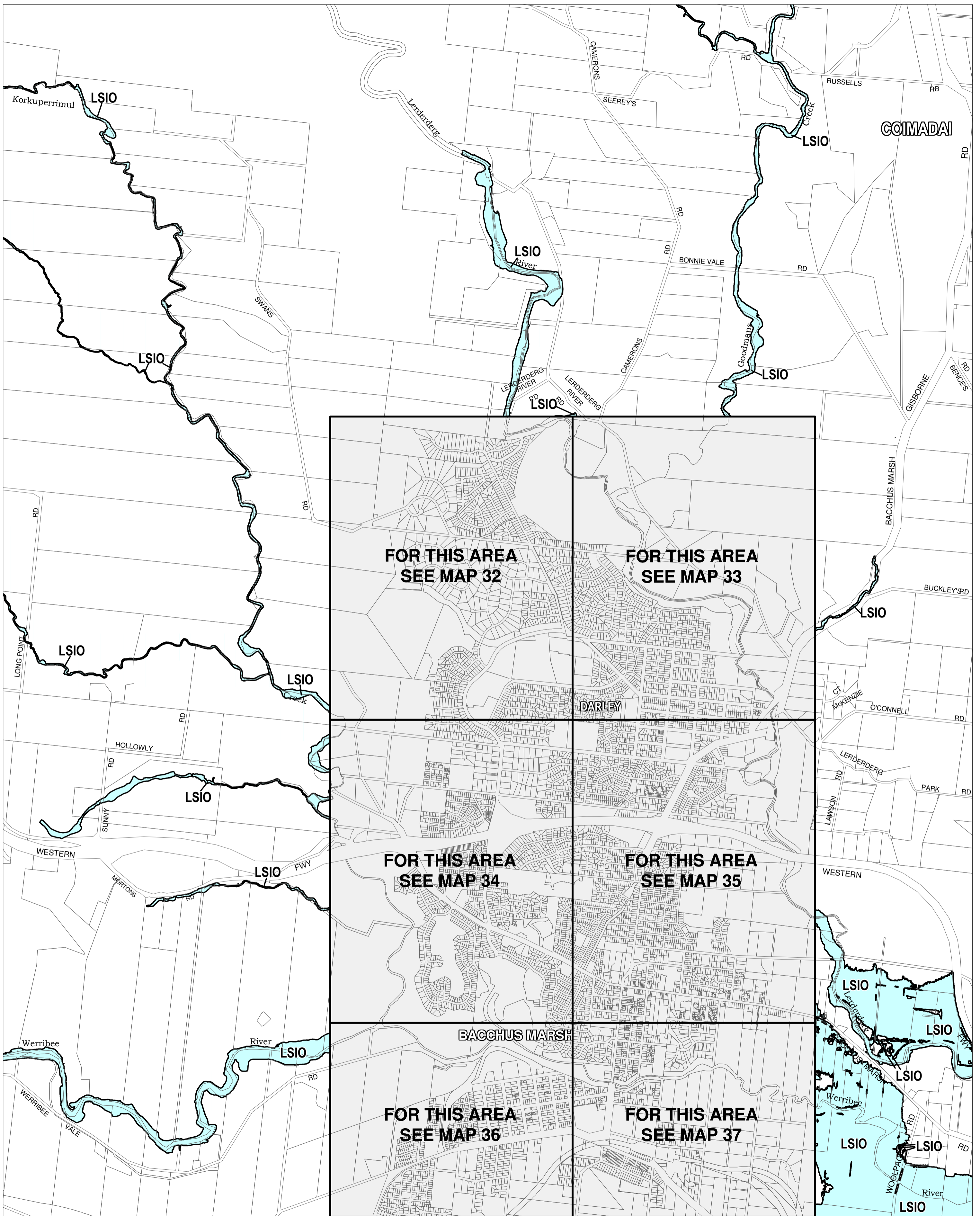
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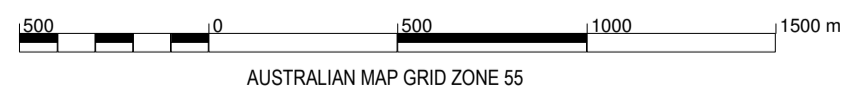


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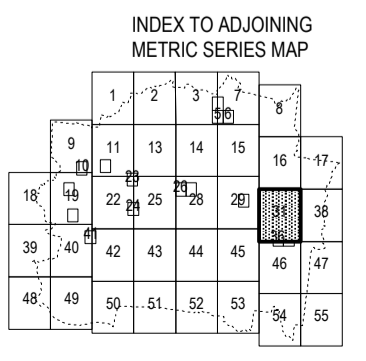
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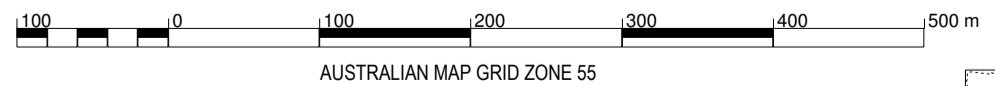


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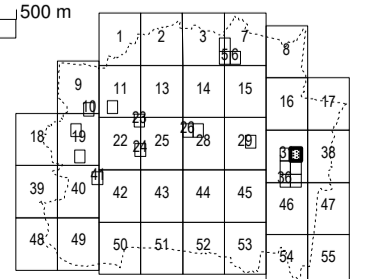
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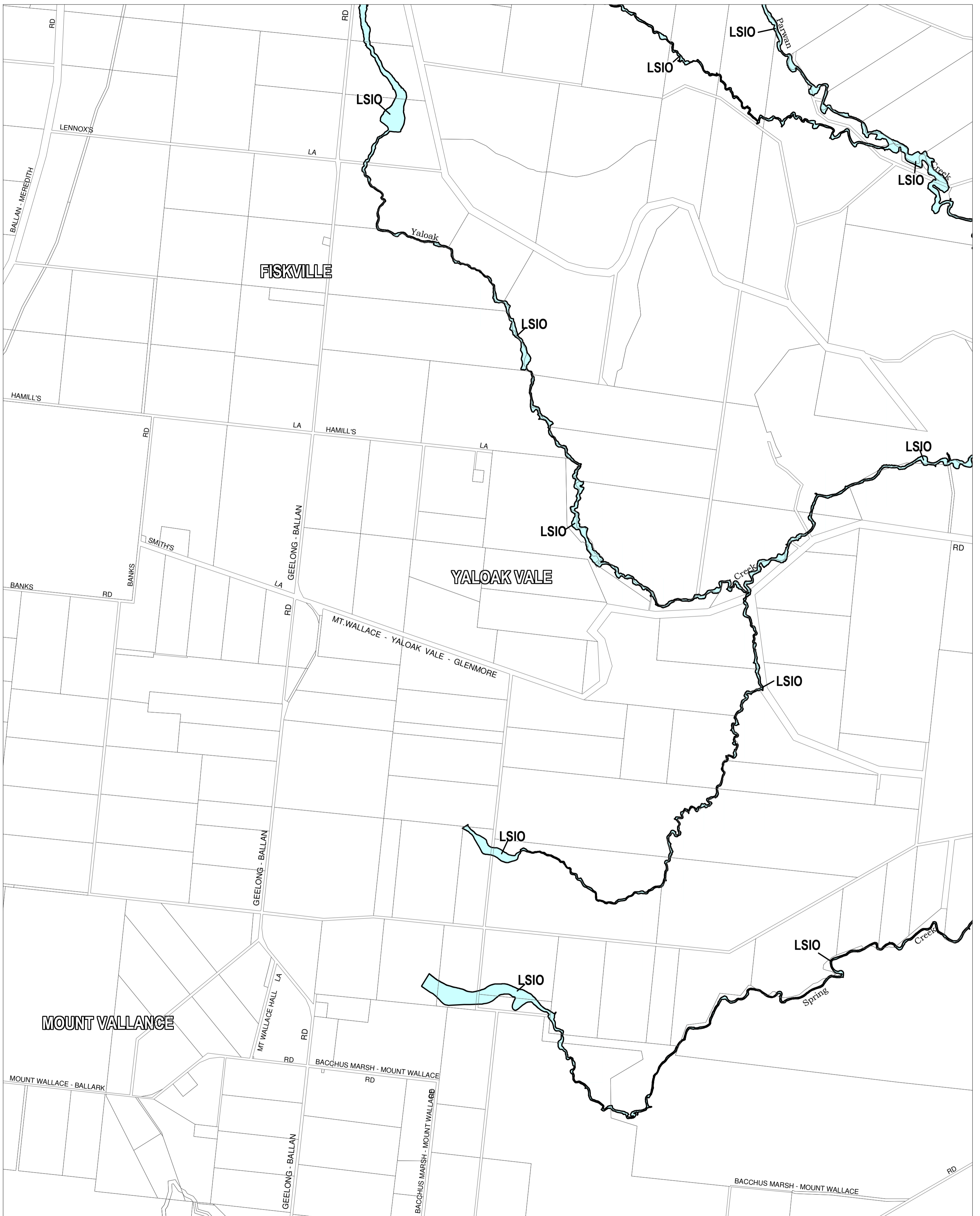
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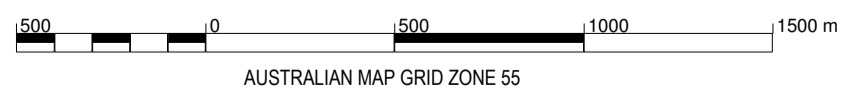


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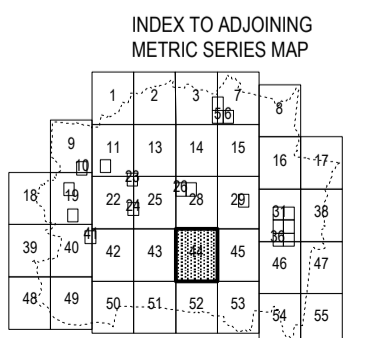
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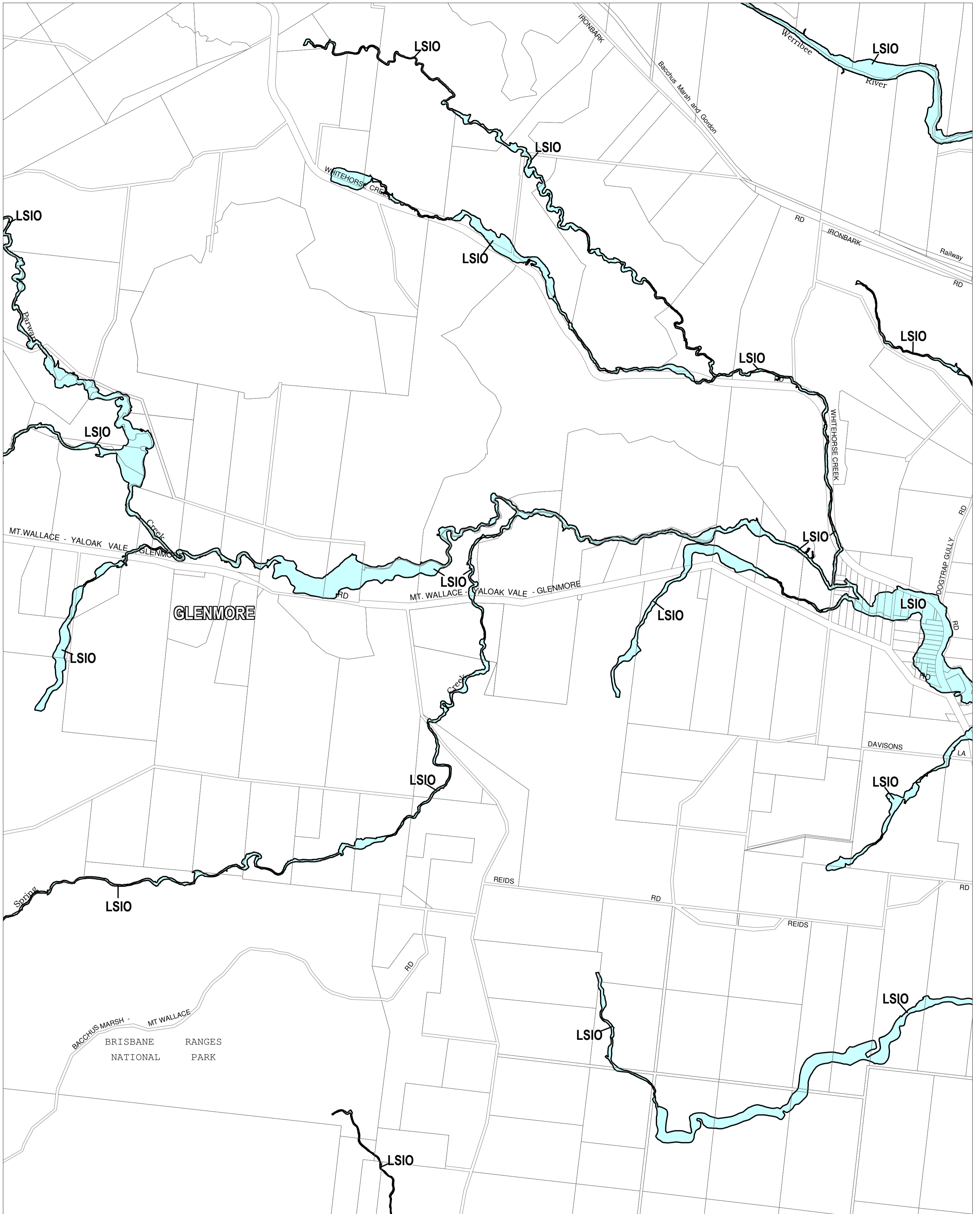
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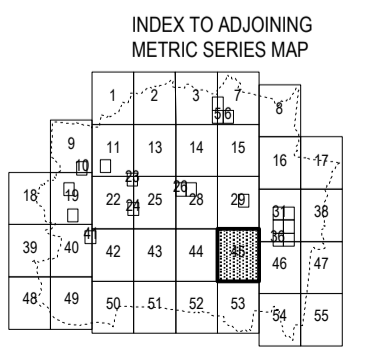
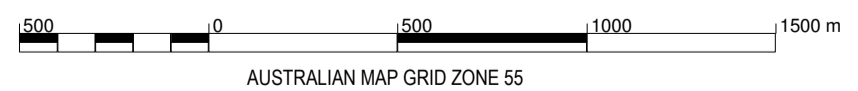
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FOR THIS AREA
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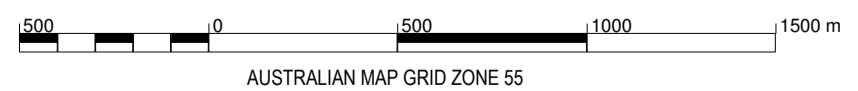
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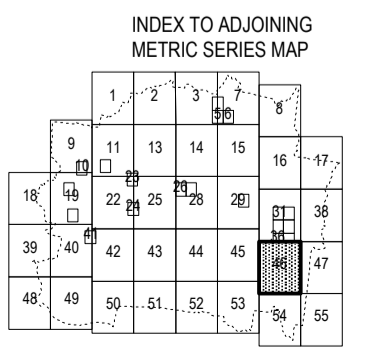
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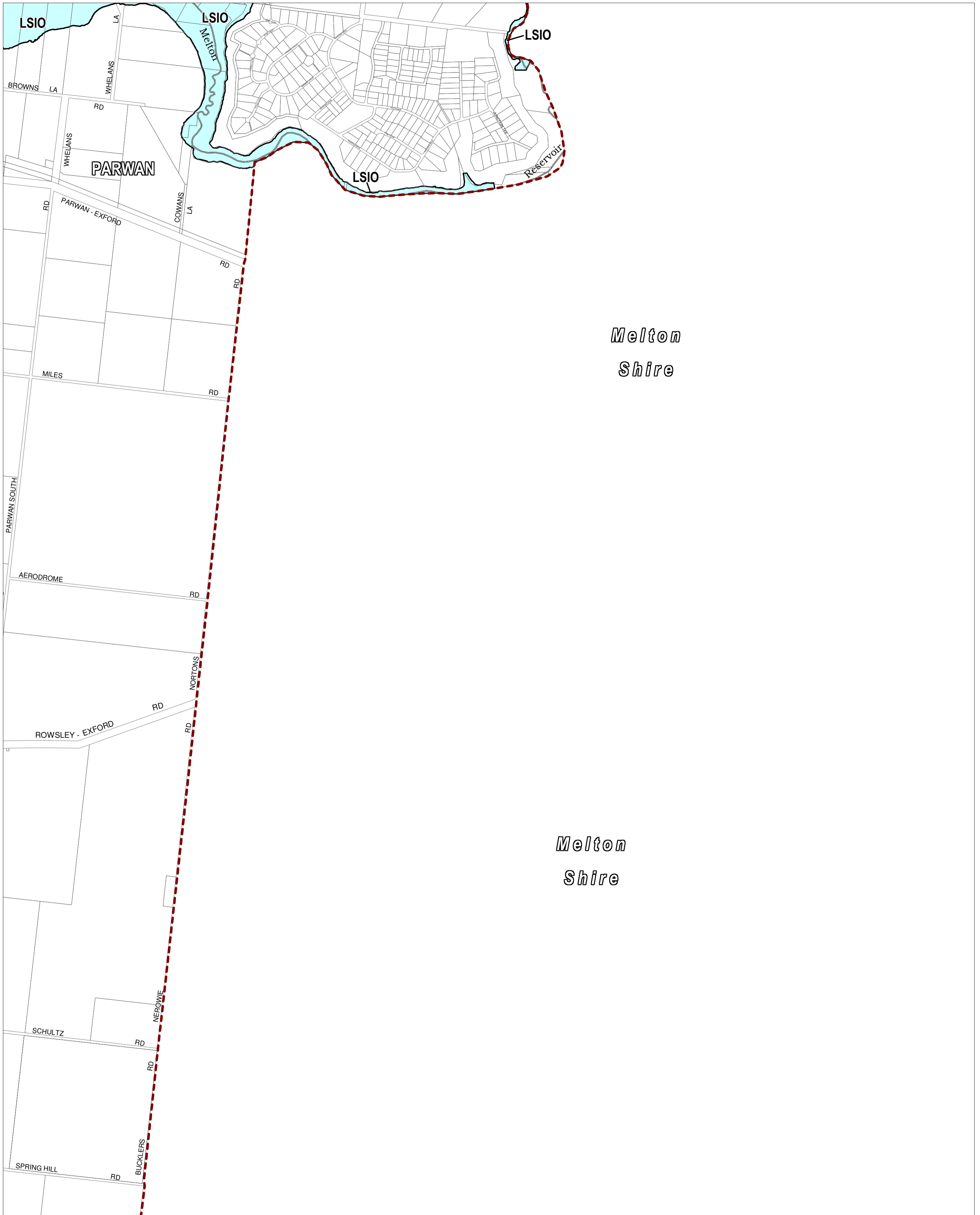
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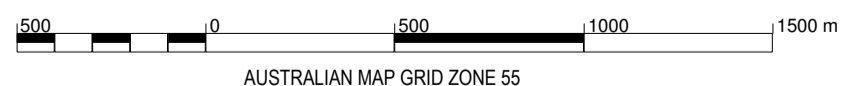
MOORABOOL PLANNING SCHEME - LOCAL PROVISION



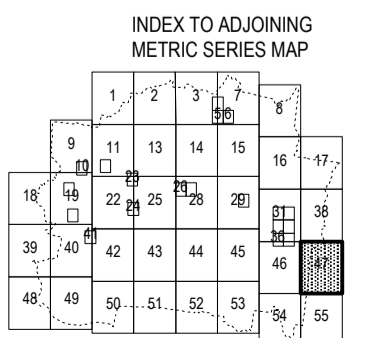
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Overlays

LSIO Land Subject To Inundation Overlay



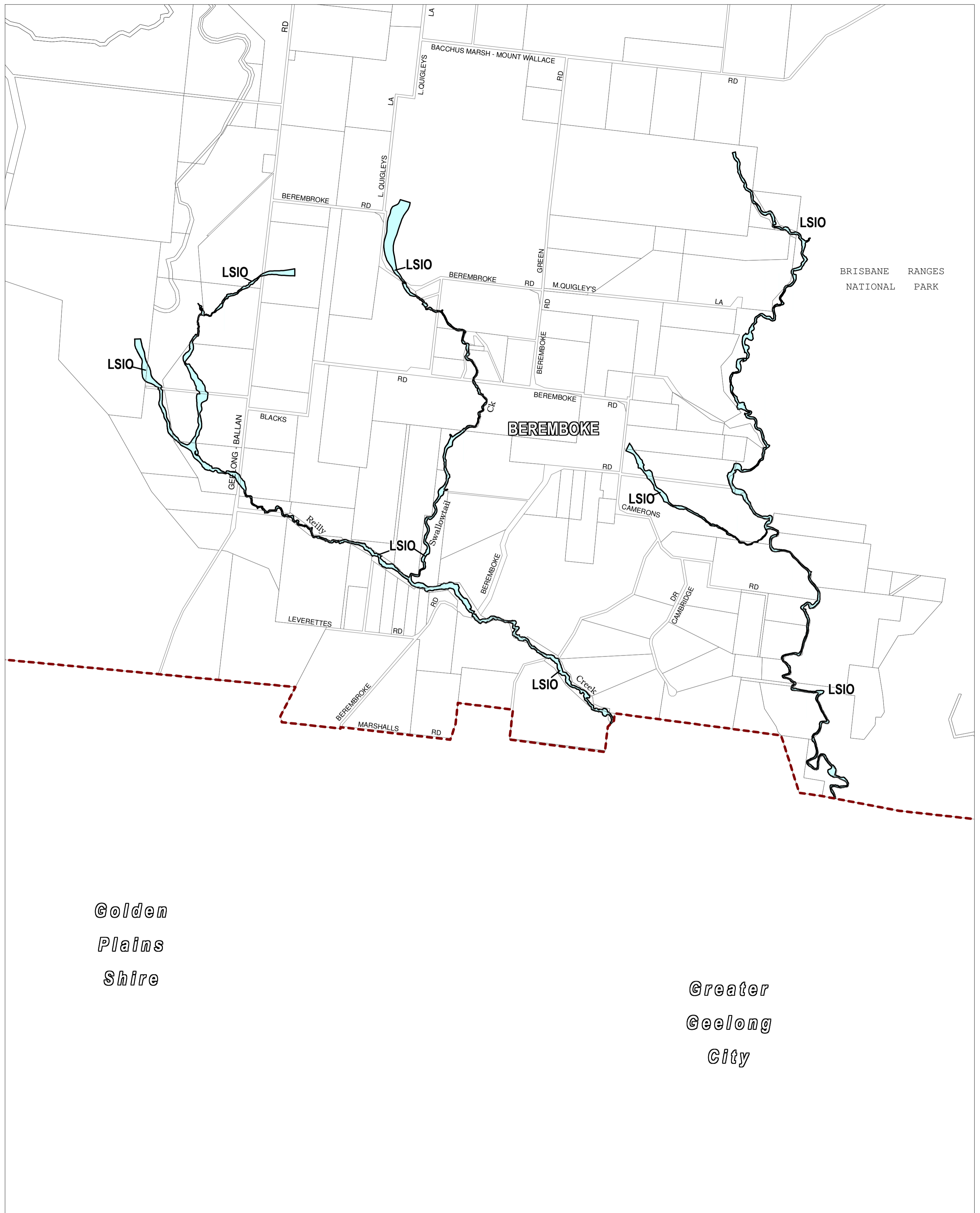
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AMENDMENT C73

MOORABOOL PLANNING SCHEME - LOCAL PROVISION



*Golden
Plains
Shire*

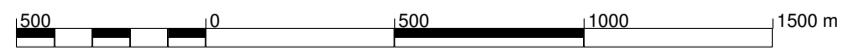
*Greater
Geelong
City*

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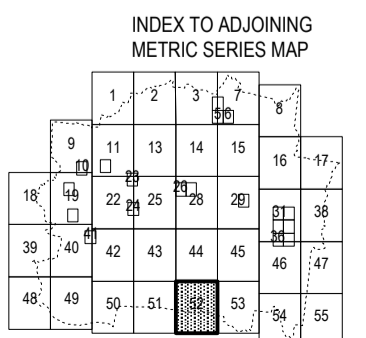
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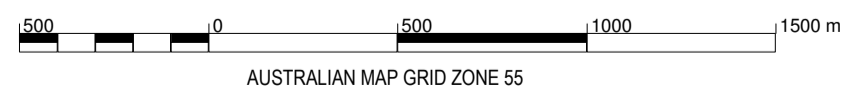
MOORABOOL PLANNING SCHEME - LOCAL PROVISION



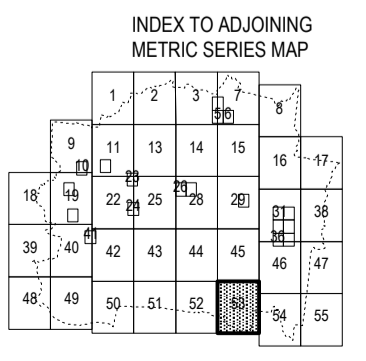
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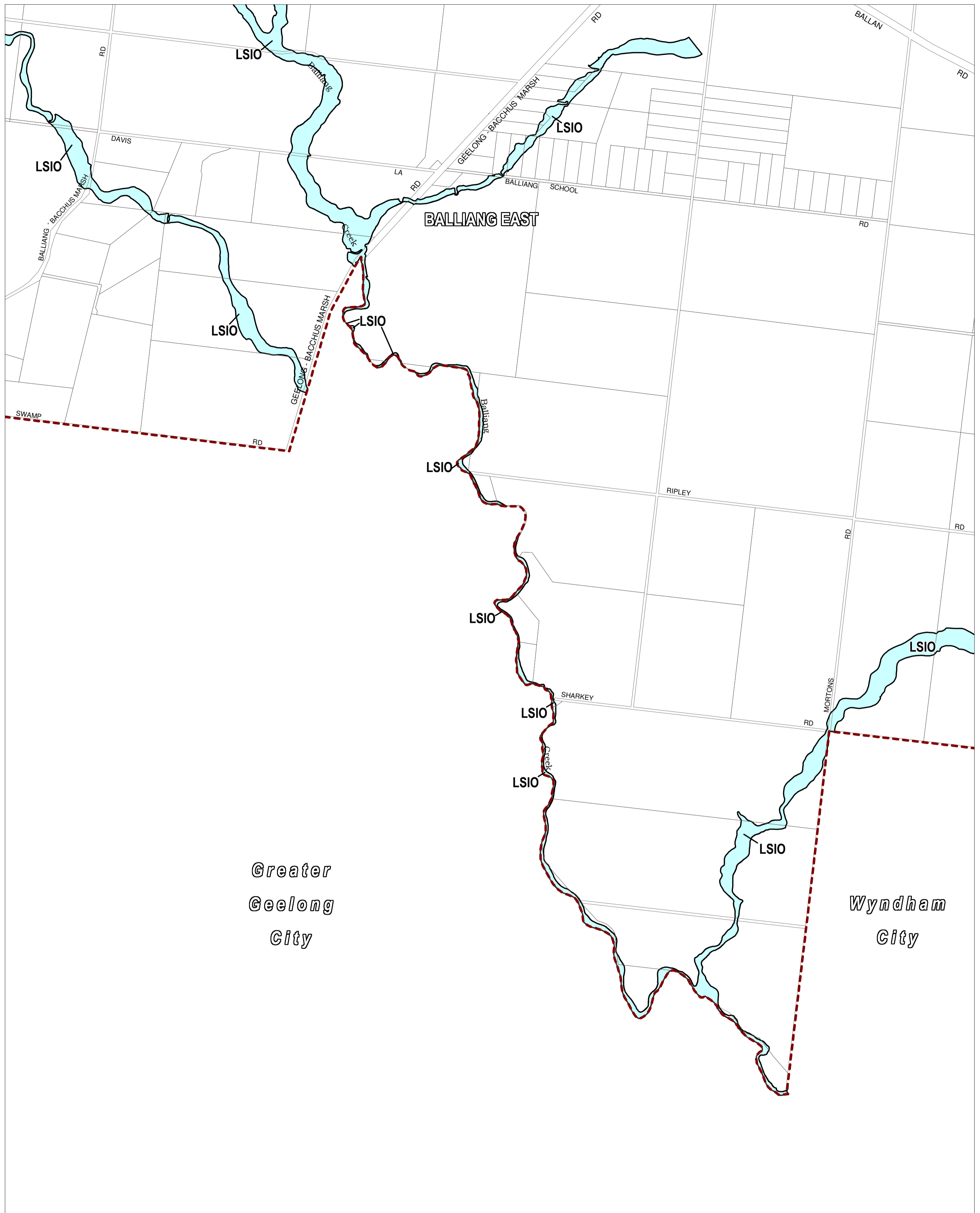
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AMENDMENT C73

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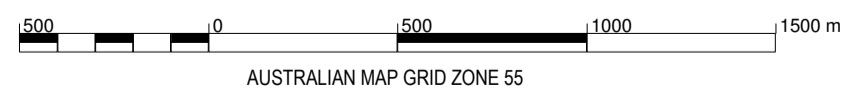
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Geelong
City

Wyndham
City

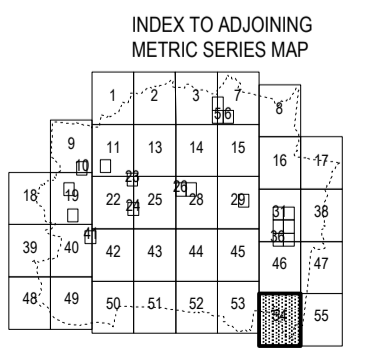
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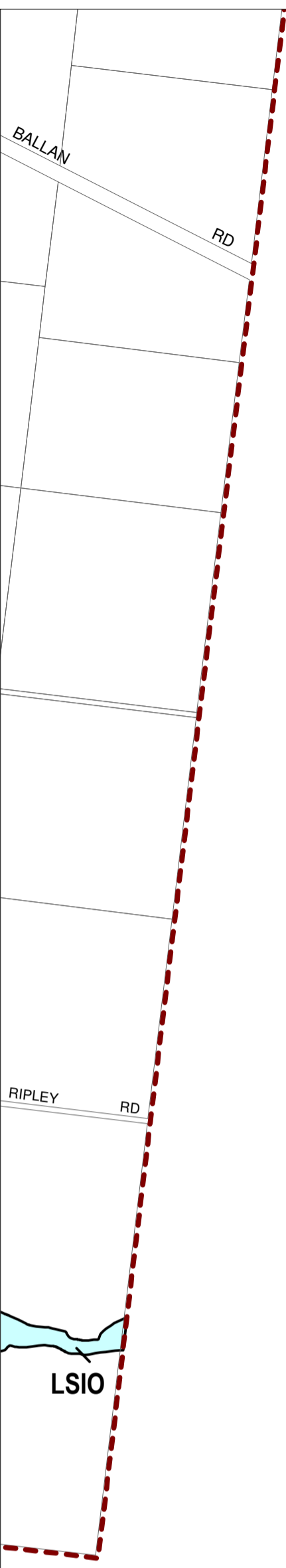
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AMENDMENT C73

Melton
Shire

Wyndham
City

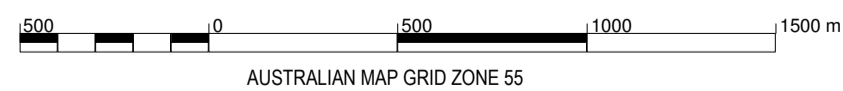
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City



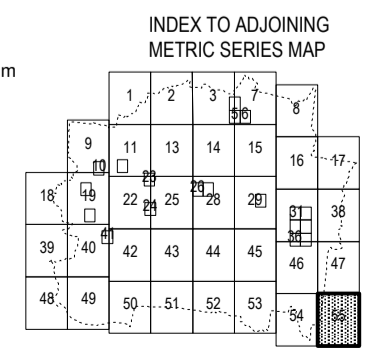
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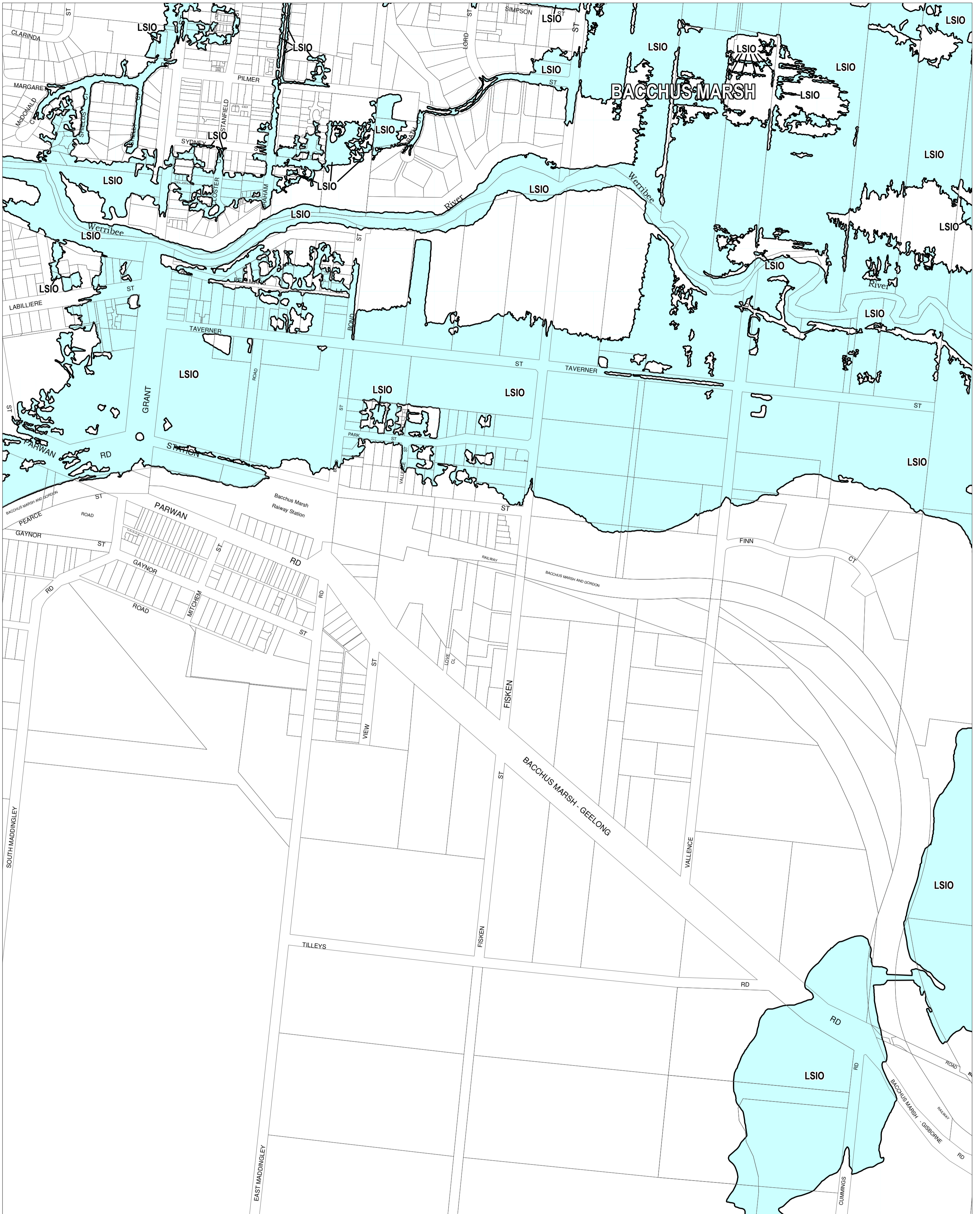
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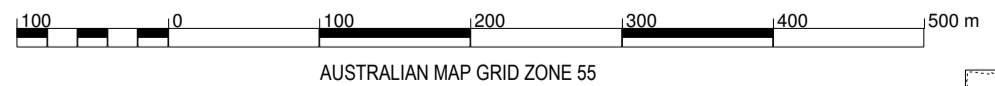


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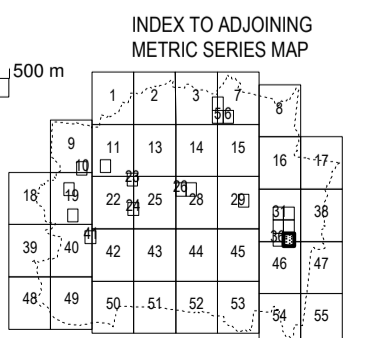
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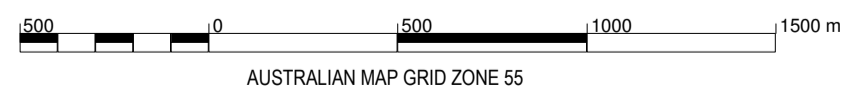
Melton
Shire

Melton
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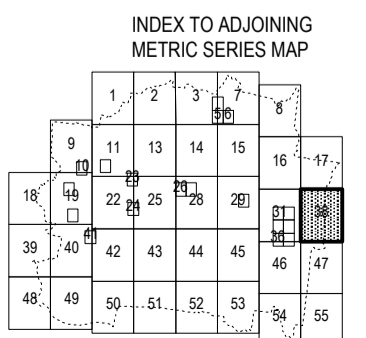
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AMENDMENT C73

Attachment 7.4 (c)

Moorabool Planning Scheme Amendment C73
Attachment 3: Summary of Submissions

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
1	N/A	Supports Amendment	DELP supports the Amendment	No comment.	No comment.
2	N/A	Supports Amendment	CFA supports the Amendment	No comment.	No comment.
3	N/A	Supports Amendment	APA GasNet supports the Amendment	No comment.	No comment.
4	17 Cairns Drive, Darley	Supports the Amendment, subject to changes	Submitter notes that the proposed SBO affects a very small portion of the property, well clear of the existing house. Requests that the property be removed from the amendment.	Melbourne Water has reviewed the SBO at this location and advises that this property will not be included in the overlay. Melbourne Water <u>will</u> change the exhibited SBO at this location.	The SBO should be removed from this property, as agreed by Melbourne Water. The proposed SBO affects a very small triangle (0.03m ²) in the south-western corner of the property and is therefore considered inconsequential.
5	594 Mount Blackwood Road, Myrniong	Supports Amendment, subject to changes	Korkuperrimul Creek forms the rear boundary of the property. Submitter believes that, due to the steep topography at the rear, the LSIO mapping may be inaccurate and that the LSIO should be fully contained within the creek bed and not encroach onto the property. Doesn't believe that the application of LSIO to the property is appropriate.	Confirms that the LSIO is the appropriate overlay to address drainage, floodplain management and environmental issues for future buildings and works. Melbourne Water agrees with the submitter's comment that "due to the steep slopes forming the gully at the rear of our property to the creek, any potential flooding would be restricted to the centre of the creek bed" which the mapping confirms. Melbourne Water will not be making any changes to the exhibited LSIO at this location.	The exhibited extent of the LSIO should not be altered in this location. The proposed LSIO only affects a small area along the rear boundary of the property. The overall width of the LSIO in this vicinity varies from approximately 7m to 17m, and the width of encroachment onto the property varies from zero to approximately 7m. Given the size of the property (4.6ha), the LSIO will affect only a small portion of the property and is therefore considered inconsequential.

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
6	5026 Geelong-Ballan Road, Ballan	Supports the Amendment, subject to changes	On land zoned farming, this is unnecessary and purely revenue raising. If submitter wishes to apply for a shed or a single dwelling on the property which is over 40ha, the current council permit should be sufficient providing it is built at least 20m away from the overlay. Current planning requirements are sufficient for any proposed dam off a watercourse for stock water and firefighting. Submitter accepts that planning permission would be required to discharge storm water into the catchment area or build over the overlay, or to seek rezoning to rural living or residential zoning with the view to subdivision. However, to impose a requirement to seek a planning permit to continue farming and to carry out farm improvements, is price prohibitive and pushing farmers off the land in preference for developers and residential subdivision.	<p>The LSIO covers a portion of the land traversed by the Yaloak Creek. Any building or works outside of the LSIO are not required to be referred to Melbourne Water for comment/approval. Any future building or works within the LSIO will be referred to Melbourne Water as the relevant floodplain management authority. The key purpose of the LSIO is to ensure that any future development addresses the issues of drainage, floodplain management and environment early in the planning process. The LSIO is considered the appropriate planning tool for mainstream flooding in a rural area.</p> <p>Melbourne Water will not be making any changes to the exhibited LSIO at this location.</p>	<p>The exhibited extent of the LSIO should not be altered in this location.</p> <p>The submitter has seemingly misunderstood the proposed planning controls. A planning permit will only be required under the LSIO for subdivision, or for buildings or works within the overlay area. A written response was sent to the submitter, advising how they will be affected. The proposed LSIO only affects a relatively narrow strip of land along the waterway that traverses the property. The width of the LSIO through the property varies from approximately 6m to 50m. Given the large size of the property (52.4ha), the LSIO will affect only a small portion of the property and is therefore considered inconsequential.</p>
8	33 Cairns Drive, Bacchus Marsh	Supports the Amendment	How does this affect me?	<p>The SBO is applied to land affected by stormwater flooding along overland flow paths if the capacity of the urban drainage system is exceeded. A key purpose of the SBO is to ensure that future development is referred to Melbourne Water as the relevant floodplain management authority. This allows Melbourne Water to comment on the proposal so that drainage, floodplain management and environmental issues are addressed early in the planning process. The requirements of the SBO only apply to buildings and works proposed within the area covered by the control and where it is necessary for Council and Melbourne Water to manage development.</p>	<p>The exhibited extent of the SBO should not be altered in this location. A written response was sent to the submitter, advising how they will be affected. The proposed SBO affects approximately 75% of the property, which contains one existing dwelling. The SBO reflects the flood extent modelling undertaken by Melbourne Water, and is therefore considered appropriate. The SBO would only come into effect upon any proposal to subdivide the land, or to construct buildings or works. Any planning application for subdivision, buildings or works would be considered on its merits, based on the overlay provisions and any advice provided by Melbourne Water as statutory referral authority.</p>

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
9	3 Greendale-Myrmiong Road, Greendale (Greendale Hotel)	Objects to the Amendment	Object as the property has been here for 150 years and operates a business. Effect is too great.	Melbourne Water will not be making any changes to the exhibited LSIO at this location.	<p>The exhibited extent of the LSIO should not be altered in this location.</p> <p>The submitter has seemingly misunderstood the proposed planning controls. A planning permit will only be required under the LSIO for subdivision, or for buildings or works within the overlay area. A written response was sent to the submitter, advising how they will be affected. The proposed LSIO only affects the land on each side the two waterways that traverse the property. The existing hotel building appears to be largely clear of the proposed LSIO.</p>
10	1 Closter Street, Bacchus Marsh	Objects to the Amendment	Over the past 10 years, no apparent effort has been made by any responsible authority to maintain the Werribee River in a state that would prevent flooding. The river is constantly choked with debris, fallen branches and weeds. To this extent, applying an LSIO is really just avoiding a commitment to maintaining the waterway in the condition expected by the community. The proposed amendment does not appear to address the maintenance of the Werribee River in terms of it being an urban waterway. Some effort should be made to mitigate flood risks by maintaining urban waterways before applying overlays that potentially affect private property use, planning and therefore property values.	Melbourne Water will not be making any changes to the exhibited LSIO at this location. Maintenance concerns have been passed on to the relevant Melbourne Water maintenance team.	<p>The exhibited extent of the LSIO should not be altered in this location.</p> <p>The proposed LSIO affects more than 50% of the property, which contains one existing dwelling. The LSIO reflects the flood extent modelling undertaken by Melbourne Water, and is therefore considered appropriate. The LSIO would only come into effect upon any proposal to subdivide the land, or to construct buildings or works. Any planning application for subdivision, buildings or works would be considered on its merits, based on the overlay provisions and any advice provided by Melbourne Water as statutory referral authority.</p> <p>Neither the Moorabool Planning Scheme nor the <i>Planning and Environment Act 1987</i> enable the consideration of any potential impact on property values. The flood extent mapping was already in the public realm for some time prior to the exhibition of this Amendment. If a person was to apply to Melbourne Water for a flood certificate, they would be advised that the property is subject to inundation.</p>

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
11	8 Lay Street, Ballan	Objects to the Amendment	<p>Submitter would like to know when the hydrology surveys were done in Ballan given that the report is dated 2011. The property was purchased in September 2010. For a period of time after moving in, every time it rained, water would flow across the front of the property in much the same way that your report suggests. However, since late 2011, there has been substantial development at the top end of Lay St (particularly fences, etc.) and in Lay Crt, and since then there has been no water flowing across the front of the property. Submitter questions whether the hydrology survey used for the 2011 <i>Ballan Township Flood Study, Final Report</i> is still valid and would prefer that another survey be undertaken.</p>	<p>The hydrology methodology has not changed since 2011; the discharges now would still be estimated to have the same values. The discharge estimated by the hydrology model is used as one of the inputs into hydraulic model (TUFLOW), which estimates how deep and wide the flow will be. The fences will not affect the hydrology model, which estimates how much rain will fall and how much runoff will occur. At this location, where the valley is well-defined, the hydraulic model estimated 8.5 cumecs of overland flow which is consistent with what our experience would anticipate.</p> <p>Melbourne Water will not be making any changes to the exhibited LSIO at this location.</p>	<p>The exhibited extent of the LSIO should not be altered in this location.</p> <p>The proposed LSIO affects approximately 40% of the property, which contains one existing dwelling. The LSIO reflects the flood extent modelling undertaken by Melbourne Water, and is therefore considered appropriate. The LSIO would only come into effect upon any proposal to subdivide the land, or to construct buildings or works. Any planning application for subdivision, buildings or works would be considered on its merits, based on the overlay provisions and any advice provided by Melbourne Water as statutory referral authority.</p>
12	3332 Geelong-Bacchus Marsh Road, Balliang East	Objects to the Amendment	<p>Existing controls are more than suffice to control current flood issues. This is another layer of local and state government control that is purely bureaucratic, creating more costs and delays for land owners. Totally unnecessary.</p>	<p>The LSIO covers a portion of the land traversed by the Dry Creek. Any building or works outside of the LSIO are not required to be referred to Melbourne Water for comment/approval. Any future building or works within the LSIO will be referred to Melbourne Water as the relevant floodplain management authority. The key purpose of the LSIO is to ensure that any future development addresses drainage, floodplain management and environmental issues early in the planning process. Referral to Melbourne Water is done at the beginning of the planning process and therefore the applicant is aware of all requirements early in the process.</p> <p>Melbourne Water will not be making any changes to the exhibited LSIO at this location.</p>	<p>The exhibited extent of the LSIO should not be altered in this location.</p> <p>The Moorabool Planning Scheme currently does not contain any overlays specifically relating to flood risk. State Planning Policy Clause 13.02 (Floodplains) of the planning scheme does, however, require planning to consider flood risk, and includes the following strategy (amongst others): <i>"Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundate by the 1 in 100 year flood event or as determined by the floodplain management authority."</i> Amendment C73 seeks to apply this strategy, by identifying land affected by flooding on flood overlay maps in the planning scheme.</p>

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
13	3 Grantleigh Drive, Darley	Objects to the Amendment	<p>Objects to this proposed additional layer of complexity on his land. The submitter believes the Amendment will result in serious consequences for his land, such as an increase the insurance premium and devaluation of the property. Concerned that his property is mapped as flood-prone, while neighbouring properties that are at a lower level are not. The flood extent mapping is subjective and distinguishes between properties on one side of a street and the other at the same or lower levels. The submitter has seen photos of Main Street flooded, however, this area has been excluded. There are already overlays on this property regarding waterways; any further layers are rhetoric.</p>	<p>Melbourne Water will not be making any changes to the exhibited SBO at this location.</p> <p>Planning scheme amendments to introduce LSIO and SBO have been exhibited throughout the Port Phillip and Westernport catchments. In cases where Planning Panels have been asked to consider and report on submissions opposing the application of such an overlay, the issue of property value has been considered and rejected. The most recent example was Port Phillip Planning Scheme Amendment C111; panel report dated 30 September 2015.</p> <p>Households affected by a proposed LSIO or SBO, who were not previously aware of the drainage characteristics of their land, now have the opportunity to check their policy coverage and seek alternative insurance where this is not considered adequate.</p> <p>The submitter's statement that there are "already overlays on this property regarding waterways" is assumed to refer to the existing Environmental Significance Overlay (ESO2) in the Moorabool Planning Scheme. This overlay does not require referral to Melbourne Water as the relevant floodplain management authority, so that drainage, floodplain management and environmental issues can be addressed for any future subdivision or development proposals.</p>	<p>The exhibited extent of the SBO should not be altered in this location.</p> <p>The proposed SBO affects more than 50% of the property, which contains one existing dwelling. The SBO reflects the flood extent modelling undertaken by Melbourne Water, and is therefore considered appropriate. The SBO would only affect the submitter upon any proposal to subdivide the land, or to construct buildings or works. Any planning application for subdivision, buildings or works would be considered on its merits, based on the overlay provisions and any advice provided by Melbourne Water as statutory referral authority. Given the concerns expressed about the flood extent mapping, this submission was forwarded to Melbourne Water for consideration.</p> <p>The property is affected by only one existing overlay (ESO2), the objective of which is to protect water quality and environmental values within proclaimed water supply catchments. The ESO2 does not consider flood risk.</p> <p>Neither the Moorabool Planning Scheme nor the <i>Planning and Environment Act 1987</i> enable the consideration of any potential impacts on insurance or property values. The flood extent mapping was already in the public realm for some time prior to the exhibition of this Amendment. If a person was to apply to Melbourne Water for a flood certificate, they would be advised that the property is subject to inundation.</p>
14	N/A	VicRoads supports the Amendment, subject to changes	<p>An exemption should be placed in both schedules, to allow for road maintenance works to be undertaken by the coordinating road authority.</p>	<p>Clause 62.02-2 of the planning scheme provides that a permit is not required for <i>"repairs and routine maintenance to an existing building or works"</i>, unless specifically required by the planning scheme. No further exemption is required in the schedules to the LSIO and SBO, as there is no specific requirement for a permit for repairs and routine maintenance to an existing building or works.</p>	<p>Clause 62.02-2 of the planning scheme provides that a permit is not required for <i>"repairs and routine maintenance to an existing building or works"</i>, unless specifically required by the planning scheme. No further exemption is required in the schedules to the LSIO and SBO, as there is no specific requirement for a permit for repairs and routine maintenance to an existing building or works.</p>

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
15	N/A	PTV supports the Amendment	Supports the Amendment	No comment.	No comment.
16	1 Hogan Road, Ballan	Supports the Amendment	I am keen for this amendment to be accepted as it at last sets firm boundaries as to the extent of the river, and hopefully will allow planners to make ecologically adequate buffer zones to prevent urban encroachment from adversely affecting the remaining faunal and floral values of the floodplain, and its importance as a bio link with protected park areas to the north (Lerderderg Gorge) and the south (Werribee Gorge).	No comment.	The positive flavour of this submission is welcomed.
17	N/A	CHW supports the Amendment	Supports the Amendment	No comment.	No comment.

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
18	43 Connor Court, Ballan	Objects to the Amendment	<p>Concerned about the impact on ability to get house insurance, and the premium. What measures will Council put in place to ensure that water flows on the correct path, as the stormwater drains in Connor Crt do not work effectively (has been raised with Council previously)? There has been no maintenance on the road or drains since the submitter moved into Connor Crt 7 years ago. The situation is made worse because the stormwater drainage at the intersection of Connor Crt and Ballan-Greendale Rd doesn't flow properly and water backs up. When will Council maintain and fix these issues? As part of the management of the overland flow path, people are required to have dams. The adjacent two properties closest to Ballan-Greendale Rd do not have dams which means that when water flows through the court, the submitter's property bears the brunt of the water as there is no flow path onto the adjoining properties. Will Council enforce that these properties build dams to alleviate this? The submitter is also concerned about devaluation of the property. What liability will Council and/or Melbourne Water take for this? When the planning scheme was approved initially, Melbourne Water and Council would have known of the overland flow path. If there was an issue, then planning approval should not have been granted. The submitter believes that all the necessary checks were undertaken prior to purchasing the property and there wasn't an issue as the area wasn't identified as flood prone.</p>	<p>Melbourne Water will not be making any changes to the exhibited LSIO at this location.</p> <p>Planning scheme amendments to introduce LSIO and SBO have been exhibited throughout the Port Phillip and Westernport catchments. In cases where Planning Panels have been asked to consider and report on submissions opposing the application of such an overlay, the issue of property value has been considered and rejected. The most recent example was Port Phillip Planning Scheme Amendment C111; panel report dated 30 September 2015.</p> <p>Households affected by a proposed LSIO or SBO, who were not previously aware of the drainage characteristics of their land, now have the opportunity to check their policy coverage and seek alternative insurance where this is not considered adequate.</p> <p>Regarding liability, the Planning and Environment Act 1987 (Part 5) sets out circumstances where compensation is payable and is essentially limited to where land is reserved or required for a public purpose, or where access is to be denied by the closure of a public road. It does not cover situations where controls such as the LSIO/SBO are imposed. There are sound public policy reasons that the application of these sorts of overlays are not incorporated into that section of the Act, namely, as the overlay is merely seeking to identify a particular characteristic of the land, and ensure that future development is consistent with strategic planning for the area as a whole and the health and safety of current and future occupants of the development.</p> <p>Maintenance concerns will be forwarded to Melbourne Water's or Council's maintenance teams where applicable.</p>	<p>The exhibited extent to the LSIO should not be altered in this location.</p> <p>Neither the Moorabool Planning Scheme nor the <i>Planning and Environment Act 1987</i> enable the consideration of any potential impacts on insurance or property values. The flood extent mapping was already in the public realm for some time prior to the exhibition of this Amendment. If a person was to apply to Melbourne Water for a flood certificate, they would be advised that the property is subject to inundation.</p> <p>In response to the question of liability, Part 5 of the <i>Planning and Environment Act 1987</i> sets out circumstances where compensation is payable and is essentially limited to where land is reserved or required for a public purpose, or where access is to be denied by the closure of a public road. It does not cover situations where controls such as the LSIO or SBO are imposed.</p>
19	9/11 Candeloro Street, Bacchus Marsh	Supports the Amendment	Supports the Amendment	No comment.	No comment.

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
20	Holts Lane, Darley (Property No. 415200)	Supports the Amendment, subject to changes	Seeks amendment to the SBO, to facilitate a 19 lot residential subdivision in accordance with planning application PA2015200. The planning application is supported by a drainage report (by Aflux Consulting; March 2016) which proposes filling (above flood level) of the front portion of the lots (fronting Holts Lane) and some outbuilding envelopes at the rear, together with the construction of an overland flow path and flood storage areas at the rear of the lots. The drainage report has been prepared in consultation with Melbourne Water.	<p>Overlays should be based on the physical conditions existing at the time of the Amendment, rather than being based on future works where there are uncertainties as to the completion timeframe. As such, Melbourne Water will not be making any changes to the exhibited SBO at this location. If and when the proposed works are constructed in accordance with an approved engineering design, Melbourne Water engineers would be happy to consider revising the flood extent mapping in this location if it can be demonstrated that the land is no longer subject to inundation. This usually requires the submission of as constructed drawings, certified survey plans etc., to confirm the details of the revised overland flow path.</p> <p>If the submitter wishes to proceed with this submission, Melbourne Water and Moorabool Shire Council will recommend to the Planning Panel that a revision of the SBO in this location should be undertaken as part of a future anomalies amendment to the planning scheme.</p>	<p>The exhibited extent of the SBO should not be altered in this location.</p> <p>No decision has yet been made with respect to planning application PA 2015200. The permit application was recently advertised and a number of objections were received. Council's decision may be subject to review by VCAT. Thus, it is likely to be several months before the subdivision works could be commenced. Even if a permit is granted, there is no obligation to develop the land in accordance with that permit. Due to the uncertainties, the proposed SBO should not be altered at this point in time.</p> <p>If the subdivision development is completed as proposed in planning application PA 2015200, then the SBO mapping could be updated via a future planning scheme amendment. Council's submission to the panel will recommend that this be undertaken as part of a future anomalies amendment.</p>

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
21	15 Walsh Street, Ball	Supports the Amendment, subject to changes	Seeks amendment to the LSIO, to include the Gosling Street catchment south of the railway line, in accordance with drainage scheme plan reference 31/24028 (GHD; March 2009). The drainage scheme plan proposes a retarding basin upstream of the railway line, which would reduce the extent of flooding at 15 Walsh Street.	<p>The area south of the railway line has not been included in the proposed LSIO, as Melbourne Water proposes the Gillespies Lane Development Services Scheme (DSS), to provide a conceptual framework for drainage of future development in that area. Given the proposed development services scheme for future stormwater infrastructure, an LSIO would not be an appropriate planning control to implement south of the railway line.</p> <p>The proposed LSIO, which will cover part of the submitter's property, is a planning tool which identifies properties subject to flooding from an open waterway in a 1 in 100 year storm event. The LSIO enables Melbourne Water, as a determining referral authority, to assess development based on the purpose and decision guidelines of the LSIO. It is important to note that the LSIO can control development on a case-by-case basis, but it is not an integrated plan for drainage in the broader catchment.</p> <p>The drainage scheme map referred to in the submission is superseded.</p> <p>The latest DSS, Gillespies Lane DSS, was formally accepted by Council at its meeting on 6 April 2016. The DSS is completely separate from the C73 LSIO. Importantly, DSSs are not designed to alleviate existing flooding issues, but to ensure that flooding is not made any worse by any proposed new development through drainage planning at a catchment scale. The Gillespies Lane DSS includes retarding basins and pipes to ensure this objective is met.</p> <p>There may be some additional benefits to the existing flooding situation through the design and construction of the Development Services Strategy or Schemes works, but this is not the primary intent of the DS Strategy or DS Scheme.</p>	The exhibited extent of the LSIO should not be altered in this location.

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
22	166 Gisborne Road, Bacchus Marsh	Supports the Amendment, subject to changes	<p>Submitter strongly objects to the SBO being applied to the property. Submitter believes the flood extent mapping is inaccurate as it was undertaken 5 years ago and has not taken declining rainfall into consideration. Also believes that the application of the SBO is an attempt by Council and/or other authorities to avoid continually improving and maintaining an appropriate drainage system. The SBO would impose an unreasonable impost on the owner, by triggering the need for a planning permit even for minor works. There is a serious flaw in the proposed SBO, as all properties are being subjected to the same strict requirements, irrespective of the estimated flood depth. Also, there has been no consideration as to the percentage of the property that is estimated to be affected by flooding.</p>	<p>Melbourne Water will not be making any changes to the exhibited SBO at this location. The Council stormwater pipes referred to will have little impact in a 1% ARI storm. The modelling estimates that in a 100 year storm event, approximately 0.5 m3/s of water will flow overland along Grey St and a small amount will flow into 166 Gisborne Rd. The consultant's brief was to include all Melbourne Water pipes in the model, along with any larger Council drains that might be expected to influence the flows reaching MW's drainage system. Consequently, a 975mm diameter Council pipe south-west of the roundabout near 166 Gisborne Rd was included in the model. The other Council drain in this area is a 300mm diameter drain at grades of about 1 in 195. At this grade, these pipes can carry only about 0.07 m3/s, which means the overland flow would still occur even if these pipes were included in the model.</p> <p>The Engineer report states that "site visits were also undertaken during the study to capture some information and verify outputs", but it is not known whether the area around the subject property was visited.</p> <p>The use of the term 'diverted' in the modelling report relates to the way some pipes have been modelled in the hydrology model, not to a physical diversion having been put in place. The mapping is undertaken using two different models. First, a hydrology model (RORB) estimates the amount of rain that will fall (using data from Australian Rainfall and Runoff) and the amount of this rainfall that will run off (rain that will soak into the ground is not counted as part of the runoff). The discharges estimated by RORB are used as the inputs to a hydraulic model (TUFLOW) that estimates how deep and wide the flow will be.</p> <p>The overlay does not by itself always prevent development, but ensures that appropriate development occurs, with clear flow paths and new floor levels set at an appropriate level.</p>	<p>The exhibited extent of the SBO should not be altered in this location.</p> <p>Melbourne Water is of the view that the flood modelling is accurate and based on current best practice, regardless of fact it was undertaken 5 years ago.</p> <p>The Amendment does in fact give consideration to the extent and depth of flooding over a property. A planning permit will only be required for subdivision, buildings or works within the area affected by the SBO. The depth of flooding will be an important consideration when Melbourne Water assesses whether a development proposal meets the site safety and access safety requirements stipulated in its guidelines.</p> <p>It is unrealistic to expect that underground drainage infrastructure be upgraded to cater for a 1 in 100 year storm event. Underground drainage systems are typically designed to cater for a 1 in 5 or 1 in 10 year storm event. In new developments, overland flow paths are required to be designed to cater for excess flows in a 1 in 100 year storm event.</p>

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				<p>The model does not assume that the drainage system is unable to cope with excessive water. Pipes appropriate to satisfy the purpose of the mapping, along with information on ground levels throughout the catchment, and the model estimates where the flows in excess of the pipe capacity will go. Pipes are generally designed to carry flows from a 5 year storm event (or, for some Council pipes, a 10 year event) and so, in a 100 year event, some overlay flow will occur.</p> <p>Any new development proposals will be assessed against the same criteria that are set out in MW's Guidelines for Development in Overland Flow Paths. The depth of flooding is an important consideration when assessing whether a development proposal meets the site safety and access safety requirements stipulated in the guidelines. A planning permit will only be required for development within the portion of a property affected by the overlay. As part of the mapping process, it is necessary to determine what is considered 'flooding'. MW has adopted the following criteria for determining whether a point is included in the flood extent: Any point having either a depth greater than or equal to 50mm, or a velocity x depth product greater than 0.008 cumecs/m.</p> <p>The overlay represents a best estimate, in accordance with current best practice of where the 100 year overland flow path will travel. Rainfall losses (such as water being absorbed into the ground) are taken into account by a loss factor in the RORB model. Validation of the RORB model was carried out using comparisons to Rural Rational Method flows (another method of estimating flows) and with regard to independent calibration curves. The TUFLOW model was checked by independent ENGEMY modellers numerous times throughout its development. Regarding future modelling, MW is modelling an 'increased rainfall intensity' scenario to get an understanding of the possible effects of climate change. This scenario is not being used for any planning decisions and is not included as part of this amendment.</p>	

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
				<p>Previous absence of flooding does not prove that future flooding will not occur. Flood mitigation works for the entire Port Phillip and Western Port catchments (38 Councils), financed through the drainage rate, would cost the community billions of dollars and can only be undertaken incrementally over a period of many years. The most practical and economical solution is to manage new development, in association with a capital works program. These works are identified through a drainage survey program and prioritised according to frequency and severity of flooding and maximum community benefit. Priorities are determined initially on the basis of cost effectiveness and reducing the risk of both damage to property and danger to people. These factors are estimated using property location information combined with flood probability models. Where projects are at broadly similar cost effectiveness, priority is given to those with a recent history of flooding and where there is strong support from community, local government and other stakeholders. Capital works, including flood mitigation measures, are beyond the scope of a planning scheme amendment and are not relevant to whether an amendment should be adopted.</p> <p>Concerns about deficiencies of the existing drain inlet will be reported to both MW and Council maintenance teams.</p>	

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
23	62 Dickson Street, Bacchus Marsh	Supports the Amendment, subject to changes	Submitter strongly objects to the SBO being applied to the property. The property doesn't appear to be affected by the flood extent mapping. Surely it is the responsibility of Council or the relevant water authority to maintain drainage systems to prevent flooding. Submitter has lived at this property for 10 years and it has never flooded during this time.	Melbourne Water has reviewed the SBO at this location and advises that this property will not be included in the overlay. Melbourne Water <u>will</u> change the exhibited SBO at this location.	<p>The SBO should be removed from this property, as agreed by Melbourne Water.</p> <p>The SBO affects a tiny area of approximately 0.27m² in the north-west corner of the property.</p> <p>It is unrealistic to expect that underground drainage infrastructure be upgraded to cater for a 1 in 100 year storm event. Underground drainage systems are typically designed to cater for a 1 in 5 or 1 in 10 year storm event. In new developments, overland flow paths are required to be designed to cater for excess flows in a 1 in 100 year storm event.</p>

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
24	25 Cairns Drive, Darley	Objects to the Amendment	Having identified the flood risk associated with inadequate storm water capacity, could you please advise of Council's plans to address this other than addressing future planning for land construction. Also concerned about the implications for insurance. What has Council done to assess economic impact on existing householders with this amendment?	<p>Melbourne Water will not be making any changes to the exhibited SBO at this location.</p> <p>Flood mitigation works for the entire Port Phillip and Western Port catchments (38 Councils), financed through the drainage rate, would cost the community billions of dollars and can only be undertaken incrementally over a period of many years. The most practical and economical solution is to manage new development, in association with a capital works program. These works are identified through a drainage survey program and prioritised according to frequency and severity of flooding and maximum community benefit. Priorities are determined initially on the basis of cost effectiveness and reducing the risk of both damage to property and danger to people. These factors are estimated using property location information combined with flood probability models. Where projects are at broadly similar cost effectiveness, priority is given to those with a recent history of flooding and where there is strong support from community, local government and other stakeholders.</p> <p>Households affected by a proposed LSIO or SBO, who were not previously aware of the drainage characteristics of their land, now have the opportunity to check their policy coverage and seek alternative insurance where this is not considered adequate.</p> <p>Planning scheme amendments to introduce LSIO and SBO have been exhibited throughout the Port Phillip and Westernport catchments. In cases where Planning Panels have been asked to consider and report on submissions opposing the application of such an overlay, the issue of property value has been considered and rejected. The most recent example was Port Phillip Planning Scheme Amendment C111; panel report dated 30 September 2015.</p>	<p>The exhibited extent of the SBO should not be altered in this location. It is unrealistic to expect that underground drainage infrastructure be upgraded to cater for a 1 in 100 year storm event. Underground drainage systems are typically designed to cater for a 1 in 5 or 1 in 10 year storm event. In new developments, overland flow paths are required to be designed to cater for excess flows in a 1 in 100 year storm event.</p> <p>A 'Report for Bacchus Marsh Floodplain Management Plan; Flood Mitigation Option Assessment Report' (GHD; August 2012) identifies five flood mitigation options for Bacchus Marsh. This issue will require further ongoing discussions between Melbourne Water and Council. Neither the Moorabool Planning Scheme nor the Planning and Environment Act 1987 enable the consideration of any potential impacts on insurance or property values. The flood extent mapping was already in the public realm for some time prior to the exhibition of this Amendment. If a person was to apply to Melbourne Water for a flood certificate, they would be advised that the property is subject to inundation.</p>

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
25	18 Park Street, Maddingley	Objects to the Amendment	<p>Submitter obtained a planning permit for an industrial shed in Jan 2016. He then had the site levelled, soil removed, and a small retaining wall and fences built as per the planning permit. Submitter then had the warehouse components produced and delivered to the site, at a total cost of \$87,000. However, his application for a building permit was refused because the land is flood prone. Submitter then made application to Melbourne Water, which consented to a building permit being granted subject to the floor level being constructed 1.3m above ground level. During the planning process, submitter was not notified of Amendment C73. Submitter believes it is impossible to build the warehouse at a floor height of 1.3 metres above natural ground. There are a great deal of safety issues as well as a 18m long ramp to enter the warehouse that would protrude out onto the roadway and would be very unsafe for fork lifts, trucks and workers entering and leaving the premises. This is all based upon the possibility of a 1 in 100 year flood occurring, but on a day to day basis it is more important to have a safe workplace. The building would look out of place as all existing factories are built on natural ground level. There would be no access for car parking and the extra cost of raising the floor level and constructing a ramp is estimated at \$85,000.00.</p>	<p>Planning permit conditions are beyond the scope of a planning scheme amendment. The submitter was advised to discuss this matter with Melbourne Water's statutory planners.</p>	<p>The exhibited extent of the LSIO should not be altered in this location.</p>

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
26	15 Station Street, Maddingley	Objects to the Amendment	Submitter is concerned that the Amendment will result in devaluation of the property, and problems with insurance companies as they will not cover flood prone areas.	<p>Melbourne Water will not be making any changes to the exhibited LSIO at this location. It is important to note that the LSIO and SBO do not cause or change the likelihood of flooding, but recognises the existing condition of land.</p> <p>Planning scheme amendments to introduce LSIO and SBO have been exhibited throughout the Port Phillip and Westernport catchments. In cases where Planning Panels have been asked to consider and report on submissions opposing the application of such an overlay, the issue of property value has been considered and rejected. The most recent example was Port Phillip Planning Scheme Amendment C111; panel report dated 30 September 2015.</p> <p>Households affected by a proposed LSIO or SBO, who were not previously aware of the drainage characteristics of their land, now have the opportunity to check their policy coverage and seek alternative insurance where this is not considered adequate.</p>	<p>The exhibited extent of the LSIO should not be altered in this location.</p> <p>Neither the Moorabool Planning Scheme nor the Planning and Environment Act 1987 require the consideration of any potential impacts on insurance or property values. The flood extent mapping was already in the public realm for some time prior to the exhibition of this Amendment. If a person was to apply to Melbourne Water for a flood certificate, they would be advised that the property is subject to inundation.</p>
27	170-172 Whelans Road, Parwan	Supports the Amendment, subject to changes	Land not affected by fencing permits.	Under the exhibited LSIO a planning permit will not be required for 'post and wire', 'post and rail' and other types of 'open style fencing'.	The exhibited LSIO includes a permit exemption for 'post and wire', 'post and rail' and other types of 'open style' fencing.
28	4/8 Simpson Street, Bacchus Marsh	Objects to the Amendment	Submitter is concerned that the Amendment will result in devaluation of the property, and problems with insurance companies as they will not cover flood prone areas.	<p>Melbourne Water will not be making any changes to the exhibited LSIO at this location.</p> <p>It is important to note that the LSIO and SBO do not cause or change the likelihood of flooding, but recognises the existing condition of land.</p> <p>Planning scheme amendments to introduce LSIO and SBO have been exhibited throughout the Port Phillip and Westernport catchments. In cases where Planning Panels have been asked to consider and report on submissions opposing the application of such an overlay, the issue of property value has been considered and rejected. The most recent example was Port Phillip Planning Scheme Amendment C111; panel report dated 30 September 2015.</p> <p>Households affected by a proposed LSIO or SBO, who were not previously aware of the</p>	<p>The exhibited extent of the LSIO should not be altered in this location.</p> <p>Neither the Moorabool Planning Scheme nor the Planning and Environment Act 1987 require the consideration of any potential impacts on insurance or property values. The flood extent mapping was already in the public realm for some time prior to the exhibition of this Amendment. If a person was to apply to Melbourne Water for a flood certificate, they would be advised that the property is subject to inundation.</p>

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				<p>drainage characteristics of their land, now have the opportunity to check their policy coverage and seek alternative insurance where this is not considered adequate.</p>	
29	8/8 Simpson Street, Bacchus Marsh	Objects to the Amendment	<p>Objects to the property being included in the LSIO. In the 1950's, the submitter witnessed the Fiskens St bridge washed away, but the flood water did not come even as far as McGrath St that year. After that flood, they cleared all the debris in the Werribee River and upgraded Kennedy's Gully, and there has been no more severe flooding from that area. Submitter is also concerned that the Amendment will result in devaluation of properties and an increase in insurance premiums.</p>	<p>Melbourne Water will not be making any changes to the exhibited LSIO at this location.</p> <p>Melbourne Water expressed appreciation about the historical flood information provided by the submitter.</p> <p>It cannot be assumed that flooding has not or will not occur at any given property, on the basis that there are no recent records of flooding, or flooding to the extent identified by the proposed LSIO. The LSIO is based upon the extent of flooding that would result from a 1 in 100 year storm event. New survey and modelling techniques have enabled Melbourne Water to more accurately estimate design flows and extents of inundation.</p> <p>It is important to note that the LSIO and SBO do not cause or change the likelihood of flooding, but recognises the existing condition of land.</p> <p>Planning scheme amendments to introduce LSIO and SBO have been exhibited throughout the Port Phillip and Westernport catchments. In cases where Planning Panels have been asked to consider and report on submissions opposing the application of such an overlay, the issue of property value has been considered and rejected. The most recent example was Port Phillip Planning Scheme Amendment C111; panel report dated 30 September 2015.</p> <p>Households affected by a proposed LSIO or SBO, who were not previously aware of the drainage characteristics of their land, now have the opportunity to check their policy coverage and seek alternative insurance where this is not considered adequate.</p>	<p>The exhibited extent of the LSIO should not be altered in this location.</p> <p>Melbourne Water is of the view that the flood modelling is accurate and based on current best practice.</p> <p>Neither the Moorabool Planning Scheme nor the Planning and Environment Act 1987 enable the consideration of any potential impacts on insurance or property values. The flood extent mapping was already in the public realm for some time prior to the exhibition of this Amendment. If a person was to apply to Melbourne Water for a flood certificate, they would be advised that the property is subject to inundation.</p>

30	46 Graham Street, Bacchus Marsh	Objects to the Amendment	<p>The submitter objects to the Amendment. Council staff have been unable to advise of what strategies Council will be putting in place now that it is aware of the new Flood Mapping. Based on the documents received at the information sessions, Council has been aware of the flood mapping for over six years. What does Council propose to do in the future to protect properties that may be affected from a 1 in 100 year flood now, because of extra property development up river from the mapped area? What strategies will be put in place to protect the rate payers affected, who would not have been affected previously?</p> <p>The submitter is not concerned about potential impacts on building changes or extensions. However, the submitter is concerned that the Amendment will result in devaluation of properties and an increase in insurance premiums.</p>	<p>Melbourne Water will not be making any changes to the exhibited LSIO at this location.</p> <p>The introduction of the LSIO and SBO to the Moorabool Planning Scheme is one strategy to address drainage, flood plain management and environmental issues. It is important to note that the LSIO and SBO do not cause or change the likelihood of flooding, but recognises the existing condition of land.</p> <p>Flood mitigation works for the entire Port Phillip and Western Port catchments (38 Councils), financed through the drainage rate, would cost the community billions of dollars and can only be undertaken incrementally over a period of many years. The most practical and economical solution is to manage new development, in association with a capital works program. These works are identified through a drainage survey program and prioritised according to frequency and severity of flooding and maximum community benefit. Priorities are determined initially on the basis of cost effectiveness and reducing the risk of both damage to property and danger to people. These factors are estimated using property location information combined with flood probability models. Where projects are at broadly similar cost effectiveness, priority is given to those with a recent history of flooding and where there is strong support from community, local government and other stakeholders.</p> <p>Planning scheme amendments to introduce LSIO and SBO have been exhibited throughout the Port Phillip and Westernport catchments. In cases where Planning Panels have been asked to consider and report on submissions opposing the application of such an overlay, the issue of property value has been considered and rejected. The most recent example was Port Phillip Planning Scheme Amendment C111; panel report dated 30 September 2015.</p> <p>Households affected by a proposed LSIO or SBO, who were not previously aware of the drainage characteristics of their land, now have the opportunity to check their policy coverage and seek alternative insurance where this is not considered adequate.</p>	<p>The exhibited extent of the LSIO should not be altered in this location.</p> <p>Current engineering standards require that new residential subdivisions be designed such that flows downstream of the development are restricted to pre-development levels (Clause 56.07-4 of the VPPs). The Infrastructure Design Manual, which Council has adopted, extends this requirement to multi-dwelling developments, industrial developments, commercial developments and low density residential development.</p> <p>A 'Report for Bacchus Marsh Floodplain Management Plan; Flood Mitigation Option Assessment Report' (GHD; August 2012) identifies five flood mitigation options for Bacchus Marsh. This issue will require further ongoing discussions between Melbourne Water and Council.</p> <p>Neither the Moorabool Planning Scheme nor the <i>Planning and Environment Act 1987</i> enable the consideration of any potential impacts on insurance or property values. The flood extent mapping was already in the public realm for some time prior to the exhibition of this Amendment. If a person was to apply to Melbourne Water for a flood certificate, they would be advised that the property is subject to inundation.</p>
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Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
31	Millbank House, 37-41 Grant Street, Bacchus Marsh	Supports the Amendment, subject to changes	<p>The submitter objects to the proposed application of an LSIO on the property, for the following reasons:</p> <ul style="list-style-type: none"> - Insufficient consideration given to Bacchus Marsh history: Failure to sufficiently take into account 150 years of available flood history which shows that this property has not been affected by flooding. - Contradiction/non-adherence to planning scheme policy 22.01-1, as this property is not one of the "areas of flood prone land where flooding has historically caused substantial damage to the natural and built environment" and there is insufficient basis to claim that it will become a flood prone area. In relation to this property, there are no land use or vegetation changes that have led to the occurrence of flooding, let alone increase in the impact of flooding. In fact, the reverse is true; it is drought that has been the impact to date, not flood. - The latest flood mapping identifies the fringe of the property as being affected by the proposed LSIO, however, the mapping is inaccurate due to the following flaws: <ul style="list-style-type: none"> - Failure to provide sufficiently accurate model calibration and verification processes; - Failure to sufficiently factor the impact of relevant parts of the current local Bacchus Marsh drainage network (e.g. Council pipes were not modelled). - Failure to sufficiently investigate Bacchus Marsh (especially the Grant St area) historical information/data and actual occurrences. - Failure to factor in the drier conditions in Bacchus Marsh. The 'one size fits all' rainfall intensity increase of 32% in relation to this property location is inaccurate. A decrease in rainfall intensity and frequency 	<p>Melbourne Water will not be making any changes to the exhibited LSIO at this location. The LSIO is based on an event which has a 1% chance of occurring in any year. Previous absence of flooding does not prove that future flooding will not occur.</p> <p>The Amendment does not contradict the policy basis of proposed Clause 22.07. The sentence quoted from proposed Clause 22.07 refers to the cumulative impact of changes throughout the catchment over a long period of time.</p> <p>The modelling was undertaken by GHD, who are experts in using TUFLOW, a model that is used widely throughout Australia and Europe. One of the advantages of TUFLOW is that it can determine where flow paths will occur based on topography, so there is a high degree of confidence in the results. The modelling was calibrated/validated using current best practice techniques. The calibration of this model in this area used the gauge in the Werribee River just upstream of the township and 111 observed levels along the banks of the Werribee River and surrounding floodplain. This amount of calibration information is rare in Melbourne, and increases confidence in the model's results.</p> <p>Council stormwater pipes are not typically designed to carry 1% flows, so there will be overland flows during a 1% event.</p> <p>Melbourne Water is modelling an 'increased rainfall intensity scenario' to get an understanding of the possible effects of climate change. The 32% figure was provided by CSIRO, and used to factor up local rainfall estimates from Australian Rainfall and Runoff (Engineers Australia). The 'increased rainfall intensity scenario' is not being used for any planning decisions and is not included as part of this Amendment.</p> <p>The amount of flooding (on the subject property) indicated by the modelling is considered significant enough to be included in the LSIO. The modelling shows ponding to a depth of about</p>	<p>The exhibited extent of the LSIO should not be altered in this location. Melbourne Water is of the view that the flood modelling is accurate and based on current best practice. It is assumed that the reference to clause 22.01-1 is intended to be clause 22.07-1 which is the 'Floodplain Management' local policy proposed under this Amendment. There is no inconsistency, as this is a proposed policy and the sentence quoted from the 'policy basis' is merely a statement of fact. The proposed planning controls are considered consistent with <i>Practice Note 12 - Applying the flood provisions in planning schemes</i> (DPCD, Nov. 2012).</p> <p>Neither the Moorabool Planning Scheme nor the <i>Planning and Environment Act 1987</i> enable the consideration of any potential impact on property values. The flood extent mapping was already in the public realm for some time prior to the exhibition of this Amendment. If a person was to apply to Melbourne Water for a flood certificate, they would be advised that the property is subject to inundation.</p> <p>There is nothing retrospective about the proposed planning controls. The controls will only apply to any future proposal for subdivision or buildings or works within the area affected by the LSIO. The proposed planning controls will have no effect on existing buildings or works.</p> <p>A 'Report for Bacchus Marsh Floodplain Management Plan; Flood Mitigation Option Assessment Report' (GHD; August 2012) identifies five flood mitigation options for Bacchus Marsh. This issue will require further ongoing discussions between Melbourne Water and Council.</p>

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			<p>(affecting the base 100 year ARI) is more accurate and appropriate.</p> <ul style="list-style-type: none"> - Failure to quantify the depth of inundation on this property, especially in view of the modelling calibration work done which mentions a variance of 200mm. - Use of only the 1987-1995 flood events as the base for modelling, and input of a prior recognised flawed model as the basis/foundation for the latest modelling. - Failure to sufficiently factor in the actual terrain sections of the open channel network in order to 'stabilise' the model. - Failure to sufficiently describe the projected precedent of how this property actually gets inundated. Only a computer modelled mapping analysis is supplied. There has been insufficient site inspection and analysis. Inspections done on behalf of submitter refute the modelling results in relation to this property. - Concern that the Amendment will result in devaluation of the property. - Questions the appropriateness of imposing an LSIO on the property; a retrospective change to a well-established 150 year old property. - Absence of a detailed flood mitigation study, to investigate potential for improved flood protection to the town centre. <p>Submitter requests that a flood mitigation feasibility study be commissioned as soon as possible and that the application of an LSIO to this property be suspended until such time as the results of such a study can be evaluated.</p> <p>Submitter requests that the Amendment be altered to remove/suspend the proposed LSIO from this property.</p>	<p>0.45m near where the property abuts 30 Margaret Drive, and up to approximately 0.15m at the driveway in the north-east corner. According to the Modelling, overland flows breaking away from the Werribee River in a large flood event (e.g. 100 year event) will find their way to and across the property. The modelling indicates that in a 50 year event the water would be contained within the Werribee River's bed and banks and would not break out.</p> <p>The proposed overlay provisions will require any planning application for new development to be referred to Melbourne Water for consideration. This is when this level of detail will be used; flood levels/depths, site access and safety, flood storage, etc. This level of detail is not required to be included in a Council's planning scheme. It is important to note that the LSIO does not change the likelihood of flooding, but recognises the existing condition of the land.</p> <p>Planning scheme amendments to introduce LSIO and SBO have been exhibited throughout the Port Phillip and Westernport catchments. In cases where Planning Panels have been asked to consider and report on submissions opposing the application of such an overlay, the issue of property value has been considered and rejected. The most recent example was Port Phillip Planning Scheme Amendment C111; panel report dated 30 September 2015.</p> <p>Flood mitigation measures are beyond the scope of a planning scheme amendment and are not relevant to whether an amendment should be adopted. Flood mitigation works for the entire Port Phillip and Western Port catchments (38 Councils), financed through the drainage rate, would cost the community billions of dollars and can only be undertaken incrementally over a period of many years. The most practical and economical solution is to manage new development, in association with a capital works program. These works are identified through a drainage survey program and prioritised according to frequency and severity of flooding and maximum community benefit. Priorities are</p>	

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				<p>determined initially on the basis of cost effectiveness and reducing the risk of both damage to property and danger to people. These factors are estimated using property location information combined with flood probability models. Where projects are at broadly similar cost effectiveness, priority is given to those with a recent history of flooding and where there is strong support from community, local government and other stakeholders.</p>	
32	65 Robertsons Road, Darley	Objects to the Amendment	<p>Concerned about devaluation of properties. This is not forward planning; it is retrospective and penalises decisions made by people long before this was dreamt up.</p> <p>The mapping discriminates between properties on in the same street; some in, some out. This is not about the environment or wetlands, it is about adding another layer of nuisance. How about getting Melbourne Water to clean up the most important flood ways (i.e. the rivers) and stop meddling in local affairs.</p> <p>Recently, there was a one in one hundred year storm in Geelong and many homes in areas well away from flood zones suffered flooding. No amount of legislation could prevent that. Submitter strongly objects to the implementation of the Amendment.</p>	<p>Melbourne Water will not be making any changes to the exhibited SBO at this location.</p> <p>It is important to note that the LSIO and SBO do not cause or change the likelihood of flooding, but recognises the existing condition of land.</p> <p>Planning scheme amendments to introduce LSIO and SBO have been exhibited throughout the Port Phillip and Westernport catchments. In cases where Planning Panels have been asked to consider and report on submissions opposing the application of such an overlay, the issue of property value has been considered and rejected. The most recent example was Port Phillip Planning Scheme Amendment C111; panel report dated 30 September 2015.</p> <p>In response to the submitter's comment that the introduction of the LSIO and SBO is not forward planning: Council will be required to refer any planning applications for subdivision or development to Melbourne Water for consideration. This gives Melbourne Water the opportunity to address drainage, floodplain management and environmental issues early in the planning process for any future development proposals.</p>	<p>The exhibited extent of the LSIO and SBO should not be altered in this location.</p> <p>Neither the Moorabool Planning Scheme nor the <i>Planning and Environment Act 1987</i> enable the consideration of any potential impact on property values. The flood extent mapping was already in the public realm for some time prior to the exhibition of this Amendment. If a person was to apply to Melbourne Water for a flood certificate, they would be advised that the property is subject to inundation.</p> <p>There is nothing retrospective about the proposed planning controls. The controls will only apply to any future proposal for subdivision or buildings or works within the area affected by the LSIO. The proposed planning controls will have no effect on existing buildings or works.</p> <p>Melbourne Water is of the view that the flood modelling is accurate and based on current best practice.</p>

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
33	219 Main Street, Bacchus Marsh	Objects to the Amendment	<p>The Amendment will have a detrimental impact on new and existing buildings in these areas. This would therefore have a huge impact of building heights, access and general everyday problems that can be solved by alternative means. The main issue is our existing infrastructure and not necessarily on the future proposals. For years, Council has been requiring that new developments take measures in minimising the impact on existing Council infrastructure when it comes to storm water runoff, collection and distribution into our system. We are a growing community and we are continually approving new subdivisions and increasing our town's growth. What the Council is failing to do is to update infrastructure in older parts of town; the lower lying areas, the areas where our older members of the community are wanting to live or currently live. These areas are a high growth area for this town and for the older age population, given that they are closest to our main town centre, and facilities. The impact on these properties complying with building heights above flood levels therefore has many other impacts on our neighbourhood, our lifestyles and most importantly on our accessibility as a whole. Submitter strongly disagrees with the Amendment and believes that there is a far better alternative than this proposal: Upgrade the old stormwater system to accommodate for the town's growth. Don't make older parts of town suffer.</p>	<p>Melbourne Water will not be making any changes to the exhibited SBO at this location. Flood mitigation works for the entire Port Phillip and Western Port catchments (38 Councils), financed through the drainage rate, would cost the community billions of dollars and can only be undertaken incrementally over a period of many years. The most practical and economical solution is to manage new development, in association with a capital works program. These works are identified through a drainage survey program and prioritised according to frequency and severity of flooding and maximum community benefit. Priorities are determined initially on the basis of cost effectiveness and reducing the risk of both damage to property and danger to people. These factors are estimated using property location information combined with flood probability models. Where projects are at broadly similar cost effectiveness, priority is given to those with a recent history of flooding and where there is strong support from community, local government and other stakeholders.</p>	<p>State Planning Policy Clause 13.02 (Floodplains) of the Moorabool Planning Scheme requires planning to consider flood risk, and includes the following strategy (amongst others): <i>"Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority."</i></p> <p>Amendment C73 seeks to apply with this strategy, by identifying land affected by flooding on flood overlay maps in the planning scheme.</p> <p>The proposed planning controls are considered consistent with Practice Note 12 - <i>Applying the flood provisions in planning schemes</i> (DPCD, Nov. 2012).</p> <p>It is unrealistic to expect that underground drainage infrastructure be upgraded to cater for a 1 in 100 year storm event. Underground drainage systems are typically designed to cater for a 1 in 5 or 1 in 10 year storm event. In new developments, overland flow paths are required to be designed to cater for excess flows in a 1 in 100 year storm event.</p> <p>New residential subdivisions are required to be designed such that flows downstream of the development are restricted to pre-development levels (Clause 56.07-4 of the VPPs). The Infrastructure Design Manual, which Council has adopted, extends this requirement to multi-dwelling developments, industrial developments, commercial developments and low density residential development.</p> <p>A 'Report for Bacchus Marsh Floodplain Management Plan; Flood Mitigation Option Assessment Report' (GHD; August 2012) identifies five flood mitigation options for Bacchus Marsh. This issue will require further ongoing discussions between Melbourne Water and Council.</p>

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
34	98 Lerderderg Street, Bacchus Marsh	Objects to the Amendment	<p>During the last 100 years, this property has not been affected by flood waters, even when Lord Street/McGrath Court has. If Melbourne Water maintained their waterways (i.e. cleared trees and rubbish), flooding would not be a consideration. The land on the other side of the Lerderderg River is lower than this property, meaning that previous flooding has extended from the river to the Western Highway and has not affected this property.</p>	<p>Melbourne Water will not be making any changes to the exhibited flood overlay at this location.</p> <p>It cannot be assumed that flooding has not or will not occur at any given property, on the basis that there are no records, or flooding to the extent identified by the LSIO or SBO. The LSIO and SBO are based on an event which has a 1% chance of occurring in any year.</p> <p>The graded flood level for the LSIO across the property is 97.2m AHD at the south-eastern corner of the property to 97.6m AHD at the northern boundary. The 1m contours indicate there is a rise to approximately 99.0m AHD each side of the waterway containing the 1 in 100 year flood event. Melbourne Water agrees that the land does slope down towards the Western Highway, however, it is not subject to breakaway flows for this storm event.</p>	<p>The exhibited extent of the LSIO and SBO should not be altered in this location.</p> <p>This property is located on the north side of Lerderderg St and on the west side of the Lerderderg River. The river traverses the eastern portion of this property and the proposed LSIO in this vicinity is approximately 100m wide. Immediately to the south of Lerderderg St (i.e. downstream), the LSIO fans out on the east side of the river, all the way to the Western Freeway. The western portion of the property is affected by the proposed SBO.</p> <p>Melbourne Water is of the view that the flood modelling is accurate and based on current best practice.</p>
35	4 Closter Court, Bacchus Marsh	Objects to the Amendment	<p>The submitters object to the LSIO being applied to 4 Closter Court, as they believe the land is above the designated flood level. As part of Planning Application PA2015168, Melbourne Water has advised that the designated flood level for the land is 101.81m AHD. The submitters are in the process of arranging a licensed surveyor to provide additional information to support their objection.</p>	<p>The submitters had a level survey undertaken by a licensed surveyor and forwarded a copy to Melbourne Water.</p> <p>Melbourne Water reviewed the flood extent based on the survey plan provided, and concluded that the surveyed levels provide very good support for the exhibited flood shape. The amount of flooding indicated by the modelling is significant enough to be included in the LSIO.</p>	<p>The exhibited extent of the LSIO should not be altered in this location, unless agreed by Melbourne Water.</p> <p>Approximately 70% of this property is affected by the proposed LSIO.</p>

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
36	Lot 2 on PS313016, 116 Masons Lane and 84 – 86 Lerderderg Street, Bacchus Marsh	Objects to the Amendment	<p>Submitter objects to the application of the SBO to the land at Lot 2, 116 Masons Lane and 84 – 86 Lerderderg Street, for the following reasons: Merits issues: • The drainage infrastructure within Bacchus Marsh is inadequate to cater for existing needs. • Having lived in Bacchus Marsh for over 40 years and family having owned various businesses and properties, there is a presumption that inundation has been caused by the failure of Council and Melbourne Water (including predecessor authorities) to assess existing infrastructure and attend to required upgrades/maintenance. New subdivisions are a significant contributory factor in applying the proposed LSIO and SBO to existing properties. • The variation in surface level throughout the property is negligible, however, the SBO will be applied to a portion of the property. • The submitter believes that more accurate information (survey, photography, and flood risk assessment) would result in different flood extent mapping for the property. • As long term residents and following discussions with many other long term residents, the submitter believes that the area affected by the proposed SBO has never flooded. The submitter believes the flows to be different to those mapped in the proposed SBO. • Land adjoining the northern boundary of 116 Masons Lane has recently been approved for subdivision. The significant drainage installed for this subdivision should mitigate flooding and eliminate the need for the SBO. The submitter has engaged planners and engineers to provide the necessary technical information to enable a formal response to the Amendment, however this is going to take additional time to prepare. The submitter would be pleased to provide this to Council and any future Planning Panel convened to consider submissions. Background / process issues: • A previous</p>	<p>Melbourne Water notes that the submitter is engaging their own planners and engineers to provide further technical information regarding the proposed flood overlay at this location. The submitter has been advised that Melbourne Water planners and engineers are available for any discussions or information sharing that may assist.</p>	<p>The exhibited extent of the SBO should not be altered in this location, unless agreed by Melbourne Water.</p> <p>Approximately 75% of this property is affected by the proposed SBO.</p> <p>Melbourne Water is of the view that the flood modelling is accurate and based on current best practice.</p> <p>It is unrealistic to expect that underground drainage infrastructure be upgraded to cater for a 1 in 100 year storm event. Underground drainage systems are typically designed to cater for a 1 in 5 or 1 in 10 year storm event. In new developments, overland flow paths are required to be designed to cater for excess flows in a 1 in 100 year storm event.</p> <p>New residential subdivisions are required to be designed such that flows downstream of the development are restricted to pre-development levels (Clause 56.07-4 of the VPPs). The Infrastructure Design Manual, which Council has adopted, extends this requirement to multi-dwelling developments, industrial developments, commercial developments and low density residential development.</p> <p>The public exhibition period for this Amendment formally commenced on 28 January 2016, the day after the end of the school holidays. The exhibition period ran for six weeks which exceeds the statutory requirement of four weeks.</p>

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
			<p>proposal (in 2008) to introduce flood controls was abandoned after consideration of public submissions. This new proposal should similarly not proceed for reasons stated in earlier objections. • The correspondence to land owners on 21 January 2016 during the Christmas and school holidays with a closing date of 11 March 2016 was inappropriate from an annual timing and duration perspective. • The issues raised in the amendment are complex and there are considerable ramifications to existing land owners which are not acceptable. There are significant financial and commercial implications for all property owners and businesses. • The submitter has discussed Amendment C73 with various local resident and businesses. Many local residents are aged and long term residents of Bacchus Marsh did not understand the correspondence. All people who were contacted object to the Amendment and are concerned about the Melbourne Water mapping, the process, the education, representation by Moorabool Shire towards the Melbourne Water mapping data, the reasons behind the overlays etc. • Given the inappropriate timing, a formal submission together with a commissioned report has not been able to be completed. The submitter expects this submission to be completed, lodged and accepted by Council. • The submitter is speaking to many residents within Bacchus Marsh with respect to this issue.</p>		

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
37	84 – 86 Lerderderg Street, Bacchus Marsh	Objects to the Amendment	<p>Submitter objects to the application of the SBO to the land at 84 – 86 Lerderderg Street, for the following reasons:</p> <p>Merits issues:</p> <ul style="list-style-type: none"> • The drainage infrastructure within Bacchus Marsh is inadequate to cater for existing needs. • Having lived in Bacchus Marsh for over 60 years and family having owned various businesses and properties, there is a presumption that inundation has been caused by the failure of Council and Melbourne Water (including predecessor authorities) to assess existing infrastructure and attend to required upgrades/maintenance. New subdivisions are a significant contributory factor in applying the proposed LSIO and SBO to existing properties. • The variation in surface level throughout the property is negligible, however, the SBO will be applied to a portion of the property. • The submitter believes that more accurate information (survey, photography, and flood risk assessment) would result in different flood extent mapping for the property. • As long term residents of Bacchus Marsh and following discussions with many other long term residents within the proposed SBO overlay, we know that the area affected by the proposed SBO has never flooded in 60 years. We therefore understand the flows to be different to those mapped in the proposed SBO. <p>The submitter has engaged planners and engineers to provide the necessary technical information to enable a formal response to the Amendment, however this is going to take additional time to prepare. The submitter would be pleased to provide this to Council and any future Planning Panel convened to consider submissions.</p>	<p>Melbourne Water notes that the submitter is engaging their own planners and engineers to provide further technical information regarding the proposed flood overlay at this location. The submitter has been advised that Melbourne Water planners and engineers are available for any discussions or information sharing that may assist.</p>	<p>The exhibited extent of the LSIO and SBO should not be altered in this location, unless agreed by Melbourne Water.</p> <p>Approximately 90% of this property is affected by the proposed SBO and LSIO.</p> <p>Melbourne Water is of the view that the flood modelling is accurate and based on current best practice.</p> <p>It is unrealistic to expect that underground drainage infrastructure be upgraded to cater for a 1 in 100 year storm event. Underground drainage systems are typically designed to cater for a 1 in 5 or 1 in 10 year storm event. In new developments, overland flow paths are required to be designed to cater for excess flows in a 1 in 100 year storm event.</p> <p>New residential subdivisions are required to be designed such that flows downstream of the development are restricted to pre-development levels (Clause 56.07-4 of the VPPs). The Infrastructure Design Manual, which Council has adopted, extends this requirement to multi-dwelling developments, industrial developments, commercial developments and low density residential development.</p> <p>The public exhibition period for this Amendment formally commenced on 28 January 2016, the day after the end of the school holidays. The exhibition period ran for six weeks which exceeds the statutory requirement of four weeks.</p>

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
			<p>Background / process issues:</p> <ul style="list-style-type: none"> • A previous proposal (in 2008) to introduce flood controls was abandoned after consideration of public submissions. This new proposal should similarly not proceed for reasons stated in earlier objections. • The correspondence to land owners on 21 January 2016 during the Christmas and school holidays with a closing date of 11 March 2016 was inappropriate from an annual timing and duration perspective. • The issues raised in the amendment are complex and there are considerable ramifications to existing land owners which are not acceptable. There are significant financial and commercial implications for all property owners and businesses. • The submitter has discussed Amendment C73 with various local resident and businesses. Many local residents are aged and long term residents of Bacchus Marsh did not understand the correspondence. All people who were contacted object to the Amendment and are concerned about the Melbourne Water mapping, the process, the education, representation by Moorabool Shire towards the Melbourne Water mapping data, the reasons behind the overlays etc. • Given the inappropriate timing, a formal submission together with a commissioned report has not been able to be completed. The submitter expects this submission to be completed, lodged and accepted by Council. • The submitter is speaking to many residents within Bacchus Marsh with respect to this issue. 		
38	557 Bacchus Marsh Road, Bacchus Marsh	Objects to the Amendment	The majority of the properties at 557 Bacchus Marsh Road and the new Moon Reserve toilet block are affected by the proposed LSIO. The submitter objects and has asked that they be contacted for further discussions.	The submitter has been advised that Melbourne Water is happy to meet on site for further discussion.	The exhibited extent of the LSIO should not be altered in this location. The submitter has not provided any details to support the objection.

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
39	178 Werribee Vale Road, Maddingley	Objects to the Amendment	The submitter objects and has asked that they be contacted for further discussions.	The submitter has been advised that Melbourne Water is happy to meet on site for further discussion.	The exhibited extent of the LSIO should not be altered in this location. The submitter has not provided any details to support the objection.
40	540 Bacchus Marsh Road, Bacchus Marsh	Objects to the Amendment	The submitter objects and has asked that they be contacted for further discussions.	The submitter has been advised that Melbourne Water is happy to meet on site for further discussion.	The exhibited extent of the LSIO should not be altered in this location. The submitter has not provided any details to support the objection.
41	29 Pilmer Street, CP155148 Waddell Street, 4-6 Lord Street, 253 Main Street, 259-261 Main Street, Bacchus Marsh	Supports the Amendment, subject to changes	<p>The proposed Floodplain Management policy will not provide sufficient flexibility to ensure the strategic land use objectives for the Bacchus Marsh area can still be achieved. Achieving a balance between the objectives of the LSIO, Floodplain Management policy and the strategic planning objectives for the area is particularly important given the extent of the area proposed to be covered by the LSIO, and the location of much of that land within the Bacchus Marsh Activity Centre.</p> <p>Our clients support sustainable development and recognise the importance of developing land in a manner which is consistent with, and responsive to, the physical constraints of the land. They are nevertheless concerned about how a policy which discourages the intensification of land use and development in floodplains might be applied in Bacchus Marsh which is situated on a floodplain.</p> <p>Where a town centre is situated on a floodplain, there is an inherent tension between policies which encourage development in areas identified as suitable for urban consolidation and growth and policies which seek to discourage development which may be subject to flooding. Such policies must therefore be carefully worded to enable an appropriate balance to be achieved.</p> <p>Our clients were actively involved in the Amendment C51 process and understand Council's strategic vision for the town centre. They believe the policy objective</p>	Melbourne Water agrees that the submitter's concerns are reasonable. The changes to the wording of Clause 22.07, as proposed by Council officers, address the issue. Melbourne Water has no objection to the changes.	<p>Council officers concur with the concerns expressed, in that there is tension between elements of the proposed local policy wording and the urban growth/consolidation objectives of Council's Moorabool 2041 Urban Growth Strategy. Bacchus Marsh has been identified as a 'regional centre' for urban growth in the Central Highlands Regional Growth Plan and Plan Melbourne. To alleviate this tension, it is recommended that:</p> <ul style="list-style-type: none"> • The local policy objective in Clause 22.07-2 should be reworded as follows: <ul style="list-style-type: none"> o To discourage the intensification of land use and development on land where the depth or velocity of floodwaters will be hazardous. • The subdivision policy statement in Clause 22.07-3 should be reworded as follows: <ul style="list-style-type: none"> o It is policy that subdivision applications should demonstrate that all lots can accommodate an adequate building envelope on land where the depth and velocity of floodwaters will not be hazardous.

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
			<p>proposed in clause 22.01-2, namely “to discourage the intensification of land use and development in the floodplains or overland flow paths” contradicts the strategic planning objectives sought by Amendment C51. This objective should either be deleted or be reworded to assist future decision makers to balance competing policy objectives for the town centre, for example: “to ensure any development in the floodplains will be not be subject to an unreasonable flood risk and will not unreasonably disrupt overland flow paths.</p> <p>Proposed clause 22.07-3 includes a policy that subdivision applications should demonstrate that all lots can accommodate an adequate building envelope on land not affected by the LSIO or the SBO. While this is a policy statement only, our clients are concerned that, in practice, the policy will be applied as a prescriptive requirement for all subdivision applications affected by the LSIO or SBO.</p> <p>The extent of coverage of the LSIO over parts of our clients’ land is such that building envelopes for any future subdivision may simply not be able to be located on land not affected by the LSIO. Therefore, if the policy were applied prescriptively, it would have the effect of sterilising large portions of our clients’ land. We submit that this component of the policy should be deleted or reworded to make it clear that building envelopes should, where possible, be located on land not affected by the LSIO.</p> <p>If the Amendment is approved as exhibited, the development potential of our clients’ land is at risk of being unreasonably and inappropriately constrained. We assume that this is not the intention of the planning authority. Our clients therefore request that the objectives and policies in proposed clause 22.07 Floodplain Management,</p>		

Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments	Council Officer Recommendations / Comments
			particularly in relation to subdivision, be modified to ensure future development applications will be assessed fairly with due regard to the long term strategic planning goals for Bacchus Marsh.		
42	32 Young Street, Bacchus Marsh	Supports the Amendment, subject to changes	Objects to the SBO being applied to her property. The proposed SBO affects a tiny portion of the property, in the north-western (front) corner. Submitter believes the flood extent mapping is inaccurate in relation to her title boundaries. The flood extent mapping in Young Street doesn't correlate with the topography. Young Street declines southward, from Lerderderg St towards Main Street, however, the proposed SBO terminates 50m south of Lerderderg St. Concerned about potential for increased insurance premiums and devaluation of the property.	Melbourne Water has reviewed the SBO at this location and advises that this property will not be included in the overlay. Melbourne Water <u>will</u> change the exhibited SBO at this location.	The SBO should be removed from this property, as agreed by Melbourne Water. The proposed SBO affects a very small triangle (0.08m2) in the north-western corner of the property and is therefore considered inconsequential. Neither the Moorabool Planning Scheme nor the <i>Planning and Environment Act 1987</i> enable the consideration of any potential impacts on insurance or property values. The flood extent mapping was already in the public realm for some time prior to the exhibition of this Amendment. If a person was to apply to Melbourne Water for a flood certificate, they would be advised that the property is subject to inundation.
43	88-92 Lerderderg Street, Bacchus Marsh	Objects to the Amendment	The submitter objects and has asked that they be contacted for further discussions.	The submitter has been advised that Melbourne Water is happy to meet on site for further discussion.	The exhibited extent of the SBO should not be altered in this location. The submitter has not provided any details to support the objection.
44	81 Lerderderg Street, Bacchus Marsh	Objects to the Amendment	The submitter objects and has asked that they be contacted for further discussions.	The submitter has been advised that Melbourne Water is happy to meet on site for further discussion.	The exhibited extent of the LSIO should not be altered in this location. The submitter has not provided any details to support the objection.
45	85 Lerderderg Street, Bacchus Marsh	Objects to the Amendment	The submitter objects and has asked that they be contacted for further discussions.	The submitter has been advised that Melbourne Water is happy to meet on site for further discussion.	This property is not affected by the proposed LSIO or SBO.

Note: Submissions 7 and 46 were withdrawn.

8. FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL

9. CLOSED SESSION OF THE MEETING TO THE PUBLIC**Recommendation:**

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

10. MEETING CLOSURE