

SPECIAL MEETING OF COUNCIL

Minutes of a
Special Meeting of Council held at
the James Young Room, Lerderderg Library,
215 Main Street, Bacchus Marsh on
Wednesday 22 June 2016,
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

The Mayor, Cr. Allan Comrie, opened the meeting at 6.00pm.

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. PRESENT

<i>Cr. Allan Comrie</i>	<i>East Moorabool Ward</i>
<i>Cr. John Spain</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>

Officers:

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Ms. Natalie Abbott</i>	<i>Manager Customer & Business Services</i>
<i>Mr. Steve Ivelja</i>	<i>Manager Finance</i>
<i>Mr. Andrew Goodsell</i>	<i>Manager Statutory Planning & Community Safety</i>
<i>Mr. Rod Davison</i>	<i>Strategic Planning Officer</i>
<i>Mr. John Whitfield</i>	<i>Governance Coordinator</i>
<i>Ms. Melissa Hollitt</i>	<i>Minute Taker</i>

4. APOLOGIES

<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>
<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. Paul Tatchell</i>	<i>Central Ward</i>

(Leave of Absence – Refer Item 10.1.1 of Ordinary Meeting of Council - 1 June 2016 - Minutes)

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.

Nil.

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:

Item No	Description	Name	Position
7.1	<i>Consideration of Submissions to the Proposed 2016/17 Annual Budget</i>	Margaret Scarff	Supporter
7.1	<i>Consideration of Submissions to the Proposed 2016/17 Annual Budget</i>	Russ Hendry	Supporter
7.1	<i>Consideration of Submissions to the Proposed 2016/17 Annual Budget</i>	Chris Sharkey	Supporter

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

Item No	Description	Name	Position
7.4	<i>Planning Scheme Amendment C73 (Flood Controls) – Consideration of Submissions</i>	Kay Dench	Objector
7.4	<i>Planning Scheme Amendment C73 (Flood Controls) – Consideration of Submissions</i>	James Ross	Objector
7.4	<i>Planning Scheme Amendment C73 (Flood Controls) – Consideration of Submissions</i>	Matt McKenzie	Objector
7.4	<i>Planning Scheme Amendment C73 (Flood Controls) – Consideration of Submissions</i>	John C Lucas	Objector
7.4	<i>Planning Scheme Amendment C73 (Flood Controls) – Consideration of Submissions</i>	Graeme Mansell	Objector
7.4	<i>Planning Scheme Amendment C73 (Flood Controls) – Consideration of Submissions</i>	David Caligari	Objector
7.4	<i>Planning Scheme Amendment C73 (Flood Controls) – Consideration of Submissions</i>	William Wilson	Objector
7.4	<i>Planning Scheme Amendment C73 (Flood Controls) – Consideration of Submissions</i>	Vivian Rose Evans	Objector
7.4	<i>Planning Scheme Amendment C73 (Flood Controls) – Consideration of Submissions</i>	Antony Pinder	Objector

7. BUSINESS

Consideration of Presentation in relation to the Consideration of Submissions to the Proposed 2016/17 Annual Budget.

The following persons addressed Council as supporters:

Mrs. Margaret Scarff, Mr. Russ Hendry, Mr. Chris Sharkey.

The business of the meeting then returned to the agenda.

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 1270 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 being 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 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 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 being 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	<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</i></p>

	<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>
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>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>	
8	<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>
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. 	<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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		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.	
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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.

Resolution:

Cr. Spain/Dudzik

1. *That Council receives the following submissions:*

No.	Submission From	Main Points
1	<i>Moorabool Heritage Advisory Committee</i>	<i>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. Heritage provides an essential link with the past and contributes to the creation of a sense of place for our community.</i>
2	<i>Chris Sharkey</i>	<i>The submission asks council to address three questions regarding the farm rate category;</i>

		<ol style="list-style-type: none"> 1. <i>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?</i> 2. <i>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?</i> 3. <i>By not using accurate farm business numbers in the budget could it be suggested council are been discriminatory?</i>
<p>3</p>	<p>Gordon Recreation Reserve</p>	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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</i></p>

		<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>
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4	Wallace Recreation Reserve CoM	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>
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5	Gordon Public Park and Recreation Reserve	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>The expected costs amount to \$37,500 for this project.</i></p>
6	Concetta McFall	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>Also the support and assistance provided by Moorabool Shire Council co-ordinators was extraordinary.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>

7	Greendale Reserves CoM	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>
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8	Blacksmith Cottage and Forge	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>
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9	Maddingley Park CoM	<p><i>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.</i></p> <ul style="list-style-type: none"> • <i>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.</i> • <i>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.</i> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>
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2. ***That having considered the public submissions, the adoption of the 2016/17 Annual Budget, including the following amendment,***
 - ***the net savings of Councils' contribution to the Maddingley Park changerooms refurbishment be applied as a Council contribution of seed funding to the pavilion improvement project,***

be 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 officers be requested to continue to work with committees and groups that have put forward capital projects in order to strengthen future submissions to funding opportunities.***
4. ***That following the adoption of the 2016/17 Annual Budget, responses are provided to each Submitter.***

CARRIED.

Report Authorisation

Authorised by:



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

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.

Resolution:**Crs. Dudzik/Spain*****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.***

CARRIED.

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 Councils must make a Local Law governing the conduct of Council and Special Committee meetings to ensure the orderly function of Council business.

Councils 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 Councils 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, Councils website, local and regional newspapers, media release, social media, Councils 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 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;

Resolution:**Crs. Sullivan/Dudzik****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 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.</p> <p>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.</p> <p>Section 6.1 (c) (i) – This is a matter for Council consideration and resolution.</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>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.</p> <p>Section 6.9 - The support is noted.</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.***

CARRIED.

Report Authorisation

Authorised by:

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



Consideration of Presentation to Planning Scheme Amendment C73 (Flood Controls).

The following persons addressed Council as objectors:

Ms. Kay Dench, Mr. James Ross, Mr. Matt McKenzie, Mr. John Lucas, Mr. Graeme Mansell, Mr. David Caligari, Mr. William Wilson, Ms. Vivian Evans, Mr. Antony Pinder.

The business of the meeting then returned to the agenda.

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.

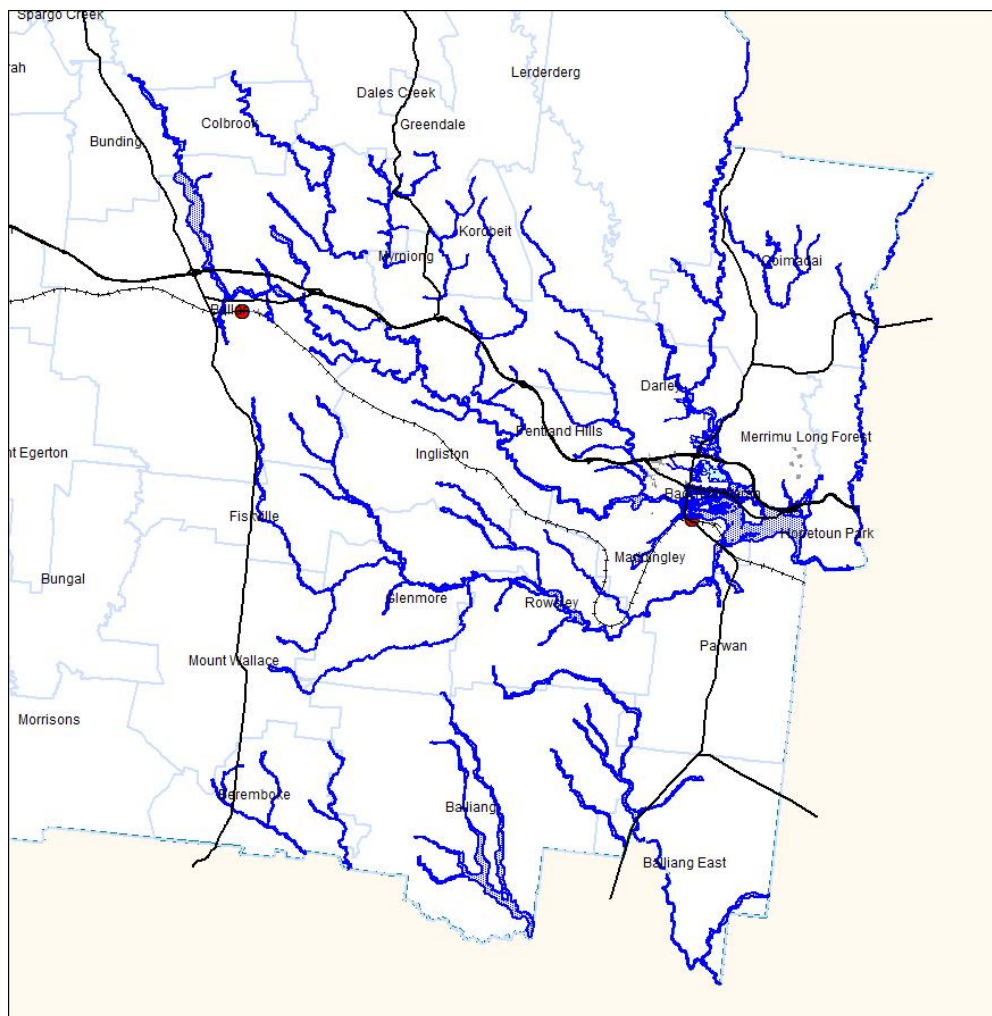


Figure 1: Areas affected by the proposed LSIO and SBO (in blue)

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 Lerderderg 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:*

- consult with the floodplain management authority for that site; and*
- 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 Fisken 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 Fisken Street bridge to approximately 600 metres upstream of the Grant Street bridge;
- Option 4 - Raise the levees along Werribee River, upstream of Fisken Street bridge, and increase the capacity of Fisken Street drain; and
- Option 5 - Raise the levees along Werribee River, upstream of Fisken 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.**

Resolution:

Cr Dudzik/Spain

That Council moves to abandon the Amendment C73 and notifies the Minister of Planning of this resolution.

CARRIED.

Report Authorisation

Authorised by:

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



Attachment - Item 7.4

Moorabool Planning Scheme Amendment C73

Addendum to Attachment 3: Summary of Late Submissions (received since 16 June, 2016)

Submission Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments (N.B. MW has not yet had an opportunity to review these submissions)	Preliminary Council Officer Recommendations/Comments (subject to review upon receipt of comments from Melbourne Water)
47	39 Jonathan Drive, Darley	Objects to the Amendment	My family and I were not born in this town, we only moved here about 8 years ago, and in that time there has only been one flood that I can remember and that was in 2010, where Main St and Grant St were flooded and it took a while (maybe a bit too long) for traffic to move along. As my family and I live on a slight hill the flood did not affect us that much, we only had a flooded garden bed in the back yard which drained away when we moved a few things, then the water just flowed down our driveway and into the storm drains.		This property is not affected by the proposed LSIO or SBO.
48	24 Wellington Street, Darley	Objects to the Amendment	A one in 100 year chance of flooding is not sufficient enough reason to lower our housing value and dramatically increase our home insurance.		<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> <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>
49	4 Grantleigh Drive, Darley	Objects to the Amendment	This is crazy. If my house was to flood Bacchus marsh would be under water.		Approximately 60% of this property is affected by the proposed SBO. The SBO represents overland flows associated with the urban drainage system. This is not riverine flooding.

Submission Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments (N.B. MW has not yet had an opportunity to review these submissions)	Preliminary Council Officer Recommendations/Comments (subject to review upon receipt of comments from Melbourne Water)
50	4 Grantleigh Drive, Darley	Objects to the Amendment	I have a very hard time coming to grips with how my property would flood when my neighbours' houses across the road which are lower and closer to the river aren't in this zone. Also I find it amazing that all the recently sold properties in the Grantleigh estate are not in this zone. This is ridiculous and shows that these people who implement these zones have NO CLUE whatsoever. I will get legal advice about how this Council can allow me to purchase a house in an area which they now put in a flood zone. Why wasn't I advised when I was purchasing a home to raise my family in?		The SBO reflects the flood extent modelling undertaken by Melbourne Water, and is therefore considered appropriate.
51	9 Janette Court, Darley	Objects to the Amendment	Against. Do not approve.		Noted.
52	19 Cairns Drive, Darley	Objects to the Amendment	<p>Maybe better drainage is required. This proposal may affect your ability to get insurance and have no doubt, it will have an impact on the value of your property. Can you guarantee that my father's home value and Insurance will not be affected?</p> <p>The whole proposal is based on a theory about a one in a 100 year flood event. We do not need this legislation. And why am I only hearing about this via Facebook.</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>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> <p>The proposed SBO affects only a narrow strip across the front of the property (approximately 32m²). The SBO reflects the flood extent modelling</p>

Submission Number	Affected Property	Submitter's Position	Submission Summary	Melbourne Water Comments (N.B. MW has not yet had an opportunity to review these submissions)	Preliminary Council Officer Recommendations/Comments (subject to review upon receipt of comments from Melbourne Water)
					<p>undertaken by Melbourne Water, and is therefore considered appropriate.</p> <p>Council records indicate that a letter of notice was sent to the registered property owner (a different name to that of the submitter).</p>
53	31 Wellington Street, Darley	Objects to the Amendment	<p>My family and I strongly object to the amendment being made which will affect our property. In the past, there have been storm water flooding in our area and our property has never been affected by this. Our street has never flooded in the past 40 years - according to neighbours who have lived there for that period of time.</p> <p>We again state that we strongly disagree with this proposal and would hope that Council listen to the voice of the people in this matter.</p>		Approximately 50% of this property is affected by the proposed SBO. The SBO reflects the flood extent modelling undertaken by Melbourne Water, and is therefore considered appropriate.
54	31 Albert Street, Darley	Objects to the Amendment	<p>This will affect hundreds if not a couple of thousand people including myself. This will affect insurances and house prices, and for what? For the council not to spend money on upgrading stormwater drains? I work in Melbourne, for a company who does work for councils and water boards, we specialise in drainage. As an experienced drainage worker I know first hand there are plenty of other ways, and preventative measures that can be put in place to resolve this issue without affecting the community.</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>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>

55	6 Grantleigh Drive, Darley	Objects to the Amendment	<p>We strenuously object to the flood mapping controls SBO. It will markedly lower the value of our property for one, and make renewing insurance an issue. This is just a blanket decision for an area, no consideration has been given to individual property placement, elevation or even proximity to the river itself. There is no substance that we can see on why! It appears to be based on a geographical map only, on a once in a hundred year possible event. The Lerderberg Gorge side sits lower than where our property sits, as do several other properties nearby that are NOT going to be affected. If this has come about due to drainage issues being discovered, that's a COUNCIL issue that they need to address. Obviously they were overlooked at the time the developers were given planning permission to develop this estate. We can see no justification why our property should be covered by this flood controls SBO.</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>The SBO reflects the flood extent modelling undertaken by Melbourne Water, and is therefore considered appropriate. The SBO represents overland flows associated with the urban drainage system. This is not riverine flooding.</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>
56 (see also submission 32)	65 Robertsons Road, Darley	Objects to the Amendment	<p>In the first instance the disclosure to the public has been totally inadequate for the serious nature of this alteration to the planning scheme. It will where households and businesses are affected create the need for the disclosure on any sale section 32 of the new flood zones to be created. That will have serious consequences for vendors and will without a doubt downgrade the value of that property. Sadly there are many elderly people in the residential areas hardest hit and most of these people would not have the faintest understanding of the consequences of this amendment. I have spoken to such people. They just have no concept of the whole thing. The proposal is a retrospective attempt to change the status quo. It is a very dangerous principle to adopt. These homes are in many instances primary nest eggs for owners and it is a total affront to their rights. One store owner has already been refused insurance as a result of the pending new classification. The insurer told her it was in a flood prone area identified on the internet and was not able to renew the policy. It may well be that council infrastructure is inadequate so why punish these people so brutally. It is totally contrary to the</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>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> <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</p>

		<p>principles that the council says it stands for. The reality is no one can predict where a thunderstorm event may occur or when! To say that people have an opportunity to object is so easy to say and no one seems to care how difficult a task it may be for so many of these people. Why should they be forced to defend what they are rightfully entitled to?</p> <p>Councillors who want to force this on their own townspeople should hang their heads in shame. Just big city bullying we don't need. Please show some compassion and let people live in peace. If their home gets flooded I am sure they can deal with that but please don't continue to play GOD and impose this draconian nonsense on ordinary people. You have no right to retrospectively interfere with THEIR HOMES NOT YOURS. It is virtual theft of their everyday right to live peacefully in their own home. Put yourselves in the shoes of the young family who bought an established home in Darley twelve months ago. All of a sudden they have to accept an employment transfer interstate. He has to sell his home. The buyers solicitor dutifully does a town planning check and in the course of his enquiry finds the pending overlay and advises his client to look elsewhere. Insurers will have ready made guide to ratchet up premiums. IN ONE YEAR OF THE BRACKS GOVERNMENT 580 million dollars was paid to consultants on projects and studies just like this. You are quick to LEGISLATE BUT YOU DO NOT COMPENSATE!, try doing something useful for your citizens ,not harass them and force them to places like VCAT. Any appeal at VCAT would be doomed to fail. THERE IS NO JUSTICE THERE FOR ORDINARY PEOPLE; JUST A FEEDING GROUND FOR EXPERT WITNESSES. WHY BE LIKE SHEEP AND JUST FOLLOW FOLLOW! How about do a few useful things for the here and now. Don't wreck the value of the old ladies home she is about to sell to get into a retirement home. Every now and then I continue to be horrified by mans inhumanity to man. A ONE IN ONE HUNDRED YEAR FLOOD. I WONDER WHICH CONSULTANT CAME UP WITH THAT SALES PITCH. NO ONE ALIVE WILL BE AROUND TO SAY WHETHER THEY WERE RIGHT OR WRONG IF IT HAPPENS IN 95 YEARS TIME .!!!</p>		<p>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> <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>
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			<p>I THINK THAT THIS AMENDMENT IS A DISGRACE AND COUNCIL HAS THE ABILITY TO SIMPLY REJECT IT.</p> <p>WHAT IS ANYONE WHO GETS FLOODED OUT GOING TO DO. BLAME THE COUNCIL FOR LETTING THEM BUILD A HOUSE 50 YEARS AGO. JUST RECKLESS INTERFERENCE IN PEOPLE'S LIVES. IS IT TOO MUCH TO ASK TO PUT YOURSELVES IN THEIR SHOES???? This is a very very serious matter, not just a few new planning games to play!!</p> <p>AS TO MY OWN PROPERTY I HAVE ALREADY WASTED PLENTY OF MONEY AND TIME WITH MELBOURNE WATER HEAVEN FORBID ANY ONE ELSE IS FORCED TO GO THROUGH THE NONSENSE I HAD TO PUT UP WITH. WOULD NOT WISH THAT ON MY WORST ENEMY. PLEASE REJECT THIS C73 amendment. I guarantee not one local person will be upset about that. They will heave a sigh of relief to think that their council puts them and common sense before do as I say or else way of point scoring that seems to flow out of Spring Street like a one in one hundred year flood.</p> <p>HOW ABOUT COUNCIL OFFICERS GO AND VISIT EACH AND EVERY AFFECTED PERSON AND EXPLAIN WHAT AND WHY YOU INTEND TO DUMP THIS ON THEM. JUST INCREDIBLE TO THINK WE ARE REALLY GOING BACKWARDS NOT FORWARD IN THE WAY PEOPLE ARE TREATED BY AUTHORITIES THESE DAYS JUST MAKES ME FEEL SICK.</p>		
57	13 Nelson Street, Darley	Objects to the Amendment	<p>My property is affected by have one small corner included in the proposed amended flood zone! This could have significant impacts on property value and insurance premiums, when it is only a very small portion of my property. I would like for the proposed border of the amended flood zoning to be pushed out of my boundary as it will then have minimal effect on my property.</p>		<p>The proposed SBO affects only a narrow strip across the front of the property (approximately 18m²). The SBO reflects the flood extent modelling undertaken by Melbourne Water, and is therefore considered appropriate.</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</p>

					flood certificate, they would be advised that the property is subject to inundation.
58	13 Luton Crt, Darley	Objects to the Amendment	I am concerned as to the value of my property if this amendment is passed. Also the effects of this to my insurance. Why doesn't the shire upgrade the drainage system? I think it's bullshit.		<p>The proposed SBO affects only a tiny triangle of land in the south-western front corner of the property (approximately 0.0001m²).</p> <p>Council officers would support the removal of the SBO from this property, subject to agreement from Melbourne Water.</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. 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>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.</p>
59	1 Russell Street, Darley	Objects to the Amendment	<p>I object completely the proposal for Moorabool Shire Council to introduce new Planning Scheme Amendment C73, under the guise of Improving Flood Management in Moorabool Shire.</p> <p>My property falls within the intended Melbourne Water flood overlays which I argue are highly inaccurate as not even the Moorabool Shire Council, Planning and or Works, Department have clear and accurate knowledge of stormwater infrastructure within much of the intended overlay areas.</p>		The proposed SBO affects approximately 40% of this property. The SBO reflects the flood extent modelling undertaken by Melbourne Water, and is therefore considered appropriate.

			<p>I request the opportunity to exercise my right to be heard at the applicable Moorabool Shire Council Meeting having viewed the formal amendment documentation at http://www.dtpli.vic.gov.au/planning/publicinspect and being familiar the applicable material.</p> <p>I look forward to your reply and appointed time and date in which to exercise my right to be heard on this important matter.</p>		
60	10 Quaille Court, Darley	Objects to the Amendment	<p>I believe the scheme and plan you have should not affect our area, due to the floods we had the last few years have often flowed down Albert street and Border Crescent going around and avoiding our court.</p> <p>I would like to see more details on this flood plan and what you as a Council plan on doing to maintain and manage the overflow of the water and the issue with storm water drains not been big enough to manage the rush of water during the rare floods we do get.</p>		<p>This property is not affected by the proposed LSIO or SBO.</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>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>
61	5 Bushby Court, Darley	Objects to the Amendment	<p>It is on my section 32. Yet when I put my details in on the flood page. It says my address is not affected. We purchased this house in October (and the RACV for our insurance laughed at it when he realized where our property is). If it is not meant to be on the section 32 because from the link it says it is not affected. Then I would like it removed Stat.</p>		<p>This property is not affected by the proposed LSIO or SBO.</p>
62	229 Seereys Track, Coimadai	Objects to the Amendment	<p>Creeks have not ran in over 9 years. The property sits well above Goodmans Creek. There is no way flood water would affect the property. When council closed the tunnel so Goodmans Creek flooded, the creek filled to 1 metre; it in no way affected or came remotely close to affecting the property. The creek would have to totally submerge our neighbours for it to come close to our property boundary. This is absolutely absurd that our property would be impacted.</p>		<p>The proposed LSIO affects a narrow strip of land along a waterway that traverses this property. The LSIO reflects the flood extent modelling undertaken by Melbourne Water, and is therefore considered appropriate.</p>

63	61 Cairns Drive, Darley	Objects to the Amendment	I object to the new proposal because we need to know the reasoning as to why we will be in a flood zone. Also why everyone has not been told about the new proposal and if it's because of the new estate in Halletts Way the council needs to find a way to fix the problem as it is going to affect house prices and house insurance to everybody in Cairns Drive. My house would be 2 ½ - 3 metres above the road so would like to know how that is going to affect everybody in the street.		<p>The proposed SBO affects only a small area at the front of the property (approximately 8m²). The SBO reflects the flood extent modelling undertaken by Melbourne Water, and is therefore considered appropriate.</p> <p>Properties in Cairns Drive are affected to varying degrees, with flows in this part of Cairns Drive being largely contained within the road reserve.</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>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.</p> <p>Council records indicate that a letter of notice was sent to the submitter at this property address, during the formal exhibition period.</p>
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64	36 Cairns Drive, Darley	Objects to the Amendment	Better infrastructure and maintenance of storm water required.		<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>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>
65	10 Cairns Drive, Darley	Objects to the Amendment	I have lived here at 10 Cairns Drive Darley for 21 years and in those years I have not witnessed or seen any type of flooding here, my house is on a build up block and I am higher than other houses around me, therefore I should be exempt from this amendment.		The proposed SBO affects only a small area at the front of the property (approximately 43m ²). The SBO reflects the flood extent modelling undertaken by Melbourne Water, and is therefore considered appropriate.
66	22 Albert St, Darley	Objects to the Amendment	<p>My objection is based around river management.</p> <p>We all know, or should know, that river management for both the Lerderderg and Werribee Rivers in the vicinity of residential areas in Bacchus Marsh, Maddingley and Darley has been non- existent now for years.</p> <p>In the time of the State Rivers and Water Supply Commission, shared grants to adjoining land owners, and from time to time a major grant to the Council worked towards maintaining a relatively clean, clear water flow area within the banks.</p> <p>The present state of the river reserves is dreadful. In the Lerderderg, successive flood debris remains in places, and is so overgrown with all that grows in river reserves, that the next flood will be severely impeded. Because the Lerderderg rises in a</p>		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).

		<p>flood very quickly, there will be a huge amount of debris sweeping under the Gisborne Road bridge.</p> <p>The “ Special Building overlay” proposed is intended to apply to land affected by stormwater flooding along overland flow paths if the capacity of the urban drainage system is exceeded. If the river reserves are not in a clear state and water flow is impeded, then commences to back up, then we know that the overland drainage systems will then commence to back up and in areas you will have localised stormwater flooding.</p> <p>It is one thing for Melbourne Water to think that by imposing planning overlays, this will absolve it of any future responsibility. It has a continuing administrative and legal responsibility for good river management and substantial funds should be released from the levy on all ratepayers to get the river reserves firstly cleaned up, and then adequately maintained.</p> <p>The moment is right for Council to say to Melbourne Water that before it proceeds any further on this amendment, that Melbourne Water should get its house in order by cleaning up the river reserves, and committing to regular maintenance of the river systems at least through and adjoining the residential areas .</p> <p>I have authorised my husband, Ian Morris, to speak on my behalf at the special meeting on 22 June 2016.</p>		
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67	1 Sheldon Ave, Darley	Objects to the Amendment	I am writing to express our objection to the process of the Planning Scheme Amendment C73. We have a property at 1 Sheldon Ave Darley which is affected by the Amendment. We have not been notified of this change to the planning scheme and we would have thought that direct notification was necessary.		<p>The proposed SBO affects only a small area at the front of the property (approximately 17m²). The SBO reflects the flood extent modelling undertaken by Melbourne Water, and is therefore considered appropriate.</p> <p>Council records indicate that a letter of notice was sent to the registered property owner (a different name to that of the submitter) at this address.</p>
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8. FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL

Nil.

9. CLOSED SESSION OF THE MEETING TO THE PUBLIC

Nil.

10. MEETING CLOSURE

The meeting closed at 7.40pm.

Confirmed.....Mayor.