



AGENDA

Special Council Meeting Wednesday, 11 September 2024

I hereby give notice that a Special Meeting of Council will be held on:

Date: Wednesday, 11 September 2024

Time: 5.00pm

**Location: Council Chambers, 15 Stead Street, Ballan &
Online**

**Derek Madden
Chief Executive Officer**

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1 OPENING OF MEETING AND PRAYER

Almighty God be with us as we work for the people of the Shire of Moorabool. Grant us wisdom that we may care for the Shire as true stewards of your creation. May we be aware of the great responsibilities placed upon us. Help us to be just in all our dealings and may our work prosper for the good of all. Amen.

2 ACKNOWLEDGEMENT OF COUNTRY

I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present, and the Aboriginal Elders of other communities who may be here today.

3 PRESENT

4 APOLOGIES

5 DISCLOSURE OF CONFLICTS OF INTEREST

Conflict of interest laws are prescribed under the *Local Government Act 2020* (the Act) and in the Local Government (Governance and Integrity) Regulations 2020 (the Regulations). Managing conflicts of interest is about ensuring the integrity and transparency of decision-making.

The conflict of interest provisions under the Act have been simplified so that they are more easily understood and more easily applied. The new conflict of interest provisions are designed to ensure relevant persons proactively consider a broader range of interests and consider those interests from the viewpoint of an impartial, fair-minded person.

Section 126 of the Act states that a Councillor has a conflict of interest if they have a general conflict of interest or a material conflict of interest. These are explained below:

- A Councillor has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the member's private interests could result in them acting in a manner that is contrary to their public duty as a Councillor.
- A Councillor has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A relevant person with a conflict of interest must disclose the interest in accordance with Council's Governance Rules and not participate in the decision-making process on the matter. This means the relevant person must exclude themselves from any discussion or vote on the matter at any Council meeting, delegated committee meeting, community asset committee meeting or, if a councillor, any other meeting conducted under the auspices of the council. The relevant person must also exclude themselves from any action in relation to the matter, including an action taken to implement a council decision, for example, issuing a planning permit.

6 PRESENTATIONS/DEPUTATIONS

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

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

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

The person making the presentation or deputation is to stand and address Council on the item.

No debate on the item is permitted between the person making the presentation or delegation and the Council.

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

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

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

7 COMMUNITY PLANNING AND DEVELOPMENT REPORTS

7.1 RURAL LAND USE STRATEGY - ADOPTION

Author: Fauster Awepuga, Strategic Planner

Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Development

Attachments:

- 1. Summary of Submissions (under separate cover)**
- 2. Rural Land Use Strategy (under separate cover)**
- 3. Background Review and Issues and Opportunities Paper (under separate cover)**

PURPOSE

The purpose of this report is to consider submissions received during the community consultation on the draft Rural Land Use Strategy (RLUS), and to seek a resolution from Council to adopt the RLUS.

EXECUTIVE SUMMARY

- The RLUS outlines a strategic framework and planning policy recommendations for the use, management and development of rural land within the Shire.
- Council consulted on the draft RLUS from 19 July to 18 August 2024 and feedback from community and stakeholders have been considered.
- Updates were made on the RLUS to reflect the needs and aspirations of the Moorabool community and the final Strategy is presented for adoption.
- The RLUS is a Council Plan (2021-2025) action to provide strategic direction to guide the use, development and management of rural land in the Shire.

RECOMMENDATION

That Council:

- 1. Considers the Summary of Submissions (Attachment 1) to the draft Rural Land Use Strategy.**
- 2. Adopts the Rural Land Use Strategy (Attachment 2), and Background Review and Issues and Opportunities Paper (Attachment 3).**

BACKGROUND

A RLUS is an important strategic planning and policy framework that sets out a vision and direction to protect high value agricultural land and enable Council to make informed and consistent decisions to sustainably manage development challenges and opportunities associated with Moorabool's rural land.

The RLUS seeks to complement and fill a gap in existing local planning policy by creating a knowledge base and strategic basis to ensure clear and consistent planning decisions are made to safeguard productivity and sustainable growth and development of rural areas.

Council engaged Hansen in partnership with Ag-Challenge Consulting in September 2022 to prepare the RLUS following an initial consultation survey that assisted in the preparation of a project scope and helped define key issues to be addressed.

On 19 June 2024, Councillors were briefed on the draft RLUS, and feedback provided by Councillors was used to revise the draft Strategy. On 17 July 2024, Council resolved at a Special Meeting of Council to consult the community for feedback on the draft RLUS.

Rural Land Use Strategy

The Background Review & Issues and Opportunities Paper includes analysis and identification of key issues and opportunities relevant to Moorabool's rural land use. The report is provided as Attachment 3.

Critical to a RLUS is the preparation of an Agricultural Land Quality Assessment. The study, undertaken by Ag Challenge Consultants in partnership with two independent soil experts, demonstrates that Moorabool has high quality soils capable of supporting intensive agricultural production including horticulture, broadacre cropping and animal production.

The RLUS is informed by the document referenced above and outlines a strategic vision, directions, guiding statements and actions for implementation, including a precinct area approach to recognise and appropriately determine how the Shire's rural land will evolve over coming decades. The RLUS is at Attachment 2.

Consultation

Community consultation on the draft RLUS was conducted from 19 July until 18 August 2024 to seek community and stakeholder feedback. Notice was provided to residents, landowners, referral authorities and relevant stakeholder groups via advertisement in the Moorabool News, The Weekly Times, The Ballarat Courier, The Gordon-Mount Edgerton Newsletter, social media, and on the Moorabool Have Your Say webpage.

During the consultation period, Council received 51 surveys, 45 written submissions, the webpage was viewed 672 times, and 366 link clicks were registered on the social media posts. Submitters included local residents, property and business owners, Registered Aboriginal Party (RAP) groups, referral and planning agencies including adjoining Councils, catchment and water authorities and environmental groups.

After the consultation period closed and the RLUS updated and finalised, Council officers received a late submission from the Department of Transport and Planning. Based on the review of the submission, it is concluded that no fundamental changes to the RLUS are required. Issues raised are noted and Council officers will continue to work with DTP as part of any implementation process.

Submissions were generally supportive of the RLUS, many of which advocated for the protection of agricultural land and environmental values and provided constructive feedback. Key issues mentioned in the submissions included:

- Protection of high value agricultural land.
- Protection of water catchments to be included in the final RLUS.
- Protection of natural assets and water resources.

- Support for more rural living opportunities to be provided in appropriate areas.
- Impacts of increased dwellings in catchment areas that may result from proposed changes to minimum lot size for subdivisions and dwelling requirements in the Rural Living Zone.

The RLUS provides high level strategic direction and touches on these issues. It acknowledges further work to be undertaken in the future to consider and consult on these issues. Council Officers considered all submissions and subsequent updates were made to the RLUS to accommodate these, where applicable. A summary of submissions and an officer response is included at Attachment 1.

Updates to the Rural Land Use Strategy

Below is a summary of the key updates made to the RLUS documents:

Document	Updates made
Background Review & Issues and Opportunities Paper	<p>Minor updates and edits made including map details, references and terminology to improve clarity and accuracy.</p> <p>Minor updates and edits to reference environmental related actions and replace 'Aboriginal' with 'First Peoples' to reflect comments from RAPs.</p>
Rural Land Use Strategy Report	<p>Minor updates and edits made to RLUS including map detail, and 'Agricultural Management Plans' now utilise the more common term 'Farm Management Plan'.</p> <p>Minor updates and edits made to the RLUS including further acknowledgement and emphasis of the importance of water catchments and quality.</p> <p>Included an action under 'Implementation' to reflect the consideration of biodiversity in Precinct Policy Areas.</p> <p>Update to make reference to General Environmental Duty.</p>

Next Steps

The Implementation Plan contains recommended changes to be made to the Moorabool Planning Scheme to implement a planning framework that can deliver the shared vision. There are also projects to be considered for funding in future budgets. A future report would be brought to Council with proposed Planning Scheme Amendments, along with a further consultation as part of the amendment process. The data and directions of the RLUS can be used to assist with decision making and advocacy in rural areas.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 2: Liveable and thriving environments

Priority 2.1: Develop planning mechanisms to enhance liveability in the Shire

The RLUS is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

The cost associated with preparing the RLUS is provided for within the Growth and Development budget.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

No specific risk identified.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	General Public / Council directorates/ planning and referral authorities/ industry groups/ general public.	Release draft documents, newspaper, social media, website, including a summary document.	Various	July/August 2024	Feedback considered in final Strategy.
Collaborate	Council directorates and staff/ Planning and referral authorities/ Registered Aboriginal Parties.	Release draft documents, newspaper, social media, website, email, including a summary document.	Various	July/ August 2024	Suggestions and feedback informed changes to final Strategy.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

Executive Manager – Henry Bezuidenhout

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

Author – Fauster Awepuga

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

CONCLUSION

The RLUS outlines a strategic framework and planning policy directives to protect high value agricultural land and recommendations for the use, management and development of rural land

within the Shire. This RLUS ensures decisions are made in accordance with a strategic vision for the protection of rural land within the Shire.

Consultation was undertaken with community and key stakeholders to develop the RLUS. Updates have been made after considering Councillor and community feedback, and the RLUS is now presented for adoption.

7.2 BACCHUS MARSH TOWN CENTRE STRUCTURE PLAN

Author: Liam Prescott, A/g Senior Strategic Planner

Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Development

Attachments:

1. Summary of submissions (under separate cover)
2. Bacchus Marsh Town Centre Structure Plan 2024 (under separate cover)
3. Civic Precinct Engagement Summary (under separate cover)
4. Structure Plan Engagement Summary (under separate cover)

PURPOSE

The purpose of this report is to consider submissions received during the community consultation on the draft Bacchus Marsh Town Centre Structure Plan, and to seek a resolution from Council to adopt the final Structure Plan.

EXECUTIVE SUMMARY

- The Bacchus Marsh Town Centre Structure Plan (Structure Plan) ensures that the town centre remains an attractive and vibrant place, and a focus for housing, retail, employment, transport, community services, leisure, open space and entertainment.
- Officers have worked with the community and key stakeholders to develop a shared vision for the town centre that has then driven the preparation of the final Structure Plan. The draft Structure Plan consultation occurred over four weeks in July and August 2024.
- Updates to the Structure Plan have been made after considering feedback, and the final Structure Plan is presented for adoption.

RECOMMENDATION

That Council:

1. Considers the Summary of Submissions and Changes (Attachment 1) to the draft Bacchus Marsh Town Centre Structure Plan.
2. Adopts the Bacchus Marsh Town Centre Structure Plan (Attachment 2).
3. Notes the Civic Precinct Engagement Summary for consideration in a future Civic Precinct masterplan (Attachment 3).

BACKGROUND

A New Structure Plan

The Bacchus Marsh Activity Centre Structure Plan was adopted by Council in 2011, implemented via a planning scheme amendment in 2016, and informed the current planning controls for the town centre. Since that time Bacchus Marsh has undergone significant change, including the preparation of the Bacchus Marsh Urban Growth Framework 2018 (UGF), and faces new challenges. The review and preparation of a new Structure Plan has been undertaken to communicate a refreshed long-term vision for Bacchus Marsh.

The new Structure Plan needs to account for increases in population through new growth areas and changing trends and ensure that the town centre remains a focus for housing, retail, employment, transport, community services, leisure, open space and entertainment.

The Structure Plan was identified as a key growth action - local within the UGF. The Structure Plan is also an action in the 2021-2025 Council Plan and funding to develop the structure plan was provided by the Victorian Planning Authority through the Streamlining for Growth grants program.

The Structure Plan has been developed in alongside the Retail Strategy 2024 and relevant recommendations of the Retail Strategy have been integrated into the Structure Plan.

Vision Engagement

At the start of the project, officers worked closely with the community to develop a shared vision for the town centre. An initial community consultation was undertaken in February 2023 to understand the community aspirations for Bacchus Marsh over the next 15 years. Questions were designed to allow the community to express their views regarding the town centre to Council without the influence of preconceived plans or concepts. The project webpage had 2,649 views, over 50 community members attended two drop-in sessions and 100 online surveys were completed. Councillors and officers participated in a workshop in May 2023 to review the community consultation outcomes and refine a series of vision statements that captured community sentiment and have guided the development of the Structure Plan.

PROPOSAL

What the Structure Plan does

The Bacchus Marsh Town Centre Structure Plan builds on the best of the Bacchus Marsh Town Centre, establishing a framework for guiding land use and development within the Town Centre over the next 15 years, including unlocking key development sites and a civic precinct. The town centre should become an attractive and vibrant hub where people shop, work, meet, relax and live. To do this, there has been a focus on four key elements, which are summarised below.

Economic Activity and Land Use

This element seeks to strengthen the role of Bacchus Marsh as an important destination for a wide range of people. The objectives are focused on drawing a wide range of people into the town every day and keeping them there for longer by providing a pleasant environment which meets their work, education, shopping and entertainment needs.

Access and Movement

This element seeks to make it more appealing and safer for people to move through the town centre on foot and bike. Community engagement on the Vision showed that this was something the community strongly supported. As increasing numbers of new residents live within the town centre, the active transport network mapped out will encourage them to do day to day trips on foot or bike.

Public Realm and Landscape

This element recognises the existing strengths of Bacchus Marsh, its tree lined streets, riverside trails and public spaces in the town centre. Where there are opportunities identified for these to be connected, improved or constructed, the Structure Plan includes them in the implementation plan.

Built Form and Heritage

This element seeks to balance the existing character of the town, by facilitating a sympathetic blend of heritage, existing and new built form. This includes protecting remaining heritage buildings, and establishing guidelines for new buildings and how they impact and interact on public spaces, heritage buildings and residential areas. The Structure Plan supports buildings up to four storeys in height in the commercial zoned areas, and in the residential zones new dwellings would maintain existing height limits.

Consultation

Consultation on the draft Structure Plan was undertaken from 12 July to 11 August 2024 and included the following:

- Draft Structure Plan and background documents viewable on Council's webpage with access to a 4-page summary of the Structure Plan.
- Short online survey to provide feedback.
- Notification of engagement through local newspapers and social media advertising.
- Over 2000 letters inviting submissions sent to landowners and tenants within the study area and other identified stakeholders, along with the 4-page summary of the Structure Plan.
- Discussions by phone and in person with residents, businesses and community organisations.

Two paid social media posts were posted, that linked to the web page. Combined these reached 17,644 users, and the link to the project web page was opened 581 times.

Over the consultation period the project web page was the fifth most popular Council web page with 1,882 views. Forty-four surveys were completed by stakeholders and community members. Attachment 4 provides details on the engagement and demographics.

The feedback received was generally positive and applicable, with submitters and callers stating that they supported the key aspects of the Structure Plan, including the green link connecting Werribee River and Main Street, protecting heritage features and improving walking and cycling connections. Several of the submissions relate to matters which are unable to be controlled by the planning scheme, such as the types of retailers allowed to use shops.

During the consultation period, 14 written submissions were received. These included submissions from landowners within the town centre, government agencies and community groups. Many of the submissions which relate to issues directly impacted by the Structure Plan were able to be addressed through minor changes.

After the consultation period closed and the Structure Plan updated and finalised, Council officers received a late submission from the Department of Transport and Planning. Based on the review of the submission, it is concluded that no fundamental changes to the Structure Plan are required. Issues raised are noted and Council officers will continue to work with DTP as part of any implementation process.

A large number of submissions were made relating to the Werribee River, and concerns regarding removal of native vegetation and construction of non-permeable concrete paths. Revisions have been made to the Structure Plan to allow future consideration of these matters.

A summary of submissions, an officer response and proposed changes are provided in Attachment 1.

The survey also asked respondents what they would like to see included in a future Civic Precinct and provided suggested uses for them to select from. Attachment 3 highlights this feedback, which can be incorporated into a future Civic Precinct master planning process.

Updates to the Structure Plan

Following consultation, key changes made to the Structure Plan to reflect submissions include:

- Added emphasis for the consideration of safety in the design of public spaces.
- Added text to indicate a four-storey height limit in commercial zoned areas is preferred.
- Changes to emphasise the ecological value of the Werribee River and surrounds, and that this needs to be considered in future changes.
- The site at 92-98 Main Street to be identified as potential future commercial land in the short to medium term.
- Changes to reflect private land ownership of the trail 'missing link' on the north side of the Werribee River, meaning it is retained as a long-term consideration but unlikely to be feasible in the 15-year timeframe.
- Changes to the 'Green Link' representation through Key Development Site #2, acknowledging the landowners submission.

Next Steps

The Implementation Plan contains recommended changes to be made to the Moorabool Planning Scheme to implement a planning framework that can deliver the shared vision. There are also actions to be undertaken, and projects to be considered for funding in future budgets. A future report would be brought to Council with the proposed Planning Scheme Amendment, along with a further stage of consultation as part of the amendment process. Other non-strategic planning projects would follow standard Council processes of prioritisation, budgeting, consultation and construction or implementation.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 2: Liveable and thriving environments

Priority 2.1: Develop planning mechanisms to enhance liveability in the Shire

The proposal to complete the Bacchus Marsh Town Centre Structure Plan is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

The costs of Planning Scheme Amendments including mail outs, advertising and staff and consultant time are accommodated in the Growth and Development budget. Other actions contained in the Implementation Plan will be considered for funding in future budgets.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

No specific risks have been identified in undertaking community consultation on the Strategy.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Involve	General public	Online survey Social Media Newspaper Have you Say	Various	February 2023	100 respondents. Feedback and suggestions were incorporated into vision and objectives.
Involve	General public	Two drop-in sessions	Lerderderg Library	February 2023	50+ attendees. Feedback and suggestions were incorporated into vision and objectives.
Collaborate	Councillors	Workshop	Darley Pavilion	May 2023	Feedback from Councillors refined structure plan vision.
Consult	General public	Release draft documents - direct mail, newspaper, social media, website, summary document	Online	July 2024- August 2024	58 submissions and submissions-by-survey received from residents, businesses, agencies, associations and landowners.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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Executive Manager – Henry Bezuidenhout

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

Author – Liam Prescott

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

CONCLUSION

The Structure Plan ensures that the town centre remains an attractive and vibrant place and a focus for housing, retail, employment, transport, community services, leisure, open space and entertainment.

Officers have worked with the community and key stakeholders to develop a shared vision for the town centre that has driven the preparation of the final Structure Plan. Updates to the Structure

Plan have been made after considering community feedback, and the final Structure Plan is presented for adoption.

8 ANY OTHER BUSINESS

9 CLOSED SESSION OF THE MEETING TO THE PUBLIC

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020*:

9.1 C138-2024/25 Traffic Control Services

This matter is considered to be confidential under Section 3(1) confidential information - (g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with private commercial information, being information provided by a business, commercial or financial undertaking that

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

9.2 C0146 2024/2025 Darley Park Recreation Reserve Playground

This matter is considered to be confidential under Section 3(1) confidential information - (g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with private commercial information, being information provided by a business, commercial or financial undertaking that

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

10 MEETING CLOSURE