



Ordinary Council Meeting

Agenda

2:00 pm Tuesday 28 February 2023

Council Chambers, Mortlake Council Offices

1 Jamieson Avenue, Mortlake Vic

2040 Vision Statement

The People of Moyne embrace the region's extraordinary cultural and ecological country.

Our fertile volcanic plains and pristine coast are the pride of Victoria's southwest. From coast to country, our connected and vibrant communities are active stewards, working meaningfully towards protection and advancement of environment, history, social and economic vitality for present and future generations.

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Summary of Report items

- 2.1 [Monthly Financial Performance Report January 2023](#) p 29
- Overview: The purpose of the report is to inform the Council of the financial performance and position of the Council. It provides a snapshot of some key financial indicators and monitors performance against year-to-date actuals.
- 2.2 [Council Plan 2021 - 2025 - Half Yearly Report](#) p 84
- Overview: This report provides Council with a half yearly report on Council's performance against the Council Plan, strategic indicators and target projects, for the six months ended 31 December 2022. The Council Plan is the key document setting out the strategic direction for Moyne Shire Council from 2021 – 2025.
- 2.3 [Local Government Performance Reporting Framework \(LGPRF\) Half Yearly Report](#) p 95
- Overview: This report provides Council with results for the Local Government Performance Reporting Framework for the six months ended 31 December 2022.
- 2.4 [National General Assembly of Local Government Motions 2023](#) p 110
- Overview: The Australian Local Government Association (ALGA) will host the National General Assembly (NGA) of Local Government in Canberra 13-16 June 2023. Matters for consideration at the NGA are now open for submission. As part of its advocacy role to government Council has previously submitted matters for consideration and the following draft motion has been prepared for resolution and to advocate for issues of concern associated with renewable energy transmission lines.
- 2.5 [MAV State Council Motions 2023](#) p 114
- Overview: MAV State Council is being held on 19 May 2023 and matters for consideration are now open for submission. As part of its advocacy role to government Council has regularly submitted matters for consideration and the following draft motion has been prepared for resolution and to advocate for issues of concern associated with renewable energy transmission lines.

- 2.6 [Coastal Connect - Joint Venture ICT Procurement Policy](#) p 117
- Overview: The Councils of Corangamite Shire, Moyne Shire and Warrnambool City recently established an unincorporated joint venture for the purposes of procuring and implementing ICT shared services. The procurement policy proposed for endorsement is a requirement of the Joint Venture Agreement.
- 2.7 [Instrument of Appointment and Authorisation Planning & Environment Act 1987](#) p 132
- Overview: This instrument can be used by a council to authorise officers to enforce the *Planning and Environment Act 1987* and institute proceedings on behalf of the council or represent the council.
- 2.8 [FY 2022-2023 CAF Round 2 \\$5,001 - \\$30,000 Report](#) p 136
- This report presents a list of Round 2 grant applications for the Community Assistance Fund (CAF) \$5,001 to \$30,000 Category for endorsement by the Chief Executive Officer (CEO). This procedure is in line with the revised Community Assistance Fund Guidelines adopted by Council at the 1 March 2022 Ordinary Council Meeting.
- 2.9 [Recommendations of Panel Report for C70moyn](#) p 140
- Overview: This report provides the C70moyn Panel Report for Councillors to consider the recommendations of the Planning Panel Report for Moyne Planning Scheme Amendment C70moyn – Rural Housing and Settlement Strategy and recommends that Council considers and adopts the Panel’s recommendations.
- 2.10 [Princes Highway Port Fairy Storm Water Petition](#) p 248
- Overview: This report is in response to the petition request report endorsed at the 31 January Ordinary Council Meeting. The submission by residents titled as a ‘petition’ which contains 8 signatures regarding properties on the service road between 165 to 183 Princes Highway, Port Fairy sought Council to consider the potential impacts of stormwater associated with the noted properties.
- 2.11 [Stock Underpass Fund Application - Sampsons Ford Road GARVOC](#) p 252

Overview: This report pertains to an application for \$10,000 funding from Councils Stock Underpass Fund. The proposed underpass would be on Sampsons Ford Road at Garvoc.

1 Procedural

1.1 Acknowledgement of Country

The Mayor will read the following:

We begin by acknowledging the Traditional Custodians of the land on which we meet today and pay our respects to their Elders past and present. We extend that respect to Aboriginal and Torres Strait Islander peoples here today.

1.2 Prayer

The Deputy Mayor will read the following:

Almighty God, we humbly beseech your blessing on the Council, direct and prosper its deliberations for the welfare of the people of the Moyne Shire. Amen.

1.3 Live streaming of Council Meetings

The Mayor will read the following:

Please note that today's meeting is being live streamed and can be viewed by the general public via Council's Facebook page, and later uploaded to Council's website. By participating in and addressing those present at the meeting, you consent to any information you disclose (including any personal information or sensitive information) being recorded and uploaded to the website.

1.4 Apologies

The formal notification from Councillors unable to attend the meeting.
A Motion is required to accept Apologies.

1.5 Declarations of Conflict Interest

Reference: Local Government Act 2020 – Sections 130 (1)(a) and 130(2) Disclosure of Conflict of Interest in respect of a matter to be considered at a Council Meeting

A relevant person who has a conflict of interest in respect of a matter must:

- a) disclose the conflict of interest in the manner required by the Council's Governance Rules [Refer to Governance Rules– Division 2 Councillor conflict of interest disclosures]
and
- b) exclude themselves from the decision-making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

Members of Staff

If a member of Council staff has a conflict of interest in a matter which they are providing advice to Council:

- a) if the advice is included in a report, the report must disclose the conflict of interest
- b) if the officer is speaking in the council meeting, the officer must disclose the conflict of interest before speaking on the matter.

1.6 Confirmation of Minutes from previous meeting

Recommendation

That the Minutes of the Council Meeting held on Tuesday 31 January, 2023 be accepted and confirmed as correct.

Attachments

- | |
|--|
| 1. 2023-01-31 OCM Unconfirmed Minutes [1.6.1.1 - 17 pages] |
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Ordinary Council Meeting

Minutes

Held on Tuesday 31 January 2023

Council Chambers, Mortlake Council Offices
1 Jamieson Avenue, Mortlake VIC



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Unconfirmed Minutes of the Ordinary Meeting
of Moyne Shire Council held on Tuesday 31 January 2023, at Council
Chambers,
Mortlake Council Offices, 1 Jamieson Avenue, Mortlake Vic
commencing at 2:00 pm.

Present

Councillors Karen Foster (Mayor), Jim Doukas, Damian Gleeson, Jordan Lockett,
Daniel Meade (Deputy Mayor), James Purcell, Ian Smith

Officers Brett Davis, Chief Executive Officer
Edith Farrell, Director Infrastructure and Environment
David Rae, Director Community & Corporate Services
Jodie McNamara, Director Economy and Place
Michelle Grainger, Manager Energy Projects
Kathryn Ryan, Executive Assistant

1 Procedural

1.1 Acknowledgement of Country

The Mayor read the following statement:

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1.2 Live streaming of Council Meetings

The Mayor read the following statement:

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1.3 Prayer

The Deputy Mayor read the Prayer:

Almighty God, we humbly beseech your blessing on the Council, direct and prosper its deliberations for the welfare of the people of the Moyne Shire. Amen.

1.4 Apologies

No apologies at this meeting.

1.5 Declarations of Conflict Interest

No declarations made at this meeting

1.6 Confirmation of Minutes from previous meetings

Cr James Purcell moved, Cr Daniel Meade seconded that the Minutes of the Council Meeting held on 6 December 2022 be accepted and confirmed as correct.

CARRIED UNANIMOUSLY 7 / 0

1.7 Public Participation

Cr Ian Smith moved, Cr James Purcell seconded

That Standing Orders be suspended in order that the following Public Participants be heard.

CARRIED UNANIMOUSLY 7 / 0

Referring to Item 2.7 – Mt Fyans Wind Farm, Council's submission to Planning Permit Application PA18004060

1. Nick Allen
2. Adrienne and Colin Cameron
3. Sean Maxwell
4. Anne Blacker
5. Raymond Paton
6. Nina Thomas
7. Giles Rinckes, Woolnorth Renewables



Cr Daniel Meade moved, Cr Ian Smith seconded that Standing Orders be resumed and the Order of Business be changed to hear item 2.7 next.

CARRIED UNANIMOUSLY 7 / 0

2 Officers Reports

2.7 Mt Fyans Wind Farm - Council Submission to Planning Permit Application PA1800406

Overview: The Minister for Planning has placed the Mt Fyans Wind Farm Planning Permit application on exhibition. Council, as a stakeholder must consider the application and make a submission including a request to be heard at Panel based broadly on its current position of pausing the approval of new wind farms in the Shire until such time as a strategic approach including a threshold on the number of turbines in the Shire is set by the state government.

Cr Jim Doukas moved, Cr Daniel Meade seconded that Council,

- 1. In accordance with its current position on windfarms, write to the Minister for Planning objecting to the Planning Permit Application (PA1800406) for the Mt Fyans Wind Farm, and request to be heard at the Panel to be convened by the Minister generally in accordance with the draft submission attached to this report and**
- 2. Make reference to the 608 signatories to an objecting letter in the draft submission to the minister for Planning.**

CARRIED UNANIMOUSLY 7 / 0

2.1 Committees of Council - Councillor Membership

Overview: The report considers Council representation on the various Council Committees and external bodies with which Council is associated.

Cr Daniel Meade moved, Cr Jordan Lockett seconded

That Council appoint members to Committees of Council and delegates to organisations as follows:



Port of Port Fairy Delegated Committee	Cr Lockett Cr Purcell
Koroit Theatre Community Asset Committee	Cr Gleeson
Mortlake Recreation Reserve Community Asset Committee	Cr Smith
Nirranda and District Community Facility Community Asset Committee	Cr Meade
Southcombe Park Community Asset Committee	Cr Purcell
Victoria Park Community Asset Committee	Cr Foster
Audit Committee and Risk Management Advisory Committee	Mayor Cr Purcell
CEO Employment & Remuneration Advisory Committee	Cr Doukas Cr Foster Cr Gleeson Cr Lockett Cr Meade Cr Purcell Cr Smith
Economic Development Committee	Cr Meade Cr Gleeson
Mt. Shadwell Quarry Consultative Committee	Cr Doukas Cr Smith
Port Fairy Lifeboat Committee	Cr Lockett
DELEGATES TO OTHER COMMITTEES	
Australian Coastal Councils Association	Cr Foster
Belfast Aquatics	Cr Gleeson
South West Victoria Alliance (prev Great South Coast Municipalities Group)	Mayor



Municipal Association of Victoria (MAV)	Mayor
	Substitute - Deputy Mayor
MAV Rural & Regional Forum	Mayor
Alliance for Rail Freight Development	Cr Doukas
Rural Councils Victoria	Mayor
	Substitute – Deputy Mayor
Timber Towns Victoria	Cr Doukas
Warrnambool Airport Reference Group	Cr Doukas

CARRIED UNANIMOUSLY 7 / 0

2.2 Monthly Financial Performance Report – December 2022

Overview: The purpose of the report is to inform the Council of the financial performance and position of the Council. It provides a snapshot of some key financial indicators and monitors performance against year-to-date actuals.

Cr Damian Gleeson moved, Cr James Purcell seconded

- 1. That Council receive the Monthly Financial Performance Report December 2022.**
- 2. That Council approves the variations as listed under Section 7 Budget Variations for the current month.**

CARRIED UNANIMOUSLY 7 / 0

2.3 Audit and Risk Committee Meeting Minutes

Overview: The report presents the unconfirmed minutes from the Audit and Risk Committee meeting held on the 7 December 2022

Cr Daniel Meade moved, Cr James Purcell seconded

That Council receives the unconfirmed minutes from the Audit and Risk Committee meeting held on 7 December 2022.

CARRIED UNANIMOUSLY 7 / 0



2.4 Audit and Risk Committee Annual Assessment

Overview: The purpose of the report is for the Chief Executive Officer to table the results of the Audit and Risk Committee's annual assessment as required by section 54(4) (b) of the Local Government Act 2020.

Cr Jim Doukas moved, Cr Ian Smith seconded

That Council receives the results of the Audit and Risk Committee annual assessment for 2022.

CARRIED UNANIMOUSLY 7 / 0

2.5 Community Asset Committee Annual Report 2022

Overview: Section 47(6) of the Local Government Act 2020 requires the Chief Executive Officer to submit an annual report to Council in relation to the activities and performance of its Community Asset Committees. The report presents the activities and performance of Council's five (5) Community Asset Committees for 2021-2022.

Cr Daniel Meade moved, Cr Ian Smith seconded

That Council receives the Chief Executive Officers report on its Community Asset Committees in accordance with Section 47(6) of the Local Government Act 2020 in relation to the activities and performance of these Committees for the 2021-2022 financial year.

CARRIED UNANIMOUSLY 7 / 0

2.6 Instrument of Appointment and Authorisation P & E Act 1987

Overview: The instrument can be used by a council to authorise officers to enforce the *Planning and Environment Act 1987* and institute proceedings on behalf of Council or represent Council.

Cr Jordan Lockett moved, Cr Damian Gleeson seconded

In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, Moyné Shire Council (Council) resolve that –



1. All previous appointment and authorisations for *Planning and Environment Act 1987* be revoked
2. “The Officers” be appointed and authorised as set out in the instrument.
3. The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.

CARRIED UNANIMOUSLY 7 / 0

Item 2.7 Mt Fyans Wind Farm - Council Submission to Planning Permit Application PA1800406 was considered earlier in the meeting.

2.8 Proposed lease to Powercor Australia Ltd – Part of Gardens Caravan Park Reserve located at 111 Griffiths Street, Port Fairy

Overview: Council has received a draft lease from Powercor Australia Ltd for 50 years with respect to installation of a new power substation for the purposes of receiving, distributing, transforming and supplying electricity to the Gardens Caravan Park located at 111 Griffiths Street, Port Fairy.

Cr Jim Doukas moved that

1. Authorise the CEO to proceed to advertise a Notice of Intention under section 115 of the *Local Government Act 2020* (the Act) of intention to enter into a lease agreement with Powercor Australia Ltd ACN 064 651 109 for a total of 50 years for part of 111 Griffiths Street, Port Fairy.

The proposed lease agreement provides for an electrical substation and for other purposes incidental to the receiving, distributing, transforming and supplying of electricity and is based on the following conditions:

- Lease Commencement Date – To be determined.
- Rental Commencement - \$0.10c per annum plus GST payable on demand.
- Lease Term – Thirty (30) years with one (1) option of a further term of twenty (20) years
- Leased area of fifty six square metres in accordance with Annexure B of the agreement.



2. **Seek and consider any public submissions under Section 115 of the Act by giving no less than 28 days' notice on Council's intention to enter the proposed lease with Powercor Australia Ltd; and**
3. **Direct Council officers to provide a further report to Council upon cessation of the Notice of Intention period and should no submissions be received; Council authorise the signing and sealing of the Lease agreement by all parties.**

Cr Doukas withdrew the motion.

Cr Daniel Meade moved, Cr Jordan Lockett seconded

That Council resolves to:

1. **Authorise the CEO to proceed to advertise a Notice of Intention under section 115 of the *Local Government Act 2020* (the Act) of intention to enter into a lease agreement with Powercor Australia Ltd ACN 064 651 109 for a total of 50 years for part of 111 Griffiths Street, Port Fairy.**

The proposed lease agreement provides for an electrical substation and for other purposes incidental to the receiving, distributing, transforming and supplying of electricity and is based on the following conditions:

- **Lease Commencement Date – To be determined.**
- **Rental Commencement - \$0.10c per annum plus GST payable on demand.**
- **Lease Term – Thirty (30) years with one (1) further term of twenty (20) years.**

2. **Seek and consider any public submissions under Section 115 of the Act by giving no less than 28 days' notice on Council's intention to enter the proposed lease with Powercor Australia Ltd; and**
3. **Direct Council officers to provide a further report to Council upon cessation of the Notice of Intention period and should no submissions be received; Council authorise the signing and sealing of the Lease agreement by all parties.**

CARRIED 6 / 1



For	Against
Cr Karen Foster	
Cr Damian Gleeson	
Cr Jordan Lockett	
Cr Daniel Meade	Cr Jim Doukas
Cr James Purcell	
Cr Ian Smith	

2.9 Food Registration Fee Exemption Policy

Overview: Policy Review for SD-1 Food Registration Fee Exemption Policy

Cr Damian Gleeson moved, Cr Jordan Lockett seconded

- a) **That Council endorse the updated SD-1 Food Registration Fee Exemption Policy Version 002**
- b) **That Council review SD-1 Food Registration Fee Exemption Policy Version 002 prior to November 2026**

CARRIED UNANIMOUSLY 7 / 0

2.10 Princes Highway Port Fairy Storm Water Petition

Overview: The report provides for the tabling of a submission by residents titled as a 'petition' which contains 8 signatures regarding properties on the service road between 165 to 183 Princes Highway, Port Fairy and the potential impacts of stormwater.

Cr James Purcell moved, Cr Damian Gleeson seconded

1. **That Council accept the submission by residents titled as a petition.**
2. **That Council request a subsequent report on the matter and consideration in the 2023 - 2024 budget.**

CARRIED UNANIMOUSLY 7 / 0



3 Councillors' Items

3.1 Mayor and Councillor Activities

Overview: The report provides information to Council in regard to the Councillors' attendance at briefings, forum and other meetings, between 26 November 2022 and 20 January 2023.

Mayor Activities

Date	Location	Meeting / Event
2022		
26 November	Koroit	Great Victorian Bike Ride - Mayor's welcome to riders
30 November	Mortlake	<i>Women Leading Locally</i> event
1 December	Allansford	Visit to Saputo factory
2 December	Koroit	Citizenship ceremonies
5 December	By electronic means	Everybody's Business Elder Abuse Prevention Network meeting
6 December	Mortlake	Council Meeting
6 December	Mortlake	Community Capital Works presentations
9 December	Melbourne	MAV Mayoral Welcome and Induction
12 December	By electronic means	Australian Coastal Councils Association
13 December	Peterborough	Councillor Workshop and Listening Post
14 December	Koroit Library	Book Reading with the Mayor
22 December	Woolsthorpe	Staff long service award presentation and end of year breakup lunch
27 December	Port Fairy	Official opening of Port Fairy Belfast Lions Art Show
2023		
17 January	Port Fairy	Councillor Workshop
18 January	Koroit	Victoria Park Asset Committee meeting

Council noted the report item Mayor Activities.



Councillor Activities

Date	Location	Meeting / Event
2022		
1 December	Allansford	Visit to Saputo factory
1 December	Melbourne	2022 Victorian Tourism Awards Gala Ceremony
2 December	Koroit	Citizenship ceremonies
2 December	Woolsthorpe	Woolsthorpe Wind Farm Community Engagement Committee (CEC) meeting
6 December	Mortlake	Council Meeting
6 December	Mortlake	Community Capital Works Presentations
6 December	Port Fairy	Moyneyana House AGM
7 December	Port Fairy	Audit and Risk Management Committee meeting
7 December	Hawkesdale	Hawkesdale and District Advancement Committee (HADDAC)
7 December	Port Fairy	Port Fairy Place Vision
7 December	Mortlake	Mortlake Wind Farm CEC Meeting
12 December	Woorndoo	Salt Creek Wind Farm CEC Meeting
12 December	Woorndoo	Dundonnell Wind Farm CEC Meeting
13 December	Peterborough	Councillor Workshop and Listening Post
15 December	Port Fairy	Port Fairy Consolidated School Presentation Night
20 December	By electronic means	Hawkesdale Wind Farm CEC meeting
22 December	Woolsthorpe	Staff Long Service Awards Presentation and Endo of Year Breakup lunch
2023		
10 January	Mortlake	Mortlake and Community Development Committee (MCDC) Meeting
17 January	Port Fairy	Councillor Workshop

Council noted the report item Councillor Activities.



3.2 Councillor Notice of Motion

Overview: A Councillor may lodge a notice of motion on any matter the Councillor wants to be considered.

3.2.1 Cr Doukas Notice of Motion - \$50,000 request, independent noise assessment and statutory audit of Macarthur Wind Farm

Cr Jim Doukas moved, Cr James Purcell seconded

That Moynes Shire Councillors Moynes Shire councillors direct the CEO to write to the Minister for Planning and DELWP (or its equivalent) and request the grant for \$50,000 (excl GST) that Moynes Shire Council previously rejected in 2019 in order to undertake a council independent noise assessment and statutory audit of Macarthur Wind Farm wind energy facility.

CARRIED 6 / 1

For	Against
Cr Jim Doukas	
Cr Karen Foster	
Cr Jordan Lockett	Cr Damian Gleeson
Cr Daniel Meade	
Cr James Purcell	
Cr Ian Smith	



3.3 General Matters

Overview: General Matters gives Councillors the opportunity to report on positive and good news items from around the Shire.

- Cr Meade On behalf of Moyne Shire, I'd like to pass on condolences to the family of Reg Dumnesy who passed away last week. He was 2016 Moyne Citizen of the Year, a very hard working volunteer in Panmure and district.
- Cr Doukas I'd like to endorse what Cr Meade said. Not only was Reg Dumnesy a great character, he had a great ability to support the community and did so.
- Cr Lockett I would like to congratulate council staff, Sarah Fenton and Myra Murrphy for their fantastic work behind the scenes for the Australia Day events. The Smoking Ceremony early in the day *Ngootyoong Laka, Ngootyoong Yana - Walking and Talking with respect* held at the massacre monument in Port Fairy and also later in the day, Citizenship Ceremonies held in Koroit. A big thank you to Brett Clark and Uncle Rob Lowe (senior) for a very powerful and moving ceremony. The Shire should be congratulated for acknowledging and respecting what occurred in the past. It is a difficult space and the shire should be really proud of how the day unfolded.
- Also lot of wonderful events across the shire at the moment: Moyneyana Festival held a massive program over several weeks in Port Fairy; the Koroit Truck show; Orford Vintage Rally and also Goomfest in Wangoom which was a roaring success. Coming up is *Music in the Vines* (this weekend) and the *Down South Fest* being held in Port Fairy on 25 February; the Jazz Festival is 10-12 Feb and the Folk Festival in March. This really is the festival shire!
- Cr Gleeson Congratulations to council staff and officers for their support given to local business especially accommodation – it was really well received.
- Cr Lockett The *parklets* in Port Fairy are an absolute roaring success!

3.4 Urgent Business

Overview: A Councillor may raise an urgent matter for consideration at a Council Meeting if the Councillors considers that the matter is extremely urgent and it was not possible for the matter to have been included in the agenda notice for the meeting.

No urgent business recorded for this meeting.



4 CEO Meeting Schedule

Council noted the report item CEO Meeting Schedule 26 November 2022 and 20 January 2023.

5 CEO Activities Report

Overview: Statistics and updates from directorates on key works and initiatives for the previous month.

Council noted the report item CEO Activities Report.

6 Close Meeting

The Council Meeting 31 January 2023 was declared closed at 4:28 pm.

Confirmed this 28th February 2023

.....
Mayor, Cr Karen Foster

1.7 Public Participation

Refer to Governance Rules - Division 5 Public Participation

Members of the public attending the monthly Council Ordinary Meeting may address the meeting in respect of either:

- a) any item listed in the business paper; or
- b) any other matter relevant to the activities and projects of the Council.

The public participation segment for each Council meeting will be held after the confirmation of Minutes of previous meeting(s) and be considered in the order they were received.

Unless an extension is granted by a ruling of the Mayor, a member of the public asking a question or making a statement must not speak for more than 5 minutes.

If a question cannot be answered at the meeting, the Chief Executive

Officer must provide a written response to the question as soon as is practicable to the person asking the question and Councillors.

Any person wishing to address the Council must submit details in writing of the nature of the issue / question they wish to raise by 12 noon on the Monday prior to the meeting day.

Public Participation attendees for this meeting:

Recommendation

That Standing Orders be suspended in order that Public Participants be heard.

None registered at time of printing.

2 Officers Reports

2.1 Monthly Financial Performance Report – January 2023

Directorate: Community and Corporate Services

Report Author: Manager Finance & ICT

Overview: The purpose of the report is to inform the Council of the financial performance and position of the Council. It provides a snapshot of some key financial indicators and monitors performance against year-to-date actuals.

Officer Recommendation

- 1. That Council receive the Monthly Financial Performance Report January 2023.**
 - 2. That Council approves the variations as listed under Section 7 Budget Variations for the current month.**
-

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

Attachments

- | |
|---|
| 1. Monthly Financial Performance Report - January 2023 [2.1.1 - 54 pages] |
|---|

2.3 Local Government Performance Reporting Framework (LGPRF) Half Yearly Report

Directorate: Community and Corporate Services
Report Author: Manager Organisational Development

Overview: This report provides Council with results for the Local Government Performance Reporting Framework for the six months ended 31 December 2022.

Officer Recommendation

That Council note the results for the Local Government Performance Reporting Framework for the six months ended 31 December 2022.

Background

The LGPRF is a comparative reporting framework for Victorian Councils to ensure Councils are measuring and reporting on their performance in a consistent way to the community.

The Framework was introduced in 2014-15 and performance data has been made publicly available on the 'Know Your Council' website.

Under the Local Government (Planning and Reporting) Regulations 2020, Council is required to provide half-yearly and annual reports on Council's results from the data collection for the LGPRF.

Councils are required to present a selection of the Indicators in a Performance Statement prepared each financial year, audited and included in the Annual Report.

The LGPRF contains service performance indicators across broad service areas. Service areas included in the July-December 2022 period were:

- Aquatic Facilities
- Animal Management
- Food Safety
- Governance
- Libraries
- Maternal and Child Health (MCH)
- Roads
- Statutory Planning
- Waste Collection

When interpreting the data provided in this report, some care should be taken as it only pertains to half the financial year. Non-financial elements reported are not always uniform throughout the year and the timing of revenue or expenditure can also impact on variance.

The Local Government Performance Reporting Framework is undergoing changes in FY22-23. As recommended by the Victorian Auditor-General in 2017, target setting is required from 2023-2024, following changes to the Local Government (Planning and Reporting) Regulations 2020. This will impact on comparative data reporting going forward.

Strategic Link

Council Plan 2021-2025

Budget 2022-2023

The Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020

Discussion

The data submitted for this half year gives a good indication of how Council is performing against the Local Government expected range; some of the results are outside permissible or expected range and this can be expected because this reporting is shorter than the 12-month period.

There are also some measures that cannot be reported mid-year such as results from the Community Satisfaction Survey.

A number of cost indicators are not able to be reliably reported until 30 June 2023 due to the requirement for end of year financial results.

For the July to December 2022 period non-financial performance indicators are within expected ranges. Where the costs of providing services are reported, 6 monthly data are not always comparable to the previous 12-month periods. This is highlighted with a comment where applicable on Attachment 2 to this report.

The half-yearly report is also a good opportunity for staff to review the data in preparation for the full year reporting process

Consultation

The Local Government (Planning and Reporting) Regulations 2020 require the reporting of six (6) monthly results.

Financial Implications

No financial implications on the collecting and reporting of six (6) monthly data.

Risk

Risk identified: No Identified Risk

Conclusion

This report provides information on Council's performance in delivering against the strategic indicators contained in the Local Government Performance Reporting Framework (LGPRF). The data submitted for this half year gives a good indication how Council are performing against the Local Government expected range.

A report on Moyne's results will be provided to the Council Audit and Risk Management Committee.

The whole financial year data is audited and appears in Councils Annual Report.

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

Attachments

- | |
|--|
| <ol style="list-style-type: none">1. LGPRF Half Yearly Results - Performance Statement [2.3.1 - 5 pages]2. LGPRF Half Year Report of Operations [2.3.2 - 7 pages] |
|--|

PERFORMANCE STATEMENT FOR PERIOD ENDING 31 DECEMBER 2022

Sustainable Capacity Indicators

Indicator / measure [formula]	Results				Comment
	2020	2021	2022	Half Yr 2023	
Population					
<i>Expenses per head of municipal population</i> [Total expenses / Municipal population]	\$2,921.96	\$3,005.29	\$3,119.27	\$1,644.16	
<i>Infrastructure per head of municipal population</i> [Value of infrastructure / Municipal population]	\$30,730.49	\$31,547.89	\$33,954.71	\$34,046.71	
<i>Population density per length of road</i> [Municipal population / Kilometres of local roads]	6.18	6.21	6.27	6.27	
Own-source revenue					
<i>Own-source revenue per head of municipal population</i> [Own-source revenue / Municipal population]	\$1,814.92	\$1,763.98	\$1,884.62	\$1,872.63	
Recurrent grants					
<i>Recurrent grants per head of municipal population</i> [Recurrent grants / Municipal population]	\$953.87	\$1,041.70	\$1,106.21	\$240.30	
Disadvantage					
<i>Relative Socio-Economic Disadvantage</i> [Index of Relative Socio-Economic Disadvantage by decile]	8.00	8.00	8.00	8.00	
Workforce turnover					
<i>Percentage of staff turnover</i> [Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x100	12.6%	17.1%	25.0%	15.2%	

Service Performance Indicators

Service/indicator/measure [formula]	Results				Comment
	2020	2021	2022	Half Yr 2023	
Aquatic Facilities Utilisation Utilisation of aquatic facilities [Number of visits to aquatic facilities / Municipal population]	0.44	0.41	0.18	-	Annual Indicator
Animal Management Health and safety Animal management prosecutions [Number of successful animal management prosecutions / Number of animal management prosecutions] x 100	100%	0%	100%	100%	
Food Safety Health and safety Critical and major non-compliance outcome notifications [Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100	100.00%	71.43%	100.00%	0.00%	
Governance Satisfaction Satisfaction with council decisions [Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]	58	58	55	-	Annual Indicator
Libraries Participation Active library borrowers in municipality [Number of active library borrowers in the last three years / The sum of the population for the last three years] x100	10.04%	16.81%	26.96%	22.92%	Promotion of CMLS launch and 'post covid' has seen a reactivation of us

ATTACHMENT: 2.3.1 LGPRF Half Yearly Results - Performance Statement

Maternal and Child Health (MCH)					
Participation					
<i>Participation in the MCH service</i>	74.46%	70.94%	75.59%	-	Data not available at reporting date
<i>[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100</i>					
Participation					
<i>Participation in the MCH service by Aboriginal children</i>	56.25%	62.86%	83.33%	-	Data not available at reporting date
<i>[Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100</i>					
Roads					
Satisfaction					
<i>Satisfaction with sealed local roads</i>	38	43	42	-	Data not available at reporting date
<i>[Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]</i>					
Statutory Planning					
Decision making					
<i>Council planning decisions upheld at VCAT</i>	0.00%	100.00%	100.00%	n/a	There were no decisions considered by VCAT During the reporting period.
<i>[Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100</i>					
Waste Collection					
Waste diversion					
<i>Kerbside collection waste diverted from landfill</i>	63.32%	63.33%	61.35%	63.57%	
<i>[Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100</i>					

Financial Performance Indicators

Dimension/indicator/measure	Results				Forecasts			
	2020	2021	2022	Half Year 2023	2023	2024	2025	2026
Efficiency								
Expenditure level								
<i>Expenses per property assessment</i> [Total expenses / Number of property assessments]	\$4,056.90	\$4,162.27	\$4,343.22	\$2,289.31	\$4,123.43	\$4,104.99	\$4,086.44	\$4,077.13
Revenue level								
<i>Average rate per property assessment</i> [Total rate revenue (general rates and municipal charges) / Number of property assessments]	\$1,480.27	\$1,481.94	\$1,504.29	\$1,537.63	\$1,502.30	\$1,499.97	\$1,497.76	\$1,495.66
Liquidity								
Working capital								
<i>Current assets compared to current liabilities</i> [Current assets / Current liabilities] x100	252.65%	298.49%	294.85%	421.55%	114.43%	122.82%	137.61%	151.71%
Unrestricted cash								
<i>Unrestricted cash compared to current liabilities</i> [Unrestricted cash / Current liabilities] x100	65.15%	100.46%	63.70%	43.08%	61.72%	68.89%	83.42%	97.69%
Obligations								
Loans and borrowings								
<i>Loans and borrowings compared to rates</i> [Interest bearing loans and borrowings / Rate revenue] x100	0.00%	12.66%	10.98%	10.27%	9.47%	8.28%	6.79%	5.65%
<i>Loans and borrowings repayments compared to rates</i> [Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100	1.37%	0.00%	1.34%	0.84%	1.22%	1.22%	1.16%	1.16%
Indebtedness								
<i>Non-current liabilities compared to own source revenue</i> [Non-current liabilities / Own source revenue] x100	11.56%	21.12%	17.45%	17.19%	15.54%	14.65%	13.34%	12.47%
Asset renewal and upgrade								
<i>Asset renewal and upgrade compared to depreciation</i> [Asset renewal and asset upgrade expense / Asset depreciation] x100	141.23%	141.39%	133.39%	102.16%	112.12%	101.52%	103.62%	101.12%
Operating position								
Adjusted underlying result								
<i>Adjusted underlying surplus (or deficit)</i> [Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x100	-4.80%	-6.17%	-3.25%	22.63%	1.15%	1.15%	2.22%	2.12%

ATTACHMENT: 2.3.1 LGPRF Half Yearly Results - Performance Statement

Stability								
Rates concentration								
<i>Rates compared to adjusted underlying revenue</i>	48.88%	49.15%	47.25%	69.31%	49.27%	49.35%	51.09%	51.11%
<small>[Rate revenue / Adjusted underlying revenue] x100</small>								
Rates effort								
<i>Rates compared to property values</i>	0.31%	0.32%	0.28%	0.29%	0.29%	0.28%	0.29%	0.29%
<small>[Rate revenue / Capital improved value of rateable properties in the municipality] x100</small>								

REPORT OF OPERATIONS FOR PERIOD ENDING 31 DECEMBER 2022

Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2020	2021	2022	Half Yr 2023	
Aquatic Facilities					
Service standard					
AF2 Health inspections of aquatic facilities [Number of authorised officer inspections of Council aquatic facilities / Number of Council aquatic facilities]	0.00	1.00	0.00	0.00	Annual Indicator
Utilisation					
AF6 Utilisation of aquatic facilities [Number of visits to aquatic facilities / Municipal population]	0.44	0.41	0.18	0.00	No data was provided
Service cost					
AF7 Cost of aquatic facilities [Direct cost of aquatic facilities less income received / Number of visits to aquatic facilities]	\$21.46	\$24.17	\$40.46	-	No data was provided
Animal Management					
Timeliness					
AM1 Time taken to action animal management requests [Number of days between receipt and first response action for all animal management requests / Number of animal management requests]	1.00	1.00	1.00	1.00	
Service standard					
AM2 Animals reclaimed [Number of animals reclaimed / Number of animals collected] x100	57.91%	58.17%	39.29%	36.82%	
AM5 Animals rehomed [Number of animals rehomed / Number of animals collected] x100	8.08%	6.08%	4.76%	7.46%	
Service cost					
AM6 Cost of animal management service per population [Direct cost of the animal management service / Population]	\$15.05	\$14.72	\$17.45	\$8.88	

REPORT OF OPERATIONS FOR PERIOD ENDING 31 DECEMBER 2022

Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2020	2021	2022	Half Yr 2023	
Health and safety					
AM7 <i>Animal management prosecutions</i> [Number of successful animal management prosecutions / Number of animal management prosecutions] x 100	100.00%	0.00%	100.00%	100.00%	
Food Safety					
Timeliness					
FS1 <i>Time taken to action food complaints</i> [Number of days between receipt and first response action for all food complaints / Number of food complaints]	1.00	1.00	4.50	-	No Food Complaint Memos recorded in 2022. There have been no food complaints in the second half of the year.
Service standard					
FS2 <i>Food safety assessments</i> [Number of registered class 1 food premises and class 2 food premises that receive an annual food safety assessment in accordance with the Food Act 1984 / Number of registered class 1 food premises and class 2 food premises that require an annual food safety assessment in accordance with the Food Act 1984] x100	201.45%	41.96%	54.73%	62.76%	
Service cost					
FS3 <i>Cost of food safety service</i> [Direct cost of the food safety service / Number of food premises registered or notified in accordance with the Food Act 1984]	\$751.98	\$873.01	\$828.62	\$447.33	
Health and safety					
FS4 <i>Critical and major non-compliance outcome notifications</i> [Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100	100.00%	71.43%	100.00%	0.00%	No Non-Compliant inspections recorded in 2022 - there has been no major or critical non-compliances.

REPORT OF OPERATIONS FOR PERIOD ENDING 31 DECEMBER 2022

Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2020	2021	2022	Half Yr 2023	
Governance					
Transparency					
G1 Council decisions made at meetings closed to the public [Number of Council resolutions made at meetings of Council, or at meetings of a delegated committee consisting only of Councillors, closed to the public / Number of Council resolutions made at meetings of Council or at meetings of a delegated committee consisting only of Councillors] x100	8.90%	11.92%	10.79%	12.24%	In the six months to 31 December 2022 there have been 6 contract matters considered in confidential
Consultation and engagement					
G2 Satisfaction with community consultation and engagement [Community satisfaction rating out of 100 with how Council has performed on community consultation and engagement]	59.00	57.00	55.00	-	Annual Indicator
Attendance					
G3 Councillor attendance at council meetings [The sum of the number of Councillors who attended each Council meeting / (Number of Council meetings) × (Number of Councillors elected at the last Council general election)] x100	95.60%	98.81%	97.96%	93.65%	
Service cost					
G4 Cost of elected representation [Direct cost of the governance service / Number of Councillors elected at the last Council general election]	\$51,013.73	\$50,432.29	\$48,482.57	\$29,262.71	Increased travel & accomodation costs for 1st half of 2022/23 compared to full year 2021/22
Satisfaction					
G5 Satisfaction with council decisions [Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]	58.00	58.00	55.00	-	Annual Indicator

REPORT OF OPERATIONS FOR PERIOD ENDING 31 DECEMBER 2022

Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2020	2021	2022	Half Yr 2023	
Libraries					
Utilisation					
LB1 Physical library collection usage [Number of physical library collection item loans / Number of physical library collection items]	2.24	1.98	2.01	0.92	On track for similar full year numbers
Resource standard					
LB2 Recently purchased library collection [Number of library collection items purchased in the last 5 years / Number of library collection items] x100	66.40%	53.71%	62.75%	35.12%	Affected by exit from Corporation and setting up accounts, purchasing has recommenced, and expected to be back on track by
Participation					
LB4 Active library borrowers in municipality [Number of active library borrowers in the last three years / The sum of the population for the last three years] x100	10.04%	16.81%	26.96%	22.92%	Promotion of CMLS launch and 'post covid' has seen a reactivation of users as well as new users joining KW
Service cost					
LB5 Cost of library service per population [Direct cost of the library service / Population]	\$20.60	\$20.84	\$27.95	\$10.08	Underspent due to establishing CMLS, on track to spend by EOFY.
Maternal and Child Health (MCH)					
Service standard					
MC2 Infant enrolments in the MCH service [Number of infants enrolled in the MCH service (from birth notifications received) / Number of birth notifications received] x100	99.42%	100.00%	96.67%	100.00%	
Service cost					
MC3 Cost of the MCH service [Cost of the MCH service / Hours worked by MCH nurses]	\$114.89	\$113.16	\$78.69	\$91.99	

REPORT OF OPERATIONS FOR PERIOD ENDING 31 DECEMBER 2022

Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2020	2021	2022	Half Yr 2023	
Participation					
MC4 <i>Participation in the MCH service</i>	74.46%	70.94%	75.59%	71.82%	
[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100					
Participation					
MC5 <i>Participation in the MCH service by Aboriginal children</i>	56.25%	62.86%	83.33%	89.47%	
[Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100					
Satisfaction					
MC6 <i>Participation in 4-week Key Age and Stage visit</i>	98.25%	89.22%	87.78%	95.70%	
[Number of 4-week key age and stage visits / Number of birth notifications received] x100					
Roads					
Satisfaction of use					
R1 <i>Sealed local road requests</i>	8.73	8.58	9.76	7.25	
[Number of sealed local road requests / Kilometres of sealed local roads] x100					
Condition					
R2 <i>Sealed local roads maintained to condition standards</i>	97.41%	93.13%	96.67%	96.65%	
[Number of kilometres of sealed local roads below the renewal intervention level set by Council / Kilometres of sealed local roads] x100					
Service cost					
R3 <i>Cost of sealed local road reconstruction</i>	\$46.66	\$46.85	\$64.32	-	It is not possible to provide roads data for a 6 monthly period, as jobs may have commenced, or not completed etc. The report always goes without this data for the 6 month reporting period
[Direct cost of sealed local road reconstruction / Square metres of sealed local roads reconstructed]					
Service Cost					

REPORT OF OPERATIONS FOR PERIOD ENDING 31 DECEMBER 2022

Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2020	2021	2022	Half Yr 2023	
R4 <i>Cost of sealed local road resealing</i> [Direct cost of sealed local road resealing / Square metres of sealed local roads resealed]	\$3.68	\$3.73	\$4.52	-	It is not possible to provide roads data for a 6 monthly period, as jobs may have commenced, or not completed etc. The report always goes without this data for the 6 month reporting period
Satisfaction R5 <i>Satisfaction with sealed local roads</i> [Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]	38.00	43.00	42.00	-	It is not possible to provide roads data for a 6 monthly period, as jobs may have commenced, or not completed etc. The report always goes without this data for the 6 month reporting period
Statutory Planning					
Timeliness					
SP1 <i>Time taken to decide planning applications</i> [The median number of days between receipt of a planning application and a decision on the application]	55.00	51.00	70.00	70.00	
Service standard SP2 <i>Planning applications decided within required time frames</i> [(Number of regular planning application decisions made within 60 days) + (Number of VicSmart planning application decisions made within 10 days) / Number of planning application decisions made] x100	77.12%	84.67%	81.32%	82.03%	
Service cost SP3 <i>Cost of statutory planning service</i> [Direct cost of the statutory planning service / Number of planning applications received]	\$2,558.77	\$2,164.80	\$1,931.61	\$2,582.01	

REPORT OF OPERATIONS FOR PERIOD ENDING 31 DECEMBER 2022

Service Performance Indicators

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Service / indicator / measure	Results				Comments
	2020	2021	2022	Half Yr 2023	
Decision making					
SP4 Council planning decisions upheld at VCAT [Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100	0.00%	100.00%	100.00%	n/a	There were no decisions considered by VCAT During the reporting period.
Waste Collection					
Satisfaction					
WC1 Kerbside bin collection requests [Number of kerbside garbage and recycling bin collection requests / Number of kerbside bin collection households] x1000	67.54	70.13	63.17	38.08	
Service standard					
WC2 Kerbside collection bins missed [Number of kerbside garbage and recycling collection bins missed / Number of scheduled kerbside garbage and recycling collection bin lifts] x10,000	2.02	1.98	1.61	3.64	
Service cost					
WC3 Cost of kerbside garbage bin collection service [Direct cost of the kerbside garbage bin collection service / Number of kerbside garbage collection bins]	\$132.92	\$130.20	\$138.23	\$71.99	
Service cost					
WC4 Cost of kerbside recyclables collection service [Direct cost of the kerbside recyclables bin collection service / Number of kerbside recyclables collection bins]	\$70.47	\$41.61	\$49.16	\$26.05	
Waste diversion					
WC5 Kerbside collection waste diverted from landfill [Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100	63.32%	63.33%	61.35%	63.57%	

2.4 National General Assembly of Local Government Motions 2023

Directorate: Community and Corporate Services

Report Author: Director Community & Corporate Services

Overview: The Australian Local Government Association (ALGA) will host the National General Assembly (NGA) of Local Government in Canberra 13-16 June 2023. Matters for consideration at the NGA are now open for submission. As part of its advocacy role to government Council has previously submitted matters for consideration and the following draft motion has been prepared for resolution and to advocate for issues of concern associated with renewable energy transmission lines.

Officer Recommendation

That Council submit the following motion for consideration at the National General Assembly of Local Government being held 13-16 June 2023:

- **This National General Assembly calls on the Australian Government to establish National Wind Farm Development Guidelines including provisions that infrastructure to support renewable energy transmission be developed using existing easements, be located where practicable underground and require co-location of connecting lines to reduce the impact on agriculture, the visual landscape, recognise risks of bushfire and protect amenity.**

Background

ALGA was established in 1947, and its structure is a federation of member state and territory local government associations. Its mission is to champion and strengthen Australian councils by representing the agreed position of ALGA members, the seven local government associations from around Australia, who represent 537 Australian councils.

In 1994, the ALGA Board, in consultation with its member associations, established the NGA as a unique forum to engage with councils directly at the national level. The purpose of the NGA was to build the profile of local government on the national stage and demonstrate to the Australian Government the strength and value of working with local government nationally.

As part of the NGA, debate on motions was introduced as a vehicle for councils from across the nation to canvas ideas, and solutions to the challenges facing Australia's councils and communities.

Advocacy is an essential role of Council and the opportunity to submit motions to the NGA is important in putting forward issues that are impacting the local community.

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the relevant criteria including addressing issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities. The criteria is documented in the 2023 NGA discussion paper calling for motions which can be found at <https://alga.com.au/calling-for-2023-nga-motions/>

Motions must be submitted by 24 March 2023.

Strategic Link

Council Plan 2021-2025

1.4 - PLACE - Town and Community Sustainability

Maintain, protect, enhance and celebrate the identity of our towns and destinations, including their natural and cultural assets and collective history.

2.4 - ENVIRONMENT - Renewable Energy

The scale and size of renewable energy projects considers cumulative social, environmental and economic impacts

Support initiatives and plans that promote undergrounding and co-location of transmission infrastructure associated with renewable energy projects

Discussion

Council has advocated strongly to government on a range of issues associated with renewable energy development including:

- Lack of strategic planning and associated cluster siting of windfarms and the associated cumulative impacts on local communities.
- Safety and amenity impact of transmission lines to connect to the electricity grid and the need to utilise underground transmission.
- A lack of local community benefit from the wind farm developments.
- No mandating of local content in the supply of wind farm equipment so as to maximise the economic benefits from these large-scale investments.

This motion seeks ALGA support to address the increasing impacts of transmission lines. The transition to renewable energy needs to be supported by appropriate transmission infrastructure. Grid reliability and security of power is key to community safety and the economic prosperity of Victorians.

The current approach by state governments and authorities such as AEMO needs to take a strategic approach, consider the lifetime costings and balance social and environmental factors, as well as the economics of supplying power.

The Victorian state government (VicGrid) is developing clear direction for transmission from Offshore Wind Farms and this approach should be similarly applied to the whole network nationally. Implementation Statement 1 for Offshore Wind released in October 2022 states:

The Victorian Government, through VicGrid, is stepping up to lead the development of a coordinated transmission infrastructure approach for offshore wind. This will ensure local communities, Traditional Owners and industry stakeholders have their voices heard, and ensure local communities see benefits from these developments.

Draft National Wind Farm Development Guidelines were developed in 2010. As a result of the consultation on the draft, it became apparent that jurisdictions had developed, or were developing planning application, assessment and approval processes within their own planning frameworks to manage community concerns about wind farm developments. Consequently, the guidelines were not finalised and remain a reference document only. State based assessment and approval processes have proven to be inadequate in addressing community concerns.

A national approach will ensure connectivity issues across state borders are well planned. It should also provide a consistent approach to landholder, community and social investment and benefit.

The federal government must establish National Wind Farm Development Guidelines that, inter alia, address the concerns of above ground transmission lines for renewable energy projects.

Consultation

Council advocates a wide range of issue as part of its community consultation and representation.

Council's current position on wind farms was adopted in September 2022 and addresses threshold requirements, cumulative impacts, transmission issues and securing greater community benefits.

Financial Implications

Nil

Risk

Risk identified: Image, Reputation and Public Support

Council Advocacy is a core responsibility of Council to ensure it advances issues of concern to its communities.

Conclusion

Council has identified issues impacting its communities associated with renewable energy development, including above ground transmission lines. A submission of this matter to the ALGA National General Assembly to be conducted in June 2023 is a further opportunity to advance the advocacy on this issue with the federal government.

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

Attachments

Nil

2.5 MAV State Council Motions 2023

Directorate: Community and Corporate Services

Report Author: Director Community & Corporate Services

Overview: MAV State Council is being held on 19 May 2023 and matters for consideration are now open for submission. As part of its advocacy role to government Council has regularly submitted matters for consideration and the following draft motion has been prepared for resolution and to advocate for issues of concern associated with renewable energy transmission lines.

Officer Recommendation

That Council submit the following motion for consideration at the MAV State Council Meeting on 19 May 2023:

- **That the MAV advocate to the Minister for Climate Action, Energy & Resources and State Electricity Commission that infrastructure to support the renewable energy transmission across Victoria be developed using existing easements, be located where practicable underground and require co-location of connecting lines to reduce the impact on agriculture, the visual landscape, recognise risks of bushfire and protect amenity.**

Background

The MAV, the peak body and representative and advocate for Victorian Local Government, conducts state council forums to gauge issues of mutual concern for councils and invites the submission of motions for consideration by State Council.

The MAV rules surrounding State Council Motions state that matters put forward for consideration must be supported by a council resolution and be of:

- Strategic relevance to the MAV; and/or
- Such significance to local government that it ought to be considered at the meeting.

Advocacy is an essential role of Council and the opportunity to submit motions to the MAV State Council meeting is important in putting forward issues that are impacting the local community.

Motions must be submitted by 20 March 2023.

Strategic Link

Council Plan 2021-2025

1.4 - PLACE - Town and Community Sustainability

Maintain, protect, enhance and celebrate the identity of our towns and destinations, including their natural and cultural assets and collective history.

2.4 - ENVIRONMENT - Renewable Energy

The scale and size of renewable energy projects considers cumulative social, environmental and economic impacts

Support initiatives and plans that promote undergrounding and co-location of transmission infrastructure associated with renewable energy projects.

Discussion

Council has advocated strongly to state government on a range of issues associated with renewable energy development including:

- Lack of strategic planning and associated cluster siting of windfarms and the associated cumulative impacts on local communities.
- Safety and amenity impact of transmission lines to connect to the electricity grid and the need to utilise underground transmission.
- A lack of local community benefit from the wind farm developments.
- No mandating of local content in the supply of wind farm equipment so as to maximise the economic benefits from these large-scale investments.

This motion seeks MAV support to address the increasing impacts of transmission lines. The transition to renewable energy needs to be supported by appropriate transmission infrastructure. Grid reliability and security of power is key to community safety and the economic prosperity of Victorians.

The current approach by the government and authorities such as AEMO needs to take a strategic approach, consider the lifetime costings and balance social and environmental factors, as well as the economics of supplying power.

The State (VicGrid) is developing clear direction for transmission from Offshore Wind Farms and this approach should be similarly applied to the whole network. Implementation Statement 1 for Offshore Wind released in October 2022 states:

The Victorian Government, through VicGrid, is stepping up to lead the development of a coordinated transmission infrastructure approach for offshore wind. This will ensure local communities, Traditional Owners and industry stakeholders have their voices heard, and ensure local communities see benefits from these developments.

Consultation

Council advocates a wide range of issue as part of its community consultation and representation.

Council's current position on wind farms was adopted in September 2022 and addresses threshold requirements, cumulative impacts, transmission issues and securing greater community benefits.

Financial Implications

Nil

Risk

Risk identified: Image, Reputation and Public Support.

Council Advocacy is a core responsibility of Council to ensure it advances issues of concern to its communities.

Conclusion

Council has identified issues impacting its communities associated with renewable energy development, including above ground transmission lines. A submission of this matter to the MAV State Council is a further opportunity to advance the advocacy on this issue with state government.

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

Attachments

Nil

2.6 Coastal Connect - Joint Venture ICT Procurement Policy

Directorate: Community and Corporate Services

Report Author: Director Community & Corporate Services

Overview: The Councils of Corangamite Shire, Moyne Shire and Warrnambool City recently established an unincorporated joint venture for the purposes of procuring and implementing ICT shared services. The procurement policy proposed for endorsement is a requirement of the Joint Venture Agreement.

Officer Recommendation

That Council approve the Coastal Connect Joint Venture ICT Procurement Policy in accordance with the executed South West Councils ICT Alliance Joint Venture Agreement.

Background

The Councils of Corangamite Shire, Moyne Shire and Warrnambool City recently established an unincorporated joint venture for the purposes of procuring and implementing ICT shared services, namely an Enterprise Resource Planning (ERP) platform.

The attached Coastal Connect Joint Venture ICT Procurement Policy (Policy) is a requirement of the Joint Venture Agreement (JV Agreement). The scope of the Policy commits the Lead Council (Warrnambool City Council) to act in accordance with the Joint Venture Agreement, the Joint Venture Terms of Reference and the direction of the Joint Venture Governance Committee (JVGC).

During 2022 the three councils collaboratively issued a Request for Tender for a single supplier but with separate but common Master Services Agreements. Council's endorsement of the Policy will allow the JVGC to exercise procurement within the joint venture on Council's behalf. All three councils are required to endorse the Policy under the JV Agreement.

Strategic Link

Council Plan 2021-2025

The Local Government Act 2020

Procurement Policy November 2021

South West Councils ICT Alliance Joint Venture Agreement

Discussion

Corangamite Shire, Moyne Shire and Warrnambool City were successful in securing a State Government grant of \$4.5 million in June 2019 under the State Government's Rural Councils Transformation Program (RCTP) to implement a business case to transition the respective Enterprise Resource Planning (ERP) platform of each council into a shared service model. (An ERP is the corporate digital platform that delivers the core business information systems of an organisation.)

A Joint Venture agreement has been executed by all councils and is active. The agreement governs the administration of the joint venture and, for all intents and purposes, are the rules of how the shared service model will operate. The agreement includes governance arrangements, contribution to costs, procurement, dispute resolution and termination. The agreement also describes the appointment of an administering council and its roles and functions. The administering council will be responsible for day-to-day functions of the joint venture arrangement including procurement. Whilst legally known as South West Councils ICT Alliance the joint venture has been branded Coastal Connect.

The procurement process for the ERP commenced in 2022 with a final recommendation due to be reviewed by the JVGC in March 2023. Following this, approval will be sought from Local Government Victoria (LGV) to sign a contract with the preferred supplier. Implementation will commence shortly thereafter.

The Coastal Connect Joint Venture Governance Committee is required to adopt an ICT Procurement Policy to comply with Section 8 of the South West Councils ICT Alliance Joint Venture Agreement. The specific requirements are stated below.

8.1 Alignment of Council Procurement Policies

8.1.1 The JVGC must prepare a draft Model ICT Procurement Policy consistent with:

- a) the requirements of section 108(3) of the LGA;*
- b) the Funding Agreement;*
- c) the Purpose and Functions of the Joint Venture;*
- d) the Strategic Plan; and*
- e) the terms of any existing MSA with a Supplier.*

8.1.2 Each Council must consider the draft Model ICT Procurement Policy and, if thought fit, approve it as part of the Council's procurement policy under section 108 of the LGA.

8.1.3 If a Council declines to approve the draft Model ICT Procurement Policy it must provide the JVGC with written reasons for doing so.

8.1.4 The JVGC must consider the written reasons provided under clause 8.1.3 and make any appropriate amendments to the draft Model ICT Procurement Policy arising from them, for further consideration by each Council.

8.1.5 From time to time the JVGC may of its own motion or upon request by any of the Councils, review and update the Model ICT Procurement Policy. This clause 8.1 applies to any updated draft Model ICT Procurement Policy.

8.1.6 Any dispute or difference between the Councils in relation to the preparation, adoption or modification of the Model ICT Procurement Policy may be referred for dispute resolution under clause 13.2 (and without limitation to the Councils' general obligations under clause 13.1).

8.2 Compliance with Model ICT Procurement Policy

8.2.1 Once adopted by all Councils, the JVGC and each Council must comply with the Model ICT Procurement Policy.

The Policy has also been developed in line with the procurement policies of the member councils and accordingly satisfies Section 108 of the *Local Government Act 2020*. Section 2.14 of the Policy specifically deals with Collaborative Procurement.

Consultation

Consultation has occurred between the three Councils and an external legal consultant (Maddocks Lawyers). The Policy has been endorsed by Joint Venture Governance Committee.

Financial Implications

There are no direct financial implications in endorsing the Policy.

Risk

Risk identified: Financial Impact
Service Delivery Impact on Customers and Community
Environmental and Legal Compliance
Image, Reputation and Public Support

Conclusion

Following the execution of the South West Councils ICT Alliance Joint Venture Agreement, each Council is required to approve the Joint Venture ICT Procurement Policy. The Policy attached to this report satisfies Council's requirements under the JV Agreement.

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

Attachments

1. Coastal Connect ICT Procurement Policy [2.6.1 - 12 pages]



Moyne-Warrnambool-Corangamite

SWCICTA Joint Venture ICT Procurement Policy

POLICY TYPE: Joint Venture Governance Committee

APPROVAL DATE: 21/02/2023

REVIEW DATE: 20/20/2027 or earlier as needed

PROCUREMENT POLICY

DOCUMENT CONTROL

Document Title:	<i>Joint Venture ICT Procurement Policy</i>
Policy Type:	<i>Joint Venture Governance Committee</i>
Responsible Officer:	<i>Executive Manager – Digital Transformation and Shared Services</i>
Document Status:	<i>Approved</i>
Approved By:	<i>Joint Venture Governance Committee</i>
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1. INTRODUCTION

1.1. Purpose and scope

The South West Councils ICT Alliance (SWCICTA) Joint Venture Governance Committee (JVGC) is required to adopt an ICT Procurement Policy to comply with Section 8 of the South West Councils ICT Alliance Joint Venture Agreement, Section 8.

In addition to the above this Policy has been developed in line with the procurement policies of the Member Councils and accordingly is consistent with Section 108 of the Local Government Action 2020.

The intention of the policy is provide delegation to the Joint Venture (JV) to procure ICT goods and services on behalf of the JV. Upon approval by the JVGC the procurement will be actioned by the Lead Member. Council Officers of the Member Councils don't have delegated authority under this policy. (see 2.16.1)

The policy commits the Lead Council to act in accordance with the Joint Venture Agreement, the Joint Venture Terms of Reference and the direction of the Joint Venture Governance Committee.

This Policy applies to all procurement activities undertaken by the JV and applies to Councillors, Council Officers, Committees, contractors and consultants in all circumstances while engaged by the Joint Venture via the Lead Member. The role of Councillors of individual Councils under this Policy is limited to the final assessment of a procurement in accordance with the relevant financial delegation limits.

1.2. Definitions

Term	Definition
Act	means the <i>Local Government Act 2020 (Vic)</i> or the <i>Local Government Act 1989 (Vic)</i> as applicable.
Collaborative Procurement Arrangement	a contract established by Council, government or a nominated agent, such as Procurement Australasia, Municipal Association of Victoria (MAV) or a local government entity, for the benefit of numerous state, federal and/or local government entities and others that achieves best value by leveraging combined economies of scale.
Conflict Interest of	means a Councillor, member of a delegated committee or Council Officer has: (a) a general conflict of interest in a matter if an impartial fair minded person would consider that the person's private interest could result in that person acting in a manner that is contrary to their public duty; or (b) a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter, each as defined in Division 2 of the Act.
Committee	means a duly authorised committee of Council including delegated committees and advisory committees.
Councils	means Corangamite Shire Council, Moyne Shire Council and Warrnambool City Council
Councillor	means a person who has been elected to the office of councillor on Council.
Council Officer	means a current member of Council staff as well as any contractors and consultants who have the authority to engage in activities on behalf of Council.
Emergency	means an emergency due to the actual or imminent occurrence of an event which requires immediate action including the following: (a) an earthquake, flood, wind-storm or other natural event; (b) a fire; (c) an explosion; (d) a road accident or any other accident; (e) a plague, epidemic, pandemic or contamination; (f) a warlike act or act of terrorism, whether directed at Victoria or a part of Victoria or at any other State or Territory of the Commonwealth; (g) a hi-jack, siege or riot; and (h) a disruption to an essential service.
Goods, Services or Works	means the deliverable(s) the preferred Invitee will be required to provide to Council, when the conditions of contract have been agreed between the preferred Invitee and Council.
Invitee	means a company, person or other legal entity which submits a tender or quote; and includes, where the context permits, prospective Invitees and other recipients of the request for tender or request for quote.

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Term	Definition
Joint Venture (JV)	Means the Coastal Connect Joint Venture formerly known as South West Council ICT Alliance (SWCICTA) and includes all Councillors, Council Officers, Committees, Contractors and Consultants.
JVGC	Means Joint Venture Governance Committee
JV Member/s	Means Member Councils of the Joint Venture
Lead Member	Means the Lead Member of the Joint Venture
Local Business	means a commercial business with an operational premises that is physically located within the municipal borders of the South West Regional Councils.
Local Content	means the labour, materials, plant and supervision that is sourced from within the municipal borders of the South West Regional Councils.
South West Regional Councils	means the Councils of the South West region in Victoria including Warrnambool City Council, Moyne Shire Council, Corangamite Shire Council, Southern Grampians Shire Council and Glenelg Shire Council.

1.3. Treatment of GST

All monetary values stated in this Policy include GST, unless specifically stated otherwise.

1.4. References

The Joint Venture’s procurement activities will be carried out in compliance with the following legislation and Lead Member Council policies and procedures:

<ul style="list-style-type: none"> • Act; • <i>Competition and Consumer Act 2010</i> (Cth) • <i>Freedom of Information Act 1982</i> (Vic) • <i>Independent Broad-based Anti-corruption Commission (IBAC) Act 2011</i> (Vic) • <i>Occupational Health & Safety Act 2004</i> (Vic) • <i>Privacy Act 1988</i> (Cth) • <i>Public Records Act 1973</i> (Vic) • <i>Security of Payments Act 2002</i> (Vic) • <i>Victorian Local Government Best Practice Procurement Guideline 2013</i> (or as updated) 	<ul style="list-style-type: none"> • Gender Impact Assessment Policy • Risk Management Policy • Health & Safety Policy • Corporate Card Policy • Gift and Benefits Policy • Fraud and Corruption Control Policy • Councillors Code of Conduct • Staff Code of Conduct • Instrument of Delegation • Sustainable Building Policy • Procurement Manual • Complaints Policy
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2. BEST PRACTICE PRINCIPLES

The Joint Venture is committed to effective procurement through adopting best practice principles, policies and procedures to support Council objectives regarding sustainable and socially responsible procurement, supporting local economy and obtaining Value for Money, which in turn, will lead to a better outcome for Council in the provision of services for the community. Each principle is detailed below.

2.1. Conduct of JV Members, Councillors and Council Officers

2.1.1. Ethics

JV Members, Councillors and Council Officers must at all times conduct themselves in ways that are and are seen to be, ethical with the highest integrity and will:

- (a) treat potential and existing suppliers with equality and fairness;
- (b) not seek or receive personal gain;
- (c) maintain confidentiality of ‘Commercial in Confidence’ information such as contract prices and other sensitive information;
- (d) present the highest standards of professionalism and probity;
- (e) deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- (f) provide all suppliers and tenderers with the same information and equal opportunity;
- (g) comply with all legal and Policy requirements; and

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(h) be able to account for all decisions and provide feedback on them.

2.1.2. Conflict of Interest

In accordance with sections 126-131 of the Act, JV Members, Councillors and Council Officers have an overriding responsibility to act impartially and with integrity, avoiding a Conflict of Interest. JV Members, Councillors and Council Officers, must:

- (a) at all times avoid situations in which they may have or which creates a Conflict of Interest;
- (b) not participate in any action or matter associated with the arrangement of a tender or contract where that person has a Conflict of Interest; and
- (c) when becoming aware of a conflict, promptly declare the Conflict of Interest in accordance with procedures set out in Chapter 5 of the Governance Rules, or seek advice and support from the Manager Governance, Property and Projects.

Councillors cannot participate in any aspect of the procurement process unless acting in the capacity of Council at a formally constituted Council meeting to consider the awarding of a contract.

2.2. Value for money

Value for Money is the achievement of a desired procurement outcome at the best possible price, not necessarily the lowest price, based on a set list of financial and non-financial criteria relevant to the procurement. Value for Money considers the total cost of procurement including:

- (a) contribution to Council's priorities and strategic objectives;
- (b) fitness for purpose, quality, social and environmental impacts, service and support; and
- (c) cost related factors including whole of life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing the Goods, Services or Works.

Value for Money could be achieved by:

- (a) developing, implementing and managing a procurement framework that supports the coordination and streamlining of activities throughout the lifecycle;
- (b) development, implementation and management of the local procurement strategy;
- (c) undertaking competitive procurement processes;
- (d) using aggregated contracts whenever possible to group similar contracts;
- (e) identifying and rectifying inefficiencies in procurement processes;
- (f) developing cost effective tender processes including appropriate use of e-solutions; and
- (g) working with suppliers to create relationships that are professional and productive.

2.3. Fair, honest and transparent dealing

The Joint Venture is committed to providing equal opportunity for all businesses to bid for work through fair, honest, open and transparent market processes. The JV will ensure that all prospective suppliers are treated fairly in an open and transparent manner and have access to the same information.

2.4. Accountability

Accountability in procurement allows the JV to explain and provide evidence of the process followed during procurement. The JV must be able to account for all procurement decisions over the life of the Goods, Services or Works in accordance with this Policy. This could mean revisiting the original intentions of the procurement during the use of the Goods, Services or Works to ensure that the Goods, Services or Works are still providing Value for Money and achieving the JV's intentions.

2.5. Gender Impact Assessment

In accordance with the *Gender Equality Act 2020 (Vic)*, the JV is committed to ensuring a gender lens is applied to all new policies, programs and services that directly and significantly impact the public and ensure that a gender impact assessment (**GIA**) is conducted as needed. Records of GIA conducted must be saved in the Lead Member's records management system with the relevant procurement in accordance with the GIA Policy.

2.6. Fraud and corruption control

The Joint Venture is committed to preventing, deterring and reporting corrupt and fraudulent behaviour particularly in relation to the procurement process. The Joint Venture will comply with the Fraud and

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Corruption Control Policy of the Lead Member which provides a framework for preventing the risk of fraud and strengthening organisational integrity.

2.7. Competition and Consumer Act compliance

The JV will comply with the *Competition and Consumer Act 2010* (Cth) and other fair-trading legislation applicable to its operations and is committed to ensuring the protection of consumers and promotion of competition.

The JV needs to be informed of their obligations under competition and consumer legislation and ensure that the following does not occur:

- a) restrictive trade practices (including price fixing and exclusionary provisions relating to a interstate boundaries);
- b) market sharing (including allocation of customers), anti-competitive agreements, exclusive dealing and misuse of market power;
- c) inaccurate communication or promotion (including misleading or deceptive conduct, false claims and unsubstantiated predictions); and
- d) unconscionable or unfair business practices.

2.8. Risk management

Risk management is to be appropriately applied at all stages of procurement to ensure procurement is properly planned and carried out in a manner that will protect and enhance the Joint Venture's capability to prevent, withstand and recover from interruption to the supply of Goods, Services and Works.

The Joint Venture will minimise its risk exposure by measures that:

- a) allow sufficient planning and lead time for procurement preparation and consideration;
- b) integrate risk identification at the earliest planning stage to inform the process;
- c) use the Lead Member's standard form or Australian Standard contracts which mitigate risk to Council;
- d) require security deposits where appropriate;
- e) when required, referring specifications to relevant industry experts;
- f) ensure service providers maintain adequate insurance cover for the Goods, Services or Works;
- g) review and negotiate contract departures and non-standard contracts prior to the award of the contract;
- h) ensure agreements are executed prior to commencement of Goods, Services or Works; and
- i) ongoing and timely contract management including monitoring and enforcement performance.

2.9. Probity Plan and Auditor

The Joint Venture will consider the appointment of a probity auditor for procurement based on the nature and complexity of the proposed procurement. The completion of a review and assessment of the need for the use of an external, independent probity auditor is mandated when the value of the Goods, Services or Works exceeds \$500,000 or when requested by the JVGC.

A Probity Plan will be established for procurement where a Probity Auditor is required or on request of the JVGC.

2.10. Disclosure of information

Confidentiality of information provided by Invitees must be maintained in a safe and secure manner, particularly commercially sensitive material such as prices, discounts, rebates, profit, manufacturing, intellectual property and product information.

At no stage should the JV have discussions with Invitees about active procurements prior to the approval process being finalised, other than authorised procurement negotiations. The JV should take care that their duty to consider issues fairly and properly is not compromised by participating in discussions with suppliers where the supplier is intending to influence the outcome of the procurement. The JV must ensure that they comply with the obligations in the Lead Member's Gifts and Benefits Policy including making reasonable enquiries as to the live tender processes prior to accepting any benefit which would otherwise be in accordance with the Gifts and Benefits Policy.

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Invitees must be advised that a report on a tender process may be presented at an open meeting of Council and some information arising from the tender may be made publicly available.

2.11. Record keeping

The JV needs to ensure that all records relating to procurements are stored in the Lead Member's electronic content management system including decisions evidencing:

- (a) the processes followed and substantiated decisions made during the procurement; and
- (b) adequate records to support contract matters or disputes.

The structure and extent of records will depend on the value and complexity of the procurement.

Records will be kept in accordance with the *Public Records Act 1973 - Public Record Standard PROS 09/05 (Retention and Disposal Authority for Records of Local Government Functions)*.

2.12. Social and Sustainable procurement

The JV recognises it has an implicit role in furthering sustainability objectives, through its procurement of Goods, Services and Works. The JV will undertake procurement designed to support Value for Money and embed organisational environmental, social and economic development objectives.

The JV will consider how best to embed its sustainable procurement objectives in each procurement, whether this be as part of a specific evaluation criteria, developing a specification which reflects specific sustainable outcomes for the Goods, Services or Works or building sustainable requirements directly into the Goods, Services or Works. The JV will also consider the Victorian Government's Social Procurement Framework as best practice in social and sustainable procurement.

The JV demonstrates sustainable procurement by:

- (a) being accountable for its impacts on society, the economy and the environment including the impacts of the organisation's supply chain;
- (b) examining anticipated organisational, project and/or community needs;
- (c) continually improving sustainability specifications, practices and outcomes, and
- (d) planning and undertaking sustainability evaluations as part of contracting activities.

2.13. Support for local content

The JV can include in its evaluation criteria up to five percent for Local Content. This aims to acknowledge the suppliers whose activities contribute to the financial and social wellbeing of the region.

With the exception of contracts that are the subject of a tender, in every instance where it is reasonable to do so, the JV must seek at least one quote from a local business.

2.14. Collaborative procurement

The JV will seek to use Collaborative Procurement Arrangements with each participating JV Member and third parties when procuring Goods, Services and Works in order to take advantage of economies of scale in accordance with section 108(3)(c) of the Act. When a report for a procurement is presented to the JVGC for approval, it will include information relating to any collaborative arrangement opportunities that were explored as part of the procurement process.

When collaborating with other Councils, the Joint Venture will do so in accordance with the following:

- (a) work to develop a consolidated contract register to identify joint procurement projects on an annual basis;
- (b) JV Members must actively consider all contracts and proposed contracts to determine if the procurement would benefit from expertise, economies of scale or other strategic benefits to Council (other than projects that are unique to an individual Council (e.g. unique construction or works projects)) if it would then it must be included in the consolidated contract register for collaboration consideration;
- (c) other contracts which, due to the subject matter, nature or scope, are likely to deliver operational efficiencies if procured in collaboration with the other Councils, must be included in the consolidated contract register for consideration as a possible joint procurement opportunity;
- (d) Council Officers commit to regularly reviewing the contracts register to determine whether collaborative procurement should be considered;
- (e) where collaborative procurement is to be pursued:

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- i. pre-approval will be requested from each Council prior to commitment to collaboration, seeking authority to proceed with the collaboration and delegation of contract approval to the Lead Member;
 - ii. the JV will maintain a formal Agreement that gives authority for the Lead Member to act as each Council's agent in the Collaborative Procurement Arrangements;
 - iii. each of the JV Members who participate will be able to enter into a contract with the preferred supplier identified through the collaborative procurement process, or may choose as a group to enter into a contract;
 - iv. each participating Council must be involved in:
 - a. the initial decision to undertake the Collaborative Procurement Arrangement;
 - b. preparation of, and agreement to, the specifications;
 - c. ensuring probity for the Collaborative Procurement Arrangement; and
 - d. the acceptance of tender(s) and awarding of contract(s); and
- (f) when considering the evaluation criteria for a particular Collaborative Procurement Arrangement the JV will consider "Value for Money" for each of the participating Councils.

Furthermore, the JV may collaborate with other Councils or other bodies such as MAV Procurement or Procurement Australasia to procure Goods, Services or Works, or utilise existing Collaborative Procurement Arrangements established through a public tender process where it provides an advantageous, Value for Money outcome for the Council.

Any Federal or State Government grant funded projects may be excluded from Collaborative Procurement Arrangements.

When entering into a Collaborative Procurement Arrangement for the purpose of the procurement delegations the obligations and liabilities under the procurement will only take into account the value which Council may ultimately be liable for, this will, in most cases, not reflect the total value of the ultimate contract.

2.15. Contract Management

The JV will manage contracts in accordance with the Lead Member processes. In addition to these processes there will be reports provided to each meeting of the JVGC on open contracts or agreements. A debriefing will be provided to the JVGC on the ending or closure of any contract or agreement as soon as practicable.

2.16. Model of procurement

The JV will act as the subject matter expert for a centre-led procurement model for ICT purchases.

2.17. Procurement delegations

The JV Members delegate their purchasing authority to the JVGC. The JVGC then approves the Lead Member to act on their behalf.

2.17.1. Financial Delegations

All procurement activities require authorisation of the JVGC either via the approved Budget, approved Business Plan, approved JVGC meeting endorsement or approved Project Plan.

The JVGC provides delegation to employees of the JV to conduct procurement activities on their behalf. Individual Councils and their staff, and associated parties don't have any delegation authority under this policy.

2.17.2. Variations

Contract variations must be approved by the JVGC. A resolution can include a specific delegation amount for variations for a procurement on a case by case basis.

2.17.3. Market engagement methods

The market engagement method is determined by the nature, value and risk of the procurement. The level of risk is determined on a case by case basis by the JVGC.

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The Procurement Value below is the total estimated cost of the procurement for the initial fixed term of the procurement. The requirements listed are the minimum thresholds to be met, best practice requires that the JVGC consider if the circumstances require, or there would be benefit in, completing additional processes above the minimum requirements.

Procurement Value (excl. GST)	Risk	Minimum Market Engagement	Payment Method	Agreement Type	Documentation Requirements
<\$2,000 and with approved JV Budget	N/A	1 verbal quote	Reimbursement, purchase card or Purchase Order – refer to section 3.1	Lead Member Purchase Order Conditions	Record quote in Lead Member document management system
\$2,000 to \$10,000 and within approved JV Budget	N/A	2 verbal quotes	Purchase card or Purchase Order – refer to section 3.1	Lead Member Purchase Order Conditions	Lead Member Verbal quote form attached to purchase order in finance system.
\$10,000 to \$50,000 and within approved JV Budget	N/A	3 written quotes	Purchase Order	Lead Member Purchase Order (up to \$25,000) or Contract	Quotes attached to purchase order in Lead Member finance system.
\$50,000 to \$150,000 and as approved by the JVGC	Low	3 written quotes		Contract or agreement format approved by the JVGC	
	High	Public Process			
\$150,000 to \$300,000 and as approved by the JVGC	Low	3 written quotes			
	High	Public Process			
\$300,000 + and as approved by the JVGC	N/A	Public Process			

It is noted that any regulation introduced which impacts the market engagement methods above, the market engagement methods are automatically amended to comply with the requirements of the regulation.

2.18.Exemptions from market engagement methods

Council Officers can conduct a procurement process outside of the market engagement requirements at the discretion of the JV, in the following circumstances:

- (a) the Goods, Service or Works are of an urgent nature particularly in matters of an emergency including public health, security or safety;
- (b) only one or two suppliers could perform or supply the Goods, Service or Works due to the level of specialist expertise required (i.e. a demonstrated absence of competition for technical reasons) this also includes if a contract exists with a supplier where cumulative spend to date with that supplier means that Value for Money and risk mitigation justify continuing with the existing supplier for the new or related Goods, Service or Works;
- (c) installations where a change in supplier would necessitate the procurement of Works, Goods or Services that do not meet the requirements for interoperability or interchangeability;
- (d) the Works, Goods or Service are an extension of previously approved goods, service or works and the appropriate variation has been approved and processed;
- (e) the Works, Goods or Service are required as part of a grant, funding agreement, lease or similar arrangement specifically stating how the Goods, Service or Works are to be provided or undertaken;
- (f) where an existing contract has expired and the procurement process for the new contract has not been finalised and the existing contract needs to be temporarily extended on a rolling basis for a period of not more than six weeks;
- (g) where no quotes or tenders were submitted or no quotes or tenders were submitted that conform to the essential requirements of the specification document – in this instance direct contact with the supplier of choice may be appropriate;
- (h) where a ministerial exemption has been sought and provided;
- (i) where an existing contract is novated to a supplier to complete the Goods, Services or Works on substantially similar terms following completion of suitable due diligence;
- (j) where the acquisition is of a cultural or artistic nature i.e. a live show or art piece;
- (k) where a Council panel of providers has been established using a public process any secondary procurement process under the panel for Goods, Service or Works acquired from a panel member can be established as representing Value for Money by the Council Officer (noting that the requirements for awarding Goods, Service or Works under the panel contract must still be complied with); and
- (l) where the procurement is on the exemption list (refer to Appendix 1).

PROCUREMENT POLICY

2.19. Public process

2.19.1. Requirements

All public procurement by the JV will be published on each individual Council's electronic portal and may be advertised in the media. Information regarding current procurements may be published on Council's website.

2.19.2. Evaluation

An evaluation panel will be established to evaluate each submission against the selection criteria for the public process. Evaluation panels can include external personnel and/or subject matter experts in order to ensure the best outcome for a procurement and must comprise of representation from each JV Member.

A Procurement Plan must be developed, approved and adhered to prior to the public process beginning. The Procurement Plan must set out the evaluation criteria to determine whether a proposed contract provides Value for Money including:

- a) both price (whole of life) and non-price factors (risk, quality and contribution to Council's sustainability objectives);
- b) mandatory criteria common to all procurements include: price, capability (skills, experience), capacity, methodology (approach), sustainability (local, social, economic and environmental); and
- c) specific criteria for local, social, economic and environmental sustainability objectives are determined on a project by project basis.

2.19.3. Shortlisting and Negotiations

Council may conduct a shortlisting process during any of the public processes including EOI, tender and quotation processes. Shortlisting can be based on any criteria but only in pursuit of the most advantageous outcome for the Council. Shortlisted tenderers may be invited by the Council to submit a best and final offer in relation to all or certain aspects of their respective tenders.

Once one or more preferred tenderers are selected, negotiations can be conducted in order to obtain the optimal solution and commercial arrangements within the original scope and intent of the tender.

3. PROCUREMENT METHODS AND PROCESS

3.1. Procurement Methods

Council's standard methods for purchasing Goods, Services and Works are by:

- (a) reimbursement (for low value, low risk purchases which cannot be made with a purchase card);
 - (b) purchase cards (recommended for procurements less than \$200);
 - (c) approved purchase order; or
 - (d) other arrangements authorised by the JV as required by abnormal circumstances including emergencies.
- If petty cash or a purchase card is not used for the procurement, then an approved purchase order must be generated before committing to the procurement.

3.2. Procurement Processes Overview

Council's procurement processes are based on the principles outlined in this Policy.

In line with the Local Government Best Practice Procurement Guidelines 2013 (or as updated), Council may conduct negotiations in its tender documentation in order to better meet / achieve its value for money objectives. This negotiation process may include undertaking a Best and Final Offer (BAFO) process.

The Lead Member will maintain an appropriate contract management framework to govern and guide its contract management activities. The JV will proactively manage key contracts with nominated Council Officers from each JV Member and is responsible for the delivery of the contracted Goods, Services or Works to ensure that contract objectives are met

The JV recognises that in order to achieve sustainable value, appropriate relationships must be developed and maintained with suppliers. The JV is committed to:

- (a) managing existing suppliers, to ensure the benefits are delivered;
- (b) developing new suppliers and improving the capability of existing
- (c) suppliers where appropriate; and
- (d) communicating to potential suppliers via its website.

PROCUREMENT POLICY

4. GOVERNANCE

4.1. Owner

Coastal Connect Joint Venture Governance Committee (JVGC)

4.2. Review

The JVGC will review the policy for any necessary amendments no later than 4 years after its formulation or after the last review.

4.3. Compliance Responsibility

Party / Parties	Roles and Responsibilities
Joint Venture Governance Committee	Ensure that the policy is adopted by each of the Individual Councils. Ensure overall compliance with the policy.
Executive Manager – Digital Strategies and Shared Services	Ensure compliance with the policy by all Council Officers under their supervision or direction. Ensure policy implementation.
Executive Manager – Digital Strategies and Shared Services	Responsible for reviewing, updating and implementing policy
Council Officers	Compliance with the provisions of this policy.

4.4. Charter of Human Rights Compliance

It is considered that this policy does not impact negatively on any rights identified in the *Charter of Human Rights Act (2007)*.

The JV is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee health and safety representatives in any workplace change that may affect the health and safety of any of its employees.

PROCUREMENT POLICY

1. APPENDICES

Appendix 1 – Exemptions

The following procurements are either exempt from market engagement and/or the requirement for a Purchase Order. With the Chief Executive's approval, exemptions can be added or removed from this list at any time.

Category	Description	Exempt from market engagement	Exempt from purchase order
Inter JV Member transfers	Transfers of funding or reimbursement of expenses.	Yes	Yes
Utilities	Electricity, gas, water and telephone services. Note: market exemption where there is only a single provider e.g. Wannonwater and Powercor.	No	Yes
Insurance premiums and claims	WorkCover and other insurances.	Yes	Yes
Prescribed contracts	Legal services	Yes	No
Payroll expenses	Superannuation and PAYG.	Yes	Yes
GST	Goods and Services Tax payable.	Yes	Yes
Postage	Australia Post.	Yes	Yes
Vehicle registrations	VicRoads vehicle registrations.	Yes	Yes
Councillor expenses	Allowances and Reimbursements.	Yes	Yes
Refundable trust funds	Includes Security Bonds, Contract Retentions and other funds held in trust.	Yes	Yes
Collaborative procurement providers	Municipal Association of Victoria, Procurement Australia, State Government prequalified supplier list.	Yes	No
Levies	EPA Victoria Levy.	Yes	Yes
	Fire Services Property Levy.	Yes	Yes
State and Federal Statutory Fees	DELWP fees and charges and Regional Roads Victoria.	Yes	Yes
Other	Acquisition of Land and Buildings.	Yes	Yes
	Medical expenses.	Yes	Yes
	Venue hire.	Yes	Yes
	Fuel including Diesel (with relevant supplier).	No	Yes
	Memberships and subscriptions.	Yes	No
	External audit fees – Victorian Auditor- General's Office.	Yes	No
	Annual community grants.	Yes	Yes
	Professional workshop and conference registration fees and associated costs.	Yes	No
	Loans and investments.	Yes	Yes
	General advertising.	Yes	No
Accommodation associated with provision of employment.	Yes	No	
Recruitment advertising.	Yes	No	

2.7 Instrument of Appointment and Authorisation Planning & Environment Act 1987

Directorate: Community and Corporate Services

Report Author: Governance Coordinator

Overview: This instrument can be used by a council to authorise officers to enforce the *Planning and Environment Act 1987* and institute proceedings on behalf of the council or represent the council.

Officer Recommendation

In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, Moyne Shire Council (Council) resolve that –

1. All previous appointment and authorisations for *Planning and Environment Act 1987* be revoked
 2. “The Officers” be appointed and authorised as set out in the instrument.
 3. The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
-

Background

Section 188(2)(c) of the *Planning and Environment Act 1987* provides that councils cannot delegate power to the CEO to authorise officers for the purposes of enforcing the Planning and Environment Act.

Strategic Link

Under s 313 of the *Local Government Act 2020*; the instrument also authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in instrument.

Discussion

The instrument takes into account appointment and authorisation for matters under the *Planning and Environment Act 1987*.

The update is being implemented to include staff changes.

Consultation

Moyne Shire Council subscribes to Maddocks Delegations and Authorisations service. The most recent template and resolution is utilized.

Financial Implications

Nil

Risk

Failure to appoint and authorise officers for the purposes of the *Planning and Environment Act 1987* would result in Council not being able to legally respond to offences under the *Planning and Environment Act 1987*, and potential failure of any future enforcement action.

Conclusion

Staff changes require an appointment and authorization resolved by Council for the purposes of the Planning and Environment Act 1987. The instrument has been updated.

All previous versions are required to be revoked.

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

Attachments

- | |
|---|
| 1. 20230209 S11A Delegations Instrument of Appointment PandE Act DELS11A
[2.7.1 - 2 pages] |
|---|



Maddocks

Maddocks Delegations and Authorisations

S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Moyne Shire Council

Instrument of Appointment and Authorisation
(Planning and Environment Act 1987 only)



**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "officer" means -
Brett Davis – Chief Executive Officer
Jodie McNamara – Director Economy and Place
Liz Regent – Manager Moyne Futures
Michelle Grainger – Manager Energy Projects
Daniel Selman
Angela Daly
Kate Clarke
Damien Drew
Peter Gstrein
Simon Illingworth
Colin McKane
Kane Church
Jocelyn Williams
Crystal Bell
Anna Finnerty
Vicki Askew-Thornton

By this instrument of appointment and authorisation Moyne Shire Council -

- 1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Moyne Shire Council on

The Common Seal of the **MOYNE SHIRE COUNCIL**
was hereunto affixed this day
of 2023 in the presence of:

.....
Chief Executive Officer

.....
Councillor

2.8 FY 2022-2023 Community Assistance Fund (CAF) Round 2 \$5,001 - \$30,000 Report

Directorate: Community and Corporate Services

Report Author: Community Development Officer

Overview: This report presents a list of Round 2 grant applications for the Community Assistance Fund (CAF) \$5,001 to \$30,000 Category for endorsement by the Chief Executive Officer (CEO). This procedure is in line with the revised Community Assistance Fund Guidelines adopted by Council at the 1 March 2022 Ordinary Council Meeting.

Officer Recommendation

That Council under Round 1 of the FY 2022-2023 CAF \$5,001 to \$30,000 category allocate a total of \$34,497 to the following officer approved applications:

Koroit Football and Netball Club	\$10,806
HADDAC (Hawkesdale and District Development Committee)	\$ 6,300
Port Fairy Little Athletics	\$ 3,366
Koroit Theatre Community Asset Committee	\$14,025
Total	\$34,497

Background

Moynes Shire Council's Community Grants Program aims to build stronger communities that benefit residents, local businesses and visitors.

The Community Assistance Fund specifically supports the development, upgrade and renewal of community facilities, acquisition of equipment and assistance toward community programs and initiatives.

The assessment of applications to the Community Assistance Fund is in accordance with the adopted Fund guidelines, assessment criteria and approval processes.

Strategic Link

Council Plan 2021-2025

1.4 - PLACE - Town and Community Sustainability

Encourage collaboration and partnerships between communities to achieve mutual benefits and build community connections.

Promote grants and funding support through the Community Assistance Fund and the Festivals and Events Fund for community-led projects, facility improvements and local health and safety initiatives.

Discussion

For the second quarter of 2022, Council received four applications to Round 2 of the Community Assistance Fund \$5,001- \$30,000 category. (Attachment 1 FY 2022-2023 CAF Round 2 \$5,001 - \$ 30,000 Application summary). The total value of projects submitted was \$ 34,497.

In Round 2, all applications were conforming and which Council officers recommend for Council endorsement.

The following table of applications for projects for Round 2 in the category of \$5,001 - \$30,000 are presented detailing the respective project, group and funding allocation.

Organisation	Project Description	Assessment Status	Eligibility Status	Total Project Cost	Approved CAF Contribution
Koroit Football Netball Club	Football Goal nets	Approved	Eligible	\$21,611	\$10,806
HADDAC	Replacement wooden farmer statue	Approved	Eligible	\$12,600	\$6,300
Port Fairy Little Athletics	Installation of long jump pits	Approved	Eligible	\$6,732	\$3,366
Koroit Theatre Community Asset Committee	Purchase new seating for the theatre	Approved	Eligible	\$28,050	\$14,025
			Total	\$68,993	\$34,497

Consultation

Targeted advertising campaigns are continuing via Council's Facebook page and other media for the duration of the fund period.

Grant Officers engaged with applicants to advise on the application process and requirements.

Financial Implications

The following table lists the value of applications submitted for approval under each funding type that fit within the \$5,001 - \$30,000 Category.

Funding Type	Amount inc gst
--------------	----------------

Equipment Purchases	\$14,025
Community Strengthening Programs	\$

Funding Type	Amount inc gst
Capital Works	\$20,472
Total Funding approved	\$34,497
Total Project Costs	\$68,993 inc gst

The \$232,500 ex GST for Community Assistance Funding across all streams, is identified in the 2022-2023 Council Budget. Funds allocations including approved and pending show the following running balance for the Fund.

Funding status	Under \$5k – all streams	\$5,001 - \$30k – all streams	Running CAFs balance - \$232,500
Approved	\$70,020	\$17,624	\$144,856
Pending	\$18,754	\$34,497	\$ 91,605

Risk

Risk identified: No Identified Risk in Round 2.

Conclusion

Council’s Community Development and Cultural & Community Development Support Officers declared a perceived Conflict of Interest.

These Officers declared a perceived conflict of Interest when assessing the applications. This was documented in the grant management portal and these officers did not assess the applications which had presented a perceived conflict of Interest. A weighted score is provided to ensure the application was scored fairly.

Attachments

- | |
|---|
| 1. Att01 FY 2022 2023 CAF Round 2 5001 30000 application summary [2.8.1 - 1 page] |
|---|

#	Organisation	Project Description	Eligibility Status	Assessment Status	Total Project cost	CAF Funding Requested	User Group Contribution	Approved CAF contribution	Conflict of Interest Declarations	Assessment Score	Number of Assessors	Weighted Score	Officer Comments
1	Koroit Football Netball Club	Install football goal nets - western end of Vic Park Reserve	Eligible	Approved	\$21,611	\$11,231	\$10,805	\$10,806	1 officer	187	4	46.75	Capital works. Planning permit required with cost to be covered by club independently. Approved funding 50% (based on 50% of total project cost) based on quotes and budget provided.
2	HADDAC (Hawkesdale and Didtrict Development Action Committee)	Replace wooden farmer and his dog statue	Eligible	Approved	\$12,600	\$6,300	\$6,300	\$6,300	nil declared	237	5	47.4	Capital works. Funding approved 50%. Artist will supply public liability for works and installation. Approved funding
3	Port Fairy Little Athletics	Install 2 x long jump pits at the Port Fairy Showgrounds	Eligible	Approved	\$6,732	\$3,060	\$3,366	\$3,366	nil declared	264	5	52.8	Capital works. Requested amount was less than 50%. Approved funding of 50% (based on 50% of total project cost)
4	Koroit Theatre Community Asset Committee	Purchase new seating for the theatre	Eligible	Approved	\$28,050	\$15,000	\$14,025	\$14,025	1 officer	228	4	57	Equipment purchase. Approved funding 50%. Allocated amount approved on updated budget and quote provided
Total approved CAF contribution - \$5,001-\$30,000 Round 2								\$34,497					

	CAF Balance
CAF budget 2022-23	\$232,500
Under \$5K Round 1	\$15,565
Under \$5K Round 2	\$20,219
\$5,001-\$30,000 Round 1	\$17,624
Under \$5K Round 3	\$34,236
Under \$5K Round 4	\$18,754
\$5,001-\$30,000 Round 2	\$34,497
Under \$5K Round 5	\$91,605
Under \$5K Round 6	\$91,605
\$5,001-\$30,000 Round 3	\$91,605

APPROVAL
CEO Signature: _____
Date: _____

2.9 Recommendations of Panel Report for C70moyn

Directorate: Economy & Place

Report Author: Manager Moyne Futures

Overview: This report provides the C70moyn Panel Report for Councillors to consider the recommendations of the Planning Panel Report for Moyne Planning Scheme Amendment C70moyn – Rural Housing and Settlement Strategy and recommends that Council considers and adopts the Panel’s recommendations.

Officer Recommendation

That Council:

- 1. Considers the Panel Report for Amendment C70moyn to the Moyne Planning Scheme in accordance with Section 27(1) of the *Planning and Environment Act 1987*, and adopts the Panel’s recommendations.**
 - 2. Adopts Amendment C70moyn to the Moyne Planning Scheme in accordance with Section 29(1) of the *Planning and Environment Act 1987*, incorporating the changes to Amendment C70moyn recommended by the Panel.**
 - 3. Submits Amendment C70moyn to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.**
 - 4. Commences further work to assess the land west of Koroit for potential contamination in accordance with the requirements of Ministerial Direction 1 and Planning Practice Note 30 to the satisfaction of Department of Environment, Land, Water and Planning and the Environment Protection Authority, in accordance with the Panel’s recommendations.**
-

Background

Planning Scheme Amendment C70moyn seeks to revise the Moyne Planning Scheme to reflect the recommendations of three strategies adopted by Council:

- Land Capability and Biodiversity Strategy (2009).
- Rural Housing and Settlement Strategy (RHSS) (2010).
- Addendum Report to both Strategies (2015).

The exhibited changes proposed:

- Rezoning land from the Farming Zone to the Rural Living Zone at Grassmere, Hawkesdale, Koroit (west and south west), Crossley, Illowa, Killarney, Southern Cross, Tower Hill and Woolsthorpe.

- Rezoning land from the Rural Living Zone to the Farming Zone at Caramut and Nullawarre.
- Rezoning land to the Township Zone at Garvoc, Nullawarre and Purnim.
- Rezoning land from the Farming Zone to the Rural Conservation Zone in the Budj Bim National Park environs.
- Reducing the minimum lot size for dwellings and subdivision to 15 hectares in the Farming Zone in the 'lifestyle farming' area at Bushfield, Grassmere and Wangoom.
- Reducing the minimum lot size for dwellings to ten (10) hectares in the Farming Zone in the 'lifestyle farming' area around Koroit, Kirkstall, Crossley and Tower Hill.
- Increasing the minimum lot size for dwellings and subdivision from ten (10) hectares to 40 hectares within the Farming Zone south of the Princes Highway, between Rocks Road and to the east of Gormans Road, at Killarney and Tower Hill.

Amendment C70moyn was exhibited over a period of eight weeks between 4 September 2021 and 8 November 2021.

A total of 64 submissions were received in response to the exhibition of the Amendment.

A wide range of issues are raised in the submissions. The key issues included:

- Application of the Rural Conservation Zone (RCZ) to land in the Budj Bim National Park Environs – responses from landowners opposing the application of the RCZ.
- Rural Living Zone – requests for additional land to be rezoned to the Rural Living Zone at Hawkesdale, Kirkstall, Koroit West and Southern Cross.
- Rural Living Zone – requests for changes to the location of the land to be rezoned and opposition to the proposed Rural Living Zone at Hawkesdale.
- Rural Living Zone – requests for reductions in the minimum lot size to one (1) hectare or less, at Crossley, Koroit West, Port Fairy, Southern Cross and Tower Hill.
- Farming Zone Schedule 3 'lifestyle farming area' at Koroit West/Crossley/Kirkstall – opposition from farmers to the proposed 10 hectares minimum lot size for a dwelling.
- Farming Zone – responses from landowners opposing the increase of the minimum lot size from 10 hectares to 40 hectares in the Belfast Rural Area.
- Township Zone – support for the proposed rezoning at Purnim and making additional land adjacent to the township available for development.
- Requests for Low Density Residential rezonings at Grassmere, Kirkstall, Koroit West and Port Fairy.
- Strategy documents – concerns regarding the age of the documents, the validity of background data, and subsequent changes to planning requirements, including the new Environment Protection framework, bushfire planning, etc.
- A small number of submissions express opposition to the entire Amendment.

When it considered submissions at its meeting on 3 May 2022, Council resolved to:

- Abandon that part of the Amendment which concerned the application of the Rural Conservation Zone Schedule 2 (RCZ2) to the Budj Bim National Park Environs, in accordance with Section 23 (1) (c) of the Planning and Environment Act 1987.
- Abandon that part of the Amendment which concerned the increase to the minimum lot size from 10 hectares to 40 hectares within the Farming Zone in the area south of the Princes Highway, bounded by Rocks Road to the east of Gormans Road, at Killarney and Tower Hill, in accordance with Section 23 (1) (c) of the Planning and Environment Act 1987.
- Refer all submissions, except those pertaining to the application of the Rural Conservation Zone Schedule 2 (RCZ2), and the increase to the minimum lot size within the Farming Zone in the area south of the Princes Highway at Killarney and Tower Hill, to a Planning Panel.

Strategic Link

Council Plan 2021-2025

1.1 - PLACE - Housing

Advocate for diverse housing and accommodation options to meet the housing needs of residents and develop blended communities where all are welcome to live and can enjoy a quality of life.

Preparation of amendment C70 is consistent with the commitment identified in the Council Plan Place Performance outputs to progress the Rural housing Strategy.

Discussion

Planning Panel

Following Council's consideration of submissions, the Minister for Planning appointed a two (2) person Independent Planning Panel.

The role of a Planning Panel is to conduct a public hearing, consider all unresolved submissions, review the strategic merit of the Amendment and provide a report to the Minister for Planning and Council detailing their findings and recommendations. Prior to the Hearing all submitters were invited to provide further written and verbal presentations to the Panel as part of proceedings.

A Directions Hearing was conducted on 2 August 2022.

The Panel Hearing was held between 19 September and 3 October 2022, and Council received the Panel Report on Friday 11 November 2022.

Panel Report

The Panel considered all submissions and matters before it, and concluded that there is strategic and policy support for the Amendment generally as exhibited with some changes:

- the 'lifestyle farming' area to the west of Koroit should not proceed as it runs the risk of undermining existing established agricultural operations in an area of high value agricultural land.
- the potential for soil contamination from potato farming to the west of Koroit needs to be properly addressed before rezoning to the Rural Living Zone (RLZ) proceeds.

In addition, the Panel found that:

- Council's proposed lot size reductions in the RLZ in response to submissions are not strategically justified and should not proceed.
- Council's proposed extension of the RLZ in Hawkesdale is not strategically justified.
- Council's proposals to identify land for further growth in changed policy at Clause 21.09 should be addressed by further work and no change should be made to the exhibited policy for Hawkesdale, Purnim, Kirkstall or Koroit West and Southern Cross.
- Submitter requests for rezoning (with one exception) would require further strategic justification and further notice and hearings if they were to proceed under the Amendment.

Panel Recommendations

Based on the reasons set out in its Report, the Panel recommended that Moyne Planning Scheme Amendment C70moyn be adopted as changed by Council at its ordinary meeting on 3 May 2022 in accordance with section 23 (1) (c) of the *Planning and Environment Act 1987* subject to the following:

1. Revise Clauses 21.05 and 21.09 to address the concerns raised by the Department of Environment, Land, Water and Planning in Submission 51.
2. Review Clauses 21.05 and 21.09 to ensure text and framework plans are consistent with the adopted zones.
3. Amend the Rural Living Zone schedules to include minimum setbacks for dwellings from roads modelled on the setbacks in the Farming Zone Schedule 2, but adjusted to address changes in the Victoria Planning Provisions since exhibition.
4. Abandon the Farming Zone Schedule 3 proposal west of Koroit and make necessary changes to Clause 22.03-4 (Lifestyle Farming) to reflect its deletion.
5. Before applying the Rural Living Zone to area west of Koroit, assess the land for potential contamination in accordance with the requirements of Ministerial Direction 1 and Planning Practice Note 30 to the satisfaction of Department of Environment, Land, Water and Planning and the Environment Protection Authority.
6. Increase the extent of the Farming Zone Schedule 2 to accord with the title boundaries of a consolidated lot PC379510Y, so that only one minimum lot size applies to the subject land.

The Panel findings and recommendations are discussed in more detail below.

Council's proposed post-exhibition changes

The Panel considered the post-exhibition changes proposed by Council and made the following observations:

- The changes would require further notice if they were to be pursued, and an opportunity would need to be provided to affected land owners to make submissions and be heard by a Panel.
- The changes require further strategic justification.

The Panel found that the lack of systematic strategic justification, uncertainty as to whether the changes were supported by DELWP (an issue addressed by authorisation), and the need for further notice, suggest that the majority of Council's post-exhibition changes should be pursued through a fresh Amendment process, if they are to be pursued at all.

Policy issues

The Panel noted the general support for the new policy clauses and agrees that the settlement hierarchy makes the Planning Scheme easier to use.

It did not support changes to the framework plans as proposed by Council. Resolving to expand settlement boundaries without a systematic assessment of the constraints that apply to the land, falls short of the strategic approach that is intended to support planning scheme amendments.

Even if the Panel were to support these changes, they would require further exhibition, and if these changes are to be pursued it should be through a separate amendment.

The Panel recommended:

- 1 Revise Clauses 21.05 and 21.09 to address the concerns raised by the Department of Environment Land Water and Planning in Submission 51.**
- 2 Review Clauses 21.05 and 21.09 to ensure text and framework plans are consistent with the adopted zones.**

Setbacks to roads

The Panel supported specifying the setbacks proposed by the Department of Transport, which will ensure that potential adverse impacts of the road or proposed road are considered in the siting of dwellings.

The Panel recommended:

- 3 Amend the Rural Living Zone schedules to include minimum setbacks for dwellings from roads modelled on the setbacks in the Farming Zone Schedule 2, but adjusted to address changes in the Victoria Planning Provisions since exhibition.**

Bushfield, and farming areas in Grassmere and Wangoom

The Addendum Report 2015 recommended a reduction of the minimum lot size for subdivision and dwellings from 40 hectares to 15 hectares in the Farming Zone in an area at Bushfield.

In addition, the Addendum Report 2015 recommended the rezoning of part of the area to RLZ with a 4 hectare minimum lot size for subdivision and dwellings.

The Authorisation conditions required the removal of the proposed Rural Living Zone at Bushfield–Wangoom (RLZ3), and allowed it to be replaced by the proposed Farming Zone Schedule 4 (15 hectare minimum lot size) .

The Panel agreed that the additional lot yield is unlikely to cause a significant traffic impact on the Warrnambool municipality, and accepted that Council’s Environmental Health Unit did not raise any concerns regarding additional on-site wastewater systems in this area.

In addition, the Panel noted that the rezoning in this location as exhibited would be consistent with the zoning in the adjoining Warrnambool municipality.

The Panel concluded:

- The rezoning is appropriate as exhibited.

Port Fairy North

The Panel noted that the authorisation request did not include any proposed planning scheme changes in Port Fairy or its environs.

Authorisation conditions included:

- *“Consider rezoning RLZ land in Port Fairy ... where a 4-hectare minimum lot size applies to RLZ3 to ensure the areas are clearly identified in the Planning Scheme, and for consistency with the approach taken by C70moyn to apply different schedules to areas with different minimum lot sizes.”*

The exhibited Amendment proposed to include the existing RLZ at Port Fairy, where applicable, in RLZ1 and RLZ3 (a policy neutral change) in accordance with the authorisation conditions.

When Council considered submissions at its meeting on 3 May 2022, it supported a request for a reduction in the minimum lot size from 4 hectares to 1 hectare in the existing RLZ at Port Fairy.

At the Directions Hearing, the Panel advised:

“The Panel has formed a preliminary view that proposed changes to the lot sizes in the Rural Living Zone are beyond the scope of the Amendment, but will hear submissions that the changes should be made. If it is persuaded that there may be merit in those submissions it will determine an appropriate process of further notice and submission.”

The Panel found that strategic work or justification had not been undertaken to change the minimum lot size from 4 hectares to 1 hectare in the RLZ at Port Fairy. Such a change would require further evaluation, notice and hearings.

In the view of the Panel, the requested zoning changes are beyond the scope of the Amendment as it applies to Port Fairy, which is purely a policy neutral change to achieve greater planning scheme transparency.

The Panel concluded:

- The rezoning is appropriate as exhibited (a policy neutral change) and there is no strategic justification to reduce the lot size.
- If Council wishes to pursue a reduced lot size in Port Fairy North it could do this by way of a separate amendment.
- Rezoning of land to the Low Density Residential Zone or General Residential Zone would need to be through a separate amendment.

Caramut

The exhibited Amendment proposed to back zone the existing Rural Living Zone land at Caramut to the Farming Zone, in accordance with the recommendations of the RHSS 2010.

The Panel accepted the strategic justification presented by Council for the back zoning of the RLZ at Caramut and noted that there were no submissions in regard to this part of the Amendment.

The Panel concluded:

- The rezoning is appropriate as exhibited.

Curdievale

Curdievale is a small settlement, which was not included in the exhibited Amendment.

One submission requested the inclusion of Curdievale in the Amendment, noting that its exclusion was a missed opportunity to provide environmental tourism and rural lifestyle options for the region.

The Panel noted that rezonings to facilitate additional rural living development are not recommended or occurring in 22 settlements as part of the Amendment.

It recognised that there are numerous settlements in the Shire and one of the purposes of the Amendment is to have a targeted approach in relation to future growth. The Panel noted Council's assessment that it does not have the resources to support growth in all settlements in Moyne.

The Panel concluded:

- Any changes to Curdievale would need to be by way of a separate amendment.

Garvoc

The exhibited Amendment proposed to rezone three lots from the FZ to the TZ, in accordance with the Addendum Report 2015 recommendations, and apply a PPRZ to existing open space.

The Panel agreed that the proposed changes at Garvoc will correct a zoning anomaly by including existing urban uses within the settlement boundary. In addition, the Panel agreed that the zoning of public open space to PPRZ is an appropriate rezoning for this land use.

The Panel concluded:

- The rezoning is appropriate as exhibited.

Grassmere

The exhibited Amendment proposed to rezone the settlement from the FZ to the Rural Living Zone Schedule 1 with a 1 hectare minimum lot size, in accordance with the Addendum Report 2015 recommendations.

One submission requested the application of the LDRZ instead of the RLZ to:

“... assist appropriate growth of the settlement and to support the continuation of community services provided within this settlement to the wider area.”

The Panel agreed that the Amendment as exhibited, recognises the rural living nature of the settlement, which is not contributing to active farming pursuits. It did not endorse a rezoning to the LDRZ, as it was not supported by the strategic work behind the Amendment.

It noted that although the background documents are somewhat dated, much of the settlement landscape in which the Amendment is proposed has not significantly altered.

The Panel concluded:

- The rezoning is appropriate as exhibited.

Hawkesdale

The exhibited Amendment proposed to rezone land in the settlement from the FZ to the RLZ1 with (1-hectare minimum lot size), in accordance with the authorisation conditions, that is, a reduction to the extent of RLZ rezoning proposed in the Addendum Report 2015.

The authorisation conditions required a reduction in the extent of the RLZ to the area between Spring Street and O'Brien Street.

Nine submissions were received and eight requested changes to the location or extent of the land to be rezoned. One submission opposed any RLZ rezonings at Hawkesdale.

Council resolved at its 3 May 2022 meeting to support a change to the location and extent of land to be rezoned to Rural Living, and to identify additional land for future growth/rezoning as requested by Submission 23.

The Panel was mindful that the 1.0 kilometre wind energy facility buffer covers approximately 50 per cent of the lots to the north of Noremac Road and Warwillah Road suggested for rezoning, therefore, constraining the sites for future development. Reducing the wind farm buffer may be inconsistent with Clause 52.32 which seeks a 1.0 kilometre buffer between a wind turbine and dwelling.

Therefore, including part of this area for future development of dwellings may not be consistent with the Council Resolution of 28 August 2021 or Clause 52.32 which seeks a 1 kilometre buffer between a turbine and dwelling. For these reasons, the Panel did not agree with Council's resolution of 3 May item 7a.

Notwithstanding, the Panel agreed with Council that further work as part of a separate process could be undertaken to determine a future township boundary for Hawkesdale.

The Panel concluded:

- The rezoning is appropriate as exhibited.
- Identifying land for further growth and changes to proposed policy at 21.09 should be addressed by further work and no change should be made to the exhibited policy for Hawkesdale.

Nullawarre

The exhibited Amendment proposed to back zone the RLZ to the west of the township to the FZ, and rezone FZ and RLZ land near the town centre to the TZ, in accordance with the Addendum Report 2015 recommendations and authorisation conditions. In addition, it included the existing RLZ in RLZ Schedule 1 (administrative change) in accordance with the authorisation conditions.

The Panel agreed that specific conditions at Nullawarre support the proposed rezonings. It noted that no submissions were received from landowners regarding this back zoning.

The Panel concluded:

- The rezoning is appropriate as exhibited.

Purnim

The exhibited Amendment proposed to rezone land to the TZ and public use zones and included the existing RLZ in RLZ Schedule 1 (administrative change) in accordance with the recommendations of the RHSS 2010 and authorisation conditions.

Council at its meeting of 3 May 2022 did not propose any change to the proposed rezoning (which accords with the RHSS 2010), but supported the possible extension of the Settlement Boundary as requested by a submitter.

The Panel agreed that the rezoning of land containing the CFA, church, and former school site from the FZ to the TZ is a sensible planning outcome.

In regard to Council's position on the Amendment (that is, change the framework plan to identify land for further growth) which derives from the submissions, the Panel noted that strategic work would be needed to support any changes.

The Panel concluded:

- The rezoning is appropriate as exhibited.
- Identifying land for further growth and changes to proposed policy at 21.09 should be addressed by further work and no change should be made to the exhibited policy for Purnim.

Woolsthorpe

The authorisation conditions required a reduction to the extent of RLZ proposed in the Addendum Report 2015, to an area on the eastern side of the town.

The exhibited Amendment proposed to rezone land on the eastern side of the town from the FZ to the RLZ1 with a 1 hectare minimum lot size, in accordance with the authorisation conditions.

The Panel noted there were no submissions regarding the Amendment to rezone land on the eastern side of the town from FZ to the RLZ1 with a 1 hectare minimum lot size. It agreed that the rezoning as exhibited reflects the existing pattern of development of Woolsthorpe and will allow for limited further subdivision.

The Panel concluded:

- The rezoning is appropriate as exhibited.

Illowa West

The exhibited Amendment proposed to rezone the settlement from the FZ to the RLZ2 with a 2 hectare minimum lot size, in accordance with the recommendations of the RHSS 2010 and authorisation request.

Council resolved at its meeting of 3 May 2022 to support a reduction to the minimum lot size from 2 hectares to 1 hectare at Illowa/Tower Hill as requested by a submitter.

The Panel noted that area is affected by SLO6, which identifies that Tower Hill is a outstanding volcanic landscape and is of State significance for its visual qualities.

It did not agree with Council that strategic justification to reduce the minimum lot size in Illowa has been undertaken. The Panel was mindful of the existing quarry adjacent to this location, as well as, the Tower Hill environs, which need to be considered when allowing for increased density.

The Panel concluded:

- The rezoning is appropriate as exhibited.
- It is not appropriate to reduce the lot size in Illowa West.

West of Koroit to Kirkstall and Crossley

The exhibited Amendment proposed to rezone land to the FZ3 with a dwelling trigger at 10 hectares and minimum lot size for subdivision remaining at 40 hectares, in accordance with the Addendum Report 2015 recommendations and authorisation conditions.

Council resolved at its meeting of 3 May 2022 to support:

- the reduction in the minimum lot size from 2 hectares to 1 hectare for the land to be rezoned to RLZ, and to identify additional land for future growth.
- changes to the Framework Plan for Kirkstall to identify land for future growth as requested in two of the submissions.

The Panel accepted Council's submissions that suggest Moyne has seen an increase in job opportunities due to improving economic conditions which are making regional areas of Australia increasingly attractive, and that the experience in the Moyne (as in many regional areas) is that the regional rental market is under stress. In addition, the Panel accepted that in some areas of Moyne, it is prudent to allow for some growth to accommodate these demands. However, the Panel was concerned that if more rural residential development occurs in the area, this will put greater pressure on existing long standing farming operations and is likely to affect the prevailing character of the area.

The Panel accepted that the policy at Clause 22.03-4 (Lifestyle Farming) is intended to ensure properties are used for agricultural pursuits but it did not see how this could be enforced or mandated once a dwelling has been established.

It noted that there are areas west of Koroit, which include small lots and the rezoning of some of these areas to RLZ2 could be said to respond to the existing land use patterns. However, this should not be at the expense of the Farming Zone, nor of existing controls which go to protect the landscape values of Tower Hill and its environs (also noted by DELWP).

The Panel noted that a more extensive application of the RLZ was not authorised under this amendment implying that it is not consistent with State policy.

For the reasons above, the Panel was not convinced that adequate strategic justification exists to extend the RLZ area or reduce the RLZ2 lot size to one hectare. In addition, the Panel was also persuaded that it is not appropriate to introduce a FZ3 which allows for a 10 hectare minimum lot size for permit exempt dwellings.

The EPA and subsequently the Panel raised important questions regarding the potential for contamination to be addressed prior to rezoning land for sensitive uses as required in MD1 and PPN30. This may not be an issue, however, the Panel cannot be satisfied that

any work underpinned the Amendment to allow for a sensitive use in areas, which are known to have previously been used for potato farming (noted in the *Moyne Shire Land Capability and Biodiversity Studies Project*).

The Panel noted that the land bordered by Nine Mile Creek Road, the Port Fairy Rail Trail and the Penshurst–Warrnambool Road appears well-located for denser development, but further study would be required.

However, it found that there is insufficient strategic work to identify any land for potential extension to the settlement boundary.

The Panel concluded:

- It is not appropriate to reduce the lot size in the area.
- Identifying land for further growth and changes to proposed policy at 21.09 should be addressed by further work and no change should be made to the exhibited policy for Kirkstall or Koroit West.

The Panel recommended:

4 Abandon the Farming Zone Schedule 3 proposal west of Koroit and make necessary changes to Clause 22.03-4 (Lifestyle Farming) to reflect its deletion.

5 Before applying the Rural Living Zone to area west of Koroit, assess the land for potential contamination in accordance with the requirements of Ministerial Direction 1 and Planning Practice Note 30 to the satisfaction of Department of Environment Land Water and Planning and the Environment Protection Authority.

Southern Cross

The exhibited Amendment proposed to rezone the settlement from the FZ to the RLZ2 with a 2- hectare minimum lot size, in accordance with the authorisation conditions.

The authorisation conditions required a reduction of the extent of the RLZ rezoning to be consistent with the recommendations of the Addendum Report 2015 and an increase of the minimum lot size to 2 hectares.

At its meeting of 3 May 2022, Council resolved to advocate for a change to the exhibited minimum lot size from 2 hectares to 1 hectare at Southern Cross as requested in some of the submissions.

The Panel agreed that the rezoning of the land to RLZ reflects the rural residential nature of the area and will provide a modest supply of additional lots. In addition, the Panel accepts those submissions which suggest there is a demand for rural living in this area, however, they identified the need to balance these issues with the existing farming uses surrounding the township.

Therefore, the Panel was not convinced that reducing the minimum lot size is appropriate in Southern Cross, particularly as there are no services within the settlement, no intent to

provide services, and Koroit is within proximity to cater for the modest increase of services required.

The Panel did not accept reducing the lot size will avoid further expansion of Southern Cross. In addition, it found that there was insufficient strategic work to justify the identification of any land for potential extension to the settlement boundary.

The Panel concluded:

- It is not appropriate to reduce the lot size in the area.
- The rezoning is appropriate as exhibited.
- Identifying land for further growth and changes to proposed policy at 21.09 should be addressed by further work and no change should be made to the exhibited policy for Southern Cross.

Killarney and surrounds

The Amendment proposed to apply the RLZ1 to the Towilla Way/Survey Lane to reflect the existing pattern of development and recognise a 1990s subdivision and use permit. In addition, it proposed to apply the FZ2 to the 10 hectare minimum lot size area to the south of the Princes Highway to improve the transparency of the existing planning controls.

Council resolved at its meeting of May 2022 to support Submission 13, which requested a minor increase to the extent of the FZ2 to accord with the title boundaries of a consolidated lot PC379510Y, so that only one minimum lot size applies to the subject land.

The Panel agreed with Council that it would be appropriate to include the entirety of the property (Sub 13) to be within FZ2.

Land between the FZ2 and the coast is public land in the FZ. The Amendment could consider applying an appropriate Public Use Zone. This would be in keeping with one of the purposes of the Amendment which is to apply public use zones to public land (albeit only in certain settlements).

The Panel concluded:

- The rezoning is generally appropriate as exhibited.

The Panel recommended:

Increase the extent of the Farming Zone Schedule 2 to accord with the title boundaries of a consolidated lot PC379510Y, so that only one minimum lot size applies to the subject land.

Consultation

Pursuant to Section 19 of the *Planning and Environment Act 1987*, the Amendment was publicly exhibited for an eight week period. Notice of the Amendment was published in the

Victorian Government Gazette and in the Saturday edition of the Warrnambool Standard newspaper.

Letters were sent to individual landowners within the areas proposed to be rezoned, accompanied by a fact sheet to assist with informing the community about the amendment and how to make a submission.

Notice of the Amendment was provided to government agencies and Prescribed Government Ministers. The amendment documentation was available on Council's website, and DELWP Amendments Online.

The submitters were given the opportunity to attend the Planning Panel Hearing and present before the Panel. Of the 64 submissions received, 18 submitters presented or were represented before the Panel.

Financial Implications

Costs associated with the preparation, exhibition of the Amendment and Panel Hearing have been included within the 2022/2023 Budget

Risk

The Amendment has been assessed against all relevant requirements of the Moyne Planning Scheme and the *Planning and Environment Act 1987*, including all relevant Ministerial Directions and Practice Notes.

Planning and Environment Act

Section 27

The planning authority must consider the report, decide what alterations should be made to the amendment and whether to adopt or abandon it. The Minister can exempt an authority from the need to consider a report from a panel if the panel has not reported within six months of its appointment or within three months of the completion of its hearings.

Division 3—Adoption and approval of amendment

29 Adoption of amendment

(1) After complying with Divisions 1 and 2 in respect of an amendment or any part of it, the planning authority may adopt the amendment or that part with or without changes.

Conclusion

The Amendment has undergone a transparent and fair process and provided all submitters the opportunity to be heard and submissions considered by an independent planning panel process, in accordance with the requirements of the *Planning and Environment Act 1987*.

It is recommended that the Amendment be adopted in accordance with the Panel's recommended changes.

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

Attachments

1. Moyne- C 70 moyn- Panel- Report (3) [2.9.1 - 93 pages]

**Planning
Panels
Victoria**

**Moyne Planning Scheme Amendment C70moyn
Rural Housing and Settlement Strategy**

Panel Report

Planning and Environment Act 1987

11 November 2022



How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

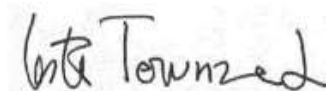
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Moyne Planning Scheme Amendment C70moyn

Rural Housing and Settlement Strategy

11 November 2022



Lester Townsend, Chair



Mandy Elliott, Member

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Glossary and abbreviations

Bamstone	BAM and Associates Pty Ltd
CFA	Country Fire Authority
Council	Moyne Shire Council
DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
FZ	Farming Zone
GRZ	General Residential Zone
HADDAC	Hawkesdale and District Development Action Committee
LCBS	Moyne Shire Land Capability and Biodiversity Studies Project, 2009 (EnPlan Partners with Ecology Partners)
LDRZ	Low Density Residential Zone
MD1	Ministerial Direction 1
PCRZ	Public Conservation and Resource Zone
PE Act	Planning and Environment Act 1987
Planning Scheme	Moyne Planning Scheme
PPF	Planning Policy Framework
PPN30	Planning Practice Note 30 Potentially Contaminated Land
PPN37	Planning Practice Note 37 Rural Residential Development
PPRZ	Public Park and Recreation Zone
PUZ	Public Use Zone
RCZ	Rural Conservation Zone
RHSS	Moyne Warrnambool Rural Housing and Settlement Strategy
RLSDA	Residential Land Supply & Demand Assessment, 2021 (Spatial Economics)
RLZ	Rural Living Zone
TZ	Township Zone

Overview

Amendment summary

The Amendment	Moyne Planning Scheme Amendment C70moyn
Common name	Rural Housing and Settlement Strategy
Brief description	The Amendment proposes changes to update the Planning Policy Framework and planning controls. These changes will guide the use and development of agricultural land, rural living development, and the growth and development of the Shire's smaller settlements. There are changes proposed to planning policy, the zoning of land in designated areas, and minimum lot sizes in designated areas within the Farming Zone
Subject land	Multiple areas across the municipality
Planning Authority	Moyne Shire Council
Authorisation	Submitted 29 January 2020 Authorised with conditions 12 April 2021
Exhibition	4 September to 8 November 2021
Submissions	Number of Submissions: 64, 50 referred to the Panel See Appendix A

Panel process

The Panel	Lester Townsend (Chair) and Mandy Elliott
Directions Hearing	Video conference, 2 August 2022
Panel Hearing	Video conference and in person at Mortlake, 19, 20, 21 September, 3 October 2022
Site inspections	Unaccompanied, 22 September 2022
Parties to the Hearing	Appendix B
Citation	Moyne PSA C70moyn 2022 PPV
Date of this report	11 November 2022

Executive summary

Moyne Planning Scheme Amendment C70moyn (the Amendment) began life as Amendment C44 (the renumbering was a consequence of the introduction of the Amendment Tracking System in late 2019).

The Amendment seeks to implement the settlement, housing and land use recommendations of strategic work, most relevantly the *Moyne Warrnambool Rural Housing and Settlement Strategy* (RHSS). The Amendment also proposes to include the *Moyne Shire Land Capability and Biodiversity Studies Project (2009)* (LCBS) as a background document.

This is an amendment with many moving parts. It is intended to:

- provide an improved strategic framework and suite of statutory controls to guide the use and development of agricultural land in Moyne
- support the provision of diversity in housing stock in Moyne
- improve the management of residential and rural residential development in Moyne's smaller settlements
- formalise within the Moyne Planning Scheme the existing areas used for rural living purposes, as identified in the RHSS
- improve the clarity and transparency of planning controls by mapping what are currently text based descriptions in schedules.

The Amendment applies to rural (non-urban) land and small settlements across Moyne. The Amendment makes policy and zoning changes. The rezonings are a mix of:

- policy neutral changes to improve scheme transparency
- uncontroversial application of public use zones to public land
- rezoning to recognise existing land use patterns
- new zones or zone schedules to achieve new policy intent.

Of the submissions that raise objection or request changes to the Amendment, the identified key themes were summarised by Council as relating to:

- aspects of the Amendment abandoned by Council, in accordance with Section 23 (1) (c) of the *Planning and Environment Act 1987* before the Panel Hearings:
 - the opposition to application of the Rural Conservation Zone to land within the Budj Bim National Park Environs
 - opposition to the increase in the minimum lot size from 10 hectares to 40 hectares under the Farming Zone (FZ) in the Belfast Rural Area (Killarney and Tower Hill, south of Princes Highway, bounded by Rocks Road and Gormans Road)
- in the townships:
 - requests for changes to the location of land to be rezoned Rural Living Zone Schedule 1 (RLZ1) at Hawkesdale
 - support for the proposed rezoning at Purnim to the Township Zone (TZ) and the subsequent making of additional land adjacent to the township available for development
 - requests for rezoning to the Low Density Residential Zone (LDRZ) at Grassmere
- in the Koroit and surrounds area:

- opposition to reducing the minimum lot size for an 'as of right' dwelling to 10 hectares within Schedule 3 (lifestyle farming area) to the FZ at Koroit West, Crossley and Kirkstall
- requests for additional land to be rezoned to the RLZ2 at Kirkstall, Koroit West and Southern Cross
- requests for reductions in the minimum lot size to 1 hectare or less at Crossley, Koroit West, Port Fairy, Southern Cross and Tower Hill
- requests for rezoning to the LDRZ at Kirkstall, Koroit West and Port Fairy.

Council advised that the Amendment has a long history including:

- extensive strategic work that commenced with the preparation of the Moyne Shire Land Capability and Biodiversity Studies Project and the Moyne Warrnambool Rural Housing and Settlement Strategy in 2007 and 2008 respectively
- extensive pre-exhibition consultation community engagement workshops undertaken during April and May 2010, which resulted in 45 submissions and the convening of a submitters meeting
- an earlier strategic planning process, Amendment C44, that took place in June 2011 to implement the 2007 and 2008 adopted strategies
- refreshed strategic work in the form of the Moyne Shire Council Rural Housing and Settlement Strategy – Addendum Report 2015, prepared by Council in 2015.

Strategic justification

Two elements of the Amendment do not require strategic justification:

- policy neutral changes to improve scheme transparency
- uncontroversial application of public use zones to public land.

The changes to recognise existing land use patterns that do not result in significant on-the-ground changes need to be assessed to ensure they are not entrenching or exacerbating an inappropriate land use pattern, but this needs to be balanced against the effective management of areas as they are currently developed. These types of changes include back zoning RLZ land to the FZ. The circumstances of individual settlements will determine these outcomes.

Critical areas for strategic justification in the exhibited Amendment are proposals to:

- introducing 'lifestyle farming' areas
- rezoning land from FZ to the RLZ
- inserting a new RLZ2.

Council's post-exhibition changes also require strategic justification, but the Panel notes that there was no systematic presentation of this justification.

Conclusions

It is difficult to determine a clear line of sight between the background reports and the Council's preferred version of the Amendment. This is because:

- the LCBS and RHSS are separate strategies rather than an integrated piece of work
- the Addendum Report 2015 which reconciles the LCBS and RHSS is more pragmatic than strategic in its presentation

- authorisation departed significantly from the LCBS, RHSS and Addendum Report 2015 in places
- the Council preferred version is not explicitly supported by a strategic analysis.

These difficulties do not mean that the Amendment cannot proceed, but that it must proceed more on the basis of a pragmatic response to the situation of the individual settlements than as the systematic application of overarching strategy. Indeed, this is the way evidence was put to the Panel. This settlement-by-settlement approach is more difficult in the area of Koroit and surrounds where a strategic overview of the area around Koroit would provide for clear and orderly planning.

There is strategic and policy support for the Amendment generally as exhibited with some changes:

- the 'lifestyle farming' area to the west of Koroit should not proceed as it runs the risk of undermining existing established agricultural operations in an area of high value agricultural land
- the potential for soil contamination from potato farming to the west of Koroit needs to be properly addressed before rezoning to the RLZ proceeds.

Council's proposed lot size reductions in the RLZ in response to submissions are not strategically justified and should not proceed.

Council's proposed extension of the RLZ in Hawkesdale is not strategically justified.

Council's proposals to identify land for further growth in changed policy at 21.09 should be addressed by further work and no change should be made to the exhibited policy for Hawkesdale, Purnim, Kirkstall or Koroit West, Southern Cross.

Submitter requests for rezoning (with one exception) would require further strategic justification and further notice and hearings if they were to proceed under the Amendment. They are best left to other processes.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Moyne Planning Scheme Amendment C70moyn be adopted as changed by Council at its ordinary meeting on 3 May 2022 in accordance with section 23 (1) (c) of the *Planning and Environment Act 1987* subject to the following:

- 1. Revise Clauses 21.05 and 21.09 to address the concerns raised by the Department of Environment Land Water and Planning in Submission 51.**
- 2. Review Clause 21.05 and 21.09 to ensure text and framework plans are consistent with the adopted zones.**
- 3. Amend the Rural Living Zone schedules to include minimum setbacks for dwellings from roads modelled on the setbacks in the Farming Zone Schedule 2, but adjusted to address changes in the Victoria Planning Provisions since exhibition.**
- 4. Abandon the Farming Zone Schedule 3 proposal west of Koroit and make necessary changes to Clause 22.03-4 (Lifestyle Farming) to reflect its deletion.**
- 5. Before applying the Rural Living Zone to area west of Koroit, assess the land for potential contamination in accordance with the requirements of Ministerial Direction 1 and Planning Practice Note 30 to the satisfaction of the Department of Environment Land Water and Planning and the Environment Protection Authority.**
- 6. Increase the extent of the Farming Zone Schedule 2 to accord with the title boundaries of a consolidated lot PC379510Y, so that only one minimum lot size applies to the subject land.**

1 Introduction

1.1 The Amendment

1.1.1 Amendment description

Moyne Planning Scheme Amendment C70moyn (the Amendment) began life as Amendment C44 (the renumbering was a consequence of the introduction of the amendment tracking system in late 2019).

The Amendment seeks to implement the settlement, housing and land use recommendations of strategic work, most relevantly the *Moyne Warrnambool Rural Housing and Settlement Strategy* (RHSS). The Amendment also proposes to include the *Moyne Shire Land Capability and Biodiversity Studies Project (2009)* (LCBS) as a background document.

The Amendment is intended to:

- provide an improved strategic framework and suite of statutory controls to guide the use and development of agricultural land in Moyne
- support the provision of diversity in housing stock in Moyne
- improve the management of residential and rural residential development in Moyne's smaller settlements
- formalise in the Planning Scheme the existing areas used for rural living purposes, as identified in the RHSS
- improve the clarity and transparency of planning controls by mapping what are currently text-based descriptions in schedules.

The Amendment applies to rural (non-urban) land and small settlements across Moyne and makes policy and zoning changes.

1.1.2 Policy changes

The Amendment proposes the following policy changes:

- **Clause 21.05 (Settlement and Housing)**
Introduce new guidance in relation to the anticipated role and growth expectations for the municipalities smaller settlements and to provide improved guidance and direction for rural residential and rural living developments
- **Clause 21.07 (Economic Development)**
Introduce improved guidance and direction for the anticipated use and development of agricultural land
- **Clause 21.09 (Local Areas)**
Introduce new, settlement specific policy outlining the anticipated settlement role and growth expectations for the settlements of Caramut, Cudgee, Ellerslie, Framlingham, Garvoc, Grassmere, Hawkesdale, Hexham, Illowa West, Kirkstall, Koroit, Macarthur, Nullawarre, Orford, Panmure, Purnim, Southern Cross, Towilla Way, Winslow, Woolsthorpe, Woorndoo and Yambuk
- **Clause 22.01 (Settlement)**
Delete Clause 22.01-5 (Koroit), Clause 22.016 (Macarthur) and Clause 22.01-7 (Smaller Townships and Settlements), with settlement specific policy for these townships to be included within the amended Clause 21.09 (Local Areas)

- Clause 22.03 (Economic Development)
 - Delete Clause 22.03-4 (Agricultural Production), Clause 22.03-5 (Housing on Lots of Less than the Minimum Area) and Clause 22.03-6 (Excisions of Dwellings in the Farming Zone), with guidance and direction for the anticipated use and development of agricultural land to be detailed within the amended Clause 21.07 (Economic Development)
 - Introduce a new Clause 22.03-4 (Lifestyle Farming Policy) to set out expectations for, and to provide a framework to guide decision making for dwellings on rural lots of less than 15 hectares in area between Koroit and Kirkstall and at Bushfield and Wangoom
- **Clause 21.11 (Reference Documents)**
Introduce the following as Reference Documents:
 - Moyne Shire Land Capability and Biodiversity Studies Project, 2009 (EnPlan Partners with Ecology Partners)
 - Moyne Warrnambool Rural Housing and Settlement Strategy – Context Report, 2010 (CPG Australia)
 - Moyne Warrnambool Rural Housing and Settlement Strategy – Rural Housing and Settlement Strategy Report, 2010 (CPG Australia)
 - Moyne Shire Council Rural Housing and Settlement Strategy – Addendum Report 2015, 2015 (Moyne Shire Council).

1.1.3 Zoning changes

The exhibited Amendment proposes a number of zoning changes and changes to zone schedules.

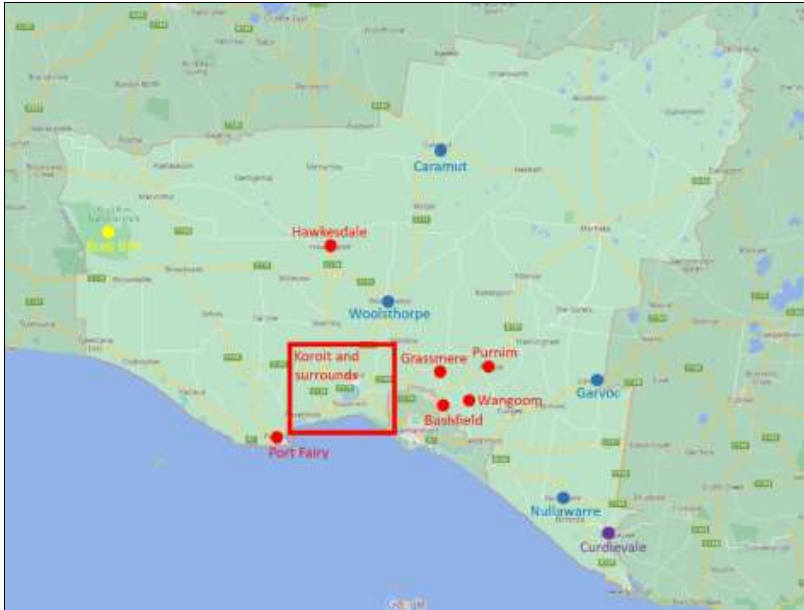
The rezonings are a mix of:

- policy neutral changes to improve scheme transparency
- uncontroversial application of public use zones to public land
- rezoning to recognise existing land use patterns
- new zones or zone schedules to achieve new policy intent.

Areas affected by zoning changes are shown in Figure 1. The Koroit and surrounds area is shown in more detail on Figure 19 on page 53. Figure 1 does not show settlements where only policy neutral zoning changes are proposed. It shows:

- Settlements where submissions were received
- Settlements where no submissions were received
- Budj Bim where part of the Amendment was abandoned
- Curdievale which is not part of the Amendment but was the subject of a submission.

Figure 1 Areas affected by the Amendment – Moyne view



In respect of the Farming Zone (FZ), the Amendment, as exhibited, proposed to:

- rename the existing unnumbered schedule to the FZ to Schedule 1 (FZ1) (40 hectare minimum for permit exempt dwellings¹ and subdivision²), and split the minimum lot size requirements for high quality agricultural land, identified in the schedule as land included in Schedule 5 to the Significant Landscape Overlay (SLO5), into a new Schedule 2 (FZ2) (10 hectare minimum for dwellings and subdivision)
- change minimum lot sizes for dwellings and subdivision:
 - introduce a 'lifestyle farming' (FZ3) (10 hectare minimum for dwellings and 40 hectares for subdivision) in a designated 'lifestyle farming' area around Koroit
 - introduce a 'lifestyle farming' (FZ4) (15 hectare minimum for dwellings and subdivision) in a designated 'lifestyle farming' area around Bushfield and extending into rural areas in Grassmere and Wangoom
 - increase the minimum lot size for dwellings and subdivision from 10 hectares to 40 hectares in the FZ between Rocks Road and to the east of Gormans Road, at Killarney and Tower Hill south of the Princes Highway in the Koroit and surrounds area by applying the FZ1 instead of a policy neutral transfer to FZ2
- back zone land from the RLZ to the FZ at Caramut and parts of Nullawarre
- rezone land from FZ to the Rural Conservation Zone (RCZ) close to the Budj Bim National Park with a new Schedule 2 to specify minimum subdivision areas.

In respect of the Rural Living Zone (RLZ):

- split the unnumbered schedule to the RLZ into two new schedules on a policy neutral basis:
 - RLZ1 with a 1 hectare minimum lot size for subdivision and dwellings without a permit

¹ The minimum lot size required for a dwelling 'Minimum area for which no permit is required to use land for a dwelling'

² With some site specific exceptions. FZ1 is mapped as 'FZ' or 'FZ1' on planning scheme maps

- RLZ3 with a 4 hectare minimum lot size for subdivision and dwellings without a permit
- insert a new RLZ2 with a 2 hectare minimum lot size for subdivision and dwellings without a permit
- rezone land from FZ to the:
 - RLZ1 at Grassmere, Hawkesdale and Woolsthorpe
 - RLZ2 at Koroit and surrounds (including, west of Koroit to Kirkstall and Crossley, Southern Cross, and Illowa West, but RLZ1 Towilla Way near Killarney).

In townships:

- rezone specific lots within the built area of Garvoc, Purnim and parts of Nullawarre to the Township Zone (TZ) from the FZ
- rezone public land to the Public Use Zone (PUZ), Public Conservation and Resource Zone (PCRZ) or Public Park and Recreation Zone (PPRZ) to reflect its status as public land.

1.1.4 Changes to the Amendment in response to submissions

In response to the submissions, Council resolved, in accordance with section 23 (1) (c) of the *Planning and Environment Act 1987* (PE Act), to abandon part of the Amendment which concerns:

- the application of the RCZ to the Budj Bim National Park Environs
- the increase to the minimum lot size from 10 hectares to 40 hectares in the FZ in the area south of the Princes Highway, bounded by Rocks Road to the east of Gormans Road, at Killarney and Tower Hill.

The submissions that gave rise to the partial abandonment of the Amendment were not referred to the Panel and therefore have not been considered.

1.1.5 Council position in response to submissions

Council resolved to present a preferred position on the Amendment for the Panel's consideration:

- Policy changes:
 - including additional information in the Planning Policy Framework strengthen the strategic framework as requested by DELWP (Sub 51)
 - amending of the Framework Plans for Hawkesdale, Kirkstall, Koroit West, Purnim and Southern Cross in the exhibited Clause 21.09 to identify land for future growth as requested in Submissions 7, 8, 9, 14, 23, 35, 52, 53, 60 and 63.
- Advocating for zone schedule changes:
 - including minimum setback distances from a Transport 2 Zone in Schedule 2 to RLZ similar to that specified in Schedule 2 to the FZ as requested by the Department of Transport (Sub 59)
 - reducing the minimum lot size from 2 hectares to 1 hectare for the proposed RLZ at Koroit, Crossley, Illowa, Southern Cross and Tower Hill
 - reducing the minimum lot size from 4 hectares to 1 hectare in the existing RLZ at Port Fairy (Sub 17).
- Advocating for changes to the mapping beyond the exhibited Amendment as follows:

- supporting the change to the boundary between FZ1 and FZ2 at Illowa as requested in Submission 13
- supporting the change to the location of the land proposed to be rezoned to RLZ1 at Hawkesdale as requested in Submission 15.
- Supporting the exhibited form of the Amendment (contrary to the recommendation of Council’s internal strategic planning officers) retaining the exhibited FZ3 ‘lifestyle farming’ area between Koroit–Kirkstall, Crossley and Tower Hill.

1.2 Background

1.2.1 Background to the Amendment

Council advised that the Amendment has a long history including:

- extensive strategic work that commenced with the preparation of the Moyne Shire Land Capability and Biodiversity Studies Project and the Moyne Warrnambool Rural Housing and Settlement Strategy in 2007 and 2008 respectively
- extensive pre-exhibition consultation community engagement workshops undertaken during April and May 2010, which resulted in 45 submissions and the convening of a submitters meeting
- an earlier strategic planning process, Amendment C44, that took place in June 2011 to implement the 2007 and 2008 adopted strategies
- refreshed strategic work in 2015, in the form of the Moyne Shire Council Rural Housing and Settlement Strategy – Addendum Report 2015, prepared by Council³.

Council submitted (Part A):

- 15 There is considerable community interest in the municipality for progressing with agricultural land use policy and rural housing reform.

1.2.2 Council resolutions and authorisation

Previous resolutions about the preparation of the Amendment

In part as a consequence of the lengthy history of the Amendment, there are several Council resolutions that inform or relate to the Amendment. These are presented in Appendix D.

Authorisation

Council requested authorisation to prepare the Amendment on 29 January 2020. Between this request and the grant of authorisation, a review was undertaken by DELWP and detailed correspondence passed between Council and DELWP. This has been provided to the Panel.

On 12 April 2021, authorisation was granted for the preparation and exhibition of the Amendment subject to the conditions summarised in Council’s submission on of how those conditions have been met. The Table is presented in Appendix E.

1.2.3 Other amendments

Amendment C69moyn

Amendment C69moyn seeks to implement the recommendations of the *Port Fairy Coastal and Structure Plan*, 2018 by revising the Local Areas Policy relevant to Port Fairy in the Local

³ Noting that the Addendum Report 2015 was not subject to any separate, dedicated community consultation

Planning Policy Framework of the Moyne Planning Scheme, making relevant changes to the zone and overlay controls applicable to Port Fairy, and updating the operational provisions.

Amendment C75moyn

Amendment C75moyn is made at the request of *Myers Planning Group Pty* on behalf of *Rivers Run Estate Pty Ltd* and is site specific to 169A and 183 Princes Highway, Port Fairy, seeking to rezone the land from the FZ and General Residential Zone to the Neighbourhood Residential Zone and apply the Development Plan Overlay Schedule 5 to the land.

A concurrent application for a planning permit proposes to subdivide the land into 75 residential lots, undertake earthworks (cut and fill), construct 10 dwellings on proposed Lot 20, create or alter access to a road in a Road Zone Category 1, and create or remove easements.

1.3 Summary of issues raised in submissions

1.3.1 Overview of submissions

Council received 64 submissions, consisting of:

- one submission expressed no objection⁴
- two submissions that either generally support or fully support the Amendment⁵
- sixteen submissions that express support for some aspects of the Amendment and object to, or request changes with relation to, other aspects of the Amendment⁶
- the remaining 45 submissions either oppose, or request changes to, the Amendment.

The submissions included a change.org petition with 360 signatories and six late submissions.

Of the submissions that raise objection or request changes to the Amendment, the identified key themes were summarised by Council as relating to:

- aspects of the Amendment abandoned by Council, in accordance with section 23 (1) (c) of the PE Act before the Panel Hearings:
 - the opposition to application of the Rural Conservation Zone to land within the Budj Bim National Park Environs
 - opposition to the increase in the minimum lot size from 10 hectares to 40 hectares under the FZ in the Belfast Rural Area (Killarney and Tower Hill, south of Princes Highway, bounded by Rocks Road and Gormans Road).
- in the townships:
 - requests for changes to the location of land to be rezoned RLZ1 at Hawkesdale
 - support for the proposed rezoning at Purnim to the TZ and the subsequent making of additional land adjacent to the township available for development
 - requests for rezoning to the LDRZ at Grassmere.
- in the Koroit and surrounds area:
 - opposition to the reduction of the minimum lot size for an 'as of right' dwelling to 10 hectares within Schedule 3 (lifestyle farming area) to the FZ at Koroit West, Crossley and Kirkstall
 - requests for additional land to be rezoned to the RLZ2 at Kirkstall, Koroit West and Southern Cross

⁴ Submission 57

⁵ Submissions 2 and 54

⁶ Submissions 6, 7, 12, 14, 17, 19, 21, 44, 47, 49, 50, 51, 53, 56, 59 and 61

- requests for reductions in the minimum lot size to 1 hectare or less at Crossley, Koroit West, Port Fairy, Southern Cross and Tower Hill
- requests for rezoning to the LDRZ at Kirkstall, Koroit West and Port Fairy.
- concerns regarding the extent of time that has elapsed since the finalisation of the strategy documents, including the validity of background data and subsequent changes to planning requirements, including new environmental protection and bushfire planning measures; and blanket opposition to the entire Amendment.

1.3.2 Agency submissions

Department of Environment, Land, Water and Planning

The submission received from DELWP (Sub 51) noted support for the intent of the Amendment, and:

- supported the recognition of environmental values through use of the Rural Conservation Zone⁷
- noted that Crown Land should logically be included within the proposed rezoning of public land to either the PUZ, PCRZ or PPRZ
- noted that concerns may exist with relation to proposed rezoning of land that is adjacent to Crown Land
- identified specific opportunities for inclusion of additional information to strengthen strategic framework and planning controls to better guide use and development of agricultural land, rural living development and the growth and development the municipalities smaller settlements, with specific comment listed for each area.

Wannon Water

Wannon Water (Sub 25) noted the need for greater water and sewerage services for subdivision of lots of less than 1 hectare and the subsequent need to consider cumulative impacts on the environment with relation to wastewater impacts, drinking water supply and groundwater extraction.

The submission advised of concerns with current management of on-site wastewater systems and that increased density in areas unconnected to mains sewerage will mean less effective management and monitoring. The submission noted a preference for density increases to occur in areas where infrastructure is available to support such density.

With specific relation to the proposed rezoning, the submission noted:

- concerns that lots will not be able to contain the wastewater system loads
- land capability assessments should be required for all new developments in areas that not connected to reticulated sewerage
- the existing issues within Mailors Flat, where lot sizes of less than 0.4 hectares, heavy clay soil conditions and the location downslope of existing development has led to waterlogging, will be replicated in other areas without appropriate mitigation measures.

Department of Transport

The Department of Transport (Sub 59) expressed support for the amendment, and commented:

⁷ This part of the Amendment has been abandoned

- future development of towns and hamlets with moderate to higher growth potential must have regard to the interaction between general traffic and construction traffic associated with identified potential wind farm developments
- Council should carefully assess the interface of tourist development with other modes of traffic in accordance with Clause 18.01-1 (Land Use and Transport Planning) and Clause 18.01-2S (Transport System)
- consideration should be given to a minimum setback from the Road Zone, Category 1 or land within a Public Acquisition Overlay in the areas proposed to be rezoned to the RLZ
- careful assessment is required of direct access to arterial roads within the Koroit Structure Plan in consultation with DoT, due to the increase in traffic and the important link these arterial roads play in supply chain of nearby industries.

Warrnambool City Council

Warrnambool City Council (Sub 61) commended Council on the progressing of the Amendment, and noted the following concerns:

- the need for a community impact assessment to identify demand on Moyne and Warrnambool as a result of the Amendment, noting that estimated dwelling and population numbers of projected residential growth areas, noting that they appear to be conservative in current and with specific relation to:
 - infrastructure investments resulting from population growth
 - demand on Warrnambool's community services (early years, sports and recreation, open space and parks and gardens)
- the need to consider and respond to the strategic directions within the Warrnambool Planning Scheme and the Warrnambool Domestic Wastewater Management Plan (2020–2025) for the settlement of Bushfield–Woodford
- the need for a Traffic Impact Assessment for Bushfield to inform proposed rezoning, including any amenity or cost implications for the road network managed by Warrnambool City Council
- confirmation that properties within Warrnambool that are in proximity to the proposed rezoning of Bushfield have been notified of the Amendment.

1.3.3 Resolution to refer the Amendment to a Panel

At its ordinary meeting on 3 May 2022, Council resolved:

1. Accepts Submission Nos 59, 60, 61, 62 and 63 as late submissions.
2. Considers all submissions to Amendment C70moyn to the Moyne Planning Scheme.
3. Abandons that part of the Amendment which concerns the application of the Rural Conservation Zone Schedule 2 (RCZ2) to the Budj Bim National Park Environs, as shown on Map 'Moyne C70 003znMaps06_08_18_19 Exhibition', in accordance with Section 23 (1) (c) of the Planning and Environment Act 1987.
4. Abandons that part of the Amendment which concerns the increase to the minimum lot size from 10 hectares to 40 hectares within the Farming Zone in the area south of the Princes Highway, bounded by Rocks Road to the east of Gormans Road, at Killarney and Tower Hill, as shown on the attached map, in accordance with Section 23 (1) (c) of the Planning and Environment Act 1987.
5. Requests the Minister for Planning to appoint an Independent Panel under Part 8 of the Planning and Environment Act 1987 to consider the submissions as referred by Council.

6. Refers all submissions, except:
 - a. Submission Nos 4, 5, 6, 10, 11, 22, 32, 33, 39, 42 and 64 pertaining to the application of the Rural Conservation Zone Schedule 2 (RCZ2).
 - b. Submission Nos 41, 55, and 58 pertaining to the increase to the minimum lot size within the Farming Zone in the area south of the Princes Highway at Killarney and Tower Hill to the Panel in accordance with Section 23 (1) (b) of the Planning and Environment Act 1987.
7. Submits to the Panel its response to the submissions generally as outlined in this report and the attachment, except for the following changes:
 - a. Supporting the change to the location of the land proposed to be rezoned to Rural Living Zone Schedule 1 (RLZ1) at Hawkesdale requested in Submission No 15.
 - b. Supporting the retention of the exhibited Farming Zone Schedule 3 (FZ3) 'lifestyle farming' area between Koroit–Kirkstall, Crossley and Tower Hill.
 - c. Supporting the requests for reductions in the minimum lot size from two hectares to one hectare for the proposed Rural Living rezonings at Koroit, Crossley, Illowa and Tower Hill, and the reduction of the minimum lot size from four hectares to one hectare in the existing Rural Living Zone at Port Fairy.
 - d. Supporting the amendment of the Framework Plans for Hawkesdale, Kirkstall, Koroit West, Purnim and Southern Cross in the exhibited Clause 21.09 to identify land for future growth as requested in Submission Nos 7, 8, 9, 14, 23, 35, 52, 53, 60 and 63.
8. Authorise the Director of Economic Development and Planning to submit to the Panel revised Local Planning Policy taking into consideration the Local Planning Policy Framework (LPPF) Translation for consideration, in accordance with the authorisation conditions.
9. Considers the feasibility of undertaking a new small towns and settlements strategy/further strategic work as part of the forthcoming Planning Scheme Review.

1.4 Procedural issues

1.4.1 Considering the impact of Council's proposed changes on Bamstone

One of Council's proposed changes resulted in a late submission on the eve of the Directions Hearing by Best Hooper lawyers on behalf of BAM and Associates Pty Ltd (Bamstone).

Given Council's meeting cycle and delegations, Council could not formally refer the Bamstone submission to the Panel before to the Hearing, but welcomed the Panel's proposal to inform itself as it thinks fit in relation to the submission, as indicated at the Directions Hearing.

Following the Directions Hearing the Panel advised:

The Panel has formed a preliminary view that proposed changes to the lot sizes in the RLZ are beyond the scope of the Amendment, but will hear submissions that the changes should be made. If it is persuaded that there may be merit in those submissions it will determine an appropriate process for further notice and submission.

This issue is discussed in Chapter 5.2.

1.4.2 Council officer as expert

Damien Drew gave evidence on behalf of Council. Mr Drew is a Council officer. He stated, and the Panel agrees:

4. I appreciate that as a Council officer, I am not able to provide independent evidence or to 'peer review' the work of the Council in preparing the amendment or resolving on the preferred form of the amendment for the Panel's consideration. My role in preparing this statement of evidence is to assist the Panel to gain an understanding of the background to the Amendment, informed by the supporting documents and Scheme and land use context.

Mr Drew was instructed to prepare an expert witness statement for the assistance of the Panel which described, in a consolidated manner and township by township, the consideration and recommendations for future zoning and land use set out in various studies including the supporting documents, in the conditions of authorisation of the Amendment, in the exhibited form of the Amendment and, where relevant, in the resolution of Council made at the time of the request to the Minister to appoint this Panel.

The Panel was greatly assisted by Mr Drew's evidence.

1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

The Panel has provided the detail about settlements where non-neutral zoning changes are proposed but there were no submissions for completeness and to assess the overall consistency of the approach of the Amendment.

This Report deals with the issues under the following headings:

- Strategic justification
- Policy issues
- Setbacks to roads
- Townships:
 - Bushfield, and farming areas in Grassmere and Wangoom
 - Port Fairy North
 - Caramut
 - Curdievale
 - Garvoc
 - Grassmere
 - Hawkesdale
 - Nullawarre
 - Purnim
 - Woolsthorpe
- Koroit and surrounds
 - The areas
 - Illowa West
 - West of Koroit to Kirkstall and Crossley
 - Southern Cross
 - Killarney and surrounds.

Table 1 provides a high level overview of the changes proposed for the areas discussed in Chapters 5 and 6.

Table 1 Areas discussed in the Chapters 5 and 6 with overview of changes

Locality	Exhibited		Council submission	
	Policy change	Non-neutral zone change	Framework plan change	Zone or schedule change
Townships discussed in Chapter 5				
Bushfield and farming areas		FZ→FZ4		
Port Fairy 21.09-3	no	nil		4 ha → 1 ha in RLZ3
Caramut 21.09-6	YES	RLZ→FZ1		
Curdievale	no	nil		
Garvoc 21.09-10	YES	FZ→TZ		
Grassmere 21.09-11	YES	FZ→RLZ1		
Hawkesdale 21.09-12	YES	FZ→RLZ1	YES	Changes to RLZ
Nullawarre 21.09-18	YES	RLZ→FZ1, FZ→TZ		
Purnim 21.09-21	YES	FZ→TZ	YES	
Woolsthorpe 21.09-25	YES	FZ→RLZ1		
Koroit and surrounds discussed in Chapter 6				
Illowa West 21.09-14	YES	FZ→RLZ2		2 ha → 1 ha
West of Koroit to Kirkstall and Crossly				
- Kirkstall 21.09-15	YES	nil	YES	
- Koroit 21.09-16	YES	FZ→RLZ2	YES	2 ha → 1 ha
- Farming areas		FZ→FZ3		
Southern Cross 21.09-22	YES	FZ→RLZ2	YES	2 ha → 1 ha
Killarney and surrounds				
- Farming areas		Some public land in SLO5 not translated to FZ2		FZ1 → FZ2 (Sub 13)
- Towilla Way 21.09-23	YES	FZ→RLZ1		

2 Strategic justification

2.1 Introduction

The issue is the broad questions that should be taken into account when considering the proposed Amendment.

Two elements of the Amendment do not require strategic justification:

- policy neutral changes to improve scheme transparency
- uncontroversial application of public use zones to public land.

Clear strategic justification is required in the application of new zones or zone schedules to achieve new policy intent. This relates to:

- reducing the lot sizes requirements in the FZ and the RLZ
- the application of the RLZ.

Planning Practice Note 37 – Rural Residential Development (June 2015) gives guidance on assessing rural residential development:

... the following broad questions should be answered in sequence:

- **Strategy:** Does rural residential development align with the overall strategic planning of the municipality?
- **Housing need:** How much rural residential development is required to provide appropriate housing diversity and choice to meet housing needs?
- **Location:** Where should new rural residential development take place?
- **Subdivision and design:** Is the new rural residential development subdivided and designed in an attractive setting offering high amenity and efficient infrastructure?

These broad questions should be taken into account when considering a proposed amendment.

The proposed 'lifestyle farming' areas may present similar conflicts to rural residential development, and similar considerations would apply.

2.2 Background material

2.2.1 Strategy: the Planning Policy Framework

Key policies that bear on the Amendment can be found under the headings of:

- Settlement
- Peri-urban areas
- Protection of agricultural land
- Sustainable agricultural land use
- Rural residential development.

Settlement

11.01-1S (Settlement) sets out three strategies of direct relevance to the Amendment:

Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.

Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Create and reinforce settlement boundaries.

The relevant regional growth plan is resented at 1.01-1R (Settlement – Great South Coast) and includes under the objective *“To attract more people to the region”* the following strategies:

Plan for a network of settlements based around Warrnambool... and district towns drawing on proximity to services, affordable living and a variety of lifestyle opportunities.

Support the role of Warrnambool as the key population and employment centre for the region with key links to Geelong and Melbourne.

...

Facilitate the district towns of ... Koroit, ... Port Fairy, ... to support local communities, industry and services.

Support development and investment in small towns that are facing economic and population challenges.

Support growth and economic opportunities throughout the region, especially along the ... east–west (Princes Highway) corridors.

Support higher economic and population growth along the east–west primary growth corridor by capitalising and building on existing connections, strengths and infrastructure.

Figure 2 Great South Coast Regional Growth Plan



Peri-urban areas

Part of the Amendment covers land that is in the peri-urban area of Warrnambool. The PPF recognises that peri-urban areas are subject to specific pressures and sets out policy at 11.03-3S (Peri-urban areas):

Objective

To manage growth in peri-urban areas to protect and enhance their identified valued attributes.

Strategies

Identify and protect areas that are strategically important for ..., agriculture, ..., extractive and other natural resources.

Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities including in ... towns identified by Regional Growth Plans as having potential for growth.

Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.

Enhance the character, identity, attractiveness and amenity of peri-urban towns.

Prevent dispersed settlement and provide for non-urban breaks between urban areas.

Ensure development is linked to the timely and viable provision of physical and social infrastructure.

Protection of agricultural land

Clause 14.01-1S (Protection of agricultural land) seeks to preserve productive farmland and includes strategies:

Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.

Protect productive farmland that is of strategic significance in the local or regional context.

Protect productive agricultural land from unplanned loss due to permanent changes in land use.

Prevent inappropriately dispersed urban activities in rural areas.

Protect strategically important agricultural and primary production land from incompatible uses.

Limit new housing development in rural areas by:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
- Land capability.

Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

Sustainable agricultural land use

Clause 14.01-2S (Sustainable agricultural land use seek to encourage sustainable agricultural land use and includes the following strategies:

Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.

Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.

Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.

Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.

Facilitate ongoing productivity and investment in high value agriculture.

Rural residential development

Clause 16.01-3S (Rural residential development) sets out strategies for rural residential development. Broadly speaking rural residential development is not supported where it will undermine agriculture.

Regional policy at 16.01-3R (Rural residential development – Great South Coast) adds the strategies:

Support rural residential development in locations that:

- Are adjacent to towns with limited growth demand to sustain population levels and communities.
- Are not strategically identified for standard density urban growth.

2.2.2 Housing and agricultural need

Residential Land Supply and Demand Assessment 2021

The *Residential Land Supply & Demand Assessment, 2021* (Spatial Economics) (RLSDA) provides a detailed assessment of the historic, current and future assessment of residential land supply and demand across Moyne. The report effectively provides a residential land supply and demand assessment for the municipality, and is intended to serve as a monitoring tool to all the improvement in the management of urban growth.

Changing agricultural practices

A number of submissions discussed changing agricultural activities in Moyne, but the Panel was not presented with any long term systematic data on agricultural trends.

2.2.3 Location: Background strategies

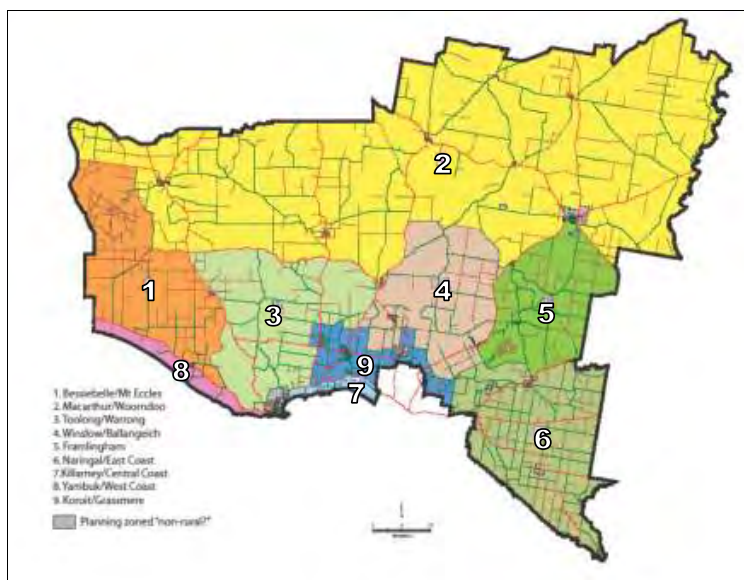
Land Capability and Biodiversity Studies Project, 2009

The *Moyne Shire Land Capability and Biodiversity Studies Project, 2009* (EnPlan Partners with Ecology Partners) (LCBS) reviewed the role and function of the agricultural and rural areas of the Shire. It divided the Shire into nine 'planning units' (shown in Figure 3) which recognised

different landforms and agricultural types and made specific recommendations for each planning unit:

- 1 Bessiebelle/Mt Eccles
- 2 Macarthur/Woorndoo
- 3 Toolong/Warrong
- 4 Winslow/Ballangeich
- 5 Framlingham
- 6 Naringal/East Coast
- 7 Killarney/ Central Coast
- 8 Yambuk/West Coast
- 9 Koroit/Grassmere

Figure 3 Land Capability and Biodiversity Studies Project Planning Units



The Study undertook a land capability and biodiversity mapping study that synthesised all current, scientifically accurate and locally relevant information what had not previously been available, to inform the development of local policies and the application of the new suite of rural zones (particularly the Farming Zone).

The LCBS provided:

- a set of recommendations for detailed variations to clauses in the Municipal Strategic Statement
- detailed and specific recommendations of changes to the schedules to the zones as they relate to minimum lot sizes for each of the 9 'planning units'
- in some cases, recommendations for amendments to the applicable zones.

The LCBS included general recommendations and specific recommendations for the nine identified planning units. Of particular relevance to the Amendment, the Strategy recommended:

- retaining the 40 hectare minimum lot size for subdivision and dwellings over most of the municipality

- increasing the minimum lot size from 10 hectares to 40 hectares for subdivision and dwellings for the area between Port Fairy and the Warrnambool municipal boundary along the Princes Highway
- increasing the minimum lot size of 40 hectares to 80 hectares for subdivision and dwellings in the Macarthur Woorndoo planning unit
- applying the Rural Conservation Zone rather than FZ to the area abutting the Mt Eccles (now Budj Bim) National Park with a 40 hectare minimum lot size for subdivision and requiring a dwelling to require a permit irrespective of lot size in this zone.

Moyne Warrnambool Rural Housing and Settlement Strategy 2010

During the preparation of the LCBS, it became apparent to Council that an additional study was required in relation to settlements and housing in the Shire's rural areas, resulting in the development of the *Moyne Warrnambool Rural Housing and Settlement Strategy – Context Report, 2010* (CPG Australia) and *Moyne Warrnambool Rural Housing and Settlement Strategy – Rural Housing and Settlement Strategy Report, 2010* (CPG Australia) (collectively, RHSS). The RHSS provides a strategic context to managing settlements and boundaries for both municipal areas.

The RHSS was prepared in partnership with Warrnambool City Council and sought to complement the LCBS by undertaking the preparation of a study to provide clear guidance regarding the proper management of the land assets and future settlement in rural areas of both municipalities. This included the provision of a strategic context for the managing of boundaries for the Moyne and Warrnambool townships and settlements.

The focus of the RHSS was the delivery of sustainable housing and settlement and the protection of productive agricultural land, environmental values and other important land uses. It recommended that rezonings be undertaken in a number of settlements to achieve this aim.

The RHSS assessed each township, by using a growth scenario model and undertook a SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis of each settlement. The Strategy produced an overall table of each settlement that analysed land supply according to zoning and highlighted where the town fell within a growth scenario table based on land supply, infrastructure provision or constraints and an assessment of some social factors. Lack of availability to sewerage and capacity to retain wastewater on-site are some of the major constraints to growth.

Addendum Report 2015

In January 2014, Council commenced a review of the recommendations of the RHSS and LCBS. A key aim of the review was to provide new strategic direction for areas of Moyne subject to development pressure and remove additional statutory burdens for Council.

The review resulted in the formulation of the *Moyne Shire Council Rural Housing and Settlement Strategy – Addendum Report 2015, 2015* (Moyne Shire Council) (Addendum Report 2015). The Addendum Report 2015 reflects updated statistics, significant changes to the Planning Policy Framework and changes to the Farming Zone.

The Addendum Report 2015 was not subject to a public consultation process.

Council advised that the Addendum Report 2015 provides key recommendations that vary from the previous strategies as follows:

- With respect to the LCBS the following variations were adopted:
 - (i) Macarthur/Woorndoo Planning Unit – retain minimum lot size for FZ at 40 hectares
 - (ii) Port Fairy to Warrnambool – Increase the minimum lot size from 10 hectares to 40 hectares to the area bounded by Mugavins Road to the east to just beyond Gormans Road as per the attached plan
 - (iii) Bushfield – Lower minimum lot size in FZ from 40 hectares to 15 hectares and rezone land to Rural Living with a 4 hectare minimum lot size in the area bounded by Staywood Road, Hopkins Highway, Philmore Road and Spring Flat Road. Rezone land to Rural Living Zone
 - (iv) Koroit to Kirkstall – bounded by Koroit–Port Fairy Road to the east, Warrnambool–Penshurst Road to the north, Hamilton–Port Fairy Road to the west and Koroit–Port Fairy Road and Sheehans Road to the south – retain most land in FZ but reduce minimum lot size for a dwelling from 40 hectares to 10 hectares supported by a Lifestyle Farming Policy and rezone areas of small lot development to Rural Living Zone with a 2 hectare minimum lot size
 - (v) Illowa East rezone small area to Rural Living with 2 hectare minimum lot size reflecting existing development and subdivision pattern and approvals.
- With respect to the RHSS the following variations were adopted:
 - (i) remove the use of the Restructure Overlay
 - (ii) Zone all public land to the appropriate public use zone
 - (iii) Southern Cross – zone land Rural Living with 1 hectare minimum lot size and extend settlement boundary south covering both sides of Tuddys Lane and one lot further east to pick up extent of small lot and development
 - (iv) Grassmere – zone land Rural Living with 1 hectare minimum lot size and extend land to cover small lots north of Crothers Lane
 - (v) Woolsthorpe – zone land east, south and southwest to Rural Living with a 1 hectare minimum lot size
 - (vi) Hawkesdale – Zone land to the west Rural Living with a minimum lot size of 1 hectare
 - (vii) Garvoc – minor change to Township Zone to include former hotel, a single dwelling and church within the zone
 - (viii) Nullawarre – increase the area to be zoned Township on the north side of the Timboon–Nullawarre Road and land on the eastern side of the Great Ocean Road, south of the Timboon–Nullawarre Road intersection that are developed at a township density.

Koroit Structure Plan

Council adopted the Koroit Structure Plan on 15 September 2020. Council advised (Part A) that:

- 80 The RHSS 2010 and Addendum Report 2015 were considered in the preparation of the Structure Plan. Recommendations of these documents were not altered by the Structure Plan.

A residential growth area has been identified in the Structure Plan bounded by the Koroit–Port Fairy Road, King Street, Anne Street, and on the eastern side, Victoria Park and existing residential development. This area is located in the Settlement Boundary identified in the Addendum Report 2015.

It is estimated that the residential growth area will provide approximately 550 residential lots at a density of 10 lots per hectare. However, the actual yield may differ depending upon the development density and specific road, drainage and open space requirements.

Council is yet to commence the preparation of a planning scheme amendment to implement the recommendations of the Koroit Structure Plan.

2.3 Evidence and submissions

Council relied on the background reports and, for its supported changes to the Amendment the arguments put forward in submissions, for strategic justification. Council's key points were:

- Strategy
Council appreciated that the municipality has high quality agriculture land and there is a need to ensure the protection of this land
- Housing need
Rural residential is a legitimate housing choice, and that there are positive elements to the supply of rural residential development, including taking pressure off farming areas for increased dwellings
- Location
No one document deals with the locations but there has been up to 15 years of work.

Most submissions addressed individual parcels or settlements.

Submitter 36 was concerned that the documents supporting the Amendment were quite old:

These documents do not reflect the generational changes in the area which have been accelerated by the COVID19 pandemic establishing working from home facilities/requirements and expectations, the provision of improved telecommunications facilities (for example, [National broadband Network] fixed wireless servicing smaller settlements) and societal acceptance of such changes. The growth in the smaller settlements especially in the southern area of the shire such as Port Fairy, Kirkstall, Koroit, Mailors Flat, Winslow, Grassmere, Cudgee, Purnim, Panmure etc have been substantial and appear to have significantly outpaced the growth projections in the underlying documents supporting this amendment and the RHSS.

2.4 Panel discussion and conclusion

The Panel notes:

- the strategic work is quite old in parts, but development is not moving rapidly in many parts of Moyne and the findings of the background reports would still be broadly relevant
- the authorisation of the Amendment made significant changes to the proposals set out in the background reports but the reasons for these changes are not well-documented.

The PPN37 provides a clear summary of policy:

Land use conflicts between agricultural activities and the amenity expectations of rural residential dwellers should be minimised. Significant impacts to primary production or to the environmental or cultural values of a rural area should be avoided. Finite and valuable natural resources present on the land should not be lost.

The local environment and landscape should have the capacity to absorb more intensive use and development without significant or irreversible harm to its values or to the new use and development. Demand for costly or inefficient community services or infrastructure should not be generated.

As set out in the introduction, two elements of the Amendment do not require strategic justification:

- policy neutral changes to improve scheme transparency
- uncontroversial application of public use zones to public land.

The changes to recognise existing land use patterns that do not result in significant on-the-ground changes need to be assessed to ensure they are not entrenching or exacerbating an

inappropriate land use pattern, but this needs to be balanced against the effective management of areas as they are currently developed. These types of changes include back zoning RLZ land to the FZ. The circumstances of individual settlements will determine these outcomes.

Critical areas for strategic justification in the exhibited Amendment are proposals to:

- introducing 'lifestyle farming' areas
- rezoning land from FZ to the RLZ
- inserting a new RLZ2.

Council's post-exhibition changes also require strategic justification, but the Panel notes that there was no systematic presentation of this justification. These changes were, in the main, significant departures from the background reports and exhibited Amendments.

While there is broad scope for a Planning Authority or Panel to consider changes to an Amendment, Panels have typically been reluctant to consider changes that amount to a transformation of an amendment.

The Panel adopts the approach of the Greater Geelong C139 Panel which described a transformation as something that would:

- fundamentally alter the amendment
- be a matter of which affected parties would reasonably expect to be notified
- require further strategic justification.

The Panel has considered the post-exhibition changes proposed by Council. It observes:

- The changes do not fundamentally change the nature of the Amendment – the changes are in keeping broadly with the type of changes proposed by the exhibited Amendment.
- The changes would require further notice if they were to be pursued, and an opportunity would need to be provided to affected land owners to make submissions and be heard by a Panel.
- The changes do require further strategic justification.

The Panel has considered whether the proposed changes are strategically justified, before considering whether further notice is required. Given the nature of the Amendment and supporting documentation this involves a consideration for each proposed change in each area. However, the lack of systematic strategic justification, uncertainty as to whether the changes were supported by DELWP (an issue addressed by authorisation), and the need for further notice, suggest that the majority of Council's post-exhibition changes should be pursued through a fresh Amendment process, if they are to be pursued at all.

The determination as to whether the specific changes proposed by the Amendment strike the right balance is a matter that about how policy ought be applied in the light of local circumstances. This is addressed in Chapters 5 and 6.

It is difficult to determine a clear line of sight between the background reports and the Council's preferred version of the Amendment. This is because:

- the LCBS and RHSS are separate strategies rather than an integrated piece of work
- the Addendum Report 2015 which reconciles the LCBS and RHSS is more pragmatic than strategic in its presentation

- authorisation departed significantly from the LCBS, RHSS and Addendum Report 2015 in places
- the Council preferred version is not explicitly supported by a singular strategic analysis.

These difficulties do not mean that the Amendment cannot proceed but that it must proceed more on the basis of a pragmatic response to the situation of the individual settlements than as the systematic application of overarching strategy. Indeed, this is the way Mr Drew presented his evidence. This approach is more difficult in the area of Koroit and surrounds where a strategic overview of the area around Koroit would provide for clear and orderly planning.

3 Policy issues

3.1.1 The issue

The issue is what changes to policy should be made.

3.1.2 What is proposed

Proposed Clause 21.05 set out the settlement hierarchy for Moyne Shire is shown in Table 2 (below), with the following meanings:

- **High:**
accommodating large scale residential development within and beyond existing zoned land.
- **Moderate**
providing some potential growth beyond existing urban zoned land and through infill but within defined settlement boundaries.
- **Low**
growth contained within existing urban or appropriately zoned land primarily through infill capacity and renewal within defined settlement boundaries.
- **Deferred**
settlements with moderate or low growth capacity but which require the resolution of a sewerage strategy before that potential can be properly realised.
- **Constrained**
settlements (generally hamlets and villages) where growth is not encouraged because they consist of small clustering of rural lots that may conflict with protecting farming activity or are faced with physical or amenity constraints that prevent growth.

In relation to 'Rural housing and rural residential development' the clause states:

The rural areas of the Shire present as expansive open fields and pastures, but which is underlaid by a pattern of land subdivision and tenure with complexity, diversity and expectations that are not evident in the planning framework. Subdivisions of small lots in grid patterns for whole towns exist in many parts of the Shire, for instance at Chatsworth. Elsewhere land has been subdivided into all manner of shapes and sizes for purposes that are no longer relevant.

Over time, houses have been permitted to be established on small lots across Moyne Shire often for lifestyle purposes unrelated to the needs and function of agricultural activity. High quality agricultural land has been developed for lifestyle purposes effectively removing such land from worthwhile agricultural productivity. In these circumstances the potential employment in agriculture and production from the land is being compromised and diminished by values that do not reflect an agricultural role.

The clause also states:

There are areas zoned for [LDRZ and Rural Living Zone] ... mainly associated with existing settlements on or around their fringes. However, there are areas zoned for this form of development that have an excess supply or have not been taken up for development whereas other areas of land zoned for farming purposes are under pressure for small lot development unrelated to agriculture.

There is a need to rationalise the locations for rural residential and rural living through zoning and subdivision lot size to better reflect and manage the demand and supply of land for this form of land use.

Clause 21.09 (Local Areas) focuses on local level implementation of the objectives and strategies set out in Clauses 21.05 to 21.08 of the Planning Scheme. Each section relates to a particular rural township or precinct "*where detailed planning has been undertaken*".

Table 2 Moyne Shire Settlement Hierarchy

Settlement Function Classification	Settlements	Settlement growth potential
District town Population range from 2,000 to 10,000	Port Fairy	High
	Koroit	Moderate
	Mortlake	Moderate
Town Population range from 500 to 2,000	Macarthur	Moderate
	Peterborough	Low
Village Population range from 200 to 500	Caramut	Low
	Cudgee	Low
	Garvoc	Low
	Hawkesdale	Low
	Kirkstall	Deferred
	Mailors Flat	Deferred
	Nullawarre	Low
	Orford	Low
	Panmure	Deferred
	Winslow	Low
	Woolsthorpe	Low
	Woorndoo	Low
	Yambuk	Low
	Hamlet Historical township of small crown allotments, rural clustering of small lots or small settlement formed from past planning approvals Population range 0 to 200	Ellerslie
Framlingham		Low
Grassmere		Low
Hexham		Low
Illowa East		Low
Illowa West		Low
Purnim		Low
Southern Cross		Low
Towilla Way		Low
Yarpturk		Constrained

3.1.3 Evidence and submissions

Submissions generally supported the proposed alterations to Clause 21.05, with the addition of the settlement hierarchy seen as a positive addition to the Planning Scheme. However, submissions thought that the discussion surrounding rural housing and rural residential development was not always accurate, for example Submission 36 felt the text missed the following key points:

- Value of agricultural land is often determined by the ability for a dwelling to be constructed on this land.
- Development of new dwellings in the FZ is often driven by a new agricultural business being developed by a new generation of farming families.
- The support of land values is considered to be a significant driver in the wealth of shire and region.
- The blanket characterisation of rural settlement being adversarial to agriculture is considered to miss the subtleties of rural populations and community building.

A number of submissions wanted a diverse range of settlements across Moyne, including the creation of small clusters of dwellings within a wider agricultural setting. These settlements and developments were thought to add to the special character of this region, and while there is potential for land use conflict, these settlements were seen to provide links (physical, economic and cultural) to the agricultural base of the Moyne, maintain links to the historic settlements and support the continuation of the community services and infrastructure within this region.

Council supported changes proposed by DELWP (Sub 51). DELWP made some commentary on 21.07 (Economic Development) noting there is little to no acknowledgement of the intrinsic value of the natural environment, nor of the economic benefits provided by the natural environment in this provision.

DELWP stated that it:

- ... supports the statement that "impacts on their viability from agriculture should be avoided or minimised through encouraging measures that protect and enhance their quality".
- ... disagrees with the statement that "these (native vegetation) remnants are ecological resources for the future" (emphasis added). Native vegetation has intrinsic ecological and economic value right now and has been shown to provide significant benefits to the agriculture industry.
- ... recommends further clarification on the intention and meaning of 'ecological resources' is provided within this paragraph.
- ... acknowledges the statement on Page 2 that the protection of the native environment "is often needed in balance with continuing agricultural use of the land, mainly grazing". However, there are no objectives in this provision to protect native vegetation and significant ecological values, whilst supporting and working with the agricultural industry that is intrinsic to the Shire.
- ... suggests an Objective is added ... that emphasises the biodiversity, ecological and economic value of native vegetation and areas of significant environmental value, and the importance of protecting these landscapes within the Shire, in conjunction with protecting agricultural land.

In Clause 21.09 (Local Areas) DELWP thought the Amendment could include the protection of adjacent wetlands, waterways, and areas of significant environmental value in the Vision for each of the Townships listed under this provision. Information was provided below for the following towns:

- Caramut
- Cudgee
- Ellerslie
- Framlingham
- Garvoc
- Grassmere
- Hawkesdale
- Hexham
- Illowa West
- Kirkstall
- Koroit
- Macarthur
- Nullawarre
- Orford
- Panmure
- Purnim
- Southern Cross
- Towilla Way
- Winslow
- Woolsthorpe
- Woorndoo
- Yambuk

The Department of Transport submitted:

- Future development of towns and hamlets with moderate to higher growth potential must have regard to the interaction between general traffic and construction traffic associated with identified potential wind farm developments.
- Council should carefully assess the interface of tourist development with other modes of traffic in accordance with Clause 18.01-1 (Land Use and Transport Planning) and Clause 18.01-2S (Transport System).
- Careful assessment is required of direct access to arterial roads within the Koroit Structure Plan in consultation with DoT, due to the increase in traffic and the important link these arterial roads play in supply chain of nearby industries.

The Council submitted that it supported proposals to change the Framework Plans exhibited Clause 21.09 to identify land for future growth as requested in:

- Hawkesdale (Subs 23, 35, 60)
- Kirkstall, Koroit West (Subs 8, 9, 14, 52, 63)
- Purnim (Sub 7)
- Southern Cross (Sub 53).

The 10 submissions seeking changes to Framework Plans and supported by Council advanced a range of reasons for these changes. Some submissions were aimed at increasing the viability of their small settlements, others addressed the specific circumstances of a particular parcel. None of the submissions, as might be expected, took a broad municipality-wide view.

Council drew the Panel's attention to population growth that has taken place across the towns of the municipality since the finalisation of the RHSS and that is forecast to continue⁸, with recent growth being most notable in the immediate post-Pandemic period.¹¹ This trend is coupled with older age groups being the highest proportional population growth (expected to more than double to 2041⁹) and the housing needs of this cohort (predicted to be separate houses, not medium or higher density housing).

Council said there were record job opportunities due to improving economic conditions which are making regional areas of Australia increasingly attractive, but the experience within the Moyne municipality (as in many regional areas) is that the regional rental market is under stress. The need for key worker, community and social housing in Moyne is well understood by Council, providing an important base to support economic development in Moyne including for the agricultural and tourism sectors.

⁸ *Residential Land Supply and Demand Assessment 2021*, Spatial Economics, in particular the VIF 2019 forecast for population and housing demand growth (see page 25 for VIF 2021-2036 and REMPLAN for same period). ¹¹ Regional population growth analysis from the ABS reflects the municipality reflects a +1.33% change in population in 2021, the most significant in the last 10 years by a notable margin

⁹ See *Residential Land Supply and Demand Assessment 2021*, Spatial Economics pages 52 – 53

The Council was unable to furnish the Panel with expert opinion or technical data to link the specifics of the preferred position on the Amendment reflected in paragraph 7(c) of the Resolution to these macro planning trends impacting the vitality and wellbeing of the municipality, but said there was ample general information available to which the Panel's attention is directed.¹⁰

3.1.4 Panel discussion and recommendations

The Panel notes the general support for the new policy clauses and agrees that the settlement hierarchy makes the Planning Scheme easier to use.

It is not clear from the Panel's reading of DELWP's submissions precisely what changes Council is saying it supports, and what form of words this would take. The proposed changes go more to including relevant facts and noting constraints but the thrust of the submission is supported by the Panel.

The Panel does not generally support change to the framework plans as supported by Council. It is disappointing that the Council, after 15 years of work, would resolve to expand settlement boundaries without a systematic assessment of the constraints that apply to the land. This falls short of the strategic approach that is intended to support planning scheme amendments.

Even if the Panel were minded to support these changes, they would require further exhibition. If Council wants to pursue these changes it should do so through a separate amendment.

The boundaries for specific settlements are addressed for the specific areas discussed in Chapters 5 and 6.

The Panel notes that the exhibited policy says "*There is a need to rationalise the locations for rural residential and rural living through zoning and subdivision lot size*" and questions if this is still a relevant observation following the approval of the changes proposed in the Amendment.

The Panel also notes that in Clause 21.09 some settlement boundaries are presented on a plan showing zones that will be changes by the Amendment.

The Panel recommends:

- 1. Revise Clauses 21.05 and 21.09 to address the concerns raised by the Department of Environment Land Water and Planning in Submission 51.**
- 2. Review Clauses 21.05 and 21.09 to ensure text and framework plans are consistent with the adopted zones.**

¹⁰ Including the [Key and Essential Worker Housing Supply Action Plan](#) (VPA and the councils of the Great South Coast and Barwon regions of Victoria, including Moyne Shire Council), September 2020 and [Building the Good Life, RAI Discussion Paper: Meeting the demand for regional housing](#) (Regional Australia Institute), May 2022

4 Setbacks to roads

4.1.1 The issue

The issue is what setback should apply to roads in the RLZ.

4.1.2 Relevant controls

The RLZ parent provision states:

A permit is required to construct or carry out any of the following: ...

- A building which is within any of the following setbacks: ...
 - The setback from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road, specified in the schedule to this zone or, if no setback is specified, 30 metres.
 - The setback from any other road or boundary specified in the schedule to this zone.

Schedule 2 to the FZ includes (in response to a similar parent provision) exhibited:

	Land	Area/Dimensions/Distance
Minimum setback from a road (metres)	A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1	50 metres
	A Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2	40 metres
	Any other road	20 metres

4.1.3 Evidence and submissions

The Department of Transport submitted:

- consideration should be given to a minimum setback from the [Transport Zone 2] or land within a Public Acquisition Overlay ... (consistent with that specified in FZ2) within the areas proposed to be rezoned to the RLZ1 and RLZ3 where affected by the [Public Acquisition Overlay] for the future Port Fairy bypass
- consideration should be given to the provision of a minimum setback from a [Transport Zone 2] to land within the RLZ1 and RLZ2, (similar to that specified in FZ2).

Council supported this change.

4.1.4 Panel discussion and recommendation

The Panel supports specifying the setback as proposed by the Department of Transport, this will ensure that potential adverse impacts of the road or proposed road are considered in siting dwellings.

The Panel recommends:

3. **Amend the Rural Living Zone schedules to include minimum setbacks for dwellings from roads modelled on the setbacks in the Farming Zone Schedule 2, but adjusted to address changes in the Victoria Planning Provisions since exhibition.**

5 Townships

These areas are identified in Figure 1 on page 3.

5.1 Bushfield, and farming areas in Grassmere and Wangoom

5.1.1 The area

Bushfield is in the City of Warrnambool. The area subject to the Amendment abuts Warrnambool's northeast boundary and lies beyond the Bushfield township area. It contains some hobby farms, large shedding and horse training facilities. It is relatively contained, with some demand evident for rural residential development. It has connections to services in Warrnambool and is not required for conventional housing. The area has few obvious constraints, although the area abuts a large supply of existing undeveloped RLZ and LDRZ within the Bushfield–Woodford township.

The land subject to the Amendment is in the FZ and is not subject to any Overlay controls.

5.1.2 Strategic work

LCBS

The LCBS did not recommend any reduction of the FZ minimum lot size of 40 hectares, in this area.

RHSS 2010

The RHSS 2010 did not recommend any changes to the Planning Scheme in this locality. Its recommendations were confined to land in the Warrnambool municipality. A minimum lot size of 15 hectares applies in the FZ in Warrnambool.

Addendum Report 2015

The Addendum Report 2015 recommended a reduction of the minimum lot size for subdivision and dwellings from 40 hectares to 15 hectares in the FZ in an area at Bushfield.

In addition, the Addendum Report 2015 recommended the rezoning of part of the area to RLZ with a 4 hectare minimum lot size for subdivision and dwellings.

The Addendum Report 2015 recommended the following revised Planning Scheme changes:

- for Study Areas 1 and 2, the minimum lot size for dwelling and subdivision be reduced to 15 hectares, reflecting the existing land uses and providing consistency with Warrnambool's Farming Zone for part of the area and rezone some of the land to Rural Living Zone with a 4 hectare minimum lot size for subdivision and dwellings that best reflects the existing land use pattern
- study Area 3 maintain a 40 hectare minimum based on land use characteristics for agriculture.

Figure 4 Bushfield Addendum Report 2015 proposal



Authorisation request

The Authorisation request reflected the Addendum Report 2015 recommendations.

5.1.3 Authorisation and exhibition

The Authorisation conditions required the removal of the proposed Rural Living Zone at Bushfield–Wangoom (RLZ3), and allowed it to be replaced by the proposed FZ4.

Figure 5 Bushfield exhibited rezoning



Table 3 Bushfield lot yield

Area to be rezoned	
Existing lots	54
Existing dwellings:	44
Vacant lots:	10
Potential additional lots:	9
Total lot supply:	19

5.1.4 Submissions

Warrnambool City Council submitted (Sub 61) that a Traffic Impact Assessment is needed to inform the proposed rezoning at Bushfield, including amenity and safety implications for the local road network maintained by Warrnambool City Council, including any cost implications.

No change to the exhibited amendment was resolved at the Council meeting of May 2022.

Mr Drew gave evidence that:

Strategic justification for the reduced lot size in this area is reliant upon the Addendum Report 2015 and that the FZ in the adjoining City of Warrnambool has a minimum lot size of 15 hectares.

Council considered that the existing road network should be able to cater for the traffic generated by these dwellings. Thus, Council considered a Traffic Impact Assessment for this rezoning would appear to be an unwarranted requirement.

Warrnambool City Council also submitted that the Bushfield settlement has reached the threshold for septic tank density, and sought to defer growth pending a wastewater management solution. In response, Moyne Council submitted that the Council Environmental Health Unit considers that wastewater from development at a density of one lot/dwelling per 15 hectares can be managed appropriately on-site without the need for a wider wastewater management solution.

5.1.5 Panel discussion and conclusion

The land subject to the rezoning does not include active farming uses, and many of the lots are already 1 hectare. Mr Drew noted that the rezoning would cater for limited growth.

The Panel agrees with the Moyne Council submission that the addition lot yield is unlikely to cause a significant traffic impact on the Warrnambool municipality and accepts the Moyne's submission that the assessment by the environmental health unit within Moyne did not raise concern with additional on-site wastewater systems in this area.

The Panel also notes that the rezoning as exhibited would be consistent with the adjoining Warrnambool municipality zoning in this location.

The Panel concludes:

The rezoning is appropriate as exhibited.

5.2 Port Fairy North

5.2.1 The area

Port Fairy is classified as a 'District town' in the proposed Clause 21.05 (Settlement and housing) and as having 'high' growth potential.

A large area of land to the north of Port Fairy is zoned for Rural Living purposes. It contains a mix of rural living development and land used for agricultural activities on a range of lot sizes.

The land is in the Rural Living Zone (4 hectare minimum lot size) and is subject to the following Overlay controls:

- Floodway Overlay Schedule 2
- Land Subject to Inundation Overlay Schedule 2
- Public Acquisition Overlay Schedule 1 – Port Fairy Bypass.

5.2.2 Strategic work

RHSS 2010

This area was not considered in the RHSS 2010.

Addendum Report 2015

This area was not considered in the 2015 Addendum Report 2015.

Authorisation request

The authorisation request did not include any proposed planning scheme changes in Port Fairy or its environs.

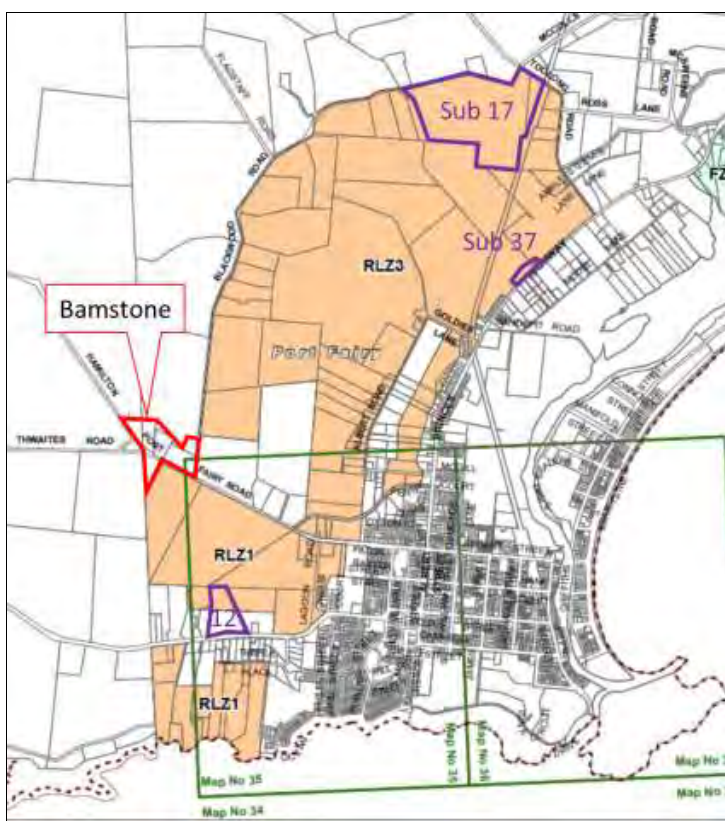
5.2.3 Authorisation and exhibition

Authorisation conditions included:

- Consider rezoning RLZ land in Port Fairy ... where a 4-hectare minimum lot size applies to RLZ3 to ensure the areas are clearly identified in the Planning Scheme, and for consistency with the approach taken by C70moyn to apply different schedules to areas with different minimum lot sizes.

The exhibited Amendment proposed to include the existing RLZ in RLZ1 and RLZ3 (a policy neutral change) in accordance with the authorisation conditions.

Figure 6 Exhibited zones Port Fairy North



5.2.4 Submissions

One submitter requested a reduction in the minimum lot size from 4 hectares to 1 hectare. (Sub 17). The submitter stated:

It is contended that this area, being quite large for rural living purposes, is effectively placing a brake on development of this area of Rural Living Zone land as this lot area is generally considered to be excessively large for domestic landscape management techniques while being unviable to for small scale agriculture, especially given the

topography of this area being comprised of undulating stony rises interspersed with low lying flood prone land...

It is contended that a subdivision creating smaller lots which are designed to reflect the site topography and larger lots to allow for continued agricultural activities (especially on lower lying flood prone land) would result in greater take-up of the smaller Rural Living lots while supporting continued appropriate agricultural activities to manage the balance of the land.

At its meeting of May 2022, Council resolved to support the submission requesting a reduction of the minimum lot size from four hectares to 1 hectare in the existing RLZ at Port Fairy.

Mr Drew gave evidence that:

The basis for the Council's preferred position on the Amendment lies in the submission.

A late submission¹¹ from Bamstone stated that the proposed change:

... will result in an unacceptable intensification of sensitive uses (such as a dwelling uses) within proximity to the existing Industrial 1 Zone land and more particularly the Bamstone stone processing facility, which may have the potential for acoustic and dust impacts on neighbouring sensitive uses.

The variation sought by Councillors is at odds with the Port Fairy and Coastal Structure Plan ... and proposed revisions to the Local Planning Policy Framework sought through Amendment C69 to the Moyne Planning Scheme.

More specifically C70moyn is inconsistent with the policy content in Amendment C69 (which is soon to be before Panel) which includes:

- The proposed Clause 21.09-3 regarding Industry in Port Fairy has the following strategy:
 - Recognise buffers associated with the Sewerage Treatment Plant, Water Treatment Plant, Bamstone and SunPharma.
- The following statements are included within Clause 21.09-3 Port Fairy:
 - To avoid increasing potential increases in amenity impacts close to key industrial sites and public facilities.
 - To grow and diversify the range of local employment opportunities.
 - To protect significant existing industries and infrastructure.
 - Support the development of new industries and expansion of existing industries, provided they respond appropriately to their context.

A Framework Plan (below) was included within the proposed Clause 21.09-3 Port Fairy.

Submitters 12 and 37 sought rezoning to another zone – Low Density Residential Zone or General Residential Zone – or a reduction in minimum lot size.

Council responded that the requested changes were beyond the scope of the Amendment. Noting that the Amendment does not include any material change to the Planning Scheme Schedules applying to land at Port Fairy. Planning Scheme Amendment C69moyn considers the future growth and development of Port Fairy and includes zoning changes, and these submissions were more a matter for that process.

¹¹ The submission was not formally referred to the Panel, but the Panel advised at the Directions Hearing that it would use its powers to inform itself as it saw fit to consider the submission.

Figure 7 Proposed Port Fairy Structure Plan from Amendment C69moyn



5.2.5 Panel discussion and conclusion

At the Directions Hearing, the Panel advised:

The Panel has formed a preliminary view that proposed changes to the lot sizes in the Rural Living Zone are beyond the scope of the Amendment, but will hear submissions that the changes should be made. If it is persuaded that there may be merit in those submissions it will determine an appropriate process of further notice and submission.

The Panel notes that the area is subject to constraints, including inundation.

Figure 8 Constraints in Port Fairy North



The Panel does not think that sufficient strategic work or justification has been undertaken to change the minimum lot size from 4 hectares to 1 hectare in the RLZ. The pros and cons of such a change have not been documented or evaluated. Such a change would require further notice and hearings.

The Panel agrees that the requested zoning changes are beyond the scope of the Amendment as it applies to Port Fairy which is purely as a policy neutral change to achieve greater planning scheme transparency.

The Panel concludes:

- The rezoning is appropriate as exhibited (a policy neutral change) and there is no strategic justification to reduce the lot size.
- If Council wishes to pursue a reduced lot size in Port Fairy North it could do this by way of a separate amendment.
- Rezoning of land to the Low Density Residential Zone or General Residential Zone would need to be through a separate amendment.

5.3 Caramut

5.3.1 The area

Caramut is classified as a 'village' in the proposed Clause 21.05 (Settlement and housing) and as having 'low' growth potential.

Caramut is an established settlement that provides a local service centre function midway between Mortlake and Hamilton, and 48 kilometres north of Warrnambool. It has a CFA brigade, general store/post office, hotel, and public hall, however, there is no reticulated sewerage. It is partially zoned Township comprising 65 hectares, and Rural Living, comprising 52 hectares which is undeveloped.

There is little demand evident for land in the area and negligible take up of the substantial area of Rural Living zoned land northwest of the settlement.

The land subject to the Amendment is in the Rural Living Zone and is not subject to any Overlay controls.

Table 4 Caramut recent growth

Population	2011 Census	2016 Census	2021 Census	Change 2016–2021
Caramut	351	246	256	+10

Source: Australian Bureau of Statistics

5.3.2 Strategic work

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes in regard to Caramut:

- define a Settlement Boundary
- back zone all of the RLZ land north of Gibson Street to the FZ.

Addendum Report 2015

No change to the RHSS 2010 recommendations.

Authorisation Request

No change to the RHSS 2010 recommendations.

5.3.3 Authorisation and exhibition

The exhibited Amendment proposed to back zone the existing Rural Living Zone land to the Farming Zone, in accordance with the recommendations of the RHSS 2010. Council estimated this would reduce lot yield by 41 lots.

Figure 9: Caramut exhibited Farming Zone

**5.3.4 Submissions**

No direct submissions were made in respect of this area, although it is noted that DELWP (Sub 51) recommended further consideration be given to how to avoid and minimise the effect of development of areas at Caramut on native vegetation, and how to prevent direct and indirect impacts on areas of significant environmental value. In response to this issue, Council stated that the exhibited Amendment proposed to reduce the amount of developable land at Caramut. Therefore, significant impacts to native flora or fauna are likely to be limited at Caramut.¹²

No change to the exhibited Amendment was resolved at the Council meeting of May 2022.

Mr Drew gave evidence that:

The strategic justification for the back zoning of the RLZ land is provided by the RHSS 2010, based on the limited development and low population growth occurring in the town.

5.3.5 Panel discussion and conclusion

The Panel accepts the strategic justification presented by Council for the back zoning of the RLZ at Caramut and notes there were no submissions in regard to this part of the Amendment.

¹² Attachment 1: Amendment C70moyn – Summary of submissions and officer response page 68

The Panel concludes:

The rezoning is appropriate as exhibited.

5.4 Curdievale

5.4.1 The area

Curdievale was not included in the Amendment. It is a small settlement.

5.4.2 Submissions

Submitter 16 thought that Curdievale should be included in the Amendment noting that its exclusion was a missed opportunity:

The well patronised hotel and attractiveness of and access to the river provide obvious environmental tourism and rural lifestyle opportunities for the region. It is an ideal launching place for small river boats to access the rich fishing grounds.

VRFish —the state's peak body of recreational fishers – considers the river "*one of Victoria's premier black bream and estuary perch recreational fisheries*"

As well as rural lifestyle opportunities there are commercial opportunities for camping and other accommodation to support the recreational anglers and other environmental tourists.

The proximity to Timboon, Peterborough, Port Campbell and Cobden supports rural lifestyle development.

Council noted that Curdievale was not identified as a settlement in the strategic work, which forms the basis of the Amendment.

5.4.3 Panel discussion and conclusion

The Panel notes that rezonings to facilitate additional rural living development are not recommended or occurring in 22 settlements as part of the Amendment.

There are numerous settlements in the Moyne and one of the purposes of the Amendment is to have a targeted approach in relation to future growth. The Panel notes Council's assessment that it does not have the resources to support growth in all settlements in Moyne.

The Panel concludes:

- Any changes to Curdievale would need to be by way of a separate amendment.

5.5 Garvoc

5.5.1 The area

Garvoc is classified as a 'village' in the proposed Clause 21.05 (Settlement and housing) and as having 'low' growth potential.

Garvoc is located on the Princes Highway between Terang and Warrnambool. Community facilities and infrastructure include a CFA brigade, community hall and recreation reserve, but it does not have reticulated sewerage.

The majority of the TZ land at Garvoc is located within the Corangamite Shire.

The land subject to the Amendment is in the FZ and is not subject to any Overlay controls.

Table 5 Garvoc recent growth

Population	2011 Census	2016 Census	2021 Census	Change 2016–2021
Garvoc	282	243	248	+5

Source: Australian Bureau of Statistics

5.5.2 Strategic work

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Include a Settlement Boundary.
- Introduce a Restructure Overlay over the land zoned for township with a requirement that the minimum lot size to establish a dwelling will be subject to town specific waste management strategies which are dependent upon soil type.

The RHSS 2010 did not recommend any zoning changes at Garvoc.

Addendum Report 2015

The Addendum Report 2015 recommended a minor extension of the TZ and Settlement Boundary to include lots containing the former hotel, a dwelling and the former Presbyterian Church. These lots are located between two areas of land within the TZ, which are separated by Yaloak Creek.

The Addendum Report 2015 recommended the following revised Planning Scheme changes:

- include land formerly used as the hotel and the church in the TZ
- abandon the proposed Restructure Overlay.

Authorisation request

No change to the Addendum Report 2015 recommendations.

5.5.3 Authorisation and exhibition

The exhibited Amendment proposed to rezone three lots from the FZ to the TZ, in accordance with the Addendum Report 2015 recommendations, and apply a PPRZ to existing open space.

Figure 10 Garvoc exhibited zones



5.5.4 Submissions

There were no submissions in respect of Garvoc.

No change to the exhibited Amendment was resolved at the Council meeting of May 2022.

Mr Drew gave evidence that:

The minor extension to the Township Zone accords with the recommendations of the Addendum Report 2015. It will correct a zoning anomaly by including existing urban uses within the settlement/township boundary.

5.5.5 Panel discussion and conclusion

The Panel agrees with Council that proposed changes in respect of Garvoc will correct a zoning anomaly by including the existing urban uses within the settlement boundary. The Panel also agrees that the zoning of public open space to PPRZ is an appropriate rezoning for this land use.

The Panel concludes:

The rezoning is appropriate as exhibited.

5.6 Grassmere

5.6.1 The area

Grassmere is classified as a 'Historical township' in the proposed Clause 21.05 (Settlement and housing) and as having 'low' growth potential.

Grassmere is a small agricultural community with scattered housing and is approximately 10 kilometres north of Warrnambool. It is located to the north of the Hopkins Highway and has limited facilities and services including a church, CFA brigade, hall, and primary school.

The settlement is in the FZ and is not subject to any Overlay controls.

Reticulated water and sewerage are not provided to the settlement. The settlement comprises 36 hectares with 27 titles of which four are vacant, and is currently zoned for farming purposes.

Table 6 Grassmere recent growth

Population	2011 Census	2016 Census	2021 Census	Change 2016–2021
Grassmere	447	402	385	-17

Source: Australian Bureau of Statistics

5.6.2 Strategic work

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- rezone the village and approved subdivisions to the Rural Living Zone (minimum 2 hectares)
- include a Settlement Boundary.

Addendum Report 2015

The Addendum Report 2015 recommended:

- a modest increase to the RHSS 2010 proposal with the inclusion of lots on the northern side of Crothers Lane
- a 1 hectare minimum lot size as it best reflects the title dispersion and will provide for some limited growth, providing appropriate sized lots capable of treating and retaining wastewater.

Therefore, the Addendum Report 2015 recommended the following revised Planning Scheme changes:

- proposed settlement boundary to be extended to the north of Crothers Lane to include a new subdivision
- rezone the settlement to Rural Living with a 1 hectare minimum lot size
- rezone public land to the Public Use Zone
- abandon use of the Restructure Overlay.

Authorisation request

No change to the Addendum Report 2015 recommendations.

5.6.3 Authorisation and exhibition

The exhibited Amendment proposed to rezone the settlement from the FZ to the Rural Living Zone Schedule 1 with a 1 hectare minimum lot size, in accordance with the Addendum Report 2015 recommendations.

Figure 11 Grassmere exhibited zones



Table 7 Grassmere lot yield

Area proposed to be rezoned to RLZ1	
Existing lots	33
Existing dwellings:	26
Vacant lots:	5
Potential additional lots:	6
Total lot supply:	11

5.6.4 Submissions

Submitter 38 requested the application of the LDRZ instead of the RLZ to:

... assist appropriate growth of the settlement and to support the continuation of community services provided within this settlement to the wider area.

No change to the exhibited Amendment was resolved at the Council meeting of May 2022.

Mr Drew gave evidence that:

Grassmere serves an important local catchment role to the surrounding rural area. It provides a local primary school, community hall and CFA brigade.

The RLZ will recognise the rural living nature of the settlement, which is not contributing to active farming pursuits.

It reflects the existing pattern of development in the settlement, which is relatively intense fronting the existing roads. The majority of lots are approximately 1 hectare in area and most contain dwellings. It will cater for some limited growth, providing appropriate sized lots capable of treating and retaining wastewater.

The land does not appear to have any obvious constraints, and limited productive agricultural activity is being undertaken within the area proposed to be rezoned.

Construction of an unmade road will be required to provide access if the larger lots in the settlement are to be subdivided. Due to those development costs, subdivision of these lots is unlikely to be viable if the minimum lot size is greater than 1.0 hectare.

Submitter 38 also requested that Council commissions updated planning strategies to guide the Amendment. In response, Council provided in its Part B submission:

While the RHSS was completed some years ago and there have been subsequent changes to the planning framework, the development patterns and land use in the areas proposed to be rezoned are not so dramatically impacted by any subsequent events or circumstances as to render the underlying work to be implemented by the Amendment irrelevant or out of date.

5.6.5 Panel discussion and conclusion

The Panel agrees with Council that the Amendment as exhibited recognises the rural living nature of the settlement, which is not contributing to active farming pursuits. The Panel does not support a rezoning to the LDRZ. The strategic work behind the Amendment does not support such a change.

It also notes that although the background documents are somewhat dated, much of the settlement landscape in which the Amendment is proposed has not significantly altered.

The Panel concludes:

The rezoning is appropriate as exhibited.

5.7 Hawkesdale

5.7.1 The area

Hawkesdale is classified as a 'Village' in the proposed Clause 21.05 (Settlement and housing) and as having 'low' growth potential.

Hawkesdale is an established settlement located on the Peshurst–Warrnambool Road. Facilities include education for pre to secondary school, swimming pool and some sporting facilities, community hall, CFA brigade, family services centre, general store, and hotel (currently closed), and it does not have reticulated sewerage. It is zoned Township comprising of 47 hectares with some lots falling outside of the TZ area.

Land in the township is subdivided in a grid pattern and there are a number of vacant lots within the TZ.

Planning Permit 2006/0221 was issued by the Minister for Planning on 21 August 2008 for the Hawkesdale Wind Farm. The wind farm is located approximately 2 kilometres south of the town and the site covers 2,280 hectares across four land holdings. Amendments have been granted to the Planning Permit to reduce the number of turbines from 31 to 26, and from 26 to 23 turbines.

The subject to the Amendment land is in the FZ and is not subject to any Overlay controls.

Table 8 Hawkesdale recent growth

Population	2011 Census	2016 Census	2021 Census	Change 2016–2021
Hawkesdale	432	322	311	-11

Source: Australian Bureau of Statistics

5.7.2 Strategic work

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- include land to the immediate south, west and east (of the existing TZ) in the Low Density Residential Zone
- apply a Settlement Boundary

- introduce a Restructure Overlay over the land zoned for township purposes with a requirement that the minimum lot size to establish a dwelling will be subject to town specific waste management strategies, which are dependent upon soil type.

Addendum Report 2015

The Addendum Report 2015 recommended the following revised Planning Scheme changes:

- abandon use of the Low Density Residential Zone proposed in the strategy
- rezone land north, east, south, and west of town to the Rural Living Zone at a 1 hectare minimum
- rezone land used for recreational or public uses to the PPRZ or PUZ
- abandon use of the Restructure Overlay.

Figure 12 Hawkesdale – Addendum Report 2015 zoning proposal



The Addendum Report 2015 recommended the rezoning of land within the former parish boundaries to the Rural Living Zone with a 1-hectare minimum lot size.

On 28 August 2018, Council resolved to remove land from the proposed rezoning in the southeastern area due to its proximity to the approved Hawkesdale Wind Farm. Shown as in Figure 12.

Authorisation Request

No change to the Council Resolution of 28 August 2018.

5.7.3 Authorisation and exhibition

The authorisation conditions required a reduction in the extent of the RLZ to the area between Spring Street and O’Brien Street.

The exhibited Amendment proposed to rezone land in the settlement from the FZ to the RLZ1 with (1-hectare minimum lot size), in accordance with the authorisation conditions, that is, a reduction to the extent of RLZ rezoning proposed in the Addendum Report 2015.

Figure 13 Hawkesdale requested zones



Figure 14 Hawkesdale exhibited RLZ1



Table 9 Hawkesdale lot yield

Area proposed to be rezoned to RLZ1	
Existing Lots	20
Existing dwellings:	7
Vacant lots:	13
Potential additional lots:	0
Total lot supply:	13

5.7.4 Submissions

Nine submissions were received (Subs 15, 20, 23, 26, 27, 28, 30, 35, 60); eight requested changes to the location or extent of the land to be rezoned. One submission opposes any RLZ rezonings at Hawkesdale.

The Council resolved at its 3 May 2022 meeting to support a change to the location and extent of land to be rezoned to Rural Living, and to identify additional land for future growth/rezoning as requested by Submission 23:

7. Submits to the Panel its response to the submissions generally as outlined in this report and the attachment, except for the following changes
 - a. Supporting the change to the location of the land proposed to be rezoned to Rural Living Zone Schedule 1 (RLZ1) at Hawkesdale requested in Submission No. 15.
 - d. Supporting the amendment of the Framework Plans for Hawkesdale, ... in the exhibited Clause 21.09 to identify land for future growth as requested in Submission Nos ... 23., 35, ...60 ...

Mr Huglin for the Hawkesdale and District Development Action Committee (HADDAC) (Sub 15) submitted that the Amendment should remove two existing farming paddocks from being rezoned to the RLZ and a 'swap' for these zones by the inclusion of additional lots lying further south, one of which is established for rural living purposes. Council submitted that they agree that these parcels are suited to inclusion in the RLZ.

Mr Drew gave evidence that:

Hawkesdale has a key role in the settlement hierarchy and serves an important regional catchment role to surrounding towns. It provides a P-12 College, swimming pool and other important community facilities.

The land proposed to be rezoned in the exhibited amendment reflects the existing subdivision pattern, the majority of lots are approximately 1 hectare in area and some contain dwellings. It is logically connected to the Township Zone and is within walking distance of the P-12 College. This rezoning will provide appropriately sized lots capable of treating and retaining wastewater and facilitate some population growth to provide support to the existing facilities in the town.

The exhibited rezoning will result in the loss of a small area of agricultural land. However, there are limitations on using the subject land for productive agricultural purposes, due to its location on the fringe of the town. It is acknowledged and accepted a loss of agricultural land on the fringe of the town will be a consequence of future development in Hawkesdale.

Strategic justification for the changes proposed in the Council resolution was derived from the RHSS 2010 and Addendum Report 2015 and Submissions 15, 30 and 60.

The land suggested for rezoning in Submission 15 is part of the area identified for rezoning in the RHSS 2010 and Addendum Report 2015.

It is noted that the 1.0 kilometre wind energy facility buffer covers approximately 50 per cent of the lots to the north of Noremac Road and Warwillah Road suggested for rezoning in Submission 15, therefore, constraining the sites for future development.

Therefore, including part of this area may not be consistent with the Council Resolution of 28 August 2018.

In relation to the preferred position to amend the framework plan to identify land for further growth as requested in Submission 35, this position is supported by the Addendum Report 2015. Submitter 35 is a business owner within Hawkesdale and submitted:

Small towns, not just Hawkesdale need to be given the opportunity to expand and offer their communities the best chance of future development. Residents live in small towns generally for the lifestyle and they appreciate the services that are provided to them locally. Hawkesdale needs more opportunity for businesses and by opening the area suggested in the Amendment doesn't provide the opportunities that Dawson Street would give to potential buyers. I would hope that the southern and northern ends of Dawson Street be considered instead of the area suggested in the Amendment.

At the end of the day I am just a small business owner who understands the difficulties of providing a service to the local people in a country town. Providing expansion to a small town is essential for growth.

Submitter 23 submitted further residential zoned land to be considered in relation to lots they own and submits:

Having the land zoned as agricultural production is not viable or a consideration for us as it was never intended for that purpose.

Mr Huglin, for HADDAC submitted:

HADDAC's position is still quite strongly that the Moyne Shire should lobby and work towards returning to the town boundaries to what they previously were.

...

HADDAC simply wants the best chance for current blocks that are now outside the town boundary to be presented as viable and easy to develop housing blocks for a rural town setting. In the current climate there would not be a better time to advertise such blocks on the market. For the sake of the town's economic survival growth needs to be encouraged not thwarted as the current practices are doing

In regard to further township boundary changes, Council replied that:

Work has commenced to examine the optimal future outcomes for the town and this will guide identifying additional land for residential/rural living development in the settlement.

Given this work has commenced, the preferable outcome is to await the conclusions and at that time progress those conclusions as part of as a separate planning process.¹³

5.7.5 Panel discussion and conclusion

The Panel notes the Council resolution of 3 May 2022 (item 7a) that seeks to make changes to the exhibited Amendment in line with HADDAC's proposed changes to 'swap' lots for these zones by the inclusion of additional lots lying further south. The Panel refers to the Council Resolution of 28 August 2018 which seeks to increase the buffer distance between the Hawkesdale Wind Farm located to the south and the lots within the Hawkesdale township (which would include the lots proposed by HADDAC).

As presented by Mr Drew, the Panel is mindful that the 1.0 kilometre wind energy facility buffer covers approximately 50 per cent of the lots to the north of Noremac Road and Warwillah Road suggested for rezoning in Submission 15, therefore, constraining the sites for future development. Reducing the wind farm buffer may also be inconsistent with Clause 52.32 which seeks a 1 kilometre buffer between a turbine and dwelling. The Panel notes submitter 35 identifies noise from the nearby Macarthur Wind Farm:

The area is also prone to noise from the Macarthur Windfarm which is quite audible at certain times which could also be an issue for potential buyers.

Therefore, including part of this area for future development of dwellings may not be consistent with the Council Resolution of 28 August 2021 or Clause 52.32 which seeks a 1 kilometre buffer between a turbine and dwelling. For these reasons, the Panel does not agree with Council's resolution of 3 May item 7a.

Notwithstanding, the Panel agrees with Council that further work as part of a separate process could be undertaken to determine a future township boundary.

The Panel concludes:

The rezoning is appropriate as exhibited.

Identifying land for further growth and changes to proposed policy at 21.09 should be addressed by further work and no change should be made to the exhibited policy for Hawkesdale.

5.8 Nullawarre

5.8.1 The area

Nullawarre is classified as a 'Village' in the proposed Clause 21.05 (Settlement and housing) and as having 'low' growth potential.

Nullawarre is a small settlement with a clustering of houses located on the Great Ocean Road, within commuting distance to Warrnambool. It has a CFA brigade, general store/small supermarket, pre and primary school, and community hall, and does not have reticulated sewerage. It has a small area zoned Township of 4 hectares and a large over supply of land in the Rural Living Zone.

¹³ Part B submission, page 7

The land subject to the Amendment is in the Rural Living and Farming Zones and is not subject to any Overlay controls. The Heritage Overlay (HO75) applies to the Great Ocean Road, which traverses the settlement.

Table 10 Nullawarre recent growth

Population	2011 Census	2016 Census	2021 Census	Change 2016–2021
Nullawarre	294	267	233	-34

Source: Australian Bureau of Statistics

5.8.2 Strategic work

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- apply a Settlement Boundary
- due to an oversupply of Rural Living land, minimal development and lack of smaller lot subdivision in the area, back zone some RLZ to the north and south of Henrys Sawmill Road to the FZ. It is noted that some RLZ land should be retained to ensure a variety in housing options are available.

Addendum Report 2015

The Addendum Report 2015 retained the recommendation to back zone RLZ land to the west of the township to the FZ.

In addition, it recommended that the TZ be extended to include additional properties being:

- land on the northern side of the Timboon–Nullawarre Road containing small lots, which are predominantly developed
- land on the eastern side of the Great Ocean Road, south of the Timboon–Nullawarre Road intersection that is developed at a township density but zoned Rural Living.

Therefore, the Addendum Report 2015 recommended the following revised Planning Scheme changes:

- rezone FZ and RLZ land nearby the town centre to the TZ
- back zone surplus Rural Living zoned land west of the township to the FZ
- vary and adopt an altered settlement boundary for Nullawarre to encompass TZ and RLZ land.

Authorisation request

No change to the Addendum Report 2015 recommendations.

5.8.3 Authorisation and exhibition

Authorisation conditions included:

- Amend the zoning map for Nullawarre to correct minor errors and inconsistencies. An administrative change was required to include the existing RLZ land in RLZ1.

The exhibited Amendment proposed to back zone the RLZ to the west of the township to the FZ, and rezone FZ and RLZ land near the town centre to the TZ, in accordance with the Addendum Report 2015 recommendations and authorisation conditions. In addition, it

included the existing RLZ in RLZ Schedule 1 (administrative change) in accordance with the authorisation conditions.

Figure 15 Nullawarre exhibited zones



Table 11 Nullawarre lot yield

Area proposed to be rezoned to the Township Zone	
Existing dwellings:	9
Vacant lots:	4
Potential additional lots:	1
Total lot supply:	5
Back zonings – RLZ to Farming Zone (1 ha minimum lot size)	
Estimated loss of lots	100
Remaining RLZ1 lot supply (1 ha minimum lot size)	
Estimated RLZ1 lot supply	55

5.8.4 Submissions

There were no submissions for Nullawarre.

No change to the exhibited Amendment was resolved at the Council meeting of May 2022.

Mr Drew gave evidence that:

The RHSS 2010 and Addendum Report 2015 support the proposed rezonings. The minor increase to the Township Zone will resolve zoning anomalies (land in two zones – TZ and RLZ), recognise existing development, and provide a contiguous extent of the Township Zone.

Due to oversupply of land in the Rural Living Zone and limited development in the area, there is justification for the back-zoning of the Rural Living Land to the north and south of Henrys Sawmill Road to Farming Zone. It is noted that the remaining RLZ land should be retained to ensure a variety in housing options are available at Nullawarre.

5.8.5 Panel discussion and conclusion

The Panel agrees that specific conditions at Nullawarre support the proposed rezonings. It is also noted that no submissions were received from landowners regarding this back zoning.

The Panel concludes:

The rezoning is appropriate as exhibited.

5.9 Purnim

5.9.1 The area

Purnim is classified as a ‘Historical township’ in the proposed Clause 21.05 (Settlement and housing) and as having ‘Low’ growth potential.

Purnim is a small settlement located on the Hopkins Highway, between Warrnambool and Mortlake. It extends along the Hopkins Highway with a strip of Rural Living Zone land to the

northwest. Community infrastructure and services available include a church, community hall, CFA brigade, recreation reserve and town water supply.

Wastewater disposal has the potential to pose a constraint for development as the settlement does not have reticulated sewerage. It is zoned Township comprising of 41 hectares with an area of Rural Living Zone land consisting of 28 hectares.

The land subject to the Amendment is in the FZ and is not subject to any Overlay controls.

Table 12 Purnim recent growth

Population	2011 Census	2016 Census	2021 Census	Change 2016–2021
Purnim	454	270	292	+22

Source: Australian Bureau of Statistics

5.9.2 Strategic work

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- propose a Settlement Boundary
- rezone land containing the CFA, church and former school site to the TZ and incorporate within the Settlement Boundary
- introduce a Restructure Overlay over the land zoned for township with a requirement that the minimum lot size to establish a dwelling will be subject to town specific waste management strategies, which are dependent upon soil type.

The RHSS 2010 recommended the rezoning of land containing the CFA, church, and former school site from the FZ to the TZ.

Addendum Report 2015

The Addendum Report 2015 recommended the following modifications to the RHSS Strategy:

- remove the use of the Restructure Overlay and the Incorporated Document
- note the constraints of wastewater highlighted for the towns in Local Policy.

There was no change to the extension of the TZ recommended in the RHSS 2010.

Authorisation request

No change to the Addendum Report 2015 recommendations.

5.9.3 Authorisation and exhibition

The exhibited Amendment proposed to rezone land to the TZ and public use zones and included the existing RLZ in RLZ Schedule 1 (administrative change) in accordance with the recommendations of the RHSS 2010 and authorisation conditions.

Figure 16 Purnim exhibited zones



Table 13 Purnim lot yield

Land proposed to be rezoned to the Township Zone	
Existing dwellings:	1
Vacant lots:	0
Potential additional lots:	7
Total lot supply:	7

5.9.4 Submissions

Two submitters (Subs 2 and 7), supported the proposed rezoning, with Submitter 7 requesting the identification of additional land for residential development, that is, an expansion of the settlement boundary:

Our farm adjoins the proposed TZ land contained within the Amendment and borders the southwest side of Bryan O'Lynn Road, directly opposite the land zoned RLZ and PPRZ. We wish to express our interest in making available additional land adjacent to these areas to further support the aims of Council and satisfy the current demand for new residential development, for Key and Essential Workers and those seeking to enjoy rural style living but within a 10-minute drive of the region's largest centre. It may also be of interest to Council that the owner of the land adjoining ours on Bryan O'Lynn Road, is willing to see such development objectives achieved

Submitter 2 stated that the Parish was pleased to support the Amendment because the church land at Purnim, with diminishing church populations, has become extremely difficult to maintain with a very aging congregation.

Council at its meeting of May 2022 made no change to the proposed rezoning (which accords with the RHSS 2010), but did support the possible extension of the Settlement Boundary as requested by Submitter 7.

Mr Drew gave evidence that:

The proposed rezoning is supported by the RHSS 2010 as it will include town facilities and urban uses in the Township Zone and provide a modest increase in land supply. At present, the land is only used for limited agricultural activity and, thus, the rezoning is unlikely to affect the Shire's agricultural economy.

The basis for Council's preferred position on the Amendment (that is, the amendment of the framework plan to identify land for further growth) derives from the submissions.

5.9.5 Panel discussion and conclusion

The Panel agrees with Council that the rezoning of land containing the CFA, church, and former school site from the FZ to the TZ is a sensible planning outcome.

In regard to Council's position on the Amendment (that is, change the framework plan to identify land for further growth) which derives from the submissions, the Panel notes that strategic work would be needed to support any changes.

The Panel concludes:

The rezoning is appropriate as exhibited.

Identifying land for further growth and changes to proposed policy at 21.09 should be addressed by further work and no change should be made to the exhibited policy for Purnim.

5.10 Woolsthorpe

5.10.1 The area

Woolsthorpe is classified as a 'Village' in the proposed Clause 21.05 (Settlement and housing) and as having 'low' growth potential.

Woolsthorpe is an established settlement within commuting distance to Warrnambool with community infrastructure and services available including a CFA brigade, general store/post office, tennis courts, recreation reserve, primary school, hotel and community hall, but does not have reticulated sewerage. Therefore, wastewater disposal has the potential to pose a constraint for development.

It is zoned Township comprising an area of 58 hectares surrounded by FZ land, which has a small lot layout that has potential to create pressure for growth beyond the existing TZ area.

The land subject to the Amendment is in the FZ and is not subject to any Overlay controls.

Table 14 Woolsthorpe recent growth

Population	2011 Census	2016 Census	2021 Census	Change 2016–2021
Woolsthorpe	510	422	364	-58

Source: Australian Bureau of Statistics

5.10.2 Strategic work

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- propose a Settlement Boundary (based on the extent of the existing TZ)
- introduce a Restructure Overlay over the land zoned for township with a requirement that the minimum lot size to establish a dwelling will be subject to town specific waste management strategies, which are dependent upon soil type.

It did not include any recommendations for zoning changes at Woolsthorpe.

Addendum Report 2015

The Addendum Report 2015 recommended maintaining the existing TZ and providing complementary RLZ land to the east and south of the township with a 1 hectare minimum lot size.

Therefore, the Addendum Report 2015 recommended the following revised Planning Scheme changes:

- extend the proposed settlement boundary to east, south and southwest to provide rural residential land
- maintain the TZ and rezone FZ land within the settlement boundary to RLZ with 1 hectare minimum
- rezone public and recreational land to the PPRZ or PUZ
- abandon use of the proposed Restructure Overlay.

Authorisation request

No change to the Addendum Report 2015 recommendations.

5.10.3 Authorisation and exhibition

The authorisation conditions required a reduction to the extent of RLZ proposed in the Addendum Report 2015, to an area on the eastern side of the town.

Figure 17 Woolsthorpe requested zones



Figure 18 Woolsthorpe exhibited RLZ1



The exhibited Amendment proposed to rezone land on the eastern side of the town from the FZ to the RLZ1 with a 1 hectare minimum lot size, in accordance with the authorisation conditions.

Table 15 Woolsthorpe lot yield

Land proposed to be rezoned to RLZ1	
Existing lots	29
Existing dwellings:	18
Vacant lots:	11
Potential additional lots:	1
Total lot supply:	12

5.10.4 Submissions

There were no submissions in relation to Woolsthorpe.

No change to the exhibited Amendment was resolved at the Council meeting of May 2022.

Mr Drew gave evidence that:

Woolsthorpe serves an important local catchment function, via the primary school, general store, and other facilities.

The rezoning of FZ to RLZ proposed in the exhibited Amendment will reflect the existing pattern of development and allow limited further subdivision. It will facilitate modest population growth to provide support to the existing facilities in the town.

There are limitations on using this land for productive agricultural purposes, due to its gradual conversion to residential development.

5.10.5 Panel discussion and conclusion

The Panel notes there were no submissions regarding the Amendment to rezone land on the eastern side of the town from FZ to the RLZ1 with a 1 hectare minimum lot size and agrees with Council that the rezoning as exhibited reflects the existing pattern of development of Woolsthorpe and will allow for limited further subdivision.

The Panel concludes:

The rezoning is appropriate as exhibited.

6 Koroit and surrounds

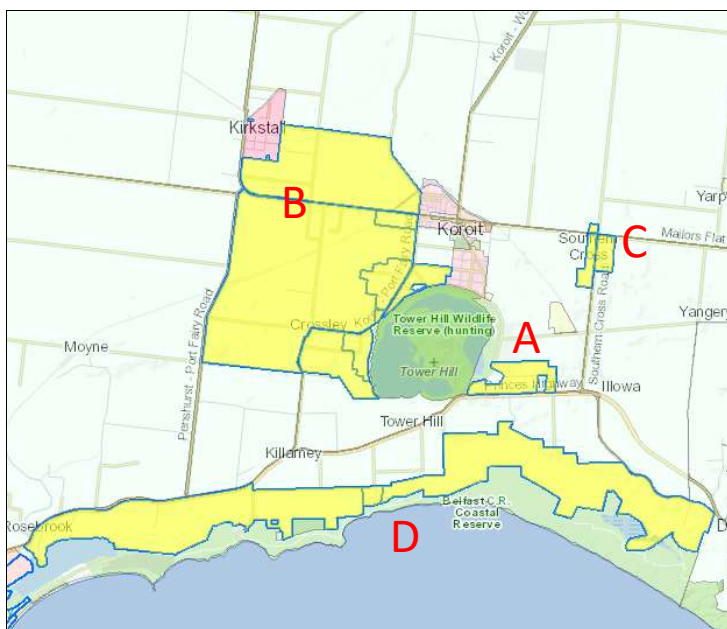
6.1 The areas

This section of the report deals with Koroit and surrounds under four headings:

- A – Illowa West
- B – West of Koroit to Kirkstall and Crossley
- C – Southern Cross
- D – Killarney and surrounds.

These are shown on Figure 19.

Figure 19 Areas affected by the Amendment – Koroit and surrounds



6.2 Illowa West

6.2.1 The area

Illowa West is classified as a 'Historical township' in the proposed Clause 21.05 (Settlement and housing) and as having 'low' growth potential.

Illowa West is a cluster of small lots located on the northern side of the Princes Highway to the east of Tower Hill, which was the result of a past planning approval. It is known as the Dairy Town subdivision, and approval was granted approximately 30 years ago in a restructure arrangement with a farm to the south.

There are no services or reticulated sewerage, and the area consists of 96 hectares. The settlement reflects a rural living cluster limited to the existing lot configuration, which capitalises on the views afforded of the coast close to Tower Hill.

Tower Hill Cemetery is located towards the eastern end of the settlement between the Princes Highway and Settlers Lane.


The western end of the settlement adjoins the Tower Hill State Game Reserve, which is managed by Parks Victoria. In addition, land at 21 Quarry Road, shown as  on Figure 20 (below) is subject to an approved Work Authority (extractive industry) and, additionally, is used as a materials recycling facility. A buffer of 500 metres is required between the quarry and a dwelling.

Table 16 Illowa West recent growth

Population	2011 Census	2016 Census	2021 Census	Change 2016–2021
Illowa	353	304	304	0

Source: Australian Bureau of Statistics

The settlement is in the FZ and is subject to the:

- Bushfire Management Overlay (western part adjacent to Tower Hill)
- Significant Landscape Overlay Schedule 6 – Tower Hill and Environs.

6.2.2 Strategic work

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Include a Settlement Boundary.
- Rezone land within the Settlement Boundary to the RLZ (2 hectare).

Addendum Report 2015

The Addendum Report 2015 did not recommend any changes to the RHSS 2010 in relation to Illowa West.

Authorisation request

No change to the RHSS 2010 recommendations.

6.2.3 Authorisation and exhibition

The exhibited Amendment proposed to rezone the settlement from the FZ to the RLZ2 with a 2 hectare minimum lot size, in accordance with the recommendations of the RHSS 2010 and authorisation request.

Figure 20 Illowa West exhibited zones and Works Approval location



 Works approval location

Table 17 Illowa West lot yield

Area proposed to be rezoned to RLZ2	
Existing lots	63
Existing dwellings:	56
Vacant lots:	7
Potential additional lots:	0
Total lot supply:	7

6.2.4 Submissions

Submitter 47 requested a reduction in the minimum lot size from 2 hectare to 1 hectare.

Council resolved at the Council meeting of May 2022 to support a reduction to the minimum lot size from 2 hectares to 1 hectare at Illowa/Tower Hill:

7. Submits to the Panel its response to the submissions generally as outlined in this report and the attachment, except for the following changes: ...
 - c. Supporting the requests for reductions in the minimum lot size from two hectares to one hectare for the proposed Rural Living rezonings at Koroit, Crossley, Illowa and Tower Hill, ...

Mr Drew gave evidence that:

The rezoning of the land to RLZ2, as exhibited, reflects the existing rural residential nature of the settlement, which is nearly fully developed for urban (not farming) land use. Risk of loss of agricultural land is limited because limited productive agricultural activity is being undertaken in the subject area.

The basis for the reduction of the minimum lot size from 2 hectares to 1 hectare proposed in the Council resolution was derived from Submission 47.

It is noted that planning policy does not support an increased density of development in the Tower Hill environs, due to its significant environmental and landscape values, and bushfire risk.

DELWP (Sub 51) noted:

...the immediate proximity of the Tower Hill Lake and Wildlife Reserve to the settlement of Illowa West and emphasises the importance of protecting this significant site from any adverse impacts of future development.

6.2.5 Panel discussion and conclusion

The area is covered by SLO6 which identifies in its 'Statement of nature and key elements of landscape':

Tower Hill is a visually outstanding volcanic landscape, having the full sequence of geological features including the caldera, crater lakes, internal scoria cones and islands. It is the most popular and well-known volcanic landscape in Victoria and is of state significance for its visual qualities.

The views from Tower Hill and its crater rim are remarkable, both across the surrounding plains to the coast, and within the complex to the crater floor and its island lakes. Its distinctive volcanic form, in an otherwise flat and featureless lava plain, make this a recognisable and highly prominent landscape feature of the Western Region.

Much of the area's vegetation was denuded and is being re-established, and it is a refuge to a variety of native plants, birds and animals.

The Panel does not agree with Council that strategic justification to reduce the minimum lot size in Illowa has been undertaken and is mindful of the existing quarry adjacent to this location as well as the Tower Hill environs that need to be considered when allowing for increased density.

The Panel concludes:

The rezoning is appropriate as exhibited.

It is not appropriate to reduce the lot size in Illowa West.

6.3 West of Koroit to Kirkstall and Crossley

6.3.1 The area

This is a complex area that includes:

- Koroit, a 'District town' with 'moderate' growth potential
- Kirkstall, a 'Village' with 'deferred' growth potential
- Koroit West and Crossley ad hoc rural residential development
- Farming area west of Koroit to Kirkstall corridor and Crossley.

Table 18 Koroit, Kirkstall and Crossley recent growth

Population	2011 Census	2016 Census	2021 Census	Change 2016–2021
Koroit	1,958	2,055	2,184	+129
Kirkstall	346	366	406	+40
Crossley	351	215	235	+20

Source: Australian Bureau of Statistics

Koroit

Koroit is classified as a 'District town' in the proposed Clause 21.05 (Settlement and housing) and as having 'moderate' growth potential.

Council has recently prepared a structure plan for Koroit.

Figure 21 Draft Koroit Structure Plan



Kirkstall

Kirkstall is a historical settlement located close to Koroit and within commuting distance to Warrnambool. It has experienced incremental growth and residential development on small lots.

The intensified development on small lots has created environmental issues associated with wastewater treatment and disposal due to a lack of reticulated sewerage. There are services provided in the settlement, such as, a CFA brigade, hotel, hall, and recreation reserve. There are some higher order services available in Koroit.

The settlement has 106 hectares of land zoned Township, which although offer good opportunities for accommodating further growth is constrained by poor wastewater management. Management of wastewater disposal will be necessary for development having regard to lot sizes and treatment issues.

The settlement is in the TZ and is not subject to any overlay controls.

Koroit West and Crossley RLZ

Considerable ad hoc rural residential development has occurred on land to the west and southwest of Koroit, along existing road frontages and close to the Tower Hill State Game Reserve. In general, it consists of development on existing small rural lots, and lots created by title restructures.

The land is in the FZ and is subject to the following Overlay controls:

- Bushfire Management Overlay (Tower Hill surrounds)
- Significant Landscape Overlay Schedule 6 – Tower Hill and Environs (to the south and east of the Koroit–Port Fairy Road).

Farming area west of Koroit to Kirkstall corridor and Crossley FZ3 area

Much of the proposed FZ3 area appears to be productively farmed, with cropping and grazing activities occurring on the land. There are large scale dairying enterprises in and adjacent to this area, supporting a view that the area has agricultural value.

The land subject to the Amendment is in the FZ and is subject to the following Overlay controls:

- Bushfire Management Overlay (small part of the proposed FZ3 area on the western side of the Koroit –Port Fairy Road).
- Significant Landscape Overlay Schedule 6 – Tower Hill and Environs (land in the southeastern part of the proposed FZ3 area on the eastern and southern sides of the Koroit–Port Fairy Road).

Ad hoc rural residential development has also occurred in the area, primarily along road frontages in the eastern half of the area, close to Koroit and Crossley.

6.3.2 Strategic work**Land Capability and Biodiversity Study 2009**

The Koroit to Kirkstall corridor and Crossley FZ3 Area is in *Planning Unit 9 – Koroit / Grassmere* identified in the Land Capability and Biodiversity Study 2009.

The Study found that due to changed economics, past extensive potato and onion production has diminished in favour of irrigated pasture for dairying. Further changes in agricultural land use are likely into the future on this land due to its high agricultural diversity.

Median property size by locality is mainly less than 20 hectares with the localities near urban centres having a median property size of 2 hectares. Consolidation of agricultural properties into larger businesses, rather than subdivision into smaller farming lots is a more logical scenario for the future.

However, the need for some orderly planned Rural Living may potentially be justified near Koroit and Kirkstall, to provide for demand in and near these main pressure centres.

The Land Capability and Biodiversity Study 2009 did not recommend any reduction of the FZ minimum lot size of 40 hectares, in this area.

Moyne Amendment C6

Amendment C6 applied to Koroit West–Crossley and was exhibited between 15 September and 17 October 2005. It affected land in and around Koroit and included the following elements:

- the rezoning of land within the O’Briens Lane and Walkers Lane area, from the Rural Zone (a precursor to the FZ) to the RLZ
- the rezoning of land within the Lowery Road/Barlings Road area from the Rural Zone to the RLZ
- the rezoning of land along Stauntons Lane from the Rural Zone to the RLZ
- amending the schedule to the RLZ to introduce a 2-hectare subdivision minimum for the proposed Rural Living rezonings within the Amendment.

The C6 Panel agreed that RLZ would more accurately reflect the character of these areas and was more appropriate than the (former) Rural Zone. While that panel acknowledged the need to protect agricultural land, it found that the three areas in question had limited agricultural use and that this will further decline as continued housing development occurs on existing small lots.

It was that panel’s view, that the agricultural future of the Shire would be better protected by directing rural living development into appropriately zoned and located areas such as these, rather than by allowing dispersed housing on small lots within the rural areas as seemed to have been the practice.

Therefore, the C6 Panel supported the extent of the RLZ exhibited in C6 and noted that the 2-hectare subdivision minimum would not create opportunities for additional lots to be created in any of the three areas.

The C6 panel did not support submissions which sought a reduction of the subdivision minimum in the Stauntons Lane area from 2 hectares to 1 hectare. That panel was not provided with any material relating to the potential increase in lot yield or any of the other issues that might arise from a reduction in the subdivision minimum.

The C6 panel also considered that the proposed reduction in the subdivision minimum would potentially affect other landowners in the Stauntons Lane area who were not given the opportunity to consider the implications of the change and to make submissions to Council and the Panel.

Council subsequently abandoned Amendment C6.

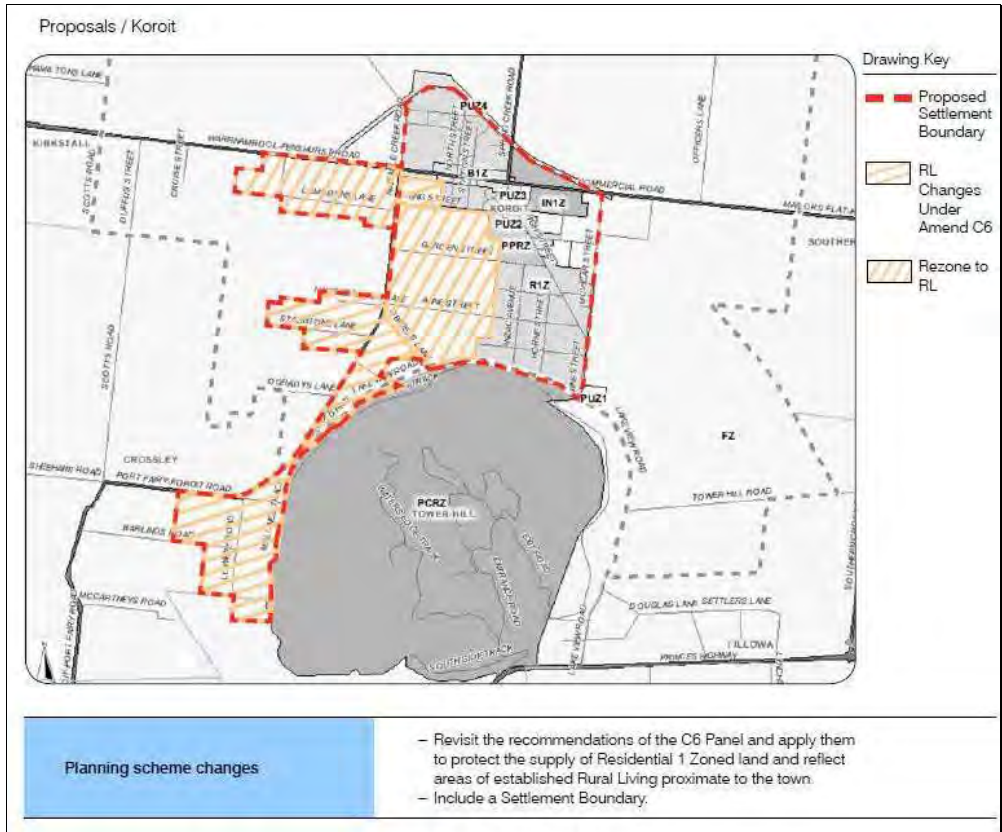
RHSS 2010

The RHSS 2010 recommended a Settlement Boundary for Koroit and rezoning of land to RLZ to reflect changes proposed under Amendment C6 and to reflect the pattern of rural living development that has been established by approvals over the past 20 years:

- For Kirkstall:
 - extend the TZ boundary to take in land bounded by Cruites Road, Atkinson Street and the Penshurst–Warrnambool Road
 - define a Settlement Boundary
 - introduce a Restructure Overlay over the land zoned for township with a requirement that the minimum lot size to establish a dwelling will be subject to town specific waste management strategies which are dependent upon soil type.
- For the Koroit West–Crossley:
 - revisit the recommendations of the C6 Panel and apply them to protect the supply of Residential 1 Zoned land and reflect areas of established Rural Living proximate to the town

- include a Settlement Boundary.

Figure 22 Koroit–Crossley RHSS 2010 recommendations



Addendum Report 2015

The Addendum Report 2015 recommended the rezoning of additional clusters of small lots to Rural Living Zone with a 2-hectare minimum lot size for subdivision and dwellings reflecting approvals and development, which has changed the character of the area over a number of years.

The Addendum Report 2015 recommended the following revised Planning Scheme changes:

- extend the previously proposed settlement boundary for Koroit further west of Duffus Street to Scotts Road, south-west around Tower Hill and north of the Crossley intersection on the eastern side of Scotts Road, reflecting land presently akin to rural residential
- rezone identified FZ land to RLZ with a 2-hectare dwelling and subdivision minimum
- reduce the minimum lot size of the FZ for the Study Area for a dwelling to 10 hectares
- maintain identified land for future residential growth within FZ so to not undermine its development potential.

For Kirkstall the Addendum Report 2015 recommended the following revised Planning Scheme changes:

- maintain the township in its current form

- abandon rezoning of land northwest of the town to Low Density Residential – wastewater issues
- abandon use of the Restructure Overlay
- rezone land used for recreational or public uses to the PPRZ.

The Addendum Report 2015 recommended that a new FZ apply with a dwelling trigger at 10 hectares, and minimum lot size for subdivision remaining at 40 hectares, based on an acknowledgement that agricultural pursuits in the area have changed and are declining, because of past Council decisions to allow dwellings.

Authorisation request

No change to the Addendum Report 2015 recommendations.

6.3.3 Authorisation and exhibition

The authorisation included a condition that:

- Land removed from the proposed RLZ2 at Koroit West should be replaced by the proposed FZ3.

Figure 23 West of Koroit requested zones



Figure 24 West of Koroit exhibited zones



The exhibited Amendment proposed to rezone land to the FZ3 in accordance with the Addendum Report 2015 recommendations and authorisation conditions.

Table 19 West of Koroit lot yield

	Land proposed to be rezoned to RLZ2	Land proposed to be rezoned to FZ3
Existing lots	176	103
Existing dwellings:	145	322
Vacant lots	31	36 Lots between 10 & 40 hectares (some are landlocked)
Potential additional lots:	6	183 Vacant lots less than 10 hectares
Total lot supply	37	219

6.3.4 Submissions

Council meeting of May 2022

Council resolved to support:

- the reduction in the minimum lot size from 2 hectares to 1 hectare for the land to be rezoned to RLZ, and to identify additional land for future growth.
- changes to the Framework Plan for Kirkstall to identify land for future growth as requested in Submissions 14 and 16.

Evidence

In regard to Kirkstall, Mr Drew gave evidence that:

The strategic justification for supporting the amendment of the Framework Plan for Kirkstall to identify land for future growth is derived from the RHSS 2010 and the Submissions.

For the area west of Koroit, Mr Drew gave evidence that:

The strategic justification for this rezoning is reliant upon the recommendations of the Addendum Report 2015.

The land proposed to be rezoned to RLZ in Koroit West/Crossley, as exhibited, is largely developed and used as a rural residential area. There is limited productive agricultural activity being undertaken, although the larger lots at the western of Stauntons Lane and O'Gradys Lane have some potential for agricultural use. It includes land which previously received support from the C6 Panel for rezoning to the Rural Living Zone.

The rezoning of the land to RLZ is appropriate to reflect the rural residential nature of the area and it will provide a modest supply of additional lots.

The amendment of the framework plan to identify land for further growth proposed in the Council resolution is reflected in comments in the Addendum Report 2015 and is supported by submissions.

The reduction of the minimum lot size from 2 hectares to 1 hectare per the preferred form of the Amendment set out in the Council resolution derives from the submissions.

Rural Living Zone

Seven submissions requested increases to the extent of the land to be rezoned to RLZ2 and a reduction to the minimum lot size (Subs 3, 8, 9, 14, 18, 45 and 63). These submissions referenced the demand for this type of development, the existing development pattern and issues to do with the viability of existing uses.

The lifestyle farming area

A number of submissions opposed the application of the FZ3.

Submitter 1 contended that the proposed changes will result in a loss of productive farming land. The concerns of the submitter include the potential for an exponentially increasing population with a converse depletion of available farming land, stating *“We need to maintain our farming land and contain our urban sprawl, not make the situation worse”*.

Submitter 8 stated that the FZ3 area would compromise substantially more agricultural land beyond what was proposed to be in the RLZ west and south of Koroit in the Addendum Report 2015 arguing that the FZ controls should remain unaltered to effectively protect those existing agricultural businesses.

Submitter 24 suggested that fragmenting the FZ would make it extremely difficult for a commercial farm to grow. They contended that people who want to be hobby farmers do not value land as a commercial farmer does, and are willing to pay a price well above what a commercial farmer is able to afford. To alter the FZ, as proposed in the Amendment, *“will kill off farming progress in a reliable, sound, fertile, farming area”*. During submission to the Panel, Mr Mahony emphasised the need to protect farming zoned land for the purpose of agricultural uses, in particular his dairy farming operations that require a buffer between dwellings.

Submitter 31 considered that some of the land covered by the Amendment is regarded as being the most productive soil in a reliable climate found anywhere in the country, and much of this land has already been lost to housing.

The main part of Submitter 40’s farming enterprise (that are contiguous parcels of land), generally bounded by Sheehans Road, the Penshurst–Port Fairy Road and the Penshurst–Warrnambool Road, are proposed to be rezoned to FZ3. The submitter considered that the expansive use of FZ3, to the west and south of Koroit, allowing a dwelling without planning approval on land of 10 hectare or more, would compromise the local agricultural economy. It will substantially and cumulatively, convert agricultural land that is being farmed by not only the submitters, but by at least four other larger commercial farming enterprises, to hobby farms.

Mr Davies (representing himself and Submitters 12, 17, 18, 37 and 38) suggested that smaller settlements are attracting lots of families post Covid and that newer farmgate enterprises were occurring in and around these settlements. In his submission (Sub 36), Mr Davies states:

Value of agricultural land is often determined by the ability for a dwelling to be constructed on this land. Development of new dwellings in the FZ is often driven by a new agricultural business being developed by a new generation of farming families. The support of land values is considered to be a significant driver in the wealth of shire and region. The blanket characterisation of rural settlement being adversarial to agriculture is considered to miss the subtleties of rural populations and community building.

Council officers noted that the proposed lifestyle farming (FZ3) area to the west of Koroit to Kirkstall:

- may affect the ability for commercial farming enterprises to remain in that area, and recommended it be removed from the Amendment
- is intended to facilitate opportunities for the establishment of small-scale farming enterprises, but will not guarantee that the agricultural use of land in the area will not be compromised, with a risk that the area will become a de-facto rural living zone, as it would provide opportunities for lifestyle housing.

The Environment Protection Authority (EPA) (Sub 21) supports the steps identified in the exhibited Amendment to protect existing agricultural land however the agency reminded the Council of the requirements of Ministerial Direction 1 (MD1) and Planning Practice Note 30 (PPN30) in considering land to be used for future sensitive uses. The EPA stated:

It is important that Council is aware of its obligations to satisfy itself that the environmental conditions of land proposed to be used for a sensitive use are, or will be, suitable for that use, in accordance with MD1.

EPA highlights that the risk of contamination associated with agricultural land is sometimes overlooked. PPN30 now identifies that consideration should be given to the potential for specific contaminating activities occurring over time on agricultural land, including commercial use of pesticides (including herbicides, fungicides etc.), biosolids application to land and farm waste disposal. Furthermore, PPN30 identifies these activities to have a 'medium' potential for contamination.

In response to a question from the Panel regarding this matter for areas of previous potato farming west of Koroit, Ms Lane responded that Council had not undertaken any assessments of potential contamination.

The Panel asked a question regarding whether Council had considered the objectives of SLO6 in terms of protection of the landscape values of Tower Hill in its consideration of extent of the RLZ in these Tower Hill environs (with particular interest in Koroit southwest area).

Figure 25: Tower Hill SLO6 extent



In closing, Council submitted:

Council officers have not been able to locate any record that SLO6 was considered as part of the various stages of preparation and consideration of the Amendment (whether by external consultants, Council officers or DELWP).

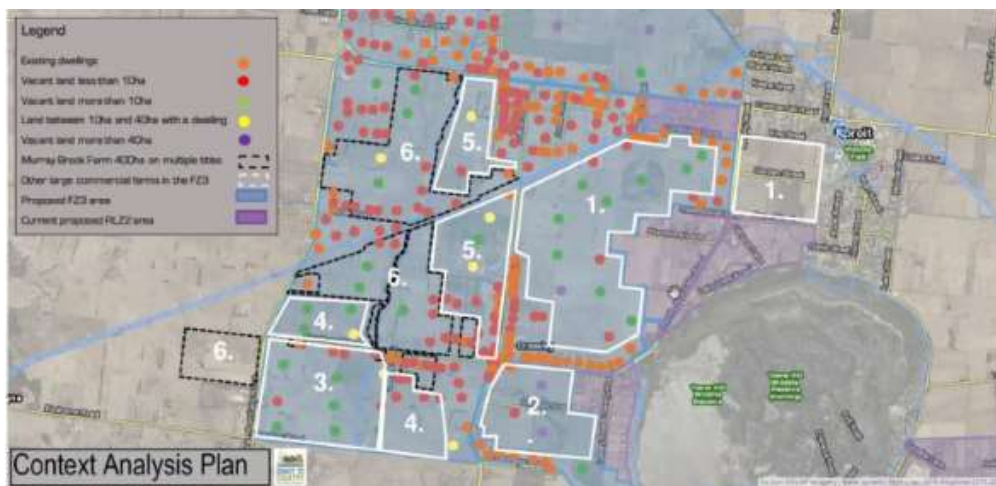
In the absence of clear information to explain the rationale for the zoning choices in the Amendment in this area, Council officers indicate that the likely basis for the 2 hectare minimum lot size applied in the area subject to SLO6 is infill development (comprising development outcomes that maintain the current development density/pattern) will have a minimal impact on the local landscape and, as such, no detailed landscape assessment was thought necessary.

In its submission (Sub 51), DELWP notes the immediate proximity of the Tower Hill Lake and Wildlife Reserve to the south of Koroit and emphasises the importance of protecting this significant site from any adverse impacts of future development. DELWP submits that it supports the statement that *“the significant environmental features around Koroit are to be*

protected and promoted” and “the Tower Hill crater rim should be protected from inappropriate and intrusive development”.

Submitter 8 presented mapped information on the large farm holdings in the area.

Figure 26 Koroit West context analysis



Low Density Residential Zone requests

Submitter 52 requested the rezoning of land bordered by Nine Mile Creek Road, the Port Fairy Rail Trail and the Peshurst–Warrnambool Road to LDRZ with a minimum lot size of one acre. An indicative subdivision layout of the land owned by the submitter. It was submitted that this land had good access to the mains street of Koroit and was buffered from the surrounding farm land by the rail trail

Submitters 14 and 63 sought to rezone land around Kirkstall to cater for growth.

6.3.5 Panel discussion and recommendations

The Panel accepts Council submissions that suggest Moyne has seen an increase in job opportunities due to improving economic conditions which are making regional areas of Australia increasingly attractive, and that the experience in the Moyne (as in many regional areas) is that the regional rental market is under stress. The Panel also accepts that for some areas in Moyne, it is prudent to allow for some growth to accommodate these demands.

However, as more rural residential development occurs in an area, greater pressure on existing long standing farming operations is likely as the prevailing character of the area and expectations of residents’ change. The submissions from farmers whom have been working in this community for generations were telling.

The Panel accepts that the policy at Clause 22.03-4 (Lifestyle Farming) is intended to ensure properties are used for agricultural pursuits but the Panel does not see how this could be enforced or mandated once a dwelling had been established.

It is noted that there are areas west of Koroit which include small lots and the rezoning of some of these areas to RLZ2 could be said to respond to the existing land use patterns. But this should not be at the expense of the Farming Zone, nor of existing controls which go to protect

landscape values of Tower Hill and its environs (also noted by DELWP). A response to how the rezoning considers the objectives of the Tower Hill environs (SLO6) was not forthcoming.

The Panel asked Mr Drew about the assessments undertaken that provided the strategic justification in the Addendum Report 2015 that led to many of the proposed exhibited changes. Mr Drew replied that the Addendum Report 2015 was undertaken by Council officers via desktop and drive around the townships.

The Panel notes that a more extensive application of the RLZ was not authorised implying that it is not consistent with State policy.

For the reasons above, the Panel is not convinced that adequate strategic justification exists to extend the RLZ area or reduce the RLZ2 lot size to one hectare. The Panel is also persuaded that it is not appropriate to introduce a FZ3 that allows for a 10 hectare minimum lot size for permit exempt dwellings.

The EPA and subsequently the Panel raised important questions regarding the potential for contamination to be addressed prior to rezoning land for sensitive uses as required in MD1 and PPN30. This may not be an issue at all, however the Panel cannot be satisfied that any work has underpinned the Amendment to allow for a sensitive use in areas that are known to have previously been used for potato farming (noted in the *Moyne Shire Land Capability and Biodiversity Studies Project*).

The Koroit structure plan, seems to the Panel, to have drawn its study area too tightly and thus lost an opportunity to provide clearer planning for the area around Koroit. The land bordered by Nine Mile Creek Road, the Port Fairy Rail Trail and the Penshurst–Warrnambool Road does appear well-located for denser development but further study would be required.

There is insufficient strategic work to identify any land for potential extension to the settlement boundary.

The Panel concludes:

- It is not appropriate to reduce the lot size in the area.
- Identifying land for further growth and changes to proposed policy at 21.09 should be addressed by further work and no change should be made to the exhibited policy for Kirkstall or Koroit West.

The Panel recommends:

- 4. Abandon the Farming Zone Schedule 3 proposal west of Koroit and make necessary changes to Clause 22.03-4 (Lifestyle Farming) to reflect its deletion.**
- 5. Before applying the Rural Living Zone to area west of Koroit, assess the land for potential contamination in accordance with the requirements of Ministerial Direction 1 and Planning Practice Note 30 to the satisfaction of Department of Environment Land Water and Planning and the Environment Protection Authority.**

6.4 Southern Cross

6.4.1 The area

Southern Cross is a historical cluster of small lots or Crown Allotments located between Koroit and Warrnambool in proximity to the intersection of Southern Cross Road and the Penshurst–Warrnambool Road, and the Warrnambool Airport. There are no services or reticulated

sewerage or water within the area. The settlement reflects a rural living cluster limited to the existing lot configuration.

No further development or establishment of community or recreational facilities is envisaged to support the growth of the settlement, due to its proximity to Koroit and Mailors Flat where such facilities exist.

The settlement is in the FZ and is not subject to any Overlay controls.

Table 20 Southern Cross recent growth

Population	2011 Census	2016 Census	2021 Census	Change 2016–2021
Southern Cross	Included in Koroit	117	128	+11

Source: Australian Bureau of Statistics

6.4.2 Strategic work

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- include a Settlement Boundary
- rezone land within the Settlement Boundary to the Rural Living Zone (minimum 2 hectares).

Addendum Report 2015

The Addendum Report 2015 recommended that:

- the settlement boundary be extended further south and east to reflect existing rural residential land.
- the land within settlement boundary be rezoned to Rural Living with a 1-hectare minimum lot size, with little need for additional physical or community infrastructure.

The Addendum Report 2015 indicated that the minimum lot size for subdivision and dwellings in the zone could be set at the standard zone default of 2 hectares or alternatively at the standard Moyne default which is 1 hectare without substantially changing the character or nature of the settlement.

Such rezoning and policy statements for Southern Cross should also be amended to reflect that this is a rural residential settlement and due to the proximity of the settlement to Koroit and Mailors Flat there is no intention to provide the settlement with any community or recreational facilities and to only provided limited infrastructure akin to rural residential areas on the edge of settlements.

The 2015 Addendum Report 2015 recommended the following revised Planning Scheme changes:

- extend proposed settlement boundary further south and east to reflect existing rural residential land
- rezone land within settlement to Rural Living with a 1-hectare minimum lot size
- abandon use of proposed Restructure Overlay
- include policy that further community facilities and infrastructure will generally not be supported for the settlement.

Authorisation Request

There was no change to the Addendum Report 2015 recommendations. However, the mapping submitted for authorisation incorrectly showed the extent of the RLZ extending further westwards than the extent recommended in the Addendum Report 2015 (shown as on Figure 27).

6.4.3 Authorisation and exhibition

The authorisation conditions required an increase of the minimum lot size to 2 hectares and a reduction of the extent of the RLZ rezoning to be consistent with the recommendations of the Addendum Report 2015.

The exhibited Amendment proposed to rezone the settlement from the FZ to the RLZ2 with a 2-hectare minimum lot size, in accordance with the authorisation conditions.

Figure 27 Southern Cross requested zones

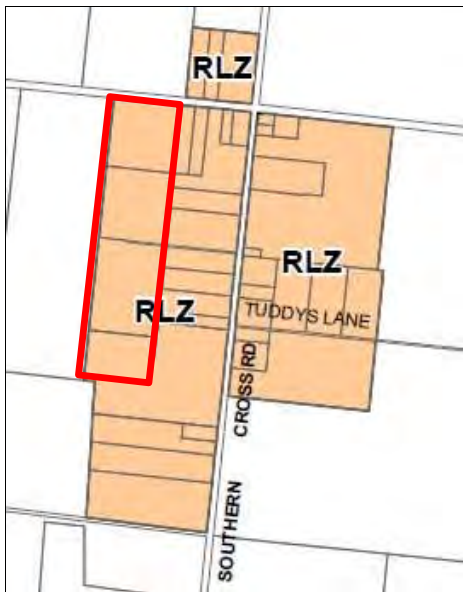


Figure 28 Southern Cross exhibited zones



Table 21 Southern Cross lot yield

Land proposed to be rezoned to RLZ2	
Existing lots	38
Existing dwellings:	31
Vacant lots:	7
Potential additional lots:	8
Total lot supply:	15

6.4.4 Submissions

Seven submissions were received (Subs 31, 44, 48, 49, 50, 53, 56): four requested a reduction in the minimum lot size to 1 hectare, one supported the exhibited 2-hectare minimum lot size,

one requested an expansion to the Settlement Boundary, and one opposed any expansion to the Settlement Boundary.

Submitter 31 stated:

Some of the land within the planning scheme is regarded by many as being the most productive soil in a reliable climate that you would find anywhere in the country. Our family business produces potatoes, lamb, wool, beef and hay. Prime land is required for the production of potatoes and much of this land has already been lost to housing. We must protect what we have left and focus Rural Living within the established towns and small localities, not land in between.

Issues which could arise from farming operations close to RLZ land owners could be: noise from operating farm equipment; noise from operating farm equipment early in the morning or late at night; dust; smell; spray drift; livestock; increased heavy vehicle traffic to name a few...

Rural Living zone proposed for Southern Cross should not be extended any further than indicated in the proposed amendment as to preserve very productive farming land.

Submitter 44 suggested:

... the minimum lot size of 2 hectares is appropriate for Southern Cross as most residences have generous amounts of land between neighbours. Living on spacious allotments in Southern Cross is a lifestyle choice for the residents.

Minimum lot sizes of 2 hectares allow residents to enjoy rural living with the options of keeping pets and small hobby farms i.e. horses, sheep without encroaching on adjoining properties/residents.

Submitter 50, along with neighbouring landowners, suggested that:

..., a consensus of landowners within the area proposed to be rezoned to the Rural Living is that a minimum subdivision area of 1 hectare, specified in the schedule to the zone, would represent a much more appropriate outcome for the future planning of their hamlet...

The landowners feel that a 2 hectare minimum subdivision area would represent an inefficient use of the land by providing for lots which make no contribution to agriculture but also fail to address rural residential housing demand.

At its meeting of May 2022, Council resolved to pursue a change to the exhibited minimum lot size from 2 hectares to 1 hectare at Southern Cross as requested in some of the submissions.

Mr Drew gave evidence that:

The land proposed to be rezoned to RLZ in Southern Cross, as exhibited, largely reflects the existing rural residential cluster. While agricultural activity occurs in the wider area, there is limited productive agricultural activity being undertaken within the proposed RLZ area.

The rezoning of the land to RLZ reflects the rural residential nature of the area and will provide a modest supply of additional lots.

Strategic justification for the reduction of the minimum lot size from 2 hectares to 1 hectare proposed in the Council resolution (comprising Council's preferred position on the Amendment) has a basis in the Addendum Report 2015.

It is noted that the land proposed to be rezoned does not have any immediately apparent environmental constraints. The more efficient use of the land intended for rural living purposes could be achieved with a 1 hectare minimum lot size.

Reducing the minimum lot size to 1 hectare is estimated to increase the land supply at Southern Cross from 15 lots (2 hectare minimum) to 37 lots.

The preferred position in the Amendment (a 1-hectare minimum lot size) could serve to reduce the pressure for dwellings on small and larger lots, in the Farming Zone, and expansion of the RLZ extent, around Southern Cross and Koroit. It may be seen to assist in preserving productive farmland in the area, in accordance with State Planning Policy.

In relation to Council's preferred position to amend the framework plan to identify land for further growth at Southern Cross, the basis for this position derives from the submissions.

Submitter 53 sought planning scheme changes to allow for subdivision of land associated with the Rahill Farm complex which it said were of local heritage significance to the Moyne Shire, *"although not formally recognised within the Moyne Planning Scheme"*. The submitters stated that they recognised that their land cannot be included in the C70moyn amendment and any rezoning would instead be subject a separate privately initiated planning scheme amendment but requested the following amendment to the Southern Cross Framework Plan (contained at Clause 21.09-22 Southern Cross) to facilitate the opportunities they saw for their land:

... inclusion of annotations and wording to the south of the proposed Settlement Boundary and west of Southern Cross Road, to reference 'Potential extension to settlement boundary' (or similar) in a southward direction.

Council submitted there are minimal environmental constraints affecting the land proposed to be rezoned at Southern Cross, and more efficient use of the land intended for rural living purposes could be achieved with a 1 hectare minimum lot size. It would reduce the pressure for dwellings on small and larger lots in the FZ around Southern Cross and Koroit, which will assist in preserving productive farmland in the area in accordance with State Planning Policy. In addition, it will avoid the further expansion of the rural residential development footprint at Southern Cross into surrounding agricultural land.

6.4.5 Panel discussion and conclusion

The Panel agrees with Council that the rezoning of the land to RLZ reflects the rural residential nature of the area and will provide a modest supply of additional lots. The Panel also accepts those submissions that suggest there is a demand for rural living in this area, however, there is also a need to balance that need with the existing farm uses surrounding the township.

Therefore the Panel is not convinced that reducing the minimum lot size is appropriate in Southern Cross particularly as there are no services within the township, no intent to provide services and Koroit is within close proximity to account for the modest increase of services required.

The Panel does not accept reducing the lot size will avoid further expansion of Southern Cross. This argument is based on the premise that the demand for growth in Southern Cross ought to be met when the settlement is identified in policy as a 'hamlet' with low growth potential.

There is insufficient strategic work to identify any land for potential extension to the settlement boundary.

The Panel concludes:

- It is not appropriate to reduce the lot size in the area.
- The rezoning is appropriate as exhibited.
- Identifying land for further growth and changes to proposed policy at 21.09 should be addressed by further work and no change should be made to the exhibited policy for Southern Cross.

6.5 Killarney and surrounds

6.5.1 The area

The Killarney district has a history in potato production and dairying supported by excellent agricultural soils and a comparatively reliable rainfall. Groundwater suitable for irrigation is important for intensive primary production, and this is strategically important for the high-quality Tower Hill Basalt land south of the Princes Highway.

It is a high amenity coastal environment with a mix of productive agriculture / intensive horticulture and rural residential development on small lots.

Opportunity exists in the area to continue extensive and intensive primary production enterprises, with high strategic importance to the State and the Shire.

The land is in the FZ and is subject to the following Overlay controls:

- Bushfire Management Overlay (small area in the southeastern part of the exhibited FZ2 area adjacent to the coastal reserve)
- Significant Landscape Overlay Schedule 5 – Port Fairy to Warrnambool Coast (the majority of the exhibited FZ2 area)
- Environmental Significance Overlay Schedule 1 – Coastal Areas And Estuaries (land adjacent to the coastal reserve and Belfast Lough).

Land between the SLO5 and the coast is in public ownership but is zoned FZ.

Figure 29 Significant Landscape Overlay Schedule 5, where 10 hectares applies under the Farming Zone



Figure 30 Environmental Significance Overlay Schedule 1



Towilla Way is a cluster of small lots with one large lot balance (Lot 17 PS422537) in the SLO5 area, which was the result of a past planning approval. There are no services or reticulated sewerage and the settlement totals 25 hectares. The settlement reflects a rural living cluster limited to the existing lot configuration capitalising on its proximity to the coast.

Table 22 Killarney recent growth

Population	2011 Census	2016 Census	2021 Census	Change 2016–2021
Killarney	Not Available	205	195	-10

Source: Australian Bureau of Statistics

6.5.2 Strategic work

Land Capability and Biodiversity Study 2009

The Land Capability and Biodiversity Study 2009 recognised that under the Schedule to the FZ, the Belfast Rural Area had a minimum lot size of 10 hectares for subdivision and dwelling construction.

It considered that the low minimum lot size (10 hectares) would continue to undermine the importance of the land within this area for its agricultural productivity and create a settlement density, which is contrary to the State Coastal Strategy that promotes separation between coastal towns.

The Study recommended that an increase in minimum lot size to 40 hectares was appropriate to assist continued agricultural production, property consolidation, and appropriate settlement densities into the future.

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- recommended an Increase to the minimum lot size for ‘as of right’ dwellings from 10 hectares to 40 hectares for all of the land to the south of the Princes Highway, that is, the area shown as FZ2 on exhibited planning scheme mapping
- for Survey Lane/Towilla Way:

- include a Settlement Boundary
- rezone land within the Settlement Boundary to the Rural Living Zone. Minimum Lot size within settlement boundary is 1 hectare except for Lot 17 PS422537 where 7 hectares should be the minimum lot size.

Addendum Report 2015

The Addendum Report 2015 recommended a significant reduction to the land where the minimum lot size for ‘as of right’ dwellings was to be increased from 10 hectares to 40 hectares to the south of the Princes Highway. It recommended increasing the minimum lot size to 40 hectares only in the area south of the Princes Highway, bounded by Mugavins Road to the east of Gormans Road, at Killarney and Tower Hill.

No change to the RHSS 2010 was recommended for Survey Lane/Towilla Way.

Figure 31 shows the Addendum Report 2015 recommendations. The Addendum Report 2015 recommendation was based on an incorrect interpretation of the extent of SLO5 and should have referred to the area south of the Princes Highway, bounded by *Rocks Road* (not Mugavins Road) to the east of Gormans Road, at Killarney and Tower Hill.

Figure 31 Killarney and surrounds – Addendum Report 2015



Authorisation request

No change to the Addendum Report 2015 recommendations for the FZ area.

During the preparation of the Amendment, it was determined that Lot 17 PS422537 in Survey Lane/Towilla Way should remain the FZ (FZ2 minimum lot size of 10 hectare), rather than creating a separate RLZ Schedule for a single lot. Note: A dwelling exists on Lot 17 PS422537. The authorisation request was made that basis.

6.5.3 Authorisation and exhibition

The exhibited Amendment proposed to increase the minimum lot size for ‘as of right’ dwellings from 10 hectares to 40 hectares in the FZ south of the Princes Highway, bounded by Rocks Road to the east of Gormans Road, at Killarney and Tower Hill in accordance with the Addendum Report 2015 recommendations (generally), and authorisation conditions.

The authorisation conditions required the removal of the area currently within the SLO6 (between Mugavins Road and Rocks Road) from the proposed FZ2 and retained as FZ.

Figure 32 shows the exhibited zones annotated to show:

- Area not authorised
- Area where minimum lot size was exhibited to be increased to 40 hectares by applying the FZ1 in place of a policy neutral application of FZ2 – this has been abandoned by Council
- Land which is subject to two FZ Schedules (Sub 13)
- RLZ1 Survey Lane/Towilla Way.

Figure 32 Killarney and surrounds exhibited zones



Table 23 Survey Lane/Towilla Way lot yield

Land proposed to be rezoned to RLZ1	
Existing lots	16
Existing dwellings:	13
Vacant lots:	3
Potential additional lots:	0
Total lot supply:	3

6.5.4 Submissions

Submitter 13 requested that a minor increase to the extent of the FZ2 to accord with the title boundaries of a consolidated lot, so that there is one minimum lot size applying to the land.

Submitter 31 requested that land south of the Princes Highway from Mahoneys Road, Killarney to the Warrnambool City boundary be in FZ1 (that is, increase the minimum lot size from 10 hectares to 40 hectares, in accordance with the RHSS 2010).

No submissions were received in respect of the RLZ at Survey Lane/Towilla Way.

Mr Drew gave evidence that:

The proposed rezoning to RLZ1 reflects the existing pattern of development and recognises a 1990s subdivision and use permit. Although three lots are not developed, the land in Towilla Way is not used for productive agricultural purposes and will not be able to make a future contribution to the agricultural economy.

Council meeting of May 2022

Council resolved to abandon the proposed increase to the minimum lot size for 'as of right' dwellings from 10 hectares to 40 hectares in accordance with section 23 (1) (c) of the PE Act.

Submission 13 relates to land which is subject to two FZ Schedules in the proposed Amendment, FZ1 and FZ2. The Council resolution supports Submission 13, which requested a minor increase to the extent of the FZ2 to accord with the title boundaries of a consolidated lot PC379510Y, so that only one minimum lot size applies to the subject land.

Mr Drew gave evidence that:

To reflect the existing planning controls, the area south of the Princes Highway, bounded by Rocks Road to the east of Gormans Road, at Killarney and Tower Hill will be included in the extent of the FZ2 in the planning scheme mapping.

Submission 13 correctly identifies that it would be more appropriate for the Zone Schedule boundaries to accord with the title boundaries of the property, as the majority of the subject land is within the existing 10 hectare minimum lot size area.

The subject lot has an area of 13.57 hectares and the requested change would not materially affect the development rights of the property and could be viewed as a planning scheme anomaly.

It would be appropriate for the entirety of the property to be within FZ2, as the majority of the subject land is within the existing 10 hectare minimum lot size area.

In addition, the alignment of the boundary between the FZ1 and FZ2 Schedules with the property boundaries is consistent with the approach set out in the Practitioner's Guide.

6.5.5 Panel discussion and recommendation

The Panel agrees with Council that it would be appropriate to include the entirety of the property (Sub 13) to be within FZ2.

Land between the FZ2 and the coast is public land in the FZ. The Amendment could consider applying an appropriate public uses zone. This would be in keeping with one of the purposes of the Amendment which is to apply public use zones to public land (albeit only in certain settlements).

The Panel concludes:

The rezoning is generally appropriate as exhibited.

The Panel recommends:

- 6. Increase the extent of the Farming Zone Schedule 2 to accord with the title boundaries of a consolidated lot PC379510Y, so that only one minimum lot size applies to the subject land.**

Appendix A Submitters to the Amendment referred to the Panel

No	Submitter	No	Submitter
1	Jennifer and Martin Brown	34	Johan Kluijfhout
2	St Joseph's Parish	35	Julie Bos
3	Adrian and Lyn Jones	36	Alastair Davies
7	Lisa and Eddie Dwyer	37	James and Robyn Starling
8	Michael and Maria O'Grady	38	Nathan and Jacqueline Bowman
9	Kyle and Casey Dwyer	40	Adam and Paul Lenehan
12	Ross & Carter	43	David Mahony
13	Amanda Gaw and Elizabeth Jones	44	Matthew and Melissa Thom
14	Andrew and Kate Foster	45	Gerard O'Grady
15	Hawkesdale and District Development Action Committee	46	Therese and Patrick Burke
16	Chris Loorham	47	Bernadette Willis
17	Adam Brian	48	Lance and Maxine Lloyd
18	Jeremy Moloney	49	Graeme Morris, Hazel Morris, Sally Morris and Andrew Beecroft
19	Dayleen and Daryl Roe	50	Graeme Morris
20	Stuart and Wendy Baulch	51	Department of Environment, Land, Water and Planning
21	Environment Protection Authority	52	Tracy O'Connell
23	Richard and Faye Matters	53	Brendan and Barbara Moloney
24	Maurice and Barbara Mahony	54	Victorian Farmers Federation
25	Wannon Water	56	Tamara O'Keefe
26	Anne Mirtschin	57	Erin Giles
27	Bruce Mirtschin	59	Department of Transport
28	Bruce Mirtschin	60	John Bos
29	Kirrilee Nield	61	Warrnambool City Council
30	George Swarbrick	62	Geraldine Mugavin
31	Damian Moloney	63	Nelson Williams and Tara Fry

Appendix B Parties to the Panel Hearing

Submitter	Represented by	Submission
Victorian Farmers Federation	Lisa Gervasoni	54
Moyne Shire Council	Adeline Lane of Jackson Lane Legal, calling evidence on strategic town planning from Damien Drew, Strategic Planner, Moyne Shire Council	
Alastair Davies		36
Ross and Carter	Alastair Davies	12
Adam Brian	Alastair Davies	17
Jeremy Moloney	Alastair Davies	18
James and Robyn Starling	Alastair Davies	37
Nathan and Jacqueline Bowman	Alastair Davies	38
Graeme Morris	Andrew Grey of Stantec	50
M & M O'Grady	Fiona Castley of Coast to Country Building Approvals	8
Brendan and Barbara Moloney	Myers Planning Group	53
Chris Loorham	Michael McCarthy of Western District Planners	16
Tracy O'Connell	Michael McCarthy of Western District Planners	52
Sally Morris		49
David Mahony		43
Maurice Mahony		24
the Hawkesdale and District Development Action Committee	Frank Huglin	15
Tamara O'Keefe		56
Matthew and Melissa Thom		44

Appendix C Document list

No.	Date	Description	Presented by
001	4 July 22	Directions Hearing notice letter	Planning Panels Victoria (PPV)
002	1 Aug 22	Letter to Council regarding Council resolutionBAM and Associates Pty Ltd to support Submission 17	
003	—"—	Late submission from Myers Planning Group	BAM and Associates Pty Ltd
004	10 Aug 22	Panel Directions and Timetable	PPV
005	12 Aug 22	C70moyn summary of submissions and officer response (Attachment to the Council Agenda Report for the 3 May 2022 Council Meeting)	Moyne Shire Council (Council)
006	—"—	C70moyn overview map	Council
007	15 Aug 22	Letter – Council response to Direction 8	Council
008	5 Sep 22	Moyne Shire Council’s Part A submission	Council
009	—"—	Expert witness statement of Damien Drew	—"—
010	9 Sep 22	Version 2 Distribution List and Timetable	PPV
011	15 Sep 22	Distribution List and Version 3 Timetable	PPV
012	—"—	Moyne Shire Council’s Part B submission	Council
013	16 Sep 22	Submission of Victorian Farmers Federation	Victorian Farmers Federation
013a	—"—	Minister for Planning election briefing notes – June 2018	—"—
013b	—"—	Victorian Farmers Federation Policy Statement – Right to Farm	—"—
013c	—"—	Victorian Farmers Federation submission – Protecting Melbourne’s Green Wedges and Agricultural Land	—"—
013d	—"—	Victorian Farmers Federation submission – Protecting Melbourne’s Strategic Agricultural Land	—"—
013e	—"—	Victorian Farmers Federation submission – Reforming the Victoria Planning Provisions	—"—
014	19 Sep 22	Distribution List version 3	PPV
015	—"—	Practice Note 37 (June 2015)	Ms Lane of Jackson Lane Legal, representing Moyne Shire Council
016	—"—	Submissions	Mr Davies, Davies Simpson, representing submitter # 12, 17, 18, 37 and 38

No.	Date	Description	Presented by
017	—"—	Australian Conservation Foundation v Minister for Planning [2004] Victorian Civil and Administrative Tribunal (VCAT) 2029	—"—
018	—"—	Melbourne PSA C309 [2019] PPV - West Melbourne Structure Plan	—"—
019	—"—	Submissions	Ms Castley, Coast to Country Building Approvals, representing Mick and Maria O'Grady
020	—"—	Submissions	Mr Gray, Stantec, representing Graeme Morris
021	20 Sep 22	Submissions	Sally Morris
022	—"—	Submissions	Mr McCarthy, Western District Planners, representing Chris Loorham consultants
023	—"—	Submissions	Mr McCarthy, representing Tracy O'Connell
024	—"—	Submissions	Ms Marson, Best Hooper Lawyers, representing Brendan and Barbara Moloney
025	—"—	Plan of Subdivision 904523C	—"—
026	—"—	Planning permit Application NO. PL21/078, 209 Southern Cross Road, Southern Cross	—"—
027	—"—	Submissions	Mr Huglin, Hawkesdale and District Development Action Committee
028	21 Sept 22	Koroit Structure Plan Part A & B (Sept 2020)	Mr Drew, Moyne Shire Council
029	—"—	Koroit Structure Plan Part C (2019)	—"—
030	—"—	Submissions	Tamara O'Keefe

Appendix D Previous Council resolutions

At its ordinary meeting on 23 February 2010, Council resolved:

1. That Council agree to a public exhibition period of three months from mid March to mid June 2010, of the following:
 - i. Land Capability and Biodiversity Strategy;
 - ii. Rural Housing and Settlement Strategy;
 - iii. Tower Hill Design guidelines; to seek public comment
2. That Council pursuant to Section 9 of the Planning and Environment Act 1987 seek authorisation from the Minister for Planning to exhibit an Amendment to the Moyne Planning Scheme to incorporate the following:
 - i. Land Capability and Biodiversity Strategy
 - ii. Rural Housing and Settlement Strategy
 - iii. Tower Hill Design guidelines.

At its ordinary meeting on 23 November 2010, Council resolved:

1. That Council receive and adopt the Land Capability and Biodiversity Study, the Rural Housing and Settlement Strategy and the Tower Hill Design Guidelines, subject to minor changes as detailed in this report.
2. That Council proceeds to prepare an amendment to the Moyne Planning Scheme to implement the recommendations of the strategies into the Planning Scheme.

At its ordinary meeting on 22 September 2015, Council resolved:

1. That Council adopt the Addendum Report 2015 in addition to the existing adopted Rural Housing and Settlement Strategy and Land Capability and Biodiversity Strategy in accordance with the amendments outlined in the Addendum Report 2015.
2. That Council commence preparation of a planning scheme amendment to implement the recommendations of the Strategies and Addendum Report 2015.

At its ordinary meeting on 26 April 2017, Council resolved:

1. That Council split the Amendment into two parts:
 - a. Amendment C44 – Rural Housing and Settlement Strategy and Land Capability and Biodiversity Strategy and the Addendum Report 2015 items other than outcomes recommended for environmental protection; and
 - b. Prepare a further Amendment to implement environmental overlays at the conclusion of Amendment C44.
2. That Council seek Ministerial Authorisation from the Minister for Planning to prepare Amendment C44 to the Moyne Planning Scheme and exhibit the amendment for a period of 60 days.

At its ordinary meeting on 28 August 2018, Council resolved:

1. That Moyne Shire Council write to the Minister for Planning and GPG (Wind Farm proponent) requesting an increase in the buffer distance between the wind towers and the township of Hawkesdale.¹⁴

¹⁴ The implication of this resolution on the Amendment was a change to the Framework Plan for Hawkesdale to change the settlement boundary to remove the land to the south-east of the township from the proposed rezoning to the Rural Living Zone

Appendix E Authorisation conditions and Council's response

Authorisation condition	How the condition has been met
1 Remove the proposed Rural Living Zone at Bushfield/Wangoom, Illowa East and Yarpurk. The proposed RLZ3 at Bushfield/Wangoom may be replaced by the proposed FZ4.	Accepted The exhibited amendment did not include the proposed Rural Living Zone at Illowa East and Yarpurk. Planning Scheme mapping was revised to extend the proposed FZ4 to include the proposed RLZ3 at Bushfield/Wangoom.
2 Reduce the extent of the proposed Rural Living Zone at Hawkesdale, Koroit West, Southern Cross and Woolsthorpe. Land removed from the proposed RLZ2 at Koroit West should be replaced by the proposed FZ3.	Accepted The Planning Scheme mapping was revised to reduce the extent of the proposed Rural Living Zone at Hawkesdale and Woolsthorpe, and extend the proposed FZ3 to include the land removed from the proposed RLZ2 at Koroit West.
3 Increase the minimum lot size at Southern Cross to 2 hectares.	Accepted The Planning Scheme mapping was revised to include the land at Southern Cross in RLZ2, which has a minimum lot size of 2 hectares.
4 Remove the area currently within the SLO6 from the proposed FZ2 and retain as FZ. Area at Killarney.	Accepted The Planning Scheme mapping was revised to remove the area currently within the SLO6 from the proposed FZ2 and retain as FZ.
5 Amend the zoning map for Nullawarre to correct minor errors and inconsistencies.	Accepted The Planning Scheme mapping for Nullawarre was revised to correct minor errors and inconsistencies.
6 Renumber the existing RLZ schedule to RLZ1 consistent with the Ministerial Direction on the Form and Content of Planning Schemes and update the planning scheme maps accordingly.	Accepted Administrative change to improve the clarity of the Planning Scheme.
7 Consider rezoning RLZ land in Port Fairy and Mailors Flat where a 4 hectare minimum lot size applies to RLZ3 to ensure the areas are more clearly identified in the Scheme, and for consistency with the approach taken by C70moyn to apply different schedules to areas with different minimum lot sizes.	Accepted Administrative changes to improve the clarity of the Planning Scheme

Authorisation condition	How the condition has been met
<p>8 Redraft the proposed Local Planning Policy to take into consideration the Local Planning Policy Framework translation which is currently being undertaken by DELWP as part of the Smart Planning program. The Council should ensure that the proposed local policy content is consistent with the rules in Section 4 and writing instructions in Section 6 of the Practitioners Guide to Victorian Planning Schemes.</p>	<p>DELWP agreed to exhibition proceeding without any change to the proposed Local Planning Policy as the Local Planning Policy Framework translation of the Moyne Planning Scheme is yet to be completed.</p>
<p>9 Amend the Instruction Sheet and Explanatory Report to reflect the above changes.</p>	<p>Accepted</p>

2.10 Princes Highway Port Fairy Storm Water Petition

Directorate: Infrastructure and Environment

Report Author: Manager Works & Engineering

Overview: This report is in response to the petition request report endorsed at the 31 January Ordinary Council Meeting. The submission by residents titled as a 'petition' which contains 8 signatures regarding properties on the service road between 165 to 183 Princes Highway, Port Fairy sought Council to consider the potential impacts of stormwater associated with the noted properties.

Recommendation

That Council continue to monitor the service road between 165 to 183 Princes Highway, Port Fairy over the next 12 months to ascertain if completed maintenance works have resolved the flooding concerns.

Background

Whilst this submission does not constitute a formal petition in line with Councils governance rules, it was presented at the Council meeting held on 31 January 2023 and Council resolved to consider the request.

Strategic Link

Council Plan 2021-2025

1.1 - PLACE - Housing

Advocate for provision of infrastructure and services to enable and support new development

Discussion

The submission relates to the service road in Port Fairy between properties 165 to 183 Princes Highway, Port Fairy and impacts of stormwater. The submission indicates that 179 Princes Highway was impacted in the January 2022 storm event and other properties are also being impacted to varying degrees. It was requested that Council look at the design and construction of this service road in order to manage the stormwater away from the properties.

Council officers have subsequently inspected the site. This inspection identified that the shoulders along the highway were too high and was directing the stormwater to cross over

the highway in an uncontrolled manner. The existing culvert underneath the highway and service road and the subsequent drain was also blocked.

The culvert and open drain have now been cleared, and the shoulder works on the highway are the responsibility of the Department of Transport and Planning (DOTP). The DOTP has been notified of the concerns and they have advised that the shoulder work that they are responsible for will be completed during February 2023.

It is believed that these maintenance works will resolve the immediate problem. The installation of kerb and channel would be considered an aesthetic improvement to the area and would also assist with any future risk of storm water entering properties.

There is a current development proposal for a major subdivision behind this service lane in Port Fairy. As part of that development, they will be required to prepare a storm water management plan, which will need to consider the overland water flow path from this catchment as a component of the drainage management. The installation of kerb and channel along the service lane would be outside of the development and unlikely to be supported by the developer as their responsibility.

Consultation

The attached submission contains 8 signatures representing 5 properties.

Financial Implications

The installation of concrete kerb and channel and drainage pits along the service lane is estimated to cost approximately \$85,000.

The maintenance works that has been undertaken has cost less than \$3,000 and was paid for under Councils maintenance budgets.

Risk

Risk identified: Financial Impact
Impacts on Public Health and Safety
Image, Reputation and Public Support

Conclusion

Maintenance works have been completed which officers believe will address the immediate risk of any flooding. Whilst the installation of concrete kerb and channel is a justifiable project for Council consideration, it would be subject to funding and competing priorities.

It is recommended to continue to monitor the site over the next 12 months to see if maintenance works have resolved the flooding concerns.

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

Attachments

- | |
|--|
| 1. 2022- Petition Submission-_ Service Road Storm Water Management [2.10.1 - 1 page] |
|--|

2.11 Stock Underpass Fund Application - Sampsons Ford Road GARVOC

Directorate: Infrastructure and Environment

Report Author: Engineering Services Officer

Overview: This report pertains to an application for \$10,000 funding from Councils Stock Underpass Fund. The proposed underpass would be on Sampsons Ford Road at Garvoc.

Officer Recommendation

That Council endorse the allocation of \$10,000 to The Riverbank Farming Trust as a contribution towards the installation of a stock underpass from the Financial Year 2022/2023 budget allocation, subject to other private funding being secured.

Background

The Moyne Shire Council Cattle Underpass Policy offers up to \$10,000 to farmers seeking to install stock underpasses, out of an allocation of \$50,000. This application would utilise \$10,000 from the annual \$50,000 allocated in Councils 2022/2023 budget to assist with the installation of stock underpasses.

Strategic Link

Council Plan 2021-2025

4.2 - ECONOMY - Agriculture, Food and Farming

Recognising and supporting the importance of agriculture our economy, trade and investment

Ensure continued support for agricultural and manufacturing industries and advocate for innovative and high value, sustainable agricultural growth

Discussion

The process for the design and installation process is progressing. The details in the Deed of Agreement have been confirmed as correct by the applicant, and the final agreement has been forwarded to the applicant for signing. The land on one side of the road is owned by the applicant's parents, and the land on the other side is leased from an adjoining neighbour.

The intent of the fund is to encourage the installation of new stock underpasses within Moyne Shire to reduce the risks associated with livestock crossing roads and railways.

The installation of this underpass will be in line with that intent.

The underpass will improve road safety, and limit damage to road infrastructure.

Consultation

The details of the Council funding policy requirements have been discussed with the applicants on site, and the relevant documentation has been provided to Council. Council is still awaiting the final design for approval but understand that this will be supplied shortly.

Financial Implications

The subsidy of \$10,000 for the stock underpass would come from the \$50,000 allocation in the 2022-23 Council budget. This is the third Stock Underpass Fund application that Council has received this financial year. If approved, Council will have a remaining \$20,000 available for any other fund applications that may be received over the course of this Financial Year.

Risk

Risk identified: No Identified Risk

The underpass will improve the safety of users of the road network.

Conclusion

An application has been received for funding support for the installation of a stock underpass. The application is in accordance with the Council Policy and meets the objectives of the policy to improve the safety of the road network.

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

Attachments

Confidential Attachment

Reason for confidentiality - Local Government Act 2020, Section 3 - Personal information - Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released

Confidential Attachment

Reason for confidentiality - Local Government Act 2020, Section 3 - Private commercial information - Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released

- | |
|---|
| 1. ATTACHMENT 1— CONFIDENTIAL— STOCK UNDERPASS FUND— SAMPSONS FORD ROAD GARVOC [2.11.1 - 2 pages] |
|---|

2. ATTACHMENT 2— STOCK UNDERPASS FUN D— SAMPSONS FORD ROAD
GARVOC - LOCATION [2.11.2 - 1 page]

3 Councillors' Items

3.1 Mayor and Councillor Activities

Overview: The report provides information to Council in regard to the Councillors' attendance at briefings, forum and other meetings, between 21 January 2023 and 17 February 2023.

Mayor Activities

Date	Location	Meeting / Event
21 January	Purnim Recreation Reserve	Official opening of new Turf Wicket
26 January	Port Fairy	Refection Ceremony
26 January	Koroit	Citizenship Ceremonies and Australia Day event
31 January	Mortlake	Council Meeting
3 February	Mortlake	Hexham Wind Farm Community Engagement Committee (CEC) meeting
8 February	Port Fairy	Official opening of Commonwealth Championship Sheep Dog Trials
9 February	Port Fairy	Audit & Risk Committee Strategic Risk Register Workshop
14 February	Hawkesdale	Councillor Workshop and Listening Post
15 February	Peterborough	Peterborough Residents Group meeting

Councillor Activities

Date	Location	Meeting / Event
21 January	Purnim Recreation Reserve	Official opening of new Turf Wicket
23 January	Hawkesdale	Hawkesdale Wind Farm CEC Meeting
23 January	Port Fairy	Ryan Corner Wind Farm CEC Meeting
24 January	By electronic means	Councillor Workshop
26 January	Port Fairy	Reflection Ceremony
26 January	Koroit	Citizenship ceremonies and Australia Day event
31 January	Mortlake	Council Meeting
1 February	Hawkesdale	Smoking Ceremony and Welcome to Country, Hawkesdale Wind Farm site
3 February	Mortlake	Hexham Wind Farm CEC Meeting

6 February	Mortlake	Mt Fyans Wind Farm CEC Meeting
7 February	Port Fairy	Port of Port Fairy Delegated Committee meeting
14 February	Hawkesdale	Councillor Workshop and Listening Post
16 February	Port Fairy	Economic Development Advisory Committee (EDAC) Meeting
17 February	Melbourne	Rail Freight Alliance AGM and Ordinary Meeting

3.2 Councillor Notice of Motion

Overview: A Councillor may lodge a notice of motion on any matter the Councillor wants to be considered.

No Councillor Notice of Motion has been received for this meeting Agenda.

3.3 General Matters

Overview: General Matters gives Councillors the opportunity to report on positive and good news items from around the Shire.

3.4 Urgent Business

Overview: A Councillor may raise an urgent matter for consideration at a Council Meeting if the Councillors considers that the matter is extremely urgent and it was not possible for the matter to have been included in the agenda notice for the meeting.

4 CEO Meeting Schedule

Overview: This report provides information to Council in regard to the CEO's meeting schedules between 21 January 2023 and 20 February 2023

Meeting Schedule

Date	Location	Meeting / Event
26 January	Port Fairy	Reflection Ceremony
26 January	Koroit	Australia Day Ceremony
1 February	By electronic means	Joint State/ Local Government Monthly CEO Forum
8 February	Port Fairy	Meeting with CEO Rail Freight Alliance
10 February	Warrnambool	SouthWest Victoria Alliance CEO's Meeting
15 February	Warrnambool	GSC Sustainable Water Forum 2023
17 February	Camperdown	Leadership GSC Panel Discussion
17 February	Port Fairy	Meeting with Chair, Rural Councils Victoria

5 CEO Activities Report

5.1 CEO Activities Report

Directorate: Governance & Leadership

Report Author: Executive Assistant

Overview: Statistics and updates from directorates on key works and initiatives for the previous month.

Attachments

- | |
|--|
| 1. CEO Activity Report - FEB 2023 [5.1.1 - 33 pages] |
|--|



Moyne Shire Council

CEO Activities Report February 2023

Published 23 February 2023

For public distribution





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GOVERNANCE

CEO's Message

Our Business Continuity Plan was recently tested in a desktop exercise.

The BCP is a manual which outlines the actions that need to take place if there is an event impacting on our ability to operate – this was of course last enacted during the Covid-19 Pandemic.

The team were given a scenario of severe damage to the Port Fairy office following an overnight storm, which took down IT and telephone services across the organisation and left the Port Fairy office inaccessible. From there they had to assess the services that were impacted and put plans in place that involved first informing staff and councillors, issuing statements to the media and keeping the community informed.

They then went through setting up temporary customer service centres and how to continue critical services to the community – including building and health inspections following the storm event without IT and telephones. It's important that we test these plans regularly so we can pick up any issues if we do have to enact it and a report will be presented to Audit and Risk in due course.

One of our key community awards have been launched for 2023 – the Inspiring Women of Moyne Awards, which will be presented at an event on International Women's Day.

This will be the third year that we have presented these awards and we have had more than 40 nominations already. The Mayor and Jodie McNamara will select winners. Nominations are also open for Inspiring Women at Work Awards, which will be presented at an internal staff event on International Women's Day.

Last week the Mayor, Deputy Mayor, Director Infrastructure and Environment, Communications and Engagement Coordinator and myself travelled to Parliament House in Melbourne for a round of advocacy meetings. We met with the Minister for Local Government and Roads Melissa Horne, Minister for Planning Sonya Kilkenny, Minister for Regional Development Harriet Shing, Minister for Agriculture and local upper house MP Gayle Tierney, a staffer for Minister for Energy and Environment Lily D'Ambrosio and local MPs Roma Britnell, Jacinta Ermacora, Emma Kealy and Sarah Mansfield.

Great discussions were had with each about our key priority projects.

Brett Davis
Chief Executive Officer



Communications and Engagement

Media support 17 January – 17 February 2023

Media Releases Issued	Media Responses
1. Acknowledging the past and looking to the future this Australia Day	1. Warrnambool Standard – Australia Day arrangements and citizen of the year info
2. Champion of Education and Community named Moyne's Citizen of the Year	2. Warrnambool standard – Dog Attack Panmure
3. Port Fairy Busking Competition to showcase region's performers	3. Warrnambool Standard – Dogs on East beach
4. Council to Object to Mount Fyans Wind Farm	4. ABC South West – Short term accommodation
5. Next Steps towards replanting of Mortlake Avenue of Honour	5. ABC South West – Dog restrictions Port Fairy
6. New portal shows huge program of works	6. ABC South West – Summer Tourism
7. Nominate and celebrate Moyne's Inspiring women	7. Warrnambool Standard – Work and Play/Worker Cabins
8. Works to begin on Port Fairy's Goods Shed	8. ABC South West – Worker Cabins/Staff shortages
9. Taking a closer look at our local roads	9. Warrnambool Standard – Road Audit Details
10. Applications for 2023 Moyne Academic Support Scholarships now open	10. ABC State Wide – Griffiths Island Closure
	11. Warrnambool Standard – Griffiths Island Closure
	12. 3YB – Griffiths Island Closure
	13. Warrnambool Standa5rd – Long Weekend bookings
	14. Warrnambool Standard – Rate deferrals
	15. ABC South West – Wind Farms
	16. ABC South West- Mortlake Avenue
	17. Warrnambool Standard – Council Meeting Prayer



Media Monitoring: There were 172 mentions across print and radio during the period, a 53.6% increase on the previous 32 days. Topics included, Mortlake Avenue of Honour, Summer Tourism, Key worker cabins, closure of Griffiths Island during a storm event and dog restrictions on Port Fairy beaches as well as coverage of Council’s Australia Day events and award winners.

Social Media Performance

	Fans/Followers		Page Visits	Reach		
	5,963	Up 82	6446	45,708	↓	7.4%
	1,497	Up 27	224	2648	↓	7.3%

Top Five Facebook Posts:



1. Australia Day Award Winners - 7,209 Reach, 277 reactions, 21 comments
2. Lost dog - 6,904 Reach, 46 reactions, 26 comments
3. Griffiths Island Storm Closure - 6,483 reach, 57 reactions, 7 comments
4. Long Weekend Street Fair promo post - 3, 642 reach, 45 reactions, 6 comments
5. Business Spotlight – Goomfest - 3, 595 reach, 20 reactions, 16 comments



Top Five Instagram Posts:



1. Reel – Indigenous reflection: 1,064 Reach, 63 reactions, 2 comments
2. Mayor Sheepdog Trials video: 704 reach, 25 reactions, 0 comments
3. Mitchell Spencer Young Citizen of the Year: 697 reach, 65 reactions, 4 comments
4. Busking comp promo: 446 reach, 10 reactions, 6 comments
5. Little Aths CAF promo: 445 reach, 28 reactions, 0 comments

Key Communication and Engagement Activities:

- Arranged advocacy meetings with State Government Ministers
- Delivered two Australia Day events in Port Fairy and Koroit.
- Launched Inspiring Women of Moyne Awards
- Planned International Women’s Day internal and external staff events.
- Coordinated and delivered Councillor Conversation in Hawkesdale.
- Produced Council’s internal staff newsletter – Moyne Insider
- Produced Council’s external community newsletter – Messages from Moyne
- Provided media support to the Mayor and chief Executive Officer



COMMUNITY & CORPORATE SERVICES

Cultural and Community Development

Facilitation and Delivery of Project Outcomes

Community Assistance Fund – Under \$5K Applications

10 organisations were successful in the latest rounds of the Community Assistance Fund Under \$5000 and the \$5,001-\$30,000 programs. So far, under this funding program for 2022-2023 financial year, Council has awarded recipients a total value of \$140,895, leaving \$91,605 remaining. There will be 2 more rounds of the Under \$5k and one final Round of the \$5,001-\$30,000. Council will undertake an extensive Communications campaign to inform the Community of the final opportunities to gain funding for this year.

CAF Under \$5k Round 4 Application Summary

#	Organisation	Project Description	Total Project cost	Funding approved
1	Western District Pony Club	Purchase timber for post and rail fencing and gates for yarding at Hexham Recreation Reserve	\$3,795	\$2,595
2	Port Fairy Petanque	Purchase and install small storage shed and paving for shed base	\$1,132	\$1,132
3	Nirranda Football Netball Club	Purchase mobile staging for presentations and community events. Meets Moyne Shire required load capacity	\$4,950	\$4,950
4	Southcombe Park Community Asset Committee	Purchase Laptop to assist with administration tasks	\$1,610	\$1,610
5	Woorndoo Football Netball Club	Purchase line marking equipment, and sporting equipment to assist with training - handball targets, footballs, netballs and Annual Breast Cancer Day bibs	\$3,595	\$3,595
6	Port Fairy Consolidated Primary School	Purchase 2 marquees	\$4,782	\$4,872
Total			\$19,964	\$18,754



CAF \$5,001 - \$30,000 Round 2 Application Summary

#	Organisation	Project Description	Total Project cost	Funding approved
1	Koroit Football Netball Club	Install football goal nets - western end of Vic Park Reserve	\$21,611	\$10,806
2	HADDAC (Hawkesdale and District Development Action Committee)	Replace wooden farmer and his dog statue	\$12,600	\$6,300
3	Port Fairy Little Athletics	Install 2 x long jump pits at the Port Fairy Showgrounds	\$6,732	\$3,366
4	Koroit Theatre Community Asset Committee	Purchase new seating for the theatre	\$28,050	\$14,025
Total			\$68,993	\$34,497

YMCA Youth Parliament

For a third year, Moyne Shire Council will have a team participating in Youth Parliament. Youth Parliament is an annual residential program run by the YMCA that draws together 20 teams (each comprised of 6 young people aged 16-25) from across Victoria to advocate for issues that matter to them. Across the span of 5 months, participants will learn about the Victorian legislative system, develop advocacy and community leadership skills, and create and debate their own proposed legislation (Bill) on an issue that they are passionate about.

Team members include:

- Timothy Reeskink, 21, Garvoc
- Ashton Maher, 16, Mortlake
- Letitia Howat, 17, Mortlake
- Holly Hetherington, 17, Mortlake
- Hemi, 16, Warrnambool
- Mijica Lus, 24, Warrnambool
- Ella Shelden, 17, Hamilton

Youth Parliament is funded through the Victorian Government ENGAGE! program.

Engaging Partnerships and Relationships

Movies under the Stars

Movies under the Stars was held in Mortlake Friday 17 February. Movies under the Stars is a collaboration with Mortlake P-12 VCAL program and is funded through the Victorian Government FReeZA program.



ECONOMY & PLACE

Energy Projects

Projects under construction in 2022

ISSUE	WHO	ACTION	UPCOMING
Hawkesdale WF – GPG, 23 turbines, Tip Height 180 metres, 104 megawatts			
Construction	GPG	Construction commenced on 9 January 2023	Weekly construction updates available via project website
CEC	Council		Next meeting – 27 February 2023.
Woolsthorpe WF – Enerfin – 20 turbines, Tip Height 168 metres, 68 megawatts			
CEC	Council	Awaiting Panel outcome prior to setting a date for next meeting.	
Amended Planning Permit	DELWP	Planning Permit amendment application – increase in height to 230 metres but reduce number of turbines from 20 to 13 Panel Hearing was held early February, additional work being done to circulate to parties on photomontages.	4 April 2023 set aside for further ½ day hearing if required.
Mortlake South WF – Acciona – 35 turbines, Tip Height 185 metres, 150 megawatts.			
Commissioning	Acciona	AEMO approval to commence testing and commissioning of the turbines in stages has been given	Stage 1 commissioning commenced at 7 turbine at a time.
CEC	Council		Next Meeting – 8 March 2023
Blade maintenance	Acciona	Advised blade maintenance occurring to address resin issues, it is occurring in stages, weather dependant – leading to decision whether works are carried out at height or on the ground.	



Ryan Corner WF – GPG – 56 turbines – Tip Height 180 metres, 224 megawatts			
CEC	Council	Now meeting in a 6 week cycle	Next meeting – 1 May 2023
Youls Road	GPG	Upgrade of Youls Road including widening and sealing has commenced.	Sealing of Youls Road to occur by end of February.
Construction Commencement	GPG	GPG have advised Council that construction has commenced on 9 May 2022.	Turbine foundations being constructed, internal spine road completed, access tracks being built.
Construction Updates	GPG	Are providing a weekly construction update available by email or website	
Native Vegetation Removal – Transmission Line	DELWP	Referred to Council as notice of planning permit application for native vegetation removal along transmission line. The transmission line does not need a planning permit.	Planning permit has been issued and construction of transmission line has commenced.



Operational Projects – Current Issues

ISSUE	WHO	ACTION	UPCOMING
Salt Creek – Tilt – 15 Turbines, Tip Height 150 metres, 54 megawatts			
Grey Headed Flying Fox	Tilt	Grey-headed flying fox (GHFF) mitigation report has been submitted	Monitoring on GHFF occurring
CEC	Council		Next meeting – June 2023
Dundonnell – Tilt – 88 turbines, Tip Height 180 metres, 336 megawatts			
BAM plan monitoring	Council/DELWP	Year 1 annual report submitted	Report to Council after consulting with DELWP
Planning Permit Amendment application	TILT	Lodged with Minister for Planning to provide a further 12 months to get Section 173 agreements signed relating to decommissioning requirements	
CEC	Council		Next meeting – 6 March 2023
Macarthur – AGL – 140 turbines, tip height 140 metres, 420 megawatts			
Noise Testing	Council	Council resolution - request for \$50,000 funding to do noise testing sent to Minister for Planning	



Proposed Projects – Current Issues

ISSUE	WHO	ACTION	UPCOMING
Willatook – Wind Prospect - 82 turbines, Tip Height 250 metres			
EES & Planning Permit	Council	Panel and Inquiry completed.	Panel Report due to Minister by 23 January 2023.
CEC	Council		Next meeting date March/April 2023r
Mt Fyans – Woolnorth – 80 to 85 turbines, Tip Height 200 metres			
Planning Permit	Minister for Planning	Panel appointed by Panels Victoria	Directions Hearing 2 March 2023 Panel Hearing in April.
CEC	Council		Next meeting 8 May 2023
Hexham - Wind Prospect – 125 turbines, Proposed Tip Height of 250 metres			
EES	Minister for Planning	Has advised that project must prepare an EES and given directions as to what it must cover.	Waiting for consultation to commence from DELWP on scoping requirements for EES
CEC	Council		Next meeting 12 May 2023
Darlington – GPG – up to 75 turbines			
Feasibility Stage	GPG	Newsletter sent to district with update on project.	
EES	GPG	Minister for Planning determined an EES is required for project	Council to be invited to sit on Technical Reference Group
Bushy Creek Wind Farm			
Transmission Line	Minister	Wind farm proposed in Southern Grampians Shire but transmission line to connect to Salt Creek Wind Farm	
Feasibility Stage	Tilt	Cultural Heritage Management plan being prepared	



Other Energy Projects

ISSUE	WHO	ACTION	UPCOMING
Mortlake Gas Fired Power Plant - Origin Energy			
Battery Storage Development	ARENA	Announced Mortlake Gas Fired Power Plant was one of eight sites across Australia to be developed for a large scale battery development	
Stavely Minerals – Exploration Licences			
Exploration Licences	Resource Base Ltd	Gave notice of exploration licence for areas near Darlington, Woorndoo & Derrinaullum	Re
CO2CRC- carbon sequestration plant			
Community meeting	CO2CRC	No current updates	
Mortlake Turn – In			
VicGrid	DELWP	Ausnet have been appointed to design and deliver this transmission connection project with design and survey to commence in 2023.	
Controlling Coastlines while Generating Power Research Project	Swinburne University	Council has entered a partnership with Swinburne University for a research project using Port Fairy's East Beach and the Port of Geraldton as case studies. The project will explore the use of wave energy converters to absorb and reflect the energy created by waves that damage Australia's vulnerable coastlines. A group of 10 academics and PhD students from Swinburne University, Flinders University and the University of NSW visited Port Fairy on 26 July for the <i>Controlling Coastlines while Generating Power</i> research project. East Beach is one of the project's case studies.	



Customer Experience

Customer Touchpoint Summary – January

Touchpoint	2022	2021	Variance
Customer Service Centre Counter enquiry	705	370	335
Customer Service Call Centre enquiry	1706	1597	109
Calls direct to officer extensions *	1690	1473	217
Social media enquiry	13	11	2
Request For Service	603	514	89
Registered Correspondence – Email and mail	2183	2459	-276
After hours phone	73	99	-26
TOTAL ENQUIRY	6973	6523	450

Note: * Calls direct to officer extensions - this does not include calls direct to officer mobiles.



Economic Development and Tourism

Work & Play Pilot Program

Council's Work and Play program has now completed. The program offered Port Fairy based tourism and hospitality businesses an opportunity to use Southcombe Lodge precinct to accommodate workers, to assist them in being able to offer a full service over the busy summer period.

The Work & Play Pilot Program helped support **10** Local Businesses by accommodating **15** seasonal workers.

Parklets

The parklet umbrellas were removed due to damage and are currently being repaired. It is anticipated they will be reinstated by the end of the February. The parklets will be relocated at the start of April with two going to Koroit and one to Mortlake.

Taste Trail

The Taste Trail open days concluded in January. It was the first time all of the Taste Trail makers, growers and producers opened their doors to the public on the same day, which gave people a chance to meet the faces behind the businesses and to see where their food comes from.

Through this initiative we were able to increase awareness of the trail and the number of high calibre producers/growers/makers in the region with the Visitor Information Centre recording considerable enquiry figures from people wanting to get involved.



Events

For all upcoming events please visit <https://portfairyaustralia.com.au/explore/port-fairy-festivals-and-events/>. Events that took place in February include:

Koroit Sheepdog Trials

31 January – 5 February

The finest sheepdog workers in the country applied their trade at Victoria Park, Koroit. First held in 2011 the Koroit Sheepdog Trials are one of the biggest Sheep dog Trials on the Australian calendar.

Commonwealth Sheepdog Trials – Port Fairy

5-10 February

Held in Port Fairy, the Commonwealth Championship Sheepdog Trials run for a week with many travelling from most states of Australia to compete in one of the biggest trials held in Australia. Novice, open and improver heats are held throughout the week with finals on the weekend. A Trans-Tasman trial was held under lights for three nights of the trial. Included in the trial is the coveted Australian Dog of the Year title with the best dog in each state attending by invitation to compete.

Music in the Vines

4-5 February

This one day festival hosts a great line up of Australian artist, tasty food trucks, local win and cider. This family friendly festival is 100% community- run festival is put together by a group of dedicate volunteers. Profits donated to a mix of community groups and local organisations.

More information visit: <https://www.musicinthevines.com.au/the-festival>

Port Fairy Jazz Festival

10-12 February

A friendly festival of traditions, mainstream and contemporary Jazz. Running over 2 days this event continues to impress all those who attend.

More information visit: <https://www.portfairyjazz.com.au>

Port Fairy Marathon

19 February

The Port Fairy Marathon and Community Running Festival is an ecofriendly, all abilities, destination running event held on Sunday February 19, 2023 that includes a marathon, half marathon, 10km and 3.5km event. The Marathon Committee is a group of volunteers from the Port Fairy Consolidated School Parents and Friends and is auspiced by the Port Fairy Tourism Incorporation.

More information visit: <https://www.portfairymarathon.com.au/about/about-us>



Caravan Parks

Moyne Shire Parks have completed a very busy summer, with guest satisfaction rating at over 90% overall, and the guest feedback provided through this platform will help shape recommendations for the future development of the parks and their facilities.

Visitor Information Service

From Christmas 2022 to the end of January 2023, the Visitor Servicing team attracted 14,639 visitors through the door, more than double the previous year's figures and on par with pre covid statistics. This allowed us to complete 134 Bike Hires, sell 1,227 local products and souvenirs while hosting 68 people on our walking tours.

Our destination website also seen significant growth, with 15,602 users and 45,454 page views throughout the school holiday period, over 5,000 more users and over 15,000 more page views than the previous year.

Off the back of Port Fairy achieving Hall of Fame status as a Top Tourism Town in 2022, the Visitor Servicing team have entered Koroit in the Top Tourism Town Awards for 2023. Aiming to recognise and reward towns that demonstrate a strong commitment to tourism and to increase visitation to the destination, offer an excellent visitor experience, and exhibit collaboration with tourism operators, local businesses and the community to make their town the best destination it can be.

The Port Fairy Visitor Information Servicing team joined over 140 excited exhibitors at the 2023 LET'S GO SA – ADELAIDE CARAVAN, CAMPING & OUTDOOR SHOW in the Tourism Hub. Collaborating with the Warrnambool Visitor Service, officers spoke with thousands of keen travellers, providing inspiration for their next trip to Moyne, Warrnambool and the Great Ocean Road ensuring they see more, stay longer and spend more in our region.

We are currently actively recruiting for volunteers to join the Visitor Information Centre team to help promote our wonderful region. If you know of anyone within your network that loves the Moyne Shire as much as we do, enjoys a friendly conversation and is looking for a rewarding volunteering role, please ask them to contact the Visitor Services team on 03 5568 2682 or vic@moyne.vic.gov.au.



Strategic Planning

Moyne Warrnambool Rural Housing and Settlement Strategy

Exhibition of the Amendment commenced on 4 September 2021 and the closing date for submissions was 8 November 2021. Individual appointments for community members with Council officers were available over five days in October at Hawkesdale, Grassmere, Macarthur/Budj Bim National Park, Nullawarre and Koroit (subject to COVID-19 restrictions).

Meetings were held with community members and landowners at other times upon request.

Approximately 64 submissions (including late submissions) were received in response to the Amendment. The submissions raise various matters in relation to the Amendment, including objections and requests for changes to some of the proposed rezoning's.

At the 3 May 2022 meeting, Council resolved to refer submissions to a Planning Panel.

The Panel Hearing was held over four days commencing on Monday 19 September and concluding on Monday 3 October 2022. The Panel has considered all of the referred submissions and provided a report with recommendations to Council regarding the progression of the Amendment.

Council received the Panel Report on Friday 11 November 2022 and was released to the public on Friday 25 November 2022.

A report, which considers the Panel recommendations, will be presented to a future Council Meeting.

Koroit Structure Plan

Following adoption of the Koroit Structure Plan, work is progressing on updating the heritage assessment and Residential Development Plan.

Council received funding from the Victoria Planning Authority to assist with the planning scheme amendment to implement the recommendations of the Structure Plan.

A heritage consultant has commenced work on the heritage component of the Structure Plan recommendations.

Moyne Planning Scheme Planning Policy Framework Translation

An initial draft of the Planning Policy Framework (PPF) Translation was undertaken by the Department of Environment, Land, Water and Planning (DELWP) for Council's review. The review of the draft PPF has been completed and the Translation is progressing in consultation with DELWP.



Port Fairy Coastal and Structure Plan

The planning scheme amendment to implement the recommendations of the Port Fairy Coastal and Structure Plan 2018 was previously exhibited in May-June 2020, receiving 85 submissions.

In response to submissions, the amendment was placed on hold in August 2020 to enable further flood modelling to be undertaken, which was completed in August 2021.

A six-week 'further consultation' process was conducted from 16 December 2021 to 31 January 2022, to enable the community to submit comments and feedback in relation to the updated flood modelling, and/or Amendment C69moyn.

At the 1 March 2022 meeting, Council resolved to refer submissions to a Planning Panel.

The Panel Hearing was held over four weeks commencing on Monday 5 September and concluding on Tuesday 18 October 2022. The Panel considered all of the referred submissions and has provided a report with recommendations to Council regarding the progression of the Amendment.

Council received the Panel Report on Friday 9 December 2022 and it was released to the public on Friday 23 December 2022.

A report, which considers the Panel recommendations, will be presented to a future Council Meeting.

Planning Scheme Amendment C75 Rivers Run Estate

Amendment C75moyn implements the Rivers Run Estate, a 75 lot residential development at 169A and 183 Princes Highway, Port Fairy (adjacent to Sun Pharma and the Rail Trail).

The Amendment was on exhibition between 16 December 2021 and 31 January 2022, concurrent with the 'further consultation' process for the Port Fairy Coastal and Structure Plan Amendment.

Eighty nine (89) submissions were received in response to the Amendment. The submissions raise various matters in relation to the Amendment and are undergoing assessment.

Councillors heard from approximately 25 submitters at a workshop on 24 May 2022. Submitters clarified the background to their submissions and the matters they raised. As a result of submissions, further information was requested from the proponent.

It is likely that the next steps will be formal consideration of submissions by Council and referral to a Planning Panel. The Planning Panel will hold a Hearing, consider all submissions and provide recommendations to Council about the progression of the Amendment.



Statutory Planning

Planning Permits – January 2023

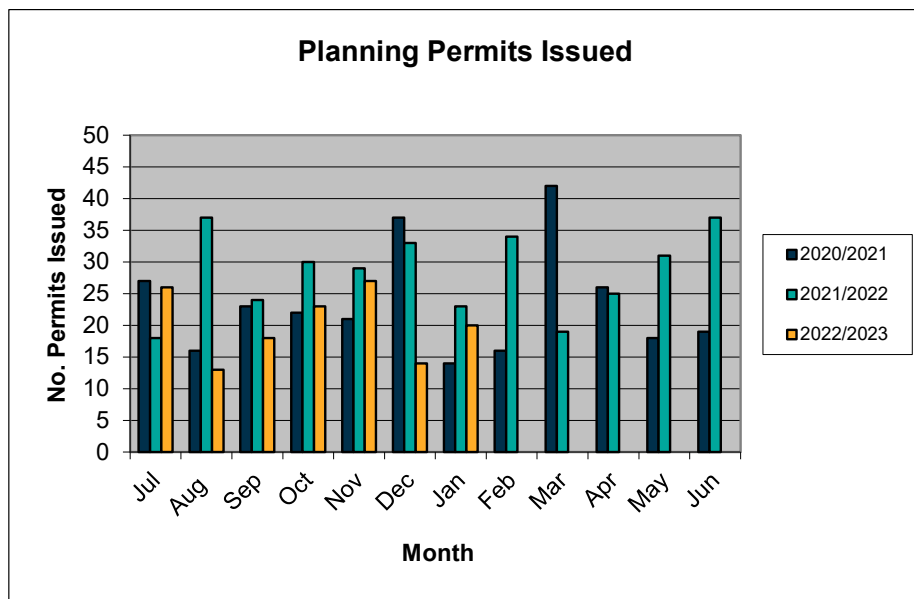
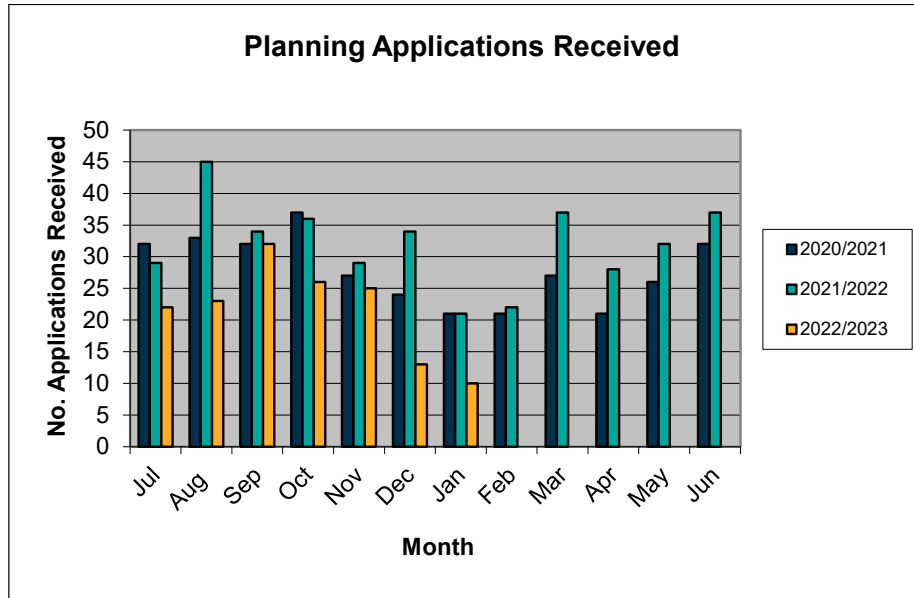
The following is a summary listing of the Planning Permits issued:

PLANNING APPROVALS – JANUARY 2023								
Development	No of Applications Received				Permits Issued from Applications			
	Nov 2022	Dec 2022	Jan 2023	Fiscal Year 2022 / 2023	Nov 2022	Dec 2022	Jan 2023	Fiscal Year 2022 / 2023
Residential Dwellings	3	4	2	37	5	6	4	36
Additions to existing dwellings	6	2	3	19	3	0	4	16
Dual Occupancy / Unit Development	0	0	0	1	0	0	0	1
Outbuildings	6	1	2	27	7	1	2	26
Commercial / Retail	4	1	0	11	2	1	1	9
Industrial	0	0	0	3	0	0	0	3
Public Utilities	0	0	0	2	0	0	0	0
Subdivisions	3	3	2	30	7	5	6	32
Agricultural	1	1	0	11	3	0	0	11
Miscellaneous	2	1	1	10	0	1	3	7
TOTAL	25	13	10	151	27	14	20	141

This table shows applications by land use definition to show trends as to what types of applications are being lodged and issued.

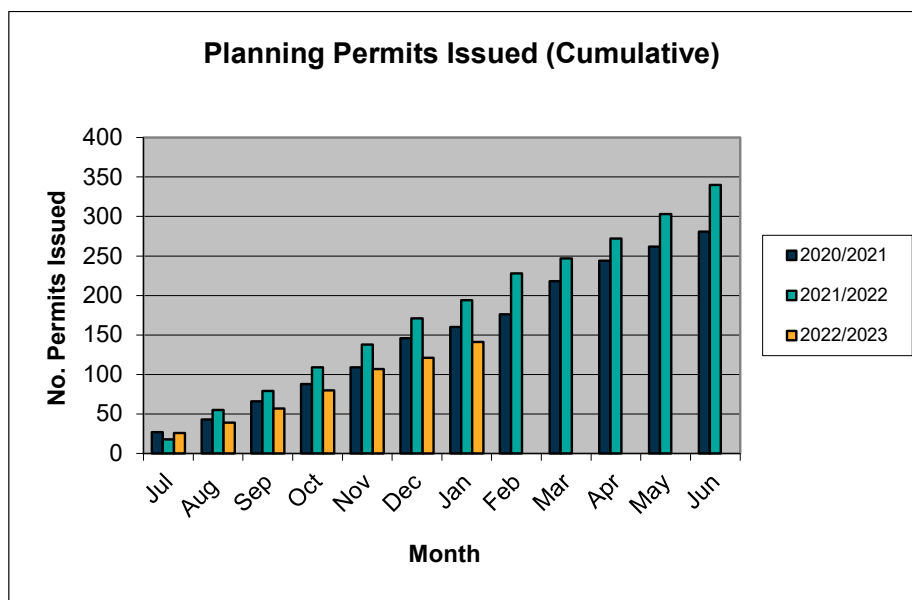


Planning Permits – January 2023





Planning Permits – January 2023



Percentage of Application Finalised within the Statutory timeframe				
Month / Year	New Applications received	Applications Completed	% Decision within Statutory timeframe	Current applications for Permit / Amended Permit
Jan-22	21	23	90%	102
Feb-22	21	33	73%	94
Mar-22	34	18	82%	114
Apr-22	28	28	41%	110
May-22	30	33	59%	108
Jun-22	36	39	50%	93
Jul-22	22	31	67%	96
Aug-22	23	13	100%	104
Sep-22	32	18	93%	121
Oct-22	26	25	74%	117
Nov-22	25	29	67%	111
Dec-22	13	15	77%	108
Jan-23	10	22	21%	92



Building

Building Permits – December 2022

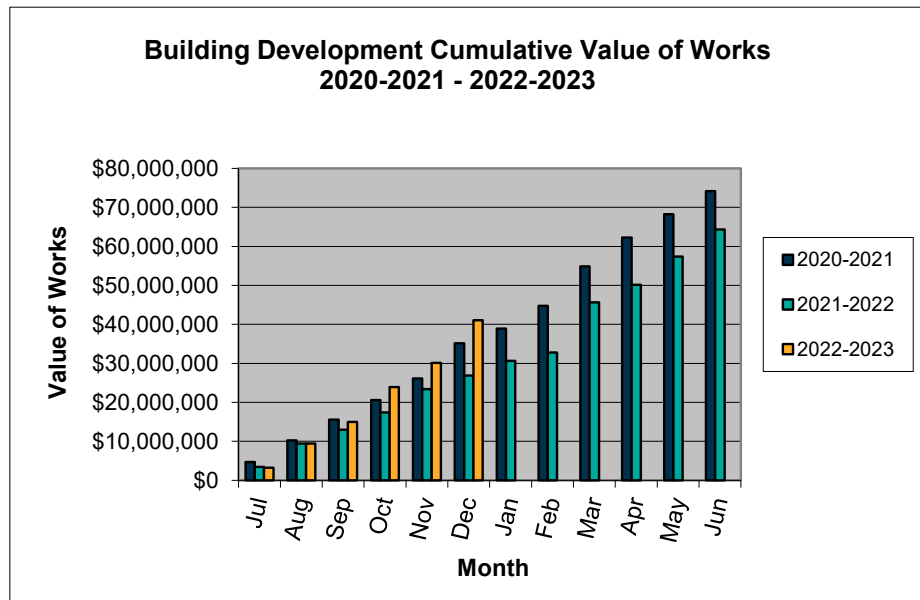
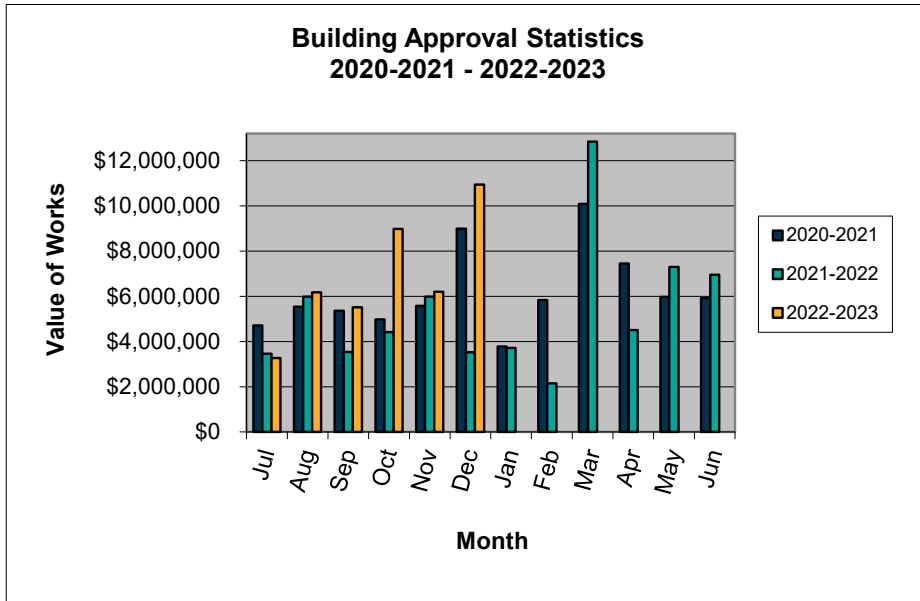
The following summary listing of the building permits issued by Council's Building Surveyor and by Private Building Surveyors during December 2022.

BUILDING PERMIT SUMMARY – DECEMBER 2022			
DEVELOPMENT	No.	Value \$	Value %
Residential New	13	\$ 7,430,576	68%
Residential Additions	0	\$ 0	0%
Commercial/Industrial	2	\$ 1,623,124	15%
Outbuildings	19	\$ 1,394,464	12.5%
Demolitions	0	\$ 0	0%
Miscellaneous	4	\$ 493,656	4.5%
Private Building Surveyor	38	\$ 10,941,820	100%
Council Issued Permits	0	\$ 0	0%
TOTAL	38	\$ 10,941,820	



Building Permits – August 2022

The following is graphical representation of accumulated monthly total building development costs.





Environmental Health

Septic Permits to Install / Alter Issue

The following Permits have been issued to either install or alter an On-site Wastewater Management System (OWMS) / Septic system during the month of January 2023:

	2020	2021	2022	2023
January	7	6	3	6
February	10	12	10	
March	8	12	16	
April	8	7	8	
May	5	9	4	
June	9	11	7	
July	3	8	11	
August	9	3	8	
September	9	8	8	
October	7	4	8	
November	7	9	7	
December	7	8	12	
TOTAL	89	98	102	6

Certificates of Registration

The following Certificates of Registration (i.e. Food, Prescribed Accommodation and Health Premises) have been issued during the month of January 2023:

	2020	2021	2022	2023
January	39	36	91	114
February	29	6	25	
March	6	4	13	
April	12	4	25	
May	3	4	13	
June	1	17	7	
July	3	4	19	
August	2	9	10	
September	6	6	3	
October	4	3	2	
November	59	0	24	
December	73	44	21	
TOTAL	237	137	253	114



INFRASTRUCTURE & ENVIRONMENT

Resource Recovery and Waste Management

School information packs, program support and activities

Moyne Shire Council provides a *4BINS - Know what goes in* – kerbside waste management separation system designed to value and recover waste as a resource that can be remanufactured into useful products, reduce landfill and move Moyne towards a more sustainable and circular economy.

Moyne Shire has 12 primary and two P12 schools – Council supports these schools by providing; a kerbside waste management separation system, 2023 Information packs (ready to be distributed), program support (*ResourceSmart Schools - EEV Environment Education Victoria*) and activities.

2023 School Pack contents –

- Moyne School Pack Tools flyer
- Mini bins (Recycling, FOGO, Glass and Landfill - replicating Council's kerbside waste separation and management system)
- MP4 Video animation - *4BINS - Know what goes in*
- PowerPoint presentation – Kerbside Collection Service
- A5 Magnet - *4BINS - Know what goes in*
- A3 Posters (Waste Hierarchy and Marine Debris Breakdown Posters)
- A4 Factsheets – Recycling, FOGO, Glass, Landfill, In-home Separation Systems and Transfer Stations
- Kerbside Waste Collection Guide and 2022/23 Collection Calendar
- A4 Activity sheets – 4BINS Colour by Numbers, Kerbside Collection Bin Match, Kerbside Collection Quiz
- USB – Full suite of resources for teachers to utilise





Service Requests

New Bins		Bin Repairs		Missed Bins	
Average	January	Average	January	Average	January
10	6	38	51	5	7

Kerbside Waste Collection (tonnes)

Landfill		Recycling		Compost		Glass	
Dec	Jan	Dec	Jan	Dec	Jan	Dec	Jan
196.36	205.46	78.84	83.54	223.60	241.06	40.68	66.08

Killarney Landfill - Inert Volumes (m3)

August	September	October	November	December	January
128.47	160.80	133.18	170.14	122.23	157.46

Includes accounts. All data is latest available.

Waste Facility Monthly Volumes

Site	December Landfill	January Landfill	December Recycle	January Recycle	December Greenwaste	January Greenwaste
Caramut	0	1.34	0	1.28	0	.25
Hawkesdale	0	10.02	0	1.82	0	1.0
Killarney	31.56	46.46	15.22	14.68	272.32	398.77
Macarthur	4.62	6.62	1.08	1.7	6.25	1.5
Mortlake	8.68	23.14	2.5	5.14	28.85	48.25
Peterborough	11.72	16.48	2.8	4.14	10.5	35.6
Woolsthorpe	7.02	3.3	3.02	3.4	n/a	n/a
Woorndoo	0	0	1.28	0	n/a	n/a
TOTALS	63.62t	107.36t	25.9t	32.16t	317.93m³	482.37m³



Stage 1 has been funded through a funding partnership between State Government and Council and works include:

- Redesign of the current roundabout and parking area in the northern node to create a larger area of public open space with new seating, shelters, wind / weather protection, and improved footpath treatments;
- At the central node, demolition of the current public toilet and installation on new all access toilet and change facilities with the building aligning to the build profile of the current block so as not to increase the overall visual impact
- Provision of a DDA BBQ, seating, shelters and weather protection
- Appropriate materials and landscaping for the coastal conditions and general environment.

Community consultation on final draft plans will occur, followed by development of the works tender package.

Macarthur Recreation and Cultural Precinct

Stage 1 civil works continue to progress at Macarthur with works completed / underway including:

- Market Street footpath and kerb around the swimming pool entry area
- Eversley parking bay, footpath, kerb and crossovers:
- Internal footpath upgrades
- Additional parallel parking bays in High Street
- Car parking linemarking
- Site drainage and other civil works
- DDA ramp access to the rotunda
- Landscaping plan to progress with replanting
- Refurbishment of the existing BBQ and gazebo
- Rose Garden footpath

Council has been successful in securing State Government grants for the next stage works at the Precinct from Emergency Recovery Victoria (\$500,000) and Sport and Recreation Victoria (\$300,000). Project planning continues for next stage works including play space, multi-court and splash pad installations.

Port Fairy Football Netball Club Redevelopment

With \$1.6m in funding secured from the State Government, the redevelopment project for new and refurbished change room facilities for the Port Fairy Football Netball Club are moving to the next stage. With sketch designs and preliminary costings completed, next stage works will include site and build engineering and environmental assessments and more detail schematics.

Council is also working with Club on options for replacement of the football oval and netball sport lighting.



Port Fairy Railway Goods Shed

With external conservation works now underway, Council is looking at options to activate the building for community uses and benefits. The first stage is to identify low impact use options and Council will be seeking community input into ideas for uses of the building that provide a direct community benefit once an engagement and project framework is agreed.

Port Fairy Playground Strategy

The development of a Port Fairy Playground Strategy has commenced with experienced landscape architects and play space design consultants appointed. The project will include:

- A high-level audit / assessment of current playground / active recreation spaces in the town as well as a review of relevant background information;
- Analysis of community needs, demands, demographics to inform the appropriate theme, type and scale of new play provision, as well levels of investment for a new district level play and active recreation space including skate park;
- Recommend preferred site and develop concept design plans for public consultation including layout of facilities and installations, accessibility, connections such as footpaths, landscaping and other works / elements; and
- Final concept designs and cost estimates.



National Engineering Register

Engineers Australia introduced the National Engineering Register (NER) in 2015 and the Professional Engineers Registration Act (2019) commenced on 1 July 2021. Civil engineering is one of the prescribed areas for registration under the Act. This is a comprehensive directory to recognise engineers who meet the high standards of skill, qualification and professionalism in the industry.

In order to continue to provide engineering services, you must have the NER or be directly supervised by a registered engineer. Council now has three engineers that are professionally recognised, this is a great outcome.



Contracts & Works

Awarded under delegation

- WQ1045 Supply and installation of Ablution Facilities, Port Fairy Folk Festival
- WQ1055 Purchase of VMS Trailer
- WQ1056 Supply Culverts Woorndoo Chatsworth Road
- WQ1058 Painting Court House, Port Fairy

Under Evaluation

- MS938 Purchase and installation of Crusher and Screen Mt Shadwell Quarry
- MS946 Purchase of forward moving aggregate spreader
- MS945 Consultancy Services Planning, Engineering and Architectural – Collaborative tender with WCC
- MS947 Woolsthorpe and Caramut Transfer Station access ramp upgrades
- MS949 EOI Provision of a new municipal depot site Moyne Shire Council
- WQ1042 Removal and Replacement flooring Reardon Theatre
- WQ1043 Dredging Port of Port Fairy
- WQ1049 Baxter Court Play space
- WQ1051 Supply of Drainage Culvert 2023
- WQ1059 Supply Guardrail DogHole Road Bridge

Currently or soon to be advertised

- MS952 Hire of Plant Equipment and Haulage
- MS954 Horticultural Services
- WQ1044 Port Fairy Playground Strategy
- WQ1052 Purchase of Guard Rail Terang Framlingham Road
- WQ1054 Scaffolding works Crawleys Bridge Wangoom
- WQ1057 Kirkstall Hall upgrade design
- WQ1060 Replacement of Macarthur Pool Boundary Fencing
- WQ1061 Recladding of PFSLSC



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6 Confidential Items

Overview: Under section 3 of the Act, the council may consider report items in closed business if they contain certain information which is defined to be confidential information because premature or improper release may cause harm to the Council or to a person or persons.

Confidential Information remains confidential unless it can lawfully be released and the Council has determined that it should be publicly available.

There are no Confidential Agenda items at this Meeting.

7 Close Meeting