

ORDINARY MEETING OF COUNCIL

Notice is hereby given of the
Ordinary Meeting of Council to be held at
the Council Chamber, 15 Stead Street, Ballan on
Wednesday 4 February 2015,
commencing at 5:00 p.m.

Members:

Cr. Paul Tatchell (Mayor)	Central Ward
Cr. Allan Comrie	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. John Spain	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. Tom Sullivan	West Moorabool Ward
Cr. Pat Toohey	Woodlands Ward

Officers:

Mr. Rob Croxford	Chief Executive Officer
Ms. Natalie Abbott	A/General Manager Corporate Services
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Community Services

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

Almighty God be with us as we work for the people of the Shire of Moorabool.

Grant us wisdom that we may care for the Shire as true stewards of your creation.

May we be aware of the great responsibilities placed upon us.

Help us to be just in all our dealings and may our work prosper for the good of all.

Amen

2. PRESENT

3. APOLOGIES

4. CONFIRMATION OF MINUTES

4.1 Ordinary Meeting of Council – Wednesday 3 December 2014

Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 3 December 2014.

5. DISCLOSURE OF CONFLICT OF INTEREST

Under the Local Government Act (1989), the classification of the type of interest giving rise to a conflict is; a direct interest; or an indirect interest (section 77A and 77B). The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 set out the requirements of a Councillor or member of a Special Committee to disclose any conflicts of interest that the Councillor or member of a Special Committee may have in a matter being or likely to be considered at a meeting of the Council or Committee.

Definitions of the class of the interest are:

- a direct interest
 - (section 77A, 77B)
- an indirect interest (see below)
 - indirect interest by close association (section 78)
 - indirect financial interest (section 78A)
 - indirect interest because of conflicting duty (section 78B)
 - indirect interest because of receipt of gift(s) (section 78C)
 - indirect interest through civil proceedings (section 78D)

Time for Disclosure of Conflicts of Interest

In addition to the Council protocol relating to disclosure at the beginning of the meeting, section 79 of the Local Government Act 1989 (the Act) requires a Councillor to disclose the details, classification and the nature of the conflict of interest immediately at the beginning of the meeting and/or before consideration or discussion of the Item.

Section 79(6) of the Act states:

While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:

- (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
- (b) remain outside the room and any gallery or other area in view of hearing of the room.

The Councillor is to be notified by the Mayor or Chairperson of the special committee that he or she may return to the room after consideration of the matter and all votes on the matter.

There are important reasons for requiring this disclosure immediately before the relevant matter is considered.

- Firstly, members of the public might only be in attendance for part of a meeting and should be able to see that all matters are considered in an appropriately transparent manner.
- Secondly, if conflicts of interest are not disclosed immediately before an item there is a risk that a Councillor who arrives late to a meeting may fail to disclose their conflict of interest and be in breach of the Act.

6. PUBLIC QUESTION TIME

The Council has made provision in the business of the Ordinary Meetings of the Council for the holding of a Public Question Time.

Public Question Time is required to be conducted in accordance with the requirements contained within the Public Question Time Protocols and Procedural Guidelines as provided for in the *Local Law No. 8 Meeting Procedure Local Law* Division 8 . Clause 57.

The person asking the question is to stand and identify themselves by name and residential address before asking the question.

All questions are to be directed to the Mayor as Chairperson, who shall determine the appropriate person to respond to the question.

The person asking the question must be present in the gallery when the question is considered and may be asked for clarification by the Mayor.

At the discretion of the Mayor, a lengthy question may be required to be placed into writing by the person asking the question. The Mayor may accept a question on notice, in the event that research is required to provide a response. In the case of questions taken on notice, both the question and response shall be recorded in the Minutes of the Meeting.

7. PETITIONS

No petitions have been made to Council for consideration as part of this Agenda.

8. PRESENTATIONS / DEPUTATIONS

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

Presentations or deputations are required to be conducted in accordance with the requirements contained within the **Presentation/Deputations Protocols and Procedural Guidelines**.

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

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

The person making the presentation or deputation is to stand and address Council on the item. No debate on the item is permitted between the person making the presentation or delegation and the Council.

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

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

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

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

Item No	Description	Name	Position
-	-	-	-

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

Individuals seeking to make a presentation to the Council on a planning item listed on the agenda for consideration at the meeting will be heard by the Council immediately preceding consideration of the Council Officer's report on the planning item.

Item No	Description	Name	Applicant/ Objector
-	-	-	-

9. OFFICER'S REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 Review of Council's Section 86 Committees (Internal)

Introduction

File No.: 02/01/011
Author: Rob Croxford

Background

At the Ordinary Meeting Council (OMC) held on 3 December, 2014, Council resolved;

That Item 9.1.1 Review of Council's Section 86 Committees (Internal) be deferred for further consideration at the next Ordinary Meeting of Council.

A report was presented to the Section 86 Finance and Governance Advisory Committee on Wednesday 17 December 2014, to provide further consideration and input in the lead up to this February, 2015 Ordinary Meeting of Council report. The committee recommended the following:

That it is recommended to Council that:

- 1. Ordinary Meetings of Council will be held on the 1st Wednesday of the month commencing at 7.00pm.*
- 2. A Place Making advisory committee be established and Terms of Reference be drafted for adoption by Council. All Councillors to be appointed to the committee. The committee will comprise of Social Development, Infrastructure and Strategic matters. This meeting will be held on the 3rd Wednesday of the month commencing at 5.00pm.*
- 3. Ordinary Meetings of Council scheduled outside daylight savings times are to commence at 5.00pm.*

Leading up to the December OMC the Council has previously considered the Council's Governance Framework on 2 July, 2014, 6 August, 2014, 29 October, 2014. The report is now being presented back to Council. *(Please note that the officers report has been placed in italics).*

Proposal

Overall Review of the Governance Model

The Local Government Act 1989 (the Act) sets out that the purpose of local government is to provide a system under which Councils perform the functions and exercise the powers conferred under the Local Government Act or any other Act for the peace, order and good government of their municipal districts.

The Act also goes on to set out the objectives and roles of the Council.

The Council also, in consideration of its governance role, provides delegations to its CEO and in turn other officers to enable the day to day business of Council to be undertaken.

Further, under S86 of the Act the Council can establish special advisory and delegated committees to undertake roles or advise the Council on matters relating to the good governance of the Shire.

The S86 Committees may comprise a mix of Councillors only, Councillors and officers and community members. This report focuses on internal governance arrangements and does not explore the various committees comprised largely of community members that are externally focussed.

It is also important to note that in the overall governance model of any local government that:

- Officers can only act within the terms of their delegation and statutory appointment functions;*
- A S86 Committee can only operate in the terms of its delegations;*
- An Assembly of Council cannot direct officers or make decisions;*
- Only the Council in a properly constituted meeting can make binding decisions under various acts, and*
- It is incumbent on the CEO to ensure that decisions of Council are implemented without delay.*

Further, the Ombudsman in 2009 made the following recommendations on good governance:

- Councillors should not be assigned to informal working parties. Rather special committees should be established in accordance with Sections 88-93 of the LGA to ensure that adequate records are kept of all meetings involving Councillors and that the public are able to attend. Preferably, all such committee meetings should have clearly defined Terms of Reference.*
- That procedure related to Councillor briefings or forums do not include any provision for direction of officers.*
- That all reports and/or recommendations to Council be accompanied by all relevant officers' reports and consultants' reports.*
- That briefings be only used as a forum for clarification, information and advice and that decisions in any way modify, change or reflect Council staff recommendations must be made at formal Council meetings.*
- That all reports and recommendations for Councillors' consideration and/or decision be signed off by one or more executive prior to the provision to Councillors.*

It is noted that the Act and guidance notes have provided a stronger framework around what now constitutes an Assembly of Councillors post the recommendations in relation to briefings as provided by the Ombudsman.

Moorabool Shire Council over the years has explored various governance models to ensure that officers and committees of Council can advance certain strategic work and carry out operational matters.

In setting a governance framework it is important that Councillors are kept informed of strategic work such as land use planning, social and recreation strategies, asset management frameworks and strategic financial issues. This is to ensure that Council is cognisant of the issues or strategic work to assist in its formal decision making process as a full Council.

This can be achieved in several ways:

Ordinary and Special Meetings of Council

The frequency of Council meetings in which decisions and guidance can be provided by Council has varied at Moorabool and across local government generally. Moorabool has recently moved to a monthly cycle of Ordinary Meetings from fortnightly.

The timing of the meetings is also an issue in setting the scene for openness and transparency for members of the community. Recently Moorabool moved to 5.00pm commencement times from 7.00pm as a trial. There has been mixed feedback on the change of time, however generally it appears that a later start time would enhance community attendance.

OMC's have generally been held in conjunction with Assemblies of Councillors or committees to ensure that issues are not presented "cold" to the public Council meeting that need rework or deferral.

Special Meetings of Council are held where the monthly timeframe does not enable expeditious resolution of a matter; statutory timeframes requires an outcome or a matter is of such significance in the community that a dedicated meeting is desirable. There is a protocol for the calling of Special Meetings.

Assembly of Councillors (AoC)

This occurs when four or more Councillors are requested to meet with one or more officers on an issue that is likely to be the subject of a future Council decision.

Moorabool has used this model for the past few years and meetings were scheduled for Wednesday afternoons commencing from 2.00pm.

An assessment of the AoC model leading to the Council's decision in July on S86 Committees was that as the AoC's were not able to make decisions or direct officers it was difficult to progress issues, and as such consideration by a S86 Committee within delegation with a recommendation to Council was a more formalised and structured approach.

Difficulty was also experienced in obtaining high attendances at an Assembly.

Briefing Notes (BN)

Another mode of keeping Councillors informed is the use of briefing notes. These have worked well when it is necessary to inform Council of issues in the community or interim reports on strategic projects. BN's are not appropriate where:

- *Direct feedback from Councillors is required.*
- *A conversation is required to explain or embellish key points.*
- *A decision is required where there is no delegation.*

Councillor Portfolios

This mode relies on one Councillor being relied upon for his or her expertise and passion for particular issues or portfolios. These could include, finance, water, environment or transport.

This option works well when there is regular and open interaction between Councillors. It also can result in one Councillor being the Council representative with external bodies and politicians and forming a close working relationship with key staff.

S86 Committees

As mentioned earlier, S86 Committees can provide a more formalised and structured approach to keeping Councillors informed on issues that may come before the full Council at a later date.

Feedback from officers and Councillors in relation to the operation of the S86 Committees suggest that the following points require consideration:

- *Bi-monthly meetings need to be brought back to monthly in order to better align with Council meetings and project timeliness.*
- *A later start time would assist those Councillors in full time employment.*
- *Four Councillors on each committee would assist in maintaining quorums and getting broader input to agenda items.*
- *Urban and Rural Growth Committees could be combined into the Place Making Committee.*
- *Committees other than DAC could be combined to increase the size of the agenda and reduce the number of meetings being held.*
- *A two committee model should be explored.*
- *Terms of Reference of all committees now need a review.*
- *All Councillors should be ex-officio members of all committees. Voting but optional members.*
- *All Councillors should be allowed to vote if they attend a meeting.*
- *All Councillors need to be aware and have access to all meetings and agendas.*
- *A voting quorum of three Councillors is required for all committees.*
- *No casting vote for chair of committee.*
- *In the absence of a quorum the meeting should not be abandoned as useful discussion and input from the community can still be had.*
- *No closed sessions should occur at Committee level.*
- *Committees need to focus on more strategic matters.*
- *Committees should not be seen as mini Council meetings.*

- *Meeting requests for committees should be sent to Councillors with a minimum of two weeks' notice.*
- *Tuesday meetings are preferable.*
- *Meet before 3.00pm or after 6.00pm.*
- *Ward Councillors need to be made aware of items on the agenda if the Councillor is not on the committee.*
- *Weekly Assembly of Councillors are onerous.*

Detailed Review of each S86 Committee

Urban and Rural Growth Committees

In July 2012 the Council established an Urban Growth S86 Committee and a Rural Growth S86 Committee.

Broadly, the committees were established to “develop a vision and planning principles to guide and manage future growth and development in the Shire”.

These committees have worked well and have been the reason significant progress has been made in recommending improvements to Council on land use planning, principles and strategic planning projects.

A review as part of writing this report, however, points to some shortcomings in the Terms of Reference (TOR) and membership of the committees as established in 2012.

If the committees are to continue, a review needs to be undertaken by each committee with a view to restating the purpose, roles and functions of members and membership.

The original TOR have been included as an attachment to this report.

Place Making Committee

The Place Making Committee has met on several occasions since July and has operated well.

The agenda has focussed on key strategic projects and provided several recommendations to Council.

Feedback to date is that the role and functions of the Committee is unclear. The original intent of the Committee was to assume the functions of the Rural and Urban Committees once the community consultation phase of both streams had been undertaken. Further, infrastructure, environment and land use planning issues were intended to be considered in this forum.

With the continuation of the Rural and Urban Committees, the Place Making Committee has become heavily infrastructure focused and could be seen to encourage silo consideration of issues rather than the more holistic consideration to create great places.

Social Development Committee

The Social Development Committee has met on several occasions since July and has operated well, however it has been difficult to attract three Councillors to meetings.

A review of the strategic work relating to social issues suggests that in the next few months the workload of this Committee will become light. As such it could be rolled into another Committee or meet less frequently in the future.

Finance and Governance Committee

The Finance and Governance Committee has met on several occasions.

The internal Audit and Risk Committee also plays a role in some of the responsibilities of this Committee.

The progress of statutory processes such as budget, council plan and strategic financial plan were originally included in the remit of the Committee, however these need the input of all Councillors in a formal setting to provide clear direction.

As such, if this Committee is to continue a review of the TOR is required.

Development Assessment Committee (DAC)

The 'call in' provisions for planning permits listed on the DAC agenda has resulted in only two meetings being held since August.

The most recent meeting on 11 November 2014 resulted in a Chair being appointed for the Committee.

Accordingly, there is little data to form an opinion on the success or otherwise of the operation of the Committee.

Feedback to date includes:

- *The decision on planning applications as "responsible authority" needs to remain with the full Council.*
- *Full Council is comprised of Councillors more broadly than those that are members of the DAC. Expertise on certain planning issues rests with different Councillors.*
- *The 'call in' provisions and advance notice of applications coming to Council in the future in addition to Greenlight is a useful process.*
- *The DAC enables informal discussion to occur with objectors, applicants and officers.*
- *The DAC can move into a closed session if more detailed sensitive information is required on an item before a public decision is made.*
- *The timing of the DAC and OMC makes 'call in' a difficult administrative process. Consider changing the DAC meeting day.*
- *The DAC needs to retain the formality of Council to ensure sound governance.*
- *The delegation to the DAC ensures that full Council still considers more significant planning application and land use issues.*
- *The 'call in' provision is convoluted and should be simplified.*

Policy Implications

The 2009–2013 Council Plan provides as follows:

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

Financial Implications

The governance framework and servicing of Council, committee and an assembly of Councillors is a core function of the administrative arm of Council and any model determined by the Council can be accommodated.

It is evident, however, that additional committee and Council meetings adds to the cost of governance. Further, rework as a result of “call in” of items or changing meeting dates to accommodate committee members does create stress and cost across the organisation.

A simplified, easily understood model would be optimal.

Most senior staff in attendance at meetings after hours do not receive overtime payments.

The cost of providing refreshments and meals is a secondary consideration to that of providing a sound governance model.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Governance	<i>Poor structures and processes frustrate good governance outcomes</i>	<i>Medium</i>	<i>Clear direction and processes are in place.</i>

Communications and Consultation Strategy

Councillors and staff associated with the governance processes of Council have been consulted in the preparation of this report. Feedback from the community on the timing and transparency of meetings has been low, however the feedback suggests that a later start time and more frequent access to Councillors would be a positive measure.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Author – Rob Croxford, CEO

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

Conclusion

The Council resolution of November 2014 required that the following matters be considered.

- *Whether each of the committees remains relevant and useful to the business of Council.*
- *Whether the membership, terms of reference and delegations of the various committees should be revised in light of experience.*
- *Whether the overall framework comprising these committees should be revised or improved to better support the business of Council.*

In response officers have concluded:

- *Feedback on the operation of the committees is diverse.*
- *That the committee framework has not provided the intended benefits of informing all Councillors of strategic and important issues that are likely to be the subject of a full Council decision at a later date.*
- *The 'call in' provisions of the DAC Committee has resulted in only two meetings being held in recent months. 'Call in' items were considered by the full Council.*
- *The terms of reference of the Rural and Urban Committees is no longer valid and needs review.*
- *The terms of reference of all other committees need improvement but have only been trialled for several months.*
- *The overall governance framework has not improved as a result of the operation of a committee structure. In fact, it has added to confusion and complaints from Councillors on the scope, operation and notification of meetings.*

Accordingly, it is concluded that the committee structure framework should be discontinued.

It is recommended, based on feedback gathered, that the following governance framework be adopted to provide a system under which Moorabool Shire Council can perform the functions and exercise the powers conferred under the Act or any other act for the peace, order and good government of Moorabool.

- *Ordinary Meetings of Council to be held on the first Wednesday of the month, excluding January, commencing at 7.00pm at locations determined at the Statutory Meeting of Council held in October.*
- *That Assemblies of Councillors be convened on the third Wednesday of the month commencing at 2.00pm.*
- *That additional Assemblies of Councillors be convened as required following consultation between the Mayor and CEO.*
- *That the CEO and Mayor prepare guidelines and protocol for the consideration and discussion of items at an Assembly of Councillors for further consideration by Councillors.*
- *That Briefing Notes issued by the CEO or General Managers be used as a key means of ensuring that Councillors continue to be kept informed of developing issues and strategic matters outside of an Assembly and Council meetings.*

As mentioned in the background section of this report the matter pertaining to the review of Council's Section 86 Committees was presented to the Section 86 Finance and Governance Advisory Committee on Wednesday 17 December 2014 to assist in advancing this matter, officers post the S86 meeting have drafted terms of reference for a Place Making Committee for consideration by Council which is attached. The officers recommendation for consideration:

Recommendation:

1. *That the current internal governance framework that uses the following S86 Committees be discontinued:*
 - *Social Development Committee*
 - *Finance and Governance Committee*
 - *Place Making Committee*
 - *Development Assessment Committee*
 - *Urban Growth committee*
 - *Rural Growth Committee*
2. *That from February 2015 the following governance framework be used:*
 - *Ordinary Meetings of Council to be held on the first Wednesday of the month, excluding January, commencing at 7.00pm at locations determined at the Statutory Meeting of Council held in October.*
 - *That Assemblies of Councillors be convened on the third Wednesday of the month commencing at 2.00pm.*
 - *That additional Assemblies of Councillors be convened as required following consultation between the Mayor and CEO.*
 - *That the CEO and Mayor prepare guidelines and protocols for the consideration and discussion of items at an Assembly of Councillors for further consideration by Councillors.*
That Briefing Notes issued by the CEO or General Managers be used as a key means of ensuring that Councillors continue to be kept

informed of developing issues and strategic matters outside of an Assembly and Council meetings.

Locations of the meetings were determined at the Statutory Meeting of Council held in October, 2014.

Recommendation:

The S86 Finance and Governance Committee recommends the following:


That:

- 1. Ordinary Meetings of Council be held on the 1st Wednesday of the month commencing at 7.00pm.**
- 2. A S86 Place Making Advisory Committee be established and Terms of Reference be drafted for adoption by Council. All Councillors to be appointed to the Committee. The Committee will comprise of Social Development, Infrastructure and Strategic matters. This meeting will be held on the 3rd Wednesday of the month at 5.00pm.**
- 3. Ordinary Meetings of Council scheduled outside daylight savings times are to commence at 5.00pm.**

Report Authorisation

Authorised by:

Name: Rob Croxford
Title: Chief Executive Officer
Date: Wednesday, 21 January 2015.



Attachment - Item 9.1.1

TERMS OF REFERENCE

PLACE MAKING COMMITTEE

The Place Making Committee has been established under Section 86 of the *Local Government Act 1989*.

Membership

Membership will include all Councillors. The membership of the Place Making Committee shall be reviewed annually at the Statutory and Annual Appointments Meeting of Council.

Appointment of Chairperson

The Chairperson will be appointed by Council and reviewed each year at the Statutory and Annual Appointments Meeting of Council.

Where an appointed Chairperson is vacant for a meeting the Committee will appoint a replacement Chairperson for that meeting.

Quorum

A quorum for the meeting is the presence of a majority of the Councillors (i.e: 4 Councillors)

Conduct of Meetings

Meetings are conducted in accordance with the provisions of the *Local Government Act 1989* and Council's Meeting Procedure Local Law.

Frequency and Location of Meetings

Meetings of the Place Making Committee will be held on the third Wednesday of each month at 5.00pm.

Meetings will alternate between the Council Chambers in Ballan and the James Young Room, Lerderderg Library, Bacchus Marsh.

Additional meetings can be called by the Chairperson or at least 3 Councillors.

Meetings will be advertised and open to the public, except where the meeting is closed pursuant to the provisions of Section 89(2) of the *Local Government Act 1989*.

Committee Functions

1. To support development of a vision, framework, policies and strategic documents that guides future sustainable development in appropriate locations in the Shire, addressing land use, amenity and lifestyle opportunities whilst matching growth with the provision of physical and social infrastructure.
2. To ensure that Council plans and strategies are co-ordinated and help deliver sustainable communities in a coherent and cost effective manner.
3. To specifically consider and make recommendations to the Council on the following matters:

- a. Implementing the Moorabool 2041 framework.
 - b. Integrated built and natural environment strategies.
 - c. Integrated infrastructure planning and delivery.
 - d. Social and recreation planning.
4. To provide feedback to officers during the development of strategies.
5. To provide a forum to raise and discuss issues that are consistent with the Council Plan.
6. The following Section 86 Committees established by Council at the Ordinary Meetings of Council on 2 July, 2014 and 6 August, 2014 are superseded by the Place Making Committee under Section 86 of the Local Government Act 1989.
- a. Social Development Committee
 - b. Finance and Governance Committee
 - c. Place Making Committee
 - d. Development Assessment Committee
 - e. Urban Growth Strategy Committee
 - f. Rural Growth Strategy Committee

Committee Delegations

The Committee does not have delegated authority and will make recommendations to Council in line with its functions outlined above.

Review of Terms of Reference

The Terms of Reference of the Place Making Committee will be reviewed by the Council annually.

9.2 GROWTH AND DEVELOPMENT

9.2.1 Planning Application PA2014-049; Three (3) Lot Subdivision (Boundary Realignment) at Lot 2 on PS 335979B & Crown Allotments A7 & A 17, Section 14, Parish of Gorrockburkghap, 201 Paces Lane, Rowsley

Application Summary:	
Permit No:	PA2014-049
Lodgement Date:	12 March 2014
Planning Officer:	Robert Fillisch
Address of the land:	201 Paces Lane, Rowsley being Lot 2 on PS 335979B & Crown Allotments A7 & A17, Section 14, Parish of Gorrockburkghap
Proposal:	Three (3) Lot Subdivision(Boundary Realignment)
Lot size:	35.66 hectares
Why is a permit required	<p>Clause 35.07-3 . Farming Zone . to subdivide land</p> <p>Clause 42.01-2 . Environmental Significance Overlay Schedule 1</p> <p>Clause 45.05-1 . Restructure Overlay Schedule 4</p>
Public Consultation:	
Was the application advertised?	The application was advertised due to the potential impact on adjoining properties with the creation of three usable lots. The current configuration of the existing three lots means two of the lots are unusable individually due to size and topographical issues.
Notices on site:	1
Notice in Moorabool Newspaper:	No
Number of Objections:	Nil
Consultation meeting:	None held.

Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Sian Smith</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Robert Fillisch</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application referred?	The application was referred externally to Southern Rural Water and Powercor. The application was also referred internally to infrastructure and environmental health.
Any issues raised in referral responses?	None raised.
Preliminary Concerns?	The preliminary concern with this application is the re subdivision will create three parcels of land which will create an expectation of being able to be used in the future for residential purposes. It is noted that the configuration of the existing lots means that two lots are unusable individually due to size and topographical issues.

	The site is located within the farming zone and additional dwellings for residential purposes are considered inappropriate in this zone.
Any discussions with applicant regarding concerns	The issue of residential use was raised with the applicant who made the comment that this application is for subdivision only. Whilst this is correct, approval of the proposed subdivision will create an expectation that the new lots could be used for residential purposes. This is particularly evident in this case as any future agricultural use of the land is unlikely to require on site management in the form of a dwelling.
Any changes made to the application since being lodged?	The initial application inferred the development of a single dwelling would occur on both proposed lots 1 & 2. The applicant was requested to amend the initial application to include the use and development of the additional dwellings. The applicant wrote back and confirmed this application is for subdivision only and does not include use and development of dwellings. It is noted that while the applicant did not amend the application to included dwellings the report provided consistently refers to dwelling on all three lots in the future (subject to further planning approval).
VCAT history?	None.
Previous applications for the site?	None.
General summary	<p>This application seeks approval for the re subdivision of three existing lots. The existing lots are 1.38, 32.29 and 1.29 hectares respectively. It is proposed to re subdivide the lots into 8.74, 13.34 and 11.21 hectare with the existing dwelling to remain on the 13.34 hectare lot.</p> <p>The land is located within the farming zone and any subdivision is required to meet the purpose and objectives of the zone. The principle purpose of the zone is to provide for agricultural use of the land. The proposed subdivision does not demonstrate any improvement to the agricultural productivity for the land.</p> <p>Creating lots of this size will encourage future applications for dwellings on the two lots which currently do not have dwellings without any improvement to the agricultural use of the land. Any additional dwellings on this site will not be required for agricultural purposes and would be used for residential purposes.</p>

	This report recommends that Council issue a Refusal to Grant a Planning Permit for Subdivision of the Land.
Summary Recommendation:	
That, having considered all relevant matters as required by s.60 of the Planning and Environment Act 1987, Council Refuse to Grant a Permit for a Subdivision of Land into 3 Lots at 201 Paces Lane, Rowsley.	

Public Notice

The application was notified to adjoining and surrounding landowners and, by sign on site for the period 1 August 2014 to 14 August 2014. No objections were received.

Proposal

This application seeks approval for the re subdivision of three existing parcels of land in a single ownership of 34.96 hectares. The existing lots are 1.30, 32.29 and 1.29 hectares respectively. A dwelling exists on the largest parcel of land being 32.29 hectares. It is proposed to re subdivide the lots into 8.74, 13.34 and 11.21 hectares respectively with the existing dwelling to remain on the 13.34 hectare lot. Access to all lots will be via a common property from Paces Lane with a width of 14.80 metres and some 375 metres long on the eastern boundary with an area of 1.692 hectares.

It is proposed that the re subdivision of the lots will provided for similar sized lots that can be better managed in the future. While this application does not include the use and development for dwellings it is clear that the applicant intends to dispose of lots with the intent of having dwelling constructed in the future. The applicant is aware that dwelling development will require further planning approval.

The applicant states that by having evenly sized lots the land will be able to be utilised for agricultural purposes in the form of tree planting. They state that the re subdivision will encourage new land owners to continue with tree planting that has occurred on the site since 2000 under the regime of the current owners.

The current owners intend to retain Lot 1 and sell off Lots 2 and 3 which includes the current dwelling. The intention is to develop a dwelling on the retained lot (subject to separate planning approval) and to plant it out with native vegetation as has occurred on the rest of the existing site.

The applicant has provided Land Capability Assessment (LCA) for proposed lots 1 and 3 to demonstrate that effluent can be retained on site for dwellings. The LCA is required for assessment of the subdivision under the Restructure Overlay.

Site Description

The subject site is located on the southern side of Paces Lane approximately 500 metres east of the Rowsley locality. The site is approximately 7 kilometres south west of the Bacchus Marsh central business district.

Paces Lane is a gravel road which is accessed via Dog Trap Gully Road (gravel road) or Bacchus Marsh . Balliang Road (fully sealed).

The site comprises of three parcels of land on two separate land Titles.

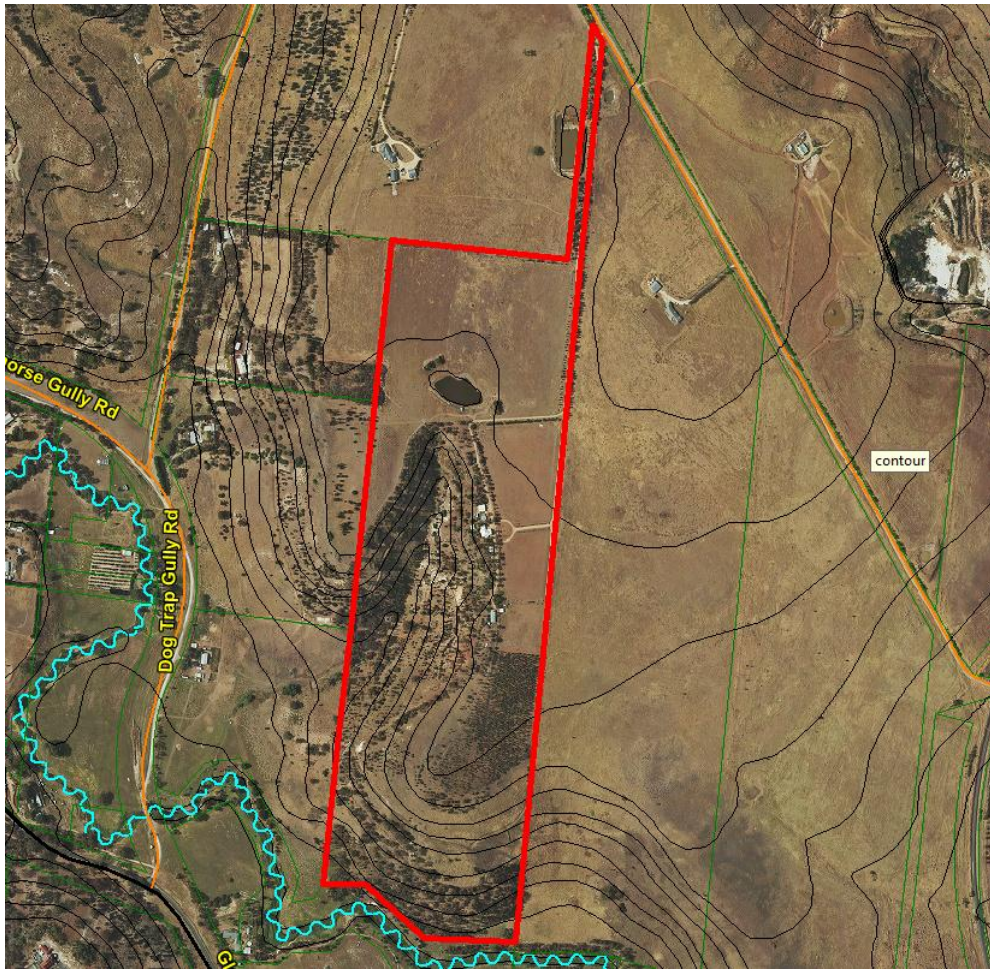
Lot 2 PS335979 on Title Volume 10200 Folio 265 is approximately 23 metres wide and 1000 metres long and shape as an L comprising a total area of 1.30 hectares. Lot 2 provides access to the whole site via Paces Lane. It appears this parcel of land was initially a road reserve which continued through the adjoining land west of the site to Dog Trap Gully Road. At some time in the past it appears this road reserve was incorporated into adjoining lots.

Crown Allotments (CA) A7 and A17 are on the same Title Volume 04717 Folio 353.

The bulk of the site is within CA A7 which is rectangular in shape approximately 320 metres wide by 1000 metres long with a total area of 32.29 hectares. A 20 metre electricity easement dissects the property in an east west direction approximately two thirds down the lot. This application does not propose to remove this easement. CA A7 is directly south of Lot 2 PS335979. The existing condition plans provided by the applicant detail a small dam and dwelling on CA 7. Council's aerial photography of 2013 details an additional three large sheds and a number of smaller structures including two water tanks.

CA 17 is a small irregular shaped lot at the southern end of CA 7 and is approximately 1.29 hectares. It is the southernmost part of the land and adjoins the Parwan Creek.

The northern portion of the site is relatively flat while the southern end is steep with a gully running through it. The steep portion of the land has been planted out with up to 35,000 trees with assistance from government funding through Grow West.

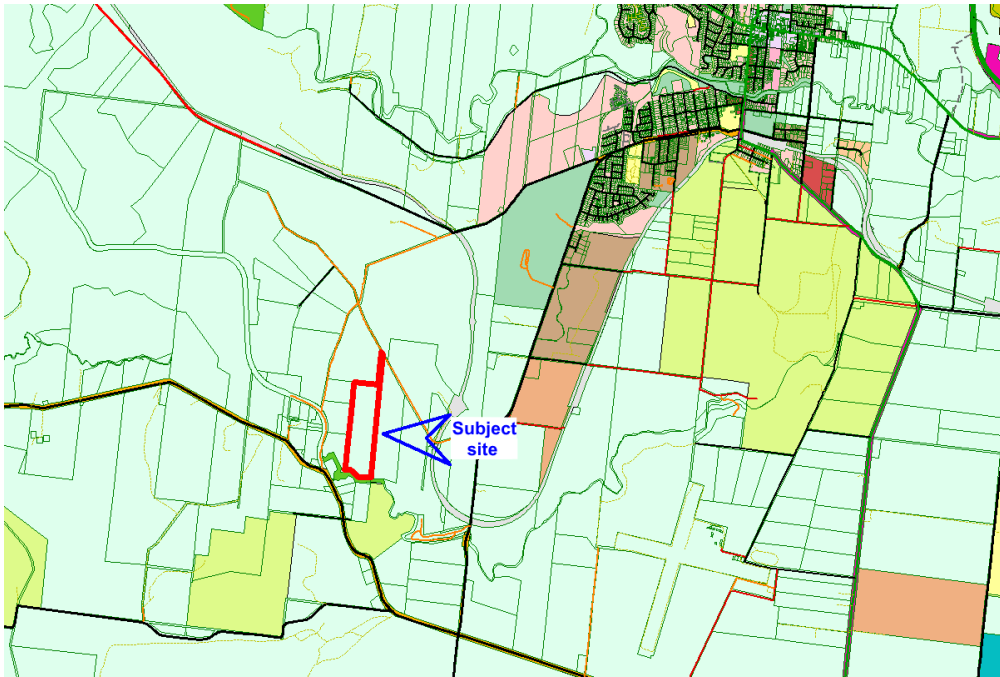


Subject site detailing 10 metre contours.

The northern portion of the site is relatively flat while the southern end is steep with a gully running through it. The steep portion of the land has been planted out with up to 35,000 trees with assistance from government funding through Grow West.

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

Clause 11.05-1, 11.05-2, 11.05-3, 11.06, 12.01-1, 13.03-2, 14.01-1, 14.01-2, 16.02-1, 21.02-4, 21.03-5, 21.04-2 and 21.09-3.

SPPF	Title	Response
Clause 11.05-1	Regional settlement networks	This clause seeks to direct growth to regional centres such as Bacchus Marsh. The intent is to protect rural land and landscape features.
Clause 11.05-2	Melbourne's hinterland areas	This clause seeks to direct growth to regional centres and only allow discrete settlements in hinterland areas having regard to complex ecosystems, landscapes and agriculture.
Clause 11.05-3	Rural productivity	This clause seeks to protect rural productivity of the land by discouraging development of isolated lots for rural living. This proposal is likely to create lots which will be available for residential development.

Clause 11.06-8	Central Highlands regional growth - Agriculture	This clause seeks to support ongoing agriculture, including intensive agriculture.
Clause 14.01-1	Protection of agricultural land	This clause seeks to protect agricultural land and to ensure there are limited off site impacts from any proposals. The outcome of additional dwellings will impact the surrounding area in terms of additional traffic and use of resources.
Clause 14.01-2	Sustainable agricultural land use	This clause seeks to support sustainable agricultural use. The applicant has not demonstrated any improvement in agricultural outcomes associated with this proposed subdivision.
Clause 16.02-1	Rural residential development	This clause seeks to direct rural residential development into areas where community infrastructure and services have already been developed. Access to this site is via Paces Lane which is a gravel road. This site has limited community infrastructure or services available.
LPPF	Title	Response
Clause 21.03-5	Rural Lifestyle Opportunities	This clause seeks to support development of rural lifestyle opportunities in appropriate locations. It seeks to support rural lifestyle opportunities in areas zoned as rural living particularly with sealed road access and access to reticulated water supplies. It seeks to discourage rural living where it fragments farm land through inappropriate subdivisions.
Clause 21.04-2	Agriculture	This clause seeks to protect agricultural land by directing rural living opportunities into strategic growth areas. This area is not identified as a strategic growth area.

Zone

The site is located wholly within the Farming Zone and the provision of Clause 35.07 applies.

The purpose of the farming zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

A permit is required for subdivision of land under Clause 35.07-3.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.

The application for subdivision can be considered as the property has three parcels of land, therefore the application is a re-subdivision of existing lots and should it be approved will not increase the number of lots.

It should be noted that the purpose of the above dot point allows for consideration to be given to this application however it still needs to justify how this would be a better outcome in an agricultural sense. One must consider that the configuration of the current parcels of land would not provide the ability for the owner to apply for development of dwellings on the parcel.

The minimum lots size for subdivision in this area is 100 hectares. The total land size for this application is just over 35 hectares well below the minimum subdivision lot size.

Council must consider the decision guidelines as outlined in Clause 35.07-6.

It is considered the proposal is not consistent with requirements of the Farming Zone.

Overlays

The site is covered by the Environmental Significance Overlay Schedule 1 which relates to the proclaimed water catchment areas.

The purpose of the overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

The specific environmental objectives to be achieved are:

- To protect the quality and quantity of water produced within proclaimed water catchments.
- To provide for appropriate development of land within proclaimed water catchments.

This application is for subdivision only (not development) and has been referred to the relevant authority for comment. Southern Rural Water did not object to the granting of the permit.

The site is covered by the Restructure Overlay RO4 Rowsley Crown Township.

The purpose of the overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify old and inappropriate subdivisions which are to be restructured.
- To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

A permit is required to subdivide land under this overlay and subdivision must be in accordance with the restructure plan.

While the subject site is located within the restructure overlay it is not a land parcel that has been specifically identified for consolidation and therefore the subdivision can be considered under this provision.

Relevant Policies

Council adopted the Rural Growth Policy Statement at the OMC of the 5th September 2012. Council can give weight to this document under the provisions of section 60(1A)(g) of the Planning and Environment Act 1987.

This policy seeks to articulate the Council's support for resilient and integrated rural communities and agricultural enterprises. This policy has been considered to the extent appropriate in the writing of this report.

General Provisions

Clause 65 . Decision Guidelines have been considered by officers in evaluating this application in particular the following:

Clause 65.02 dot point	Response
<i>The suitability of the land for subdivision.</i>	The land is not considered suitable for subdivision as it is located within the farming zone. The applicant is using an exemption in the scheme which can be considered but still needs to meet the objectives of the planning scheme.
<i>The existing use and possible future development of the land and nearby land.</i>	The land north and east of the site has potential for future agricultural development and the proposed subdivision may limit future potential.
<i>The availability of subdivided land in the locality, and the need for the creation of further lots.</i>	There are other suitable lots within the area which are consistent with the scheme in terms of appropriate size lots in the farming zone.
<i>The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.</i>	The proposed subdivision will create smaller lots in an area which is already difficult to farm given the topographical restraints of the site.
<i>The density of the proposed development.</i>	The density of 8 hectare lots is inappropriate in the farming zone and more in tune with the rural living zone.
<i>The layout of roads having regard to their function and relationship to existing roads.</i>	The existing Paces Lane is gravel and not designed for residential purposes.
<i>The provision and location of common property</i>	It is unusual for lots within the farming zone to require common property to provide access.
<i>The design and siting of buildings having regard to safety and the risk of spread of fire.</i>	The site has been extensively planted out with native vegetation partially funded through government grants.

	It is inappropriate to allow a subdivision which will create the expectation of residential use in the future considering the bushfire risk the trees create.
<i>The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.</i>	The only utility services available will be power. There is no provision in this area for reticulated water.
<i>Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.</i>	Native vegetation has been planted partially through government funding. Any approved subdivision will allow for vegetation to be removed along newly created fencelines.

Discussion

The site is located within the farming zone which requires any subdivision to be assessed against the purpose and decision guidelines.

The applicant in this case is only applying for subdivision however it is clear in the report that the ultimate intent is to enable the owner to sell the existing dwelling on a smaller parcel of land and create two additional lots of approximately 8 hectares each for future dwellings. Therefore Council must consider that the intent of this application is to effectively to change the use of the land from farming to rural living as minimum.

The applicant has not provided sufficient information as to how the proposed subdivision will enhance the land for agricultural purposes. They have stated that the intention is to continue with tree planting which has been extensively undertaken with assistance from government funding.

The applicants claim that the site is too large to be managed by themselves and therefore they require the subdivision to allow additional owners to assist in managing the land. Agricultural land is not sympathetic to an ageing workforce or personal challenges associated with owning and managing a large land parcel. When determining whether a proposal is appropriate, Council must consider the longevity of a proposal and determine if the proposal results in proper planning outcomes, well beyond the current land owners.

There would be many lots of with a size of 35 hectares which are effectively managed by single owners so this agreement is considered invalid.

The planting of trees is considered appropriate in the farming zone. Tree plantation is an agricultural activity which does not require planning approval. It would be an activity that is incompatible with residential use of the land due to increase fire risk. This would be particularly the case given the topographical nature of the land.

Creating parcels which would be suitable for residential purposes is not in accordance with the provisions of the farming zone and should not be supported.

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan.

External Authority	Response
Southern Rural Water Powercor	No objection subject to condition No objection subject to conditions
Internal referral	Response
Infrastructure Environmental Health	No objection subject to conditions No objection

The external Referral Authorities have provided responses not unusual for this type of subdivision.

Council's Infrastructure and Environmental Health Departments have consented to the proposal.

Financial Implications

The recommendation to refuse a permit for subdivision of the land will not represent any financial implications for Council other than the potential for the matter to be taken to VCAT for review.

Risk and Occupational Health and Safety Issues

The recommendation of refusal of this development does not implicate any risk or OH & S issues for Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. The applicant was invited to attend this meeting and invited to address Council if desired.

Options

If Council were to approve this subdivision it could establish a precedence where:

1. Agricultural pursuits in the Farming Zone are secondary to the establishment of residential purposes;
2. The personal circumstance of the current owner drives the outcome rather than proper planning outcomes. Personal desires vs planning outcomes has been tested at VCAT.

3. The allotments are capable of containing a dwelling. There has been no formal assessment of whether dwellings can be accommodated on the allotments but the applicant has indicated that this is the end outcome. The current agricultural practice on the land is not conducive with increasing dwelling density in the area. Due to the topography of the land alternative agricultural uses are limited.

Conclusion

The proposal is considered inconsistent with the relevant policies contained within the Moorabool Planning Scheme. The subject land is located within the farming zone area of Rowsley and has access to limited service.

The proposal seeks to use a provision of the farming zone to allow for re subdivision of lots which are smaller than the minimum subdivision size which in this case is 100 hectares.

Creating parcels which would be suitable for residential purposes is not in accordance with the provisions of the farming zone and should not be supported.

Recommendation:

That having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council Refuse to Grant a Permit for Planning Application PA2014-049, a Subdivision of Land into 3 Lots at 201 Paces Lane, Rowsley for the following reasons:

1. The proposal fails to comply with clauses 11.05-1, 11.05-2, 11.05-3, 11.06, 14.01-1, 14.01-2 and 16.02-1 of the State Planning Policy Framework.
2. The proposal fails to comply with clauses 21.03-5, 21.04-2 and 21.09-3 of the Local Planning Policy Framework.
3. The proposal is not in accordance with a purpose of Clause 35.07 Farming Zone of the Moorabool Planning Scheme, being 'to provide for the use of land for agriculture'.
4. The proposal is not in accordance with the decision guidelines of Clause 65.02 for Approval of an application to subdivide land, of the Moorabool Planning Scheme.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Tuesday, 13 January 2015



9.2.2 Planning Application PA2014-242; Two (2) Lot Subdivision at Lot 17 on PS 443705N, 13 Jeanette Court Darley VIC 3340

Application Summary:	
Permit No:	PA2014-242
Lodgement Date:	2 October 2014
Planning Officer:	Roger Cooper
Address of the land:	Lot 17 on PS 443705N, 13 Janette Court Darley VIC 3340
Proposal:	Two (2) Lot Subdivision
Lot size:	0.12 hectares
Why is a permit required	Clause 32.08-3 . Subdivision in the General Residential Zone
Public Consultation:	
Was the application advertised?	The application was advertised due to the potential impact on adjoining and adjacent properties with the creation of two smaller lots in an established residential area. Advertising commenced prior to Council receiving notification from the Titles Office that the subject land had been issued with an incorrect title (missing a restriction primarily intended as a single dwelling covenant).
Notices on site:	2
Notice in Moorabool Newspaper:	No (at the time of lodgement, the title did not include an encumbrance that should the application continue, a variation would be required triggering such notification).
Number of Objections:	4
Consultation meeting:	None held.

Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Sian Smith</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Roger Cooper</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application referred?	The application was referred internally to infrastructure.
Any issues raised in referral responses?	None raised.
Preliminary Concerns?	An initial assessment of the application raised some questions as to the appropriateness of the proposed subdivision in an established residential area with allotments consistently around 1,000 sqm. Surrounding lots were burdened with a single dwelling covenant and Officers thought the subject lot was deliberately unencumbered by the developer after the original subdivision approval. It

	was later brought to Council's attention that the title for this lot was issued in error because a restriction pertaining to a single dwelling covenant was omitted.
Any discussions with applicant regarding concerns	The Officer notified the applicant in October of the title error and the Title Office's recall of the title for rectification to reinstate restrictive covenant AC036423F. They were presented with two options a) withdraw the application or b) amend the application to vary or remove the restriction. As no action has been taken, Council must refuse to grant a permit because it results in a breach of the intent of a registered restrictive covenant.
Any changes made to the application since being lodged?	None.
VCAT history?	None.
Previous applications for the site?	None.
General summary	<p>This application seeks approval for a two (2) lot subdivision at 13 Janette Court, Darley. The lot is an irregular shape located on the corner of Janette Court and Grantleigh Drive and comprises 1,200 sqm. It has twin road frontages of 17.94m to Janette Court and 51.31m to Grantleigh Drive with a 7m splay.</p> <p>The land is located within the General Residential Zone and any subdivision is required to meet the purpose and objectives of the zone. The principle purpose of the zone is to encourage development that respects the neighbourhood character and provide a diversity of housing types and moderate housing growth in appropriate locations.</p> <p>During the application process it was brought to Council's attention the title for this lot was issued in error by the Title's Office because a restriction pertaining to a single dwelling covenant was omitted. The applicant was notified the application should be withdrawn or amended within a reasonable time frame, but has failed to advise Council of their decision.</p> <p>In accordance with Section 61(4) of the Planning and Environment Act, 1987 the Responsible Authority must refuse to grant a permit that would result in a breach of a registered restrictive covenant.</p> <p>The recommendation is the application be refused because it breaches the intent of the covenant.</p>

Summary Recommendation:

That, having considered all relevant matters as required by s.61 of the Planning and Environment Act 1987, Council Refuse to Grant a Permit for a Two (2) Lot Subdivision on Lot 17 on PS 443705N, 13 Janette Court Darley VIC 3340.

Public Notice

The application was notified to adjoining and adjacent landowners and, by two signs on site for the period 17 October 2014 to 31 October 2014. Four (4) objections were received.

Summary of Objections

The objections received are detailed below with officers' comments accompanying them:

Objection	Any relevant requirements
<p>There is an error on the subject land title because it should have a restrictive covenant that prohibits any dwelling(s) other than one private dwelling houseq being erected on the land.</p> <p>Granting the permit would create a piece of land in breach of the intent restrictive covenant.</p>	None.
<p>Officer's response – Developers sometimes intentionally preclude selected blocks from such restrictions. The land is a corner allotment with dual road frontages with the potential for multi-unit development. The objector produced confirmation from the Title's Office that the title was issued in error and is being recalled for rectification. This was later confirmed by the Solicitor of the original land owner.</p>	

The proposal does not comply with Clause 56.03-5 Neighbourhood character objective	Clause 32.08 General Residential Zone Clause 56.03-5 Neighbourhood character objective
Officer's response – The surrounding neighbourhood has a distinct character of blocks ranging from just under 1,000 sqm to 1,200 sqm approx. either vacant or developed with a single dwelling. Seemingly all lots on the title plan have a restriction pertaining to a single dwelling covenant, which has established a distinct neighbourhood character. Granting the proposal would be in opposition to this established neighbourhood character.	
I paid premium price for my block of land because I believed I would be surrounded by other large blocks (with protection from the restriction). There are other estates in Bacchus Marsh where blocks are smaller and we want our estate kept unique.	Clause 32.08 General Residential Zone Clause 56.03-5 Neighbourhood character objective
Officer's response – The pattern in this subdivision is established lot sizes and creating two 600 sqm lots would be in contradiction to the established neighbourhood character. There are other estates in Bacchus Marsh . existing and emerging with more variety of lot sizes, where such diversification is more appropriate.	
If the land was subdivided and a large fence was erected along Grantleigh Drive, the traffic visibility at the corner of Grantleigh Drive and Janette Court would be severely impacted.	None
Officer's response – No fence is proposed as part of the application, however any future fencing would be subject to the requirements of a building permit, particularly with appropriate height and setbacks along a road frontage.	

Proposal

This application seeks approval for a two (2) lot subdivision at 13 Janette Court, Darley.

Proposed Lot 1 to the north has an area of 600 sqm and has dual road frontages to Janette Court and Grantleigh Drive.

Proposed Lot 2 to the south comprises an area of 600 sqm has road frontage to Grantleigh Drive.



Site Description

The lot is an irregular shape located on the south-east corner of Janette Court and Grantleigh Drive and comprises 1,200 sqm. It has twin road frontages of 17.94m to Janette Court and 51.31m to Grantleigh Drive with a 7m splay.

The site is flat, currently vacant, contains no significant vegetation and is fenced only along the eastern boundary. A 2m wide easement exists adjacent to the south boundary set aside for drainage and sewerage in favour of Council and Western Water.

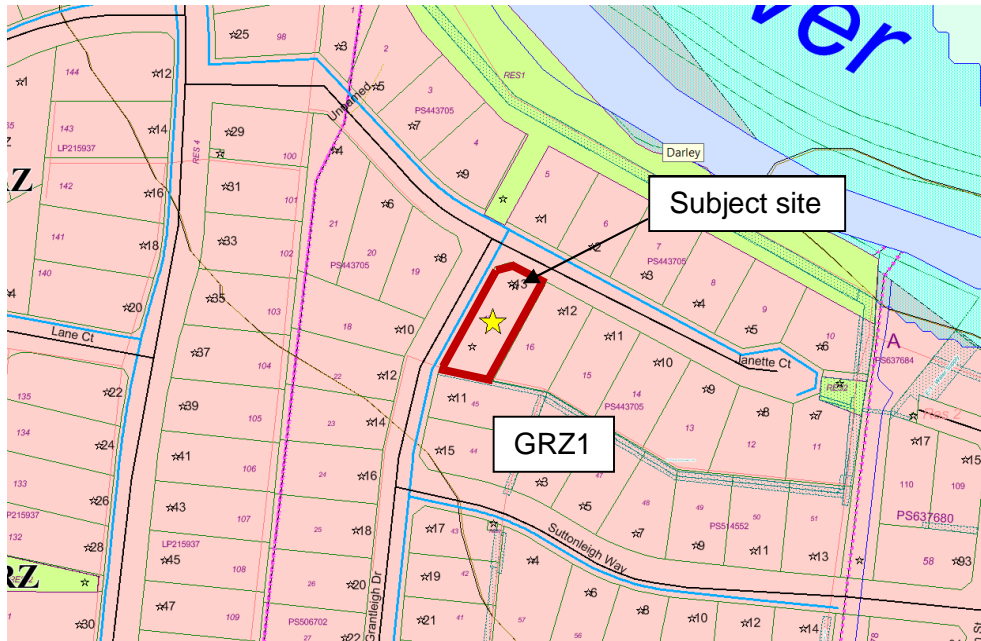
On the opposite side of Grantleigh Street to the west is a single storey dwelling which fronts Janette Court and presents to Grantleigh Street with a 1.8mH timber screening fence. South of this lot is another single storey dwelling which has no front fence.

To the north is Janette Court with a crossover towards the north-east corner servicing the site. On the opposite side of Janette Court are a row of substantial double storey brick dwellings, while further north is a walking path leading to Lerderderg River, with access from Janette Court.

To the east is a double storey brick dwelling with backyard pool and to the south is a single storey brick dwelling. The south boundary is not fenced and future access may be possible by widening the existing single crossover servicing the neighbouring lot. Lots generally enjoy spacious rear yards and a good level of privacy.

Locality Map

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



Caveats, Encumbrances and Restrictions

At the time of lodgment, the register search statement/title provided by the applicant did not include any encumbrances which ultimately effected the proposal.

During the application process it was brought to Council's attention the title for this lot was issued in error by the Titles Office and a restriction pertaining to a single dwelling covenant was omitted.

Proof of title rectification was eventually supplied showing restrictive covenant number AC036423F is to be reinstated to the title.

In part the covenant states:

- a. *they will not at any time erect or permit to be or remain erected on the lot hereby transferred:*
 - i. *any dwelling house other than one private dwelling house which is not less than 75 percentum or its external walls consisting of brick, stone, concrete or like materials.*

The covenant has no further effect on the proposal.

Also existing on title is section 173 agreement AB655338B pertaining to the land's compliance with conditions in the original subdivision permit PA2001-173 and some further restrictions on lots facing Lerderderg River. The agreement is not applicable to the proposed subdivision.

Planning Scheme Provisions

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

The relevant clauses are:

Clause 11.05-1, 11.05-2, 15.01-3, 21.03-3, 21.07-2 and 21.07-5.

SPPF	Title	Response
Clause 11.05-1	Regional settlement networks	<p>The objective is to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.</p> <p>The proposal generally complies with this objective by increasing residential density in a preferred residential location of the Central Highlands Region, however does not comply with the established neighbourhood character.</p>
Clause 11.05-2	Melbourne's hinterland areas	<p>The objective is to manage growth in Melbourne's hinterland, the area immediately beyond Metropolitan Melbourne and within 100 kilometres of the Melbourne's Central City.</p> <p>The proposal generally complies with this objective by increasing residential density in a preferred residential location of the Central Highlands Region, however does not comply with the established neighbourhood character.</p>

Clause 15.01-3	Neighbourhood subdivision design and	<p>The objective is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.</p> <p>The original subdivision complies with the objective, however the proposed two lot subdivision would create two lots out of character.</p>
LPPF	Title	
Clause 21.03-3	Objective . Residential Development	<p>The objectives are:</p> <ul style="list-style-type: none"> • To extend the range of housing types available to provide resident choice and meet changing housing needs. • To achieve high quality living environments which balance the provision of residential development opportunities with the protection of productive agricultural land and environmental assets. <p>The proposal generally complies with these objectives by increasing residential density in a preferred residential location, however does not comply with the established neighbourhood character. No agricultural land or significant environmental assets would be affected.</p>

Clause 21.07-2	Objective . Consolidating Urban Growth	<p>The objective is to consolidate and enhance the development of the inner area of Bacchus Marsh.</p> <p>The proposal generally complies with this objective by increasing residential density in a preferred residential location, however does not comply with the established neighbourhood character.</p>
Clause 21.07-5	Objective . Urban Design	<p>The objective is to improve the urban design throughout Bacchus Marsh.</p> <p>The proposal does not comply with this objective because creating 600 sqm lots in an established approx. quarter acre lot subdivision with a single dwelling covenant is in breach of the established neighbourhood character.</p>

Zone

The site is located within the General Residential Zone . Schedule 1 (GRZ1) and the provisions of Clause 32.08 apply.

The purposes of the GRZ1 are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.

A permit is required for subdivision of land under Clause 32.08-2.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56.

Consideration of Clause 56 for this report is not applicable because the application is recommended to be refused under Section 61(4) as breaching the intent of the single dwelling restriction.

Overlays

Nil.

General Provisions

Clause 65 . Decision Guidelines have been considered by officers in evaluating this application in particular the following:

Clause 65.02	Response
<i>The suitability of the land for subdivision.</i>	Given a restriction exists on the land pertaining to a single dwelling covenant, the land is not considered suitable for further subdivision.
<i>The existing use and possible future development of the land and nearby land.</i>	The land is vacant and has no existing use. Surrounding land is generally developed with single dwellings (or vacant) and this pattern of development is the most appropriate future land use for the subject land.
<i>The availability of subdivided land in the locality, and the need for the creation of further lots.</i>	The subdivision consists of established lots just under 1,000 sqm to 1,200 sqm approx. They are burdened with a single dwelling covenant to set a preferred neighbourhood character and further subdivision of this land is considered inappropriate.
<i>The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.</i>	The subdivision pattern consists of established lots just under 1,000 sqm to 1,200 sqm approx. No significant vegetation is effected by the proposal.

<i>The density of the proposed development.</i>	The density of the proposed development at one dwelling per 600 sqm is approx. half the established density of the surrounding area. The intention of the single dwelling covenant is the land will retain at consistently low dwelling density.
<i>The layout of roads having regard to their function and relationship to existing roads.</i>	The road network is already established.
<i>The provision and location of common property.</i>	There is no common property proposed as part of this application.
<i>The design and siting of buildings having regard to safety and the risk of spread of fire.</i>	No development is proposed.
<i>The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.</i>	Reticulated services are available to the subject land.
<i>Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.</i>	The site is vacant and only consists of low value native grasses.

Discussion

The land is located within the General Residential Zone and any subdivision is required to meet the purpose and objectives of the zone. The principle purpose of the zone is to encourage development that respects the neighbourhood character and provide a diversity of housing types and moderate housing growth in appropriate locations.

An initial assessment of the application raised some questions as to the appropriateness of the proposed subdivision in an established residential area with allotments consistently around 1,000 sqm. Surrounding lots were burdened with a single dwelling covenant intending to establish a preferred neighbourhood character, in which case further subdivision of the subject lot may be inappropriate.

During the application process it was brought to Council's attention the title for this lot was issued in error by the Titles Office and a restriction pertaining to a single dwelling covenant (as it applied to surrounding land) was omitted. The applicant was notified the application should be withdrawn or amended within a reasonable time frame, but has failed to respond to Council.

In accordance with Section 61(4) of the Planning and Environment Act, 1987 the Responsible Authority must refuse to grant a permit that would result in a breach of a registered restrictive covenant. The recommendation is the application be refused because it breaches the intent of the covenant.

Referrals

No referrals were required pursuant to s.55 of the Planning and Environment Act 1987. Council's Infrastructure department were provided with an opportunity to make comment on the proposed subdivision.

External Authority	Response
Nil	
Internal referral	Response
Infrastructure	No objection subject to standard conditions

Financial Implications

The recommendation to refuse a permit for subdivision of the land will not represent any financial implications for Council other than the potential for the matter to be taken to VCAT for review.

Risk and Occupational Health and Safety Issues

The recommendation of refusal of this subdivision does not implicate any risk or OH & S issues for Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. The applicant was invited to attend this meeting and invited to address Council if desired.

Options

As the proposal results in a breach of the intent of a registered restrictive covenant, Council must refuse to grant a permit under Section 61(4) of the Planning and Environment Act, 1987. Failure to comply with this requirement may result in the matter being appealed to VCAT.

Conclusion

The proposal is considered inconsistent with the relevant policies contained within the Moorabool Planning Scheme. The subject land is located within an established and encumbered residential area of Darley, for which the proposal.

In accordance with Section 61(4) of the Planning and Environment Act, 1987 the Responsible Authority must refuse to grant a permit that would result in a breach of a registered restrictive covenant.

Recommendation:

That, having considered all matters as prescribed by s.61 of the Planning and Environment Act 1987, Council Refuse to Grant a Permit for Planning Application PA2014-242, a Two (2) Lot Subdivision on Lot 17 on PS 443705N, 13 Janette Court Darley for the following reasons:

- 1. Granting the proposal breaches the intent of a registered restrictive covenant, therefore Council must refuse the application under Section 61(4) of the Planning and Environment Act, 1987.**
- 2. The proposal does not comply with the purpose of the General Residential Zone to encourage development that respects the neighbourhood character of the area.**

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu 
Title: General Manager Growth and Development
Date: Wednesday, 14 January 2015

9.2.3 New Tourism Event Grants

Introduction

File No.: 02/02/002
Author: Peter Forbes
General Manager: Satwinder Sandhu

Background

The purpose of this report is to present Council with an assessment of applications received under the recently implemented New Tourism Event Grants Program. The grant program has a specific focus on supporting new events or concepts for events that could in the future develop into significant generators of visitation from outside the region.

This initiative, combined with the Existing Major Tourism Event Grant Program represents a \$112,200 direct investment by Council to organisers of local tourism events over a period of three financial years.

In addition, Council co-ordinates significant in-kind support and technical advice on permit requirements to local tourism events, mostly via council's new internal events reference group. Council's engineering department often aligns the maintenance schedule (eg grass cutting, road patching, and waste collection) to assist events and on occasion have provided Traffic Management and Public Liability Insurance.

Additional marketing and promotional channels are available via the Visitor Information Centre and the annual Moorabool365 event calendar (brochure, social media and website).

As outlined in the table below, the panel determined to not fully expend the grant program pool in this round of applications, and an additional round to fully distribute the remaining funding will occur.

Applications for the New Tourism Event Grants totalling \$19,900 were open for organisers of existing major tourism events to apply from 30 September until 25 November and was extended to 8 December, 2014.

The Program's key objectives are to:

- Attract visitation and increased economic activity into Moorabool Shire;
- Increase yield per visitor;
- Encourage events to have a greater brand match (alignment with the Shire's key tourism themes e.g. food and wine, natural produce, heritage, nature and townships);
- Build capacity and sustainability of a new local tourism event via better planning, new skill development and/or increased marketing; and
- Support event organisers to leverage grants funds by applying to external funding programs such as state and federal government;

Application Assessment Criteria:

- a) Event elements and motivations for conducting it (10%)
- b) What the event is trying to achieve (20%)
- c) Why the event is important to the local community and target audience (20%)
- d) Who is involved in the event (15%)
- e) How the event is conducted (including risk management) (15%)
- f) Project budget and explanation (financial management, sustainability) (20%)

Each criterion is scored between 0 and 10 and weighted according to the criteria percentage. The maximum possible score for any application is 100.

Application Support

The New Tourism Event Grants guidelines and application forms encouraged applicants to meet with the Manager of Economic Development and Marketing prior to lodging an application. All applicant groups requested and received support and advice from the Manager of Economic Development and Marketing prior to lodgement.

Level of inquiry, applications and funding requested

In total, three applications were received for this program category, in addition to the three that decided to proceed through to application stage, another four event organisers contacted Council (two from Bacchus Marsh and one each from Ballan and Greendale). Three of those non-submitters were encouraged to apply, sent application forms and reminded of application closing dates. The other enquiry was transferred to an alternative Council funding program option more suited to the event's aims.

Most inquiries were prompted by the advertising in the Moorabool News during November and December and downloading of the guidelines via the Council website homepage. One was alerted to the opportunity via other stakeholders.

A total of \$44,790 was requested with a total pool of \$19,900 available.

Assessment

Assessment of applications was conducted by a panel of officers supplemented by the former Group Manager of Events at Tourism Victoria. Applications were initially assessed as to their potential tourism capacity and focus and relevance to the intent of the program and compliance with its mandatory requirements.

One applicant indicated they were not going to meet these mandatory requirements (eg matching funding) and was deemed ineligible. This event and organisation did apply for, and received from Council, \$3000 in the August 2014 round of the Community Events Grant program.

Eligible applications were then scored and ranked according to the extent to which the application addressed Council's policy assessment criteria. In this case as not all the funds were allocated, a cut-off ranking score was not needed to be set.

The Blackwood Festival of Music and Culture was run as a pilot By the Blackwood Academy & Review Inc. at Blackwood Recreation Reserve last November to test the concept. The festival committee, lead by its secretary Janet Dear planned to attract folk music lovers to an annual three day music festival in November.

The Sweet Wine festival is the concept of Moorabool Shire resident Justin Carollin conjunction with the Rotary Club of Ballan and District, with assistance from Ballan Community House, Ballan Autumn Festival and the wine and food industry. It aims to showcase local wine and food producers and attract consumers of sweet wines from the surrounding regions and metropolitan Melbourne. The event will be held annually at a date to be set during the off-peak tourism event period (April . October).

Proposal

Based on the above process and criteria and the expert panels deliberations, it is proposed that Council allocate some of the funds in the New Tourism Event Grants program to The Blackwood Festival of Music and Culture and to the Sweet Wine festival - if Council so determine.

Event	Organisation	Description of Event	Amount Requested	Event Total Value	Assessment Score
Blackwood Festival of Music & Culture	Blackwood Academy and Revue Inc	Three day bluegrass music festival	\$19,900	\$79,775	71.50
Sweet Wine Festival	Rotary Club of Ballan & District	Wine show focused on regional sweet and fortified wine varieties	\$4,900	\$10,800	72.00
Bacchus Marsh Horticulture Show	Bacchus Marsh Aquatic Centre Community Consortium	A series of competitions and events to showcase the horticulture of the region	\$19,900	\$19,100	Did not meet mandatory grant requirements
TOTAL			\$44,790	\$109,675	

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	A strong and diverse local economy
Strategy	Encourage tourism Initiatives through local and regional groups

The proposed allocation of grants under the New Tourism Event Grants Program is consistent with the 2013-2017 Council Plan.

Financial Implications

Consistent with the New Tourism Event Grants Guidelines, Application Form and 2014/15 budget allocation, a total of \$19,900 is available for allocation in 2014/15 financial year. The total of grants being recommended for allocation in this round is \$11,000. Therefore a second round is required to fully allocate the remaining \$8,990 funds available in this Grant Program.

The grants apply to the 2014/15, 2015/16 and 2016/17 financial years, providing the successful applicants provide council with post-event reports and provide adequate information consistent with the grant application guideline requirements.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Rating	Control/s
Project timelines	Grant recipients exceeding prescribed timelines	Medium	Terms and conditions agreements required to be signed by grant recipients. Scheduled monitoring of projects.
Financial	Grant recipients appropriate expenditure of Council funds	Medium	Terms and conditions agreements required to be signed by grant recipients. Grant acquittal required upon completion of projects

Community Engagement Strategy

Engagement	Stakeholder	Activities	Date	Outcome
Consultation	Community Groups	Meetings with applicant groups	Nov . Dec 2014	Applicants supported to submit applications

Communications and Consultation Strategy

All applicants for the New Tourism Event Grants Program will be advised in writing of the outcomes of their grant applications in the week after Council determine the recipients and the minutes of that Ordinary Meeting of Council are confirmed.

The Manager, Economic Development and Marketing will contact the unsuccessful applicants to offer feedback to unsuccessful applicant groups via meetings or phone contact. Feedback will include:

- Advice to applicant groups of the relative strengths and areas for improvement in their applications.
- Options for alternative funding.
- Supporting eligible groups to re-lodge their application in the next funding round.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Peter Forbes

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

Conclusion

In total, three applications were received and two recommended for a total of \$11,000 in each of the 2014/15, 2015/16 and 2016/17 financial years in the inaugural round of the New Tourism Event Grants Program.

Those recommended for funding are considered as being of high potential to develop into significant events on the Shire's tourism calendar. Once developed, they have potential to stimulate significant economic activity within the communities they operate.

Another application round of the New Event Grants Program will be held in the first half of this year to fully allocate the grant pool.

Recommendation:

1. That the Council allocates the following grants in the New Tourism Event Grants category for the 2014/15, 2015/16 and 2016/17 financial years.

Event	Organisation	Amount
Blackwood Festival of Music & Culture	Blackwood Academy and Revue Inc	\$7,500
Sweet Wine Festival	Rotary Club of Ballan & District	\$3,500
TOTAL		\$11,000

2. That all applicants be notified in writing of the outcome of their application.
3. That Council staff provide feedback to the unsuccessful group and provide suggestions for alternative funding, or how the group may choose to improve and re-develop their application for submission to the next appropriate round of the Community Grants Program.
4. That a second round of the New Tourism Event Grants Program be held to distribute the remaining \$8,990 in funds before the end of the 2014/15 financial year.

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu
Title: General Manager Growth & Development
Date: Thursday, 29 January 2015

9.2.4 Social Media Policy

Introduction

File No.: 02/02/002
Author: Peter Forbes
General Manager: Satwinder Sandhu

Background

A draft Digital Strategy has been developed to improve the way Moorabool Shire Council communicates and services its community and stakeholders using digital technology. A key aspect of the way forward is the use of social media.

The draft Social Media policy (attached) is designed to guide authorised users of social media on appropriate use and protect the organisation from potential misuse or harm arising from communication via social media.

The policy outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct Council business.

The Social Media Policy aims to:

- Inform appropriate use of social media tools for Moorabool Shire Council;
- Promote effective and productive community engagement through social media;
- Minimise miscommunication or mischievous communications; and
- Assist Moorabool Shire Council to manage the inherent challenges arising from the immediacy, access and spread of social media communication.

The policy applies to all online digital spaces collectively referred to as social media where people may comment, contribute, create, forward, post, upload and share content.

This policy is not intended to apply to personal use of social media by staff outside of working hours where:

- The author publishes information in their personal capacity and not on behalf of, or in association with Moorabool Shire Council; and
- No reference is made to Moorabool Shire Council, its Councillors, staff, policies and services, suppliers or other stakeholders or Council related issues.

The Digital Strategy will be presented to Council in the lead up to the 2015/16 Budget process.

Consideration

The policy protocol relating to the consideration of items which affect beyond the current year is applied for consideration of matters whose impact or influence will extend to directly affect the activities and/or financial planning of Council for a period beyond the term of the current Council Budget, and whether relating to Council policy pronouncements or specific projects.

Proposal

1. For Council to adopt the Social Media Policy and lay on the table for a period of 1 month.
2. Undertake a 6 month trial which includes the introduction of the Early Years and Corporate facebook pages and Corporate Twitter account.
3. A further report will be provided to Council after the six month trial.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Provide quality customer services that respond to the needs of our whole community
Strategy	Explore option for online service delivery, particularly using the National Broadband Network (NBN).

The proposal for a Social Media Policy is consistent with the 2013-2017 Council Plan.

Financial Implications

There are no financial implications to adopting the Social Media Policy.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Reputational risk	Misuse of social media leading to Council being brought into disrepute.	Low	<ul style="list-style-type: none"> • Social Media Policy. • Social Media Manual • User / Response Guides. • Training • Monitoring and pre approval process • Usage Terms and Conditions. • Administrative Power • Staff Code of Conduct • Privacy Legislation
Harassment and Bullying	Social media used to intimidate and harass	Low	
Confidential material distributed/ circulated	Dissemination of private or confidential material via Social media	Low	

Community Engagement Strategy

Engagement	Stakeholder	Activities	Date	Outcome
Consult	Section 86 Finance and Governance Committee	Section 86 Finance and Governance Committee Meeting	Sept 2014	Recommendation to take the strategy to Council and investigate how to bring forward the new website

Internal working groups have been consulting with all staff throughout the development of the Social Media Policy. A briefing note and presentation has also been made to an Assembly of Councillors.

Communications Strategy

All staff and Councillors will receive a copy of the Policy. After the trial period a report will be presented to Council.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Peter Forbes

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

Conclusion

The attached draft Social Media Policy has been developed to guide authorised users of social media in the appropriate use of social media and protect the organisation from potential misuse or harm arising from use of social media.

Recommendation:**That Council:**

1. Resolves that In accordance with Moorabool Shire Council Policy Protocol, 'Consideration of items which Affect beyond the Current Year', the following Social Media Policy (Number GD009/Version 1) as attached, now lay on the table for further consideration at the next Ordinary Meeting of Council.
2. Following favourable consideration at the Ordinary Meeting of Council in March, approves a trial of the use of social media for a six month period.
3. Receives a further report on the trial and future direction of social media at the Ordinary Meeting of Council on 2 September, 2015.

Report Authorisation**Authorised by:** **Name:** Satwinder Sandhu**Title:** General Manager Growth & Development**Date:** Friday, 30 January 2015

Attachment - Item 9.2.4

Policy No.:	GD009	<i>MSC Social Media Policy</i>
Review Date:	6 months from date of signing	
Revision No.:		
Policy Manual Version No.:		
Adopted by:		

1. Purpose and Scope of the Policy

Moorabool Shire Council recognises that social media provides new opportunities for dynamic, interactive two-way communications that complements existing communication and improves access and delivery of information and services.

The intent of this policy is to provide guidance on professional and personal use of social media platforms and tools for the purpose of conducting Council business.

In addition to paid Council employees, this policy also applies to all Councillors, contractors, agents and volunteers of Moorabool Shire Council who use social media on behalf of Council. This policy also applies to agencies and individuals who provide services to Moorabool Shire Council, and is to be included in all relevant external supplier contracts.

The policy outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct Council business. It aims to:

- Inform appropriate use of social media tools for Moorabool Shire Council;
- Promote effective and productive community engagement through social media;
- Minimise miscommunication or mischievous communications; and
- Assist Moorabool Shire Council manage the inherent challenges arising from the immediacy, access and spread of social media communication.

The policy applies to all online digital spaces collectively referred to as social media where people may comment, contribute, create, forward, post, upload and share content.

It is not possible to expressly refer to or list all the specific sites or kinds of social media outlets. The absence of a reference to a particular site or kind of social media activity does not limit the application of this policy.

This policy is not intended to apply to out of hours personal use of social media where:

- The author publishes information in their personal capacity and not on behalf of, or in association with Moorabool Shire Council; and
- No reference is made to Moorabool Shire Council, its Councillors, staff, policies and services, suppliers or other stakeholders or Council related issues.

Parties covered by this policy are reminded that their strong association with Council means comments made regarding Moorabool Shire and subjects within its jurisdiction on users personal social media accounts are unlikely to be viewed by the receiver as separate from your Council role.

Thus Council representatives are to refrain from making comment or posting material intended or likely to cause damage Council's reputation or bring it into disrepute.

2. Policy

Social Media Usage Guidelines

All users must adhere to the following while using Council Social Media accounts.

Mandatory usage principals

- Adhere to Moorabool Shire Council codes of conduct, policies and procedures;
- Behave with caution, courtesy, honesty and respect;
- Comply with relevant laws and regulations;
- Reinforce the integrity, reputation and values of Moorabool Shire Council;
- Include Council branding (available via media and communications unit); and
- Respond within timeframe stipulated in the Customer Service Charter and listed in the specific social media house rules where they exist.

Usage Guidelines

Generating and sending out content

- Seek permission before using copyright or trademark protected materials or anyone who appears in images. If asked to remove material, do so as soon as practicable.
- Limit comment to area of expertise. Stick to factual content and clearly separate personal opinions from professional ones.
- Only disseminate publicly available, non-confidential information.
- Be accurate, constructive, helpful and informative and correct errors as soon as practicable.
- Be clear about your professional identity.
- Protect your personal privacy and guard against identity theft.
- Make the content accessible to those with disabilities where ever possible

Responding to feedback

- Be courteous, patient and respectful of others' opinions, including detractors.
- Respond within the timeframe stipulated in the Moorabool Shire Customer Service Charter and listed in the house rules.
- If unsure if or how to respond, refer to the Moorabool Social Media Response Guide (Attachment A).

Media enquires via social media

Users must not respond directly if approached by media for comment. All media enquiries are to be referred to the Media and Communications Unit for action.

The Mayor and/or CEO remain the official spokesperson for the organisation for media, unless otherwise delegated (as per Item 2.6 **Dealing with Media Enquiries** from the Council Communications Framework).

Prohibited under any circumstances:

- Abusive, profane or sexual language;
- Content not relating to the subject matter of that blog, board, forum or site;
- False, misleading or deceptive content;
- Material which would bring Council into disrepute;
- Confidential information about Council or third parties;
- Use copyright or trademark protected materials;
- Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation;
- Illegal material or material designed to encourage law breaking;
- Statements which may be considered to be bullying or harassment;
- Personal details or references that may breach privacy laws;
- Material that could compromise Council, employees, community or system safety;
- Material that would breach applicable laws (defamation, privacy, trade and consumer laws, financial rules and regulations, fair use, trademarks, antibullying);
- Spam, meaning the distribution of unsolicited bulk electronic messages;
- Participate anonymously or covertly via a third party or agency;
- Publishing content in exchange for reward of any kind; and
- Endorsement of any political affinity or allegiance.

Use of personal social media at work

Personal social media needs to be managed as per the Council Code of Conduct. Use must align with the conventions established in the Internet and Email Policy regarding what is considered reasonable private use of Council or personally provided communication devices during work hours.

House Rules

In cases where user guidance on acceptable behaviour is required, social media terms and conditions of use or **house rules** are to be published on the Council social media account. Template house rules are available from the Media and Communications Unit.

3. Process

Authorisation to use Council social media accounts

Only authorised and trained users are to communicate on behalf of Council via Council's social media channels.

An approval process via the CEO or delegate is in place to obtain prior permission to communicate via the current Council social media accounts. The CEO or delegate will also review and determine requests for the creation of additional social media accounts.

Should permission be granted, usage can only commence once users have undertaken training in social media (training provided via Media and Communications Unit).

Monitoring of Council Related Social Media

A triage system managed by representatives from Customer Service and Media and Communications Units is in place to monitor enquires received via Council's primary corporate and secondary social media accounts. They will allocate referrals to other staff from Council's primary corporate accounts as required.

Specialist technology to monitor references about Council and its operations on publicly available non-Council approved social media account is in place to track what is being communicated, and to intervene as required.

Trained authorised users of an approved secondary social media account can respond directly to inbound enquires directly. They can also send out relevant information specific to their role and expertise.

Record Keeping

Important content published or communicated by or on behalf of Moorabool Shire Council using social media must be recorded (including the author's name, date, time and media site location) and kept on record. Users are required to take a screen shot of the content and store it in the corporate records management system.

If you have any doubt about applying the provisions of this policy, check with the CEO or delegate before using social media to communicate. Depending on the nature of the issue and potential risk, it may also be appropriate to consider seeking legal advice.

Enforcement

This policy will be published and circulated to councillors, staff, volunteers and contractors of Moorabool Shire Council

Moorabool Shire Council reserves the right to remove, where possible, content that violates this policy or any associated policies.

Claims of a social media policy breach are initially assessed by the user's manager and/or the Manager of Economic Development and Marketing.

If deemed in breach, the offending content will be removed/amended as soon as practicable and the user educated on appropriate use.

Breaches of the policy may result in disciplinary action, performance management and review. If the breaches are persistent, the user's access rights may be revoked until Council's standard disciplinary processes have made a determination on the appropriate action. The most serious breaches may result in termination of employment, association and/or reporting of the user's actions to the relevant authority for further action.

4. Related Legislation/Policies/Guidelines

Legislative and Policy Framework

Employees of Moorabool Shire Council are expected to demonstrate standards of conduct and behaviour that are consistent with relevant legislation and the Moorabool Shire Council's Code of Ethics and Conducts Policy

5. Council Plan Reference – Key Performance Area

Key Result Area: Representations and Leadership of our Community.

Objective: Leadership through best practice community engagement.

Strategy: To make well-informed decisions based on input from the community and other key stakeholders through effective community engagement

Objective: Provide quality customer services that respond to the needs of our whole community

Strategy: Explore option for online service delivery, particularly using the National Broadband Network (NBN).

6. Review

This policy will be initially reviewed in six months, and from there on, reviewed every two years from the date of adoption.

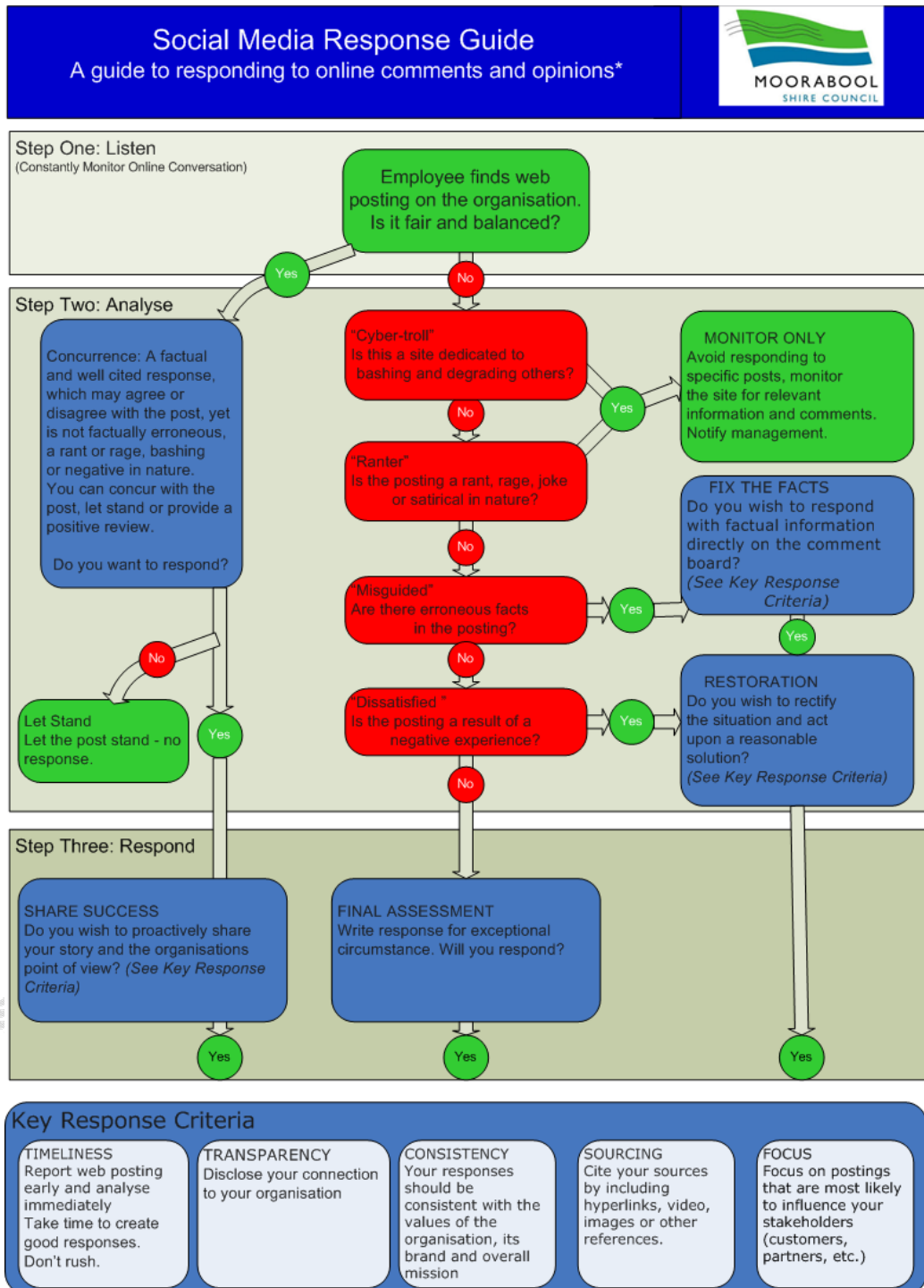
7. References

- Audit Act 1994 (Vic)
- Australian Standards in Records Management
- AS4390 (Parts 1 – 6) Copyright Act 1968 (Cth)
- Electronic Transactions Act 2000
- Evidence Act 1958 (Vic)
- Freedom of Information Act 1982 (Vic)
- Information Privacy Act 2000 (Vic)
- Local Government Act 1989 (Vic)
- Privacy Act 1988 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Public Records Act 1973 (Vic)
- SPAM Act 2003 (Cth)

- Telecommunications Act 1997 (Cth)
- Standard for the Management of Electronic Records (PROS 99/007)
- Crimes Act 1958 (Vic) (eg anti-bullying provisions)
- Defamation Act 2005 (Vic)
- Fair Trading Act 1999 (Vic)
- Fair Work Act 2009 (Cth)
- Equal Opportunity Act 2010 (Vic)
- Australian Human Rights Commission Act 1986 (Cth)
- Racial and Religious Tolerance Act 2001 (Vic)
- Wrongs Act 1958 (Vic)
- Council Plan 2013-2017
- Customer Service Charter 2013
- Moorabool Shire Council Communications Framework 2012
- Moorabool Community Broadband and Telecommunications Strategy 2010
- Moorabool Shire Council Internet & email acceptable use policy 2009
- MAV template Social Media Policy 2010

Dept	Economic Development and Marketing
MSC	Moorabool Shire Council

Appendix A: Moorabool Shire Social Media Response Guide



9.3 COMMUNITY SERVICES

9.3.1 Draft Moorabool Youth Charter

Introduction

File No.: 12/12/002
Author: Troy Scoble
General Manager: Danny Colgan

Background

This item was presented to the Ordinary Meeting of Council held on 3 December 2014. At the meeting, the Council resolved that the Moorabool Youth Charter lay on the table and be presented at the next Ordinary Meeting of Council.

The policy protocol relating to the consideration of items which affect beyond the current year is applied for consideration of matters whose impact or influence will extend to directly affect the activities and/or financial planning of Council for a period beyond the term of the Current Council Budget, and whether relating to Council policy pronouncements or specific projects.

The Council adopted the 2013 . 2016 Youth Strategy at its meeting in December 2013. The strategy recommended a range of new initiatives aimed at promoting youth engagement and acknowledging young people and the contributions they make to the Moorabool community.

A key recommendation of the Strategy was the adoption of a Youth Charter as a vehicle to support Council in the engagement of young people on issues that affect them in the municipality and the establishment of a Youth Action Group to partner and support officers with a range of projects identified in the Strategy.

A Youth Action Group has been formed to partner and support Council and provide direct opportunities for young people to inform Council's decision making processes. The Youth Action Group consists of 14 young people aged between 12 to 23 years who live, work, and study or have other significant connections with Moorabool Shire. This group has been the key driver in the development of the draft Youth Charter

The purpose of this report is to present the draft Moorabool Youth Charter for adoption.

Proposal

The draft Youth Charter outlines:

- The role and membership of the Youth Action Group;
- Key issues to be addressed for young people in the Shire including the need to engage young people on key issues that impact them; and
- A commitment from Council to engage with young people, celebrate and promote the achievements of young people.

The draft Youth Charter is a simple user friendly document that promotes a clear platform for Council and young people to ensure engagement opportunities on key issues.

The young people involved in the development of the Charter believe the document provides a clear communication platform for Council and young people which will promote positive outcomes for young people in the community.

The Youth Action Group sought support from a professional graphic artist to undertake the design and layout of the Youth Charter to ensure that it is easy to read and will attract the interest of the broader community.

It is proposed that Council adopts the Moorabool Youth Charter as contained in Attachment 10.3.1.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Inclusive, responsive and accessible community service
Strategy	Advocate, support and deliver youth development programs and services in partnership with other agencies.

The Draft Moorabool Youth Charter is consistent with the 2013-2017 Council Plan and the 2013 . 2016 Moorabool Youth Strategy.

Financial Implications

The implementation of the Youth Charter has no specific financial implications that have not been budgeted for, however officers will continue to source funding and resource opportunities both internally and externally including collaborative partnerships with other service providers to implement and develop the Youth Charter in the future.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community / Youth needs	No dialogue between Young people and Council	High	Implementation of Youth Action Group and subsequent establishment of Youth Charter - Charter to be reviewed annually

Financial	Funding required to progress actions	Low	Make provision in Youth services budget. Continue to seek external funding options.
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Communications and Engagement Strategy

In accordance with Council's Community Engagement Policy and Framework, Youth Services and members of the Youth Action Group undertook community engagement to inform the development of the Youth Charter. This engagement included:

- face to face meetings with 160 young people;
- discussions with external agency staff; and
- engagement of young people using social media.

Feedback received throughout the engagement processes informed the development of the Draft Youth Charter.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Troy Scoble

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

Conclusion

Consistent with recommendations of Council's Youth Strategy, as a vehicle to support Council in the engagement of young people on issues that affect them in the municipality, a Youth Charter has been developed by the Moorabool Youth Action Group.

To develop the charter, young people have engaged with other young people in the community using a variety of mechanisms. The Charter is a simple, easy to read document that provides the mechanism to ensure meaningful and informed dialogue between young people and Council on issues that affect them.

Having resolved on the 3 December 2014, that the charter lay on the table for further consideration and adoption at the next Ordinary Meeting of Council, the Moorabool Youth Charter is now placed before the Council for adoption.

Recommendation:

That Council, in accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, now adopts the Moorabool Youth Charter that promotes a clear platform for Council and young people to ensure engagement opportunities on key issues.

Report Authorisation

Authorised by: 

Name: Danny Colgan
Title: General Manager Community Services
Date: Wednesday, 14 January 2015

Attachment - Item 9.3.1

Youth Charter

of Moorabool shire



Courtesy of The Moorabool News

The Youth Action Group (YAG) are a group of young people who work in partnership with Moorabool Shire Council to provide advice on issues that affect local young people.

YAG gives young people a voice to improve our community and have developed this Youth Charter to help achieve this. This Youth Charter informs Council of our expectations and outlines Council's commitment to meeting our needs within the community.

Young people want

- * To have a say and have our ideas valued
- * To be consulted with and contribute to decision-making processes within Council on issues that impact local youth
- * Activities and events to participate in
- * Recognition for youth achievements
- * A safe community
- * A place where young people can express their creativity and culture
- * A multi-use youth space



Council will

- * Consult with young people through YAG on issues concerning them
- * Celebrate and promote the achievements of young people by holding annual Youth Awards
- * Provide funding and support for youth-led events and programs
- * Continue to facilitate provision of public places to give young people a place to meet and have fun

Youth Charter

of Moorabool shire

What is a Youth Charter?



The Moorabool Shire Youth Charter was developed by the Youth Action Group in consultation with the wider youth population. The Charter is designed to inform Council of the needs of local young people in the community, and seeks Council's commitment to provide support and services to young people. The Charter will actively involve young people in decision making processes to ensure that their voices are heard and their needs are met.

How was the Youth Charter Developed?

The Moorabool Shire Youth Charter was developed by the Youth Action Group (YAG)

The Youth Action Group (YAG) is comprised of 15 young people aged between 12 – 23 years. YAG created the Youth Charter to support Council in the delivery of the Moorabool Shire 2013 – 2016 Youth Strategy, which seeks to provide young people with opportunities to engage in the decision making of Council.

YAG undertook research and consulted with over 160 local young people over a 3 month period, to discover what young people need and how they believe Council can assist in response to those needs within the community.

During this time YAG met on a regular basis (both face to face and online) and were actively involved in all aspects of the development of the Youth Charter.



Why does Moorabool Shire need a Youth Charter?

Consultation with local young people outlined the need for Council to commit to involving young people in the planning and decision making regarding issues that affect them. This is supported by the Moorabool Shire 2013 – 2016 Youth Strategy, Recommendation 14 "That Council establish a mechanism to assist young people to develop a Youth Charter which enables them to have a dialogue on issues that impact on them with all directorates of Council."

The Youth Charter gives young people a voice and enhances their community connectedness while highlighting Council's dedication to youth engagement.

The Youth Action Group will review the Youth Charter annually to ensure that it responds to the regular changing needs of the community and Council, and reflects priorities based on ongoing consultation.

9.3.2 Moorabool Recreation and Leisure Strategic Advisory Committee – Appointment of Councillor

Introduction

File No.: 12/09/021
Author: Troy Scoble
General Manager: Danny Colgan

The purpose of the report is to recommend that Council appoint a Councillor to the Moorabool Recreation and Leisure Strategic Advisory Committee.

Background

At the Ordinary Meeting of Council held on 6 August 2014, the Council resolved to establish the Moorabool Recreation and Leisure Strategic Advisory Committee and to appoint three Councillors for membership of the Committee including the Committee Chair. At the meeting, the Council appointed Councillors Edwards, Spain and Toohey. At the Ordinary Meeting of Council held on 3 December 2014, Cr Toohey resigned his position on the Committee.

Proposal

The Moorabool Recreation and Leisure Strategic Advisory Committee will provide strategic advice into the planning and provision of recreation and leisure services and facilities across the municipality.

The adopted terms of reference for the Committee provides for the appointment of three Councillors to the Committee.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Leadership through best practice community engagement
Strategy	Pursue strategic alliances, stakeholder forums and advisory committees that assist Council in policy development and service planning.

The Moorabool Recreation and Leisure Strategic Advisory Committee is consistent with the 2013-2017 Council Plan.

Financial Implications

The resourcing of the Moorabool Recreation and Leisure Strategic Advisory Committee will be undertaken within existing resources.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Advisory Committee Governance Requirements	Inefficient operation of the Advisory Committee	Low	Implement Advisory Committee terms of reference

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Troy Scoble

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

Conclusion

The Moorabool Recreation and Leisure Strategic Advisory Committee will provide opportunities for community input into the planning and provision of recreation and leisure services and facilities across the municipality.

Recommendation:

That Council appoint Cr _____ to the Moorabool Recreation and Leisure Strategic Advisory Committee.

Report Authorisation

Authorised by:

Name:

Danny Colgan

Title:

General Manager Community Services

Date:

Wednesday, 14 January 2015



9.3.3 Statement of Commitment to Indigenous People

Introduction

File No.: 06/03/004
Author: Kate Diamond-Keith
General Manager: Danny Colgan

Background

The purpose of this report is to present the Statement of Commitment to Indigenous People for adoption by the Council, following a community engagement process.

At the Ordinary Council Meeting on 3 December 2014, Council resolved to: endorse ~~the~~ principle+ the Draft Statement of Commitment to Indigenous People for the purposes of public exhibition for a period of eight (8) weeks; and receive a further report at the conclusion of the exhibition period.

The aims of the Statement of Commitment are to:

- Demonstrate recognition through acknowledgement of traditional owners at meetings and events,
- Permanently fly the aboriginal flag at Council offices
- Encourage greater understanding, acknowledgement, respect, inclusion of and opportunities for the Aboriginal and Torres Strait Islander people residing in the Moorabool Shire.

Officers have undertaken community engagement on the draft policy in accordance with the Council resolution.

A summary of the feedback received through the community engagement is provided below:

- The majority of responses provided positive feedback about the policy
- There were some suggestions for wording changes, including a definition of the names of the traditional owners and also Option 1 acknowledgement to include ~~Elders~~ Past and Presentq
- Support for cultural training for all staff
- Continued support for days of significance i.e. NAIDOC Week, Reconciliation.

This feedback has been incorporated into the revised Statement of Commitment.

The Council currently does not have any Policy or Commitment Statement to Indigenous people in the Moorabool community. The Council has supported Indigenous events in the past two years, including Reconciliation Week and NAIDOC week.

Proposal

The Statement of Commitment as contained in **Attachment 9.3.3a** comprises a statement of purpose and scope as well as the proposed statements of acknowledgment. The Policy also includes a proposal to fly the Aboriginal flag at Council offices, as well as outlining the Council's commitment to Indigenous people in the Moorabool community. It is proposed that following the community engagement process, that the Council adopts the Statement of Commitment to Indigenous People.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Community Self Reliance
Strategy	Provide community development support and partnership projects.

The proposal Statement of Commitment to Indigenous People is consistent with the 2013-2017 Council Plan.

Financial Implications

The policy has been developed within existing budgetary allocations as will the implementation of the policy if adopted.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Request from Indigenous Community to fly the Aboriginal flag	A policy is required to provide a statement on Council's commitment to Indigenous people, including flying the Aboriginal flag.	Medium	Implement the Policy

Communications and Consultation Strategy

The following community engagement was undertaken, in accordance with the Council's Community Engagement Policy and Framework. A summary of the feedback received is contained in **Attachment 9.3.3b**.

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Indigenous community members	Consultation on Policy draft	Various	December 2014	Response provided
Consult	Community Members	Have Your Say	Various	December /January	5 responses 89 visits to site 253 page views
Collaborate	Community Members	Display policy in libraries for comments	Various	Dec 2014	Policy displayed

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Kate Diamond-Keith

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

Conclusion

The development of a Statement of Commitment to Indigenous People is in response to a resolution of Council and also feedback from Moorabool community members. The Policy outlines proposed statements of commitment by the Council to the indigenous community as well as statements of acknowledgement and a proposal to fly the Aboriginal flag at Council offices.

Recommendation:

That Council:

1. **Adopts the Statement of Commitment to Indigenous People.**
2. **Promotes the Statement of Commitment to Indigenous People to the community on the Council's website and that copies be available at the Council offices and Lerderderg Library.**

Report Authorisation

Authorised by:



Name:

Danny Colgan

Title:

General Manager Community Services

Date:

Wednesday, 21 January 2015

Attachment - Item 9.3.3(a)

Policy No.:	HS009	<i>HS009– Statement of Commitment to Indigenous People</i>
Review Date:	2016/17	
Revision No.:		
Policy Manual Version No.:		
Adopted by:		Date: February 2015

1. Purpose and Scope of the Policy

The Moorabool Shire Council (Council) has developed this policy in recognition of the Aboriginal people as the original owners and custodians of this land and waters and as a positive step on the path to reconciliation.

The purpose of this policy is to demonstrate recognition through acknowledgement of traditional owners at meetings and events, permanently fly the Aboriginal flag at council offices and a statement of commitment to the Indigenous community.

It is intended that this Policy will encourage greater understanding, acknowledgement, respect, inclusion of and opportunities for the Aboriginal people residing in the Moorabool Shire.

2. Definitions

Elder/s - The traditional meaning of an Aboriginal Elder is someone who has gained recognition within their community as a custodian of knowledge and lore, and who has authority to disclose cultural knowledge and beliefs.

Traditional Owners - Wadawurrung and Wurundjeri Tribes

3. Policy Statement

3.1 ***Council will acknowledge the Traditional Owners of this land through a statement of acknowledgement read at the commencement of:***

Council meetings: Ordinary Meetings of Council

Public meetings: all meetings organised by Council officers where external agencies or members of the public are present

Events: all public events organised and run by Council officers

The following options are respectful statements of acknowledgement and suit different situations:

Option 1 (suited to a Council meeting, public meeting or event)

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

~~We~~ respectfully acknowledge the traditional owners of this land, their Elders past and present.+

Option 2 (suited to a public meeting or event where Elders are known to be present)

We acknowledge the traditional owners of this land and pay our respects to their Elders and all Elders present here tonight/today+

Option 3 (Suited to an event)

We acknowledge the traditional owners of this land and pay our respects to their Elders past and present and to all Aboriginal and Torres Strait Islander people living in our community today.+

3.2 Council will fly the Aboriginal Flag at Council offices to acknowledge the Traditional Owners.

In recognition of the Aboriginal people as the first Australians, Council will fly the Aboriginal flag alongside the Australian, Victorian and Moorabool flags in line with flag flying protocols.

At the request of a relevant Aboriginal community organisation, Council will fly the flag at half-mast to mark the passing of an esteemed local Elder.

4. Commitment

Moorabool Shire Council is committed to:

- the preservation of Aboriginal cultural heritage in a way that is sensitive to and respects the dignity and protocols of the local Aboriginal community;
- promoting education to enhance the understanding and awareness of Aboriginal heritage and the needs of the Moorabool Aboriginal community;
- ongoing consultation with the Aboriginal community of Moorabool in order to ensure cultural sensitivity and inclusion in social and community planning;
- developing and promoting Aboriginal involvement in local events and celebrations of local and regional significance which respects the dignity and protocols of the local Aboriginal community;
- supporting the aspirations of Aboriginal Australians and consulting when making decisions that affect their rights and interests;
- advocacy in partnership with the Aboriginal members of our community to ensure the principles and commitments of this statement are upheld;
- supporting appropriate programs and activities that demonstrate our ongoing commitment to Aboriginal issues and programs;
- protecting significant cultural heritage sites past and present;
- consulting with the Aboriginal community in the appropriate use of traditional place names; and
- closing the gap in disparities between Aboriginal and non-Aboriginal people in areas of health, employment, education, housing, social and emotional wellbeing and justice.
-

5. Review

This policy will be reviewed every three years.

6. References

(example)

Dept	Community Services
MSC	Moorabool Shire Council

Attachment - Item 9.3.3(b)

Attachment 2: Statement of Commitment to Indigenous People - Community Engagement Feedback

Contact	Feedback	Officer Response
Djerriwarrh Health Services . Indigenous Groups	Supportive of the Council commitment and support the policy, with the provisions that talk is translated into action.	Thank you for the response.
Have Your Say Submission Dr Christina Eira Community Linguist, Victorian Aboriginal Corporation for Languages (and Moorabool Resident)	<ol style="list-style-type: none"> 1. I commend the Council for its move to develop an Indigenous Policy statement. 2. I assume that this Statement is being developed in consultation with local Aboriginal people, especially the Wadawurrung and Wurundjeri nations (the content of the draft indicates that this is in place). 3. The Language Centre that I work for has good relationships with key individuals and organisations of those nations, and the Council is more than welcome to use us another resource, particularly where Language is concerned. We can be contacted at info@vaclang.org.au or 96003811. Information about our organisation is available at www.vaclang.org.au. 4. My response to the Draft Indigenous Policy Statement is very positive on the whole. The intention of the document appears sound and forward-looking. It addresses some basic points (acknowledgement, flag) directly, and provides considerable potential for ongoing development of strong relationships and working policies for the future in the Commitments section. I have two small points about wording: <ol style="list-style-type: none"> a) Definitions: Elder/s ... 'who has permission to disclose cultural knowledge and beliefs.' 'Permission' should be changed to 'Authority'. It is the Elders who decide whether such disclosure is appropriate; they are not given permission by someone else. b) Acknowledgment: 'Option 1 (suited to a Council meeting, public 	<p>Thank you for the response.</p> <p>2. Yes the policy has been developed in consultation with local Aboriginal People</p> <p>4. (a) Definition changed to reflect feedback. (b) Additional option included to reflect feedback.</p>

	<p>meeting or event) “We respectfully acknowledge the traditional owners of this land, their spirits and ancestors.” While this option is ok, it is generally preferable to acknowledge 'Elders past and present' as in Option 3, regardless of the presence or otherwise of Elders on a given occasion. I'm not sure why this phrase would not be included as standard.</p>	
Have Your Say	<p>I strongly object to recognising any group of people as "owners" of our land, as all previous people who have lived & worked our land were "custodians". We are all custodians of this land while alive and do not need recognising in any formal manner. I therefore object to 3.1 and 3.2 of the draft. The only flag flying on Government offices should be the Australian flag. It is the flag of all people in this country. While any such formal acknowledgements are mere words only, I do agree with the principles suggested in section 4. We should do all we can to remember & protect the past that has made Australia what it is. Some actions & events in the past were inhumane to Aboriginal & non- Aboriginal inhabitants of Australia and therefore difficult to admit to, but they are the facts of our past and not to be ignored. We should consult with ALL local residents of Moorabool when making any decisions that affect our interests. The Aboriginal community are part of Moorabool's residents, just as I am, therefore we all should be treated equally.</p>	<p>Whilst officer respect the views of the respondent, this view is not consistent with the majority of the feedback received and therefore no changes have been made to reflect this feedback.</p>
Have Your Say - Chris Huculak	<p>As a non-indigenous resident of Darley I warmly welcome this initiative and all its recommendations. It recognises and is respectful of Shire's Aboriginal and Torres Strait Islander citizens and brings the council into line with common practice elsewhere in Victoria. I see this policy as a firm foundation for future work which should include the Council requiring statements of impact on Aboriginal and Torres Strait Islander residents for key council policies.</p>	<p>Thank you for the response.</p>
Have Your Say	<ol style="list-style-type: none"> 1. I think the policy should state the names of the traditional owners; Wurundjeri and Watharong. 2. Council should have a commitment to the provision of Aboriginal Cultural awareness training to all Council staff on an ongoing basis. 3. I think there should be a commitment for Council to acknowledgement, support and perhaps participate in days/weeks of significance; i.e. Reconciliation Week, NAIDOC Week and Sorry Day 	<ol style="list-style-type: none"> 1. Definition added to include this information. 2. This is supported by the Council's Health and Wellbeing Plan and will be implemented in year 4 of the Plan. 3. The Council currently has a commitment to support these days of significance and supports events i.e. NAIDOC

		Week events.
Have Your Say . Tonia Dudzik	<p>I congratulate Council for the new draft Indigenous policy. It has been a long time coming for the community. I have spoken to many Aboriginal and Torres Strait Islanders who live in Moorabool and the request for the Indigenous flags to be flown at the Council Offices and in Main Street all the time has been made multiple times. Flying the flags is a sign of respect for the traditional owners of our land and it is time that Moorabool joined many other Shires in Australia in demonstrating this respect. A six year old aboriginal boy once told me at Church how his grandma had told him the history of Bacchus Marsh. How family members had been killed by the white man. This boy asked why Council does not fly the Aboriginal flag. We cannot fix the past but we can have the respect to acknowledge it. Flying the Indigenous flags and indigenous greetings at Council Meetings and events are positive ways Council can acknowledge the past, joining indigenous and non-indigenous communities together towards a positive future.</p>	Thank you for the response.

9.4 INFRASTRUCTURE SERVICES

9.4.1 Capital Improvement Program Quarterly Report - December 2014

Introduction

File No.: 16/01/001
Author: Sam Romaszko
General Manager: Phil Jeffrey

Background

The delivery of the Capital Improvement Program (CIP) is an important function of Council's operations and represents a significant portion of Council's overall expenditure. Accordingly, the status of the overall program is reported to Council every quarter.

Proposal

This quarterly report provides Council with an overview of the progress of Council's 2014/2015 Capital Improvement Program to 31 December 2014.

Implementation of the 2014/2015 Capital Improvement Program

The 2014/2015 Capital Improvement Program currently consists of 74 projects, of which 12 are inactive and cannot commence. Therefore the table below reports on the 62 active projects in terms of percentage. This number will be adjusted throughout the year as other projects become active.

This list incorporates projects from various sources including but not limited to the following:

- Projects carried forward from 2013/2014 program
- 2014/2015 Council budgeted projects
- Grant funded projects

Also for simplicity sake the reseal, final seal, gravel road resheet and shoulder resheet programs have been listed as 4 projects in total rather than listing each individual road under each respective program.

The Engineering Services Unit nominates 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status. The table below summarises the overall program status as at 31 December 2014:

CIP Program Delivery Stage	Actual as of 31 December 2014	
	No. of Projects	%
Not Commenced (inactive)	12	-
Not Commenced	2	3.3
Documentation/Design Preparation	12	19.4
Tender/Quote Stage	11	17.7
Project Awarded . Waiting Commencement	9	14.5
In Progress/Under Construction	19	30.6
Complete	9	14.5
TOTAL	62	100.00

The attached report details the proposed timeframe and progress of each individual project. In addition the report also provides specific comments in relation to each project and its status.

Program Status

At this stage of the financial year the program is generally tracking as scheduled. 15% of the program is complete with a majority of projects in the in progress/under construction phase.

There are a number of major projects that are scheduled for procurement in February that will see construction commence in late March 2015.

In terms of the Maddingley Park Lifestyle Fitness Circuit project, indications from Maddingley Park Committee of Management is that the project is no longer required at the reserve. External funding has been received for this project and officers will need to check with funding bodies if the project can be relocated to another location such as Moon Reserve.

Project Additions

Funding for the following projects was officially received this quarter changing the status for these projects below from inactive to not commenced or documentation/design preparation phases.

- Lal Lal Public Hall
- Gordon Public Hall
- Mt Egerton Public Hall
- Gordon Public Tennis Court Reconstruction

These projects are currently in the design preparation phase with detailed design in progress. Following completion of design, stakeholder signoff, permits and procurement will take place with construction then scheduled accordingly. Given the funding announcements for these projects were received in late 2014, it is anticipated that delivery will occur late into the financial year.

Local Facilities for Local Clubs program

Further to the project additions above, applications for funding have recently been made for two projects through the Local Facilities for Local Clubs program following a Council resolution on 03 September 2014. Two projects formed part of the resolution being:

- Masons Lane Athletics Development project
- Elaine Recreation Reserve Multipurpose Court Development project

Officers submitted applications for both projects, with advice received that the Masons Lanes project has been successful. This project has been added to the 2014/15 Capital Improvement Program and scheduled for delivery this financial year. The Elaine project is still pending.

Inactive Projects

Of the 74 projects identified in this year's program there are 12 inactive projects. An overview is provided below and each is listed individually under one heading in the attached report;

- 9 projects are subject to external funding and cannot commence until successful matching grants are obtained.
- 2 projects are currently on hold pending completion of detailed design phases and a further funding allocation.
- Although funding has been officially received, the Bacchus Marsh Public Hall project is on hold following a request from the Committee of Management to delay construction until mid June. This will ensure major events booked in April and early June will not be impacted by the works.

Policy Implications

The 2013-2017 Council Plan provides as follows:

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

The Capital Improvement Program reporting is consistent with the 2013-2017 Council Plan.

Financial Implications

Reporting of the Capital Improvement Program has been resourced as part of Council's budget; accordingly there are no additional financial implications. At this point in time, the program is within budget parameters.

Risk & Occupational Health & Safety Issues

There are no irregular Risk and Occupational Health and Safety issues identified in this report. Specific risk elements are analysed and dealt with as part of the delivery of each individual project.

Communications Strategy

Progress on the Capital Improvement Program will be reported in the following formats:

- | | |
|--|-------------|
| • Infrastructure update on active projects | Weekly |
| • Update on major projects | Monthly |
| • Moorabool Matters | Bi Monthly |
| • Moorabool News | As required |
| • Report to Council | Quarterly |

Specific projects are communicated to the community and affected residents as required through a range of methods including but not limited to advertisements, mail outs and letter drops.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Sam Romaszko

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

Conclusion

This report provides a summary of the progress of the Capital Improvement Program for the second quarter of the 2014/2015 period for the information of Councillors.

Recommendation:

That Council receives the Capital Improvement Program quarterly report to 31 December 2014.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday, 28 January 2015



Attachment - Item 9.4.1




2014/15 Capital Improvement Program Quarterly Report December 2014

BUDGET LEGEND

- Currently on or under budget
- Currently within 10% of allocated budget
- In excess of 10% of budget allocation


SEALED ROADS PROGRAM

Elaine-Morrisons Road, Morrisons
From Ch6340 to Ch7340m **Budget \$** 820,000

Task	Start Date	End Date	Complete	Budget Status
Road rehabilitation and safety improvements	23-Feb-16	17-Apr-15	0%	


Tenders recently closed and evaluation is currently in progress, with commencement anticipated for February 2015.

Bacchus Marsh-Balliang Road, Balliang
From Ch13335 to Ch13420m - At intersection with Lees Road **Budget \$** 90,000

Task	Start Date	End Date	% Complete	Budget Status
Lees Road intersection improvements and patching	02-Mar-15	30-Mar-15	0%	


Design works have been awarded to CRE Consultants and are currently underway with commencement of construction anticipated for March 2015.

Springbank Road, Springbank (preplanning)
From Ch7485 to Ch7545m - At intersection with Ormond Road **Budget \$** 30,000

Task	Start Date	End Date	% Complete	Budget Status
Ormond Road intersection improvements - preplanning allocation	28-Jul-14	27-Feb-15	80%	


Project was awarded to Smith Civil Design. Preliminary design is complete, with final design anticipated for completion in March 2015.

Clarkes Hill Road, Clarkes Hill (preplanning)
From Ch3485 to Ch4530m **Budget \$** 30,000






Task	Start Date	End Date	% Complete	Budget Status
Road rehabilitation - preplanning allocation	21-Jul-14	13-Feb-15	90%	


Project was awarded to Techrds Design. Plans are complete, with specification anticipated for completion in February 2015.



Egerton-Ballark Road, Mt Egerton (preplanning)
From Ch5320 to Ch6013m **Budget \$** 30,000

Task	Start Date	End Date	% Complete	Budget Status
Road rehabilitation - preplanning allocation	21-Jul-14	02-Mar-15	50%	

Project has been awarded to TAC Design. Plans are complete with specification anticipated for completion in February 2015.

Links Road, Darley From Ch0 to Ch495m - Albert St to Manning Blvd				Budget \$	40,000
Task	Start Date	End Date	% Complete	Budget Status	
Rehabilitation of isolated locations	15-Feb-15	15-Mar-15	0%		
Project is currently out to tender and will close in January 2015.					
Butter Factory Road, Gordon From Ch950 to Ch1150m				Budget \$	50,000
Task	Start Date	End Date	% Complete	Budget Status	
Pavement widening	02-Feb-15	03-Apr-15	0%		
Design works are currently in progress with construction scheduled to commence in February 2015.					
Fisken Street, Bacchus Marsh From Ch0 to Ch20m - At intersection with Main Street				Budget \$	12,500
Task	Start Date	End Date	% Complete	Budget Status	
Asphalt overlay	19-Jan-15	30-Jan-15	0%		
Project is currently out to tender and will close in January 2015.					
Halletts Way, Darley From Ch1445 to Ch1515m - Roundabout in Grey Street				Budget \$	60,000
Task	Start Date	End Date	% Complete	Budget Status	
Pavement rehabilitation and asphalt overlay	01-Apr-15	30-Apr-15	0%		
Project is currently out to tender and will close in January 2015.					
Masons Lane, Bacchus Marsh From Donald Street to Simone Road				Budget \$	35,000
Task	Start Date	End Date	% Complete	Budget Status	
Asphalt overlay to compliment kerb & channel replacement in 13/14	01-Oct-14	29-Dec-14	100%		
Project was awarded to Elite Roads and completed in mid November.					

Holts Lane, Darley From Ch2800 to Ch2300m				Budget \$	420,000
Task	Start Date	End Date	% Complete	Budget Status	
Road rehabilitation and widening	12-Jan-15	15-May-15	100%		
Project was awarded to Corrib Drainage and completed in December.					
Blakeville Road, Ballan From Ch300 to Ch2270m				Budget \$	675,000
Task	Start Date	End Date	% Complete	Budget Status	
Road rehabilitation	15-Sep-14	19-Jan-15	85%		
Project is being carried out by the Operations Department. Works are currently in progress and scheduled for completion in January 2015.					
Spencer Road, Ballan From Cowie Street to Densley Street				Budget \$	350,000
Task	Start Date	End Date	% Complete	Budget Status	
Road rehabilitation	20-Jan-15	13-Apr-15	0%		
Project will be carried out by the Operations Department and is scheduled to commence in January 2015.					
Spargo Creek Road, Barkstead From Ch7500 to Ch9280m				Budget \$	559,000
Task	Start Date	End Date	% Complete	Budget Status	
Road rehabilitation and widening	03-Mar-15	30-Apr-15	0%		
Project has been awarded to Fulton Hogan Pty Ltd, with commencement anticipated for March 2015.					
Halletts Way/O'Leary Way Southern Extension - Design Connor Street to Stonehill Estate				Budget \$	431,000
Task	Start Date	End Date	% Complete	Budget Status	
Design	14-Jan-14	30-Jun-15	20%		
Preliminary design is now complete, with the detailed design component awarded to SMEC. Completion of the detailed design phase is scheduled for June 2015.					

Halletts Way Northern Extension Ramsay Crescent to Albert Street				Budget \$ 500,000
Task	Start Date	End Date	% Complete	Budget Status
Road Construction	01-Jul-14	31-Dec-15	10%	
<i>A consultant has been engaged to complete the detailed design of Council's section. Subject to continued developer commitment, construction could commence as early as March 2015.</i>				
Yankee Flat Road / Navigators Road Intersection				Budget \$ 52,000
Task	Start Date	End Date	% Complete	Budget Status
Intersection improvements - Black Spot Program	19-Jan-15	27-Mar-15	0%	
<i>Design works were awarded to Driscoll Engineering. Design works are in progress with construction anticipated to commence in March 2015.</i>				

RESEAL PROGRAM

Reseal Contract - various locations **Budget \$** 996,620

Task	Start Date	End Date	Complete	Budget Status
Reseal works on various roads	01-Feb-15	15-Mar-15	0%	

The Reseal Contract consists of 80 locations covering 47km. These works have been awarded to Sparyline and are scheduled to commence in February 2015.

Final Seals - various locations **Budget \$** 128,534

Task	Start Date	End Date	Complete	Budget Status
Final Sealing of roads throughout the Shire	01-Feb-15	15-Mar-15	0%	

These works have been awarded to Sparyline and are scheduled to commence in February 2015. (The roads include: Blakeville Road, Yendon-Egerton Road, Foxes Lane, Old Melbourne Road and Westcotts Road.)

SHOULDER RESHEETING PROGRAM

Shoulder Resheeting Program - various locations **Budget \$** 302,260

Task	Start Date	End Date	Complete	Budget Status
Resheeting of road shoulders throughout the Shire	01-Mar-15	17-Apr-15	0%	

Project will be carried out by the Operations Department and is schedule to commence in March 2015. The program consists of 10 roads covering 17km.

- Bacchus Marsh-Balliang Road, Rowsley - Not commenced
- Bacchus Marsh-Balliang Road, Balliang - Not commenced
- Reids Road, Rowsley - Not Commenced
- Austins Road, Elaine - Not Commenced
- Bamganie Road, Elaine - Not commenced
- Harbours Road, Yendon - Not commenced
- Mount Blackwood Road, Mymiong - Not Commenced
- Powells Road, Clarkes Hill - Not Commenced
- Yendon No 2 Road, Scotsburn - Not Commenced

UNSEALED ROADS PROGRAM

Gravel Road Resheeting Program Budget \$ 685,650

Task	Start Date	End Date	Complete	Budget Status
Resheeting of gravel roads through the Shire	17-Nov-14	17-Apr-15	0%	

Project will be carried out by the Operations Department and is scheduled to commence in January 2015. The program consists of 13 roads covering 18km.

- Agars Road, Balliang East - Not Commenced
- Atchison Road, Morrisons - Not commenced
- Bakes Road, Cargerie - Not Commenced
- Bobbys Lane, Bullarto South - Complete
- Eaglehawk Road, Lal Lal - Not Commenced
- Elaine-Egerton Road, Morrisons - Not Commenced
- Horsehill Road West, Elaine - In Progress
- Kingfisher Drive, Lal Lal - In Progress
- Long Point Road, Myrniong - Not Commenced
- Moretons Road, Balliang East - Not Commenced
- Orrells Road, Elaine - Not Commenced
- School Road, Balliang East - Not Commenced
- Sharkeys Road, Balliang East - Not Commenced

BRIDGES & CULVERTS PROGRAM

Lees Road, Balliang East Budget \$ 250,000
Over Little River

Task	Start Date	End Date	Complete	Budget Status
Replacement of timber bridge with concrete structure	19-Jan-15	10-Apr-15	0%	

This project is currently in the design phase and will be delivered by the City of Greater Geelong. Council is contributing funds toward the replacement of the project in accordance with Council's Boundary Agreement.


Spargo Creek Road, Springbank Budget \$ 140,000
Over Moorabool River

Task	Start Date	End Date	Complete	Budget Status
Concrete deck overlay and strengthening	19-Jan-15	13-Mar-15	0%	

Tender evaluation is currently in progress with commencement anticipated for February 2015

PATHWAYS


DDA Upgrade Program **Budget** \$ 20,000

Task	Start Date	End Date	Complete	Budget Status
Upgrade pedestrian crossings and footpaths	02-Feb-15	30-Mar-15	100%	

Project was awarded to Rockart Landscapes and Concreting. Footpath upgrades are now complete in;

- Bennett Street, Bacchus Marsh
- Church Street, Bacchus Marsh
- Stead Street, Ballan
- Fisker Street, Ballan
- Edols Street, Ballan

Duncan Street, Ballan **Budget** \$ 20,000
Steiglitz Street to Atkinson Street

Task	Start Date	End Date	Complete	Budget Status
New and upgrade of pedestrian ramps with associated kerb and channel	01-Feb-15	15-Mar-15	0%	

Funding has been received from DTPLI This project is scheduled to commence in February 2015.

Main Street, Bacchus Marsh **Budget** \$ 320,000

Task	Start Date	End Date	Complete	Budget Status
Bacchus Marsh Streetscape Project - Stage 3	20-Jan-15	15-Apr-15	15%	

Project has been awarded to Rustel Pty Ltd and has been on hold due to various issues with Powercor, Telstra and NBN. This project is scheduled to recommence in February 2015.

Gell Street, Bacchus Marsh **Budget** \$ 50,000

Task	Start Date	End Date	Complete	Budget Status
Bacchus Marsh Streetscape Project - Stage 3	20-Jan-15	15-Apr-15	0%	

Project has been awarded to Rustel Pty Ltd and has been on hold due to various issues with Powercor, Telstra and NBN. This project is scheduled to recommence in February 2015.

KERB & CHANNEL PROGRAM

William Street, Bacchus Marsh (preplanning) **Budget \$** 20,000

Task	Start Date	End Date	Complete	Budget Status
Kerb & channel replacement - preplanning allocation	18-Aug-14	27-Feb-15	90%	

Project was awarded to Smith Civil Design. Design works are complete, with documentation scheduled for completion in February 2015.

Sutherland Street, Bacchus Marsh (preplanning) **Budget \$** 20,000

Task	Start Date	End Date	Complete	Budget Status
Kerb & channel replacement - preplanning allocation	18-Aug-14	27-Feb-15	90%	

Project was awarded to Smith Civil Design. Design works are complete, with documentation scheduled for completion in February 2015.

Madden Drive, Bacchus Marsh
Main Street to Clarinda Street **Budget \$** 20,000

Task	Start Date	End Date	Complete	Budget Status
Kerb & channel replacement - preplanning allocation	18-Aug-14	27-Feb-15	90%	

Project was awarded to Smith Civil Design. Design works are complete, with documentation scheduled for completion in February 2015.

McFarland Street, Bacchus Marsh
Gisborne Road to Young Street **Budget \$** 310,000

Task	Start Date	End Date	Complete	Budget Status
Kerb & channel replacement - both sides	08-Sep-14	30-May-15	100%	



Project was carried out by the Operations Department. Works commenced on site in September, with civil works scheduled for completion in December 2014. Street tree planting will then follow in May 2015.

George Street, Bacchus Marsh
Lerderberg Street to McFarland Street **Budget \$** 72,000






Task	Start Date	End Date	Complete	Budget Status
Kerb & channel replacement - both sides	08-Sep-14	30-May-15	100%	

Project was carried out by the Operations Department. Works commenced on site in September, with civil works completed in December 2014. Street tree planting will follow in May 2015.

STORMWATER PROGRAM

Pit Replacement Program - Stage 1				Budget	\$	50,000
Task	Start Date	End Date	Complete	Budget Status		
Replacment of pit lids in various locations throughout the Shire	01-Sep-14	30-Jun-14	5%			
Project is currently out for quotation, with comencement anticiapted for February 2015.						
Vance Close, Darley Stage 2				Budget	\$	37,000
Task	Start Date	End Date	Complete	Budget Status		
Relining of existing drainage pipe	04-Aug-14	31-Aug-14	100%			
Project was awarded to Kembla Watertech Pty Ltd and completed in August 2014						

COMMUNITY LAND PROGRAM

Maddingley Park Recreation Reserve				Budget	\$	34,910
Task	Start Date	End Date	Complete	Budget Status		
Replacement of fence and removal of hedge	02-Feb-15	30-Mar-15	0%			
<i>Planning permit documentation was submitted in November 2014. Project commencement is scheduled for March 2015.</i>						
Maddingley Park Recreation Reserve				Budget	\$	15,000
Task	Start Date	End Date	Complete	Budget Status		
Installation of isolation valve and water meter replacement	01-Feb-15	28-Feb-15	0%			
<i>Project is currently out for quotation. Project is scheduled to commence in February 2015.</i>						
Maddingley Park Recreation Reserve				Budget	\$	40,000
Task	Start Date	End Date	Complete	Budget Status		
Installation of new water tank	15-Mar-15	15-Apr-15	0%			
<i>Quotation evaluation is currently underway with commencement anticipated for March 2014.</i>						
Maddingley Park Lifestyle Fitness Circuit				Budget	\$	45,000
Task	Start Date	End Date	Complete	Budget Status		
Installation of exercise equipment	01-Mar-15	30-Mar-15	0%			
<i>Quotations have been sought for this project, with locations of equipment currently under review. Confirmation of whether the project stays on this site is required.</i>						
Avenue of Honour, Coimadai				Budget	\$	60,000
Task	Start Date	End Date	Complete	Budget Status		
Construction of gazebo and memorial encove, interpretive signage and palques, memorial gates and beautification works	05-Aug-14	25-Feb-15	100%			
<i>This project is being completed by the Coimadai Avenue of Honour Restoration Association. This was funded through the Community Development Fund and the grant has been provided to the group for delivery.</i>						

Moon Reserve, Bacchus Marsh				Budget \$ 200,000
Task	Start Date	End Date	Complete	Budget Status
Design and construction of new toilet facility	19-Feb-15	15-May-15	5%	
<i>Design works are currently in progress. Services at the site have complicated where the toilet can be located however construction is still anticipated to commence March 2015.</i>				
Masons Lane Recreation Reserve Redevelopment - Stage 2				Budget \$ 269,820
Task	Start Date	End Date	Complete	Budget Status
Building extension, irrigation, tank and car park works	11-Aug-14	15-Apr-15	5%	
<i>Irrigation project was awarded to Advanced Irrigation and Sprinklers. Works commenced on site in September completion in October 2014. Stage 2 Building Extension works has been awarded to MKM Constructions with commencement scheduled for February 2015.</i>				
Ballan Recreation Reserve				Budget \$ 100,000
Task	Start Date	End Date	Complete	Budget Status
Oval Refurfacing	01-Dec-15	31-Jan-15	0%	
<i>Project was awarded to Turf Care & Hire Pty Ltd. Works commenced on site in December and scheduled for completion in January 2015.</i>				
Wallace Recreation Reserve				Budget \$ 40,000
Task	Start Date	End Date	Complete	Budget Status
Upgrade to power	02-Feb-15	02-Mar-15	0%	
<i>Document preparation is currently underway with project commencement scheduled for February 2015.</i>				
Gordon Tennis Courts				Budget \$ 136,500
Task	Start Date	End Date	Complete	Budget Status
Reconstruction of Tennis Courts	30-Mar-15	30-May-15	0%	
<i>Document preparation is currently underway with project commencement scheduled for late March 2015.</i>				
Masons Lane Athletics Development				Budget \$ 42,000
Task	Start Date	End Date	Complete	Budget Status
Resurfacing the existing long and triple jump run ups, and the extension of the running	01-Apr-15	30-May-15	0%	
<i>Works for this project are currently being procured and will commence following the completion of the athletics season at the end of March 2015.</i>				


COMMUNITY BUILDINGS PROGRAM

Blackwood Public Toilet **Budget** \$ 40,000

Task	Start Date	End Date	Complete	Budget Status
Refurbishment of toilet facility	27-Oct-14	22-Dec-14	100%	

Project was awarded to GJW Constructions and completed in December 2014.

Ballan Pre School - Simpson Street, Ballan **Budget** \$ 50,000

Task	Start Date	End Date	Complete	Budget Status
Refurbishment of building including internal and external painting and minor upgrades to the kitchen facilities	06-Jan-15	02-Feb-15	0%	

Project was awarded to Ciro Painting Pty Ltd, with commencement scheduled for January 2015.

Riverside Park - Werribee Vale Road, Bacchus Marsh **Budget** \$ 40,000

Task	Start Date	End Date	Complete	Budget Status
Refurbishment of toilet facility	03-Nov-14	02-Jan-15	95%	


Project was awarded to GJW Constructions. Refurbishment works have been completed, with power connection scheduled for completion in January 2015.

Darley Park Recreation Reserve **Budget** \$ 30,000







Task	Start Date	End Date	Complete	Budget Status
Refurbishment of pavilion - painting	03-Nov-14	29-Dec-14	0%	

A meeting has been held with the user groups to clarify the scope of this project. Various alternatives are currently being considered and when finalised, the project will be procured.

Wallace Recreation Reserve **Budget** \$ 70,000


Task	Start Date	End Date	Complete	Budget Status
Construction of pavilion verandah	01-Mar-15	30-May-15	0%	

Documentation preparation is currently underway. Procurement is the scheduled for January and construction is anticipated to occur in March 2015.

Ballan Mens Shed				Budget \$ 25,000
Task	Start Date	End Date	Complete	Budget Status
Construction of Men's Shed facility	01-Jul-14	31-Jul-14	100%	
<i>Project was awarded to Easy Sheds and was completed in August 2014.</i>				
Darley Early Years Hub				Budget \$ 476,000
Task	Start Date	End Date	Complete	Budget Status
Detailed design	01-Jul-14	30-Jun-15	0%	
<i>The detailed design component of this project has been awarded to Insite Architects. Completion of the detailed design phase is scheduled for June 2015.</i>				
BMCCH Pavilion (preplanning)				Budget \$ 50,000
Task	Start Date	End Date	Complete	Budget Status
Changeroom amenity - preplanning allocation	01-Jul-14	30-Jun-15	0%	
<i>The detailed design component of this project has been awarded to Insite Architects. Completion of the detailed design phase is scheduled for June 2015.</i>				
Conceptual design and cost planning of projects (14/15)				Budget \$ 150,000
Task	Start Date	End Date	Complete	Budget Status
Preplanning for various projects	01-Nov-14	30-Mar-15	0%	
<i>Quotation documentation is currently in progress that will include site investigation, conceptual design and cost planning to inform future CIP programs. The projects include; Maddingley Park Tennis Club Redevelopment, Maddingley Park sports lighting (main oval and siberia), Maddingley Park lighting of path and pavilion at siberia, Maddingley Park passive irrigation system, Masons Lane sports lighting to oval No. 1, Masons Lane western pavilion redevelopment, Dunnstown Rec Reserve netball court lighting, Darley sports lighting to oval.</i>				
Lal Lal Soldiers Memorial Hall				Budget \$ 47,000
Task	Start Date	End Date	Complete	Budget Status
Construction of verandah	30-Mar-15	15-May-15	0%	
<i>Document preparation is currently underway with project commencement scheduled for March 2015.</i>				
Gordon Community Hall				Budget \$ 50,000
Task	Start Date	End Date	Complete	Budget Status
Construction of store room and deck	30-Mar-15	15-May-15	0%	
<i>Document preparation is currently underway with project commencement scheduled for March 2015</i>				

BUS SHELTERS / BUS ROUTE DEVELOPMENT

Bus Stop Shelters **Budget** \$ 8,000

Task	Start Date	End Date	Complete	Budget Status
Installation of new bus stop shelters	01-Apr-15	15-Jun-15	0%	

Installation of bus shelters are based on requests from residents. These usually occur in Autumn. This project is scheduled to commence in April 2015.

NON COUNCIL LAND / BUILDINGS PROGRAM

Yendon Recreation Reserve Redevelopment **Budget \$** 64,000

Task	Start Date	End Date	Complete	Budget Status
Upgrade of kitchen facilities, construction of verandah and liberty swing	01-Oct-14	30-Jan-15	95%	

Project was awarded to Geoff Beechey Engineering and is scheduled for completed in January 2015.

Bungaree Recreation Reserve **Budget \$** 90,000

Task	Start Date	End Date	Complete	Budget Status
Installation of sportsground irrigation system	09-Dec-14	31-Jan-15	95%	

Project was awarded to Advanced Irrigation and Sprinklers. Works commenced onsite on December 2014 and is scheduled for completion in January 2015.

Mt Egerton Hall **Budget \$** 43,000

Task	Start Date	End Date	Complete	Budget Status
Construction of disabled toilet facility and playground	18-Mar-15	15-May-15	0%	

Document preparation is currently underway with project commencement scheduled for April.

CORPORATE BUILDINGS PROGRAM

Ballan Depot (preplanning) **Budget \$** 72,000

Task	Start Date	End Date	Complete	Budget Status
Relocation of existing depot in Ballan - preplanning allocation	02-Feb-15	27-Apr-15	0%	

A design brief is currently being prepared to procure this project.

Darley Office **Budget \$** 250,000

Task	Start Date	End Date	Complete	Budget Status
Design and construction of a new lift	21-Jul-14	01-Jun-15	0%	

Preliminary design and options for this project have been completed. Detailed design and procurement will commence in February.

Bacchus Marsh Racecourse Reserve **Budget \$** 200,000

Task	Start Date	End Date	Complete	Budget Status
Completion of masterplan and preliminary design of active sports precinct.			0%	

Land Design Partnership has been awarded the masterplan and design of this project. Works will commence in January and are anticipated for completion in May 2015.

INACTIVE / ON HOLD PROJECTS

Halletts Way/O'Leary Way Southern Extension - Construction Connor Street to Stonehill Estate **Budget \$ 1,500,000**

Task	Start Date	End Date	% Complete	Budget Status
Road and bridge construction	On hold	-	0%	

This project is on hold pending completion of the detailed design phase and further funding allocation.

Halletts Way, Darley Holts Lane to Grey Street **Budget \$ 86,000**

Task	Start Date	End Date	Complete	Budget Status
Design and construction of new shared path between Grey Street and Holts Lane	On Hold		0%	

Project is currently on hold pending external funding.

Darley Neighbourhood House **Budget \$ 85,000**

Task	Start Date	End Date	Complete	Budget Status
Construction of walking trail	On Hold		0%	

Project is currently on hold pending external funding.

Maddingley Park Recreation Reserve **Budget \$ 72,500**

Task	Start Date	End Date	Complete	Budget Status
Restoration of ANA Memorial Gates	On Hold		0%	

Project is currently on hold pending external funding.

Avenue of Honour, Bacchus Marsh **Budget \$ 10,000**

Task	Start Date	End Date	Complete	Budget Status
Feasability study	On Hold		0%	

Project is currently on hold pending external funding.

Ballan Recreation Reserve			Budget	\$	60,000
Task	Start Date	End Date	Complete	Budget Status	
Upgrade to Sporting Pavilion kitchen	On Hold		0%		
Project is currently on hold pending external funding.					
Balliang Public Hall			Budget	\$	28,000
Task	Start Date	End Date	Complete	Budget Status	
BBQ and seating improvements	On Hold		0%		
Project is currently on hold pending external funding.					
Ballan Mechanics Institute			Budget	\$	90,000
Task	Start Date	End Date	Complete	Budget Status	
Improvements to kitchen, stage lighting and heating and cooling system	On Hold		0%		
Project is currently on hold pending external funding.					
Mt Wallace Hall & Recreation Reserve			Budget	\$	65,000
Task	Start Date	End Date	Complete	Budget Status	
Restumping of toilet block, installation of BBQ and shade sail	On Hold		0%		
Project is currently on hold pending external funding.					
Maddingley Park Recreation Reserve			Budget	\$	45,000
Task	Start Date	End Date	Complete	Budget Status	
Installation of path lighting	On Hold		0%		
Project is currently on hold pending external funding.					
BMCCH - Building E Refurbishment			Budget	\$	150,000
Task	Start Date	End Date	Complete	Budget Status	
Refurbishment of Building E Notice of Motion	On Hold		0%		
This project is on hold pending completion of the detailed design phase and further funding allocation.					

Bacchus Marsh Public Hall			Budget \$	250,000
Task	Start Date	End Date	Complete	Budget Status
Upgrade of kitchen and toilet facilities	30-Mar-15	15-Jun-15	0%	
<i>Funding Application submitted to Regional Development Victoria under the Putting Locals First Program. This application has been approved. Funding application has been signed. Design works are currently underway, with construction anticipated for late June 2015.</i>				

9.5 CORPORATE SERVICES

9.5.1 Petition requesting cancellation of Agricultural Licence 0703869 over the portion of Lohs Lane, Myrniong situated north of CA73 and CA73A

Introduction

File No.: 388(1)
Author: Michelle Morrow
Acting General Manager: Natalie Abbott

Background

At an Ordinary Meeting of Council on Wednesday 7 May 2014, Council considered a report recommending that Council consider it desirable in the public interest that Agricultural Licence 0703869, over the portion of Lohs Lane Myrniong situated north of CA73 and CA73A, under Division 8 of Part I or section 138 of the *Land Act 1958* be cancelled and as a result notify the Minister for Environment and Climate Change (Department of Environment and Primary Industries) (DEPI) of its decision.

At this meeting on Wednesday 7 May 2014, Council resolved as follows;

- 1. That Council considers it not desirable or in the public interest that Agricultural Licence 0703869, over the portion of Lohs Lane Myrniong situated north of CA73 and CA73A, under Division 8 of Part I or section 138 of the Land Act 1958 be cancelled and as a result will notify the Minister for Environment and Climate Change (Department of Environment and Primary Industries) of its decision to not cancel this licence.*
- 2. That Council encourage both parties to come to a common sense agreement on times for gate closure and appropriate signage at the entrance, and to advise the residents that live beyond the gate.*

On Thursday 20 November 2014, Council received a petition containing 96 signatures inclusive of three letters of support for the petition stating that ~~it~~ is in the public interest that the Agricultural Licence 0703869 over a portion of Lohs Lane, Myrniong north of CA73 and CA73A be cancelledq

The petition was presented to Council at its Ordinary Meeting on Wednesday 3 December 2014. At this meeting, Council also received written submissions to the petition from a representative acting on behalf of the licensee for its consideration.

At this meeting on Wednesday 3 December 2014, Council resolved as follows:

That:

1. *the petition containing 96 signatures from members of the public who use the portion of Lohs Lane under licence inclusive of three letters of support from emergency service agencies requesting that the Agricultural Licence 0703869 over a portion of Lohs Lane Myrniong north of CA73 and CA73A be cancelled, be received by Council and that a report be prepared by officers for Council's consideration.*
2. *Council's report includes consideration of letters received from petition objector.*

A copy of the minuted report submitted to Council on Wednesday 7 May 2014, along with a copy of the petition and a copy of the written submissions have each been made available to Council for consideration as attachments to this report. Due to a possible interference with personal privacy under the *Privacy & Data Protection Act 2014*, the written submissions have been provided to Councillors as a confidential attachment.

Proposal

Any person may submit a request to Council or DEPI that a grazing licence (or portion thereof as applies to this matter) held over a section of road in the municipality be cancelled.

Section 407 of the *Land Act 1958* . Re-opening of a Licensed Closed Road provides as follows:

407. Re-opening of licensed closed road or water frontage

- (1) *If a municipal council considers that it is desirable in the public interest that a licence under Division 8 of Part I or section 138 of this Act in respect of any unused road in the municipal district of that municipal council should be varied or cancelled it shall so inform the Minister or any person authorized to grant licences and the Minister or that person, may, after three months' notice has been given to the licensee, vary or cancel the licence.*
- (1A) *If the Minister considers that it is desirable in the public interest that a licence under Division 8 of Part I or section 138 of this Act in respect of any water frontage should be cancelled he may after three months' notice has been given to the licensee cancel the licence.*
- (1B) *Where a licence has been cancelled under sub-section (1) the land to which that licence related shall cease to be an unused road for the purposes of this Act.*

It is noted that the power to cancel an agricultural licence does not reside with Council as was resolved at the Ordinary Meeting of May 7, 2014; rather only the relevant Minister can make this decision which is reinforced in the Supreme Court of Victoria decision of *Johnson v Moyne Shire Council & Ors* [2012] VSC 393 where Dixon J. stated at para 29: *Council's notification to the Minister once it has considered the question raised in the section (407) merely provides the statutory trigger for the Minister's exercise of power (which includes the requirement to give 3 months' notice to the licensee). It is the conduct of the Minister, not the conduct of Council, which affects legal rights and interests. Under section 407, the Council requests, or applies for, an exercise of the power and the Minister, as the repository of the power, must then exercise it for the purposes set out in section 407 in accordance with the rules of natural justice.*

Having regard to the relevant issues associated with the requested cancellation of the licence and the opposition to it as addressed in the report considered at Council's Ordinary Meeting held on 7 May 2014, it is proposed that Council in accordance with section 407 of the *Land Act 1958* determines that it is desirable in the public interest that Agricultural Licence 0703869 over the portion of Lohs Lane Myrniong situated north of CA73 and CA73A under Division 8 of Part I or section 138 of this Act be cancelled and shall so inform the Minister or any person authorised to grant licences of its decision.

This determination will only apply to the licence held over the portion of Lohs Lane Myrniong situated north of CA73 and CA73A. It is not proposed that the remaining portion of the licence on the unused road east of Lot 5 on PS422421 be cancelled.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Ensure the current and future infrastructure meets the needs of the community
Strategy	Provision of effective and safe transport networks

The proposal to consider under section 407 of the *Land Act 1958* that it is desirable in the public interest that a licence be cancelled is consistent with the 2013-2017 Council Plan.

Financial Implications

There are no financial implications in relation to consideration under section 407 of the *Land Act 1958* that it is desirable in the public interest that a licence be cancelled.

Should the licence be cancelled by DEPI, Council will incur ongoing maintenance costs should this portion of Lohs Lane be maintained in accordance with Council's Road Management Plan.

It is noted that this portion would require an upgrade into the future and it is recommended to be included in Council's Capital Improvement Program gravel road resheeting program accordingly.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Safety	Unobstructed access over the portion of Lohs Lane Myrniong situated north of CA73 and CA73A	Medium	Cancellation of agricultural licence

Community Engagement Strategy

The petition, accompanied by three letters of support for the petition and the written submissions from a representative acting on behalf of the licensee have been provided to Councillors for their consideration prior to this meeting and now as attachments to this report.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of no Conflict of Interest

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

Acting General Manager – Natalie Abbott

In providing this advice to Council as the Acting General Manager, I have no conflict of interest to disclose regarding this report.

Author – Michelle Morrow

In providing this advice to Council as the Author, I have no conflict of interest to disclose regarding this report.

Conclusion

Consideration has been given to the relevant issues associated with the requested cancellation of the licence and the opposition to it as addressed in the report considered at Council's Ordinary Meeting held on 7 May 2014.

Having considered the information provided in the petition and letters of support from emergency service agencies, it has been determined to recommend, further to the decision of 7 May 2014, that Council, now resolves under section 407(1) of the *Land Act 1958* to inform the relevant Minister that Council considers it is desirable in the public interest that part of the Licence over the portion of Lohs Lane situated north of CA73 and CA73A as identified on the plan below be cancelled.

Recommendation:

1. That having considered:

- (a) the petition containing 96 signatures from members of the public who claim to use the portion of Lohs Lane, Myrniong affected by Agricultural Licence 0703869 (Licence) and therefore requesting the cancellation of the licence;
- (b) three letters in support of the petition; and
- (c) the written submissions received from the holder of the Licence.


Council resolves under section 407(1) of the *Land Act 1958* to inform the relevant Minister that Council considers it is desirable in the public interest that part of the Licence over the portion of Lohs Lane situated north of CA73 and CA73A as identified on the plan below, be cancelled.



2. That Council, pending the Minister's final decision, adds the portion of road situated north of CA73 and CA73A on Lohs Lane to the register of public roads as part of the annual update should the Minister's decision be to cancel the licence.

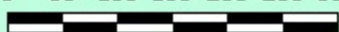
Report Authorisation

Authorised by:

Name: Natalie Abbott 
Title: Acting General Manager Corporate Services
Date: Thursday, 29 January 2015

Attachment - Item 9.5.1(a)

0 50 100 150 200 250 300



metres



TRACK

TOWER

MOUNT BLACKWOOD

Green lines indicates subdivision

Gate

LOHS

LANE

Blue line indicates portion of licence under review

Light blue line indicates portion of licence to remain.

Property of requestor

Property of Licensee

Property of Licensee

123 405

Attachment - Item 9.5.1(b)

Petition

It is in the public interest that the unused road licence (0703869) be
cancelled for "Lohs Lane, Myrniong".

We the under signed request that the Moorabool Shire Council declared that Lohs Lane,
Myrniong is not an "unused road".

We the under sign have a legitimate purpose to use the road and require unobstructed
24/7 access.

Date	Name	Address	Signature	Reason to use the road
22/5	Lucija Ogriček	22 main st Myrniong		I would like to visit without opening the gate.
23/5	DARREN MOERENHOUT	3 RIVERGUM PL BACHUSMARSH		TRADE DELIVERIES.
23/5	NATHAN BROWN	31 CAHILL DR MELTON ST		VISITOR
23/5	KAROLINA DIZEL	22 MAIN ST MYRNIONG		VISITOR
23/5	Allan R. Peach	% Myrniong P.S		
23/5	Karen Konieczny	4 Myrniong P.S		VISITOR.
23/5	Deb Smith	Greendale.		visitor.
23/5	Jane Adams	Greendale		Visitor
23/5	Kylie Bray	846 Ballan-Greendale Rd		visitor
23/5	Kathy Braguet	3 Duncan St Ballan		Visitor
23/5	Jamie Dignan	846 Ballan / Greendale Rd		Visitor
23/5	Ainsley Bellette	9 Raynor Crt, Blackwood		Visitor
23/5	Lee Perner	87 Muirg Lane, Koorba		Horse Riding.
23/5	STEVEN KAUSS	11 CONN CRT DARLEY		VISITOR
23/5	Madge Booth	15 Lohs Lane Myrniong		local resident horse rider

(15)

Petition

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Myrniong **is not an "unused road"**.

We the under sign have a legitimate purpose to use the road and require unobstructed
24/7 access.

Date	Name	Address	Signature	Reason to use the road
23/5	Sue Booth	15 Lohs Lane Myrniong	Sue Booth	Horse riding
23/5	Rylee Booth	15 Lohs Lane Myrniong	Rylee Booth	Horse riding.
24/5	ADAM BERGER	53 HIGHFIELD WAY KURUNG	Adam Berger	ELECTRICIAN
24/5	Rachel Berger	53 Highfield way Kurung	Rachel Berger	Delivery driver.
24/5	Helen Moulton	9 Euston Rd, Hughesdale	Helen Moulton	Bushwalker
24/5	ALDO FRIGO	94 ROSE ST. COBURG 308	Aldo Frigo	BUSHWALKER.
24/5	TIRO BIRKENHEAD	152 THORNTON ST, EAST BRIGHTON	Tiro Birkenhead	Visitor
24/5	Ibrahim Ozerim	27 Stateman Ave. Roxburgh Park	Ibrahim Ozerim	Bushwalker
24/5	JARA COLLINS	18 PARKIN AVE COBURG Nth	Jara Collins	MOUNTAIN BIKER.
26/05	Margarita Mejia	16 Palock cres. St Albans	Margarita Mejia	Visitor
26/05	Andrew Penhale	310 Union St Brunswick W	Andrew Penhale	Visitor
26/05	David Mouldale	402 NICHOLSON ST. N. FITZROY	David Mouldale	Visitor/Birdwatcher.
26/05	Kara Dawne	5/231 Elder St, Greensborough	Kara Dawne	Visitor
26/05	Rukmani Gomes	24 Thornton Drive St Albans	Rukmani Gomes	Visitor
26/05	Anthony Peterson	44 Foxwood drive Point Cook	Anthony Peterson	Visitor

(15)

Petition

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We the under sign have a legitimate purpose to use the road and require unobstructed 24/7 access.

Date	Name	Address	Signature	Reason to use the road
23/5	Brad Worthy	15 Lohs Lane Myrniong	Brad Worthy	local resident access
23/5	W. FRISCH	19 Blakeville Rd Myrniong		VIC POLICE VISITOR
23/5	Uinda Gayton	769 MT. BLACKWOOD RD		local resident access
24/5	Kaylene Johnson	54 Graham St Newport	Kelton	Visitor
25/5	D. King	24 Shawlands drive		Visitor
25/5	Cory Chessum	4 ALMA CT SUNBURY		VISITOR
25/5	Ian Booth	15 Lohs Lane Myrniong		local.
26/5	ROB SKELTON	101 CENTENARY AVE		GARBO
26/05/14	E. BUTTERWORTH	Hitchcock rd Boninyong		visitor
26/05/14	D. DESOURA	8 MANNA GUM WALK		Visitor
26/05/14	C. TRAV	171 Green gully Rd Kelton down		visitor
26/05/14	CRYHAM	4 TEAL CRT MELTON		VISITOR
26/05/14	C. Snault	10 Reynolds Rd. Wattle Glen		Visitor.
26/5/14	J. Camilleri	4 Queensbury Way, Werbee	J. Camilleri	Visitor
26/5/14	L. DESOURA	7 JACKSONS RD VIC 3174		Visitor

(15)

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Date	Name	Address	Signature	Reason to use the road
22/4	Amanda Coetz	23 walth st Ballan	Am	visiting
22/5	Donna Freeburn	45 Corcorans Lane ^{Balkan}	Donna	visiting
22/5	Brian Holden	Ronald Gr E Keiler	B Holden	visiting
22/5	Belinda Norman	40 Maddisons Lane, Greendale	Belinda	visiting
22/5	Samantha Ithow (CFA)	5 Daly Ct, Darley, vic	S. Ithow	CFA
22/5	Adrian Norman	11 Densley ct Darley	Adrian	visiting/walker
22/5	David Kaleb	188 Grey St. Darley	David	visiting
22/5	Brendan Winder	351 Coburns Road Melton	Brendan	visiting
22/5	MICHAEL DAUSON	4 HUNTLY ST ETWESBURY	Michael	WALKER
22/5	JEREMY EDWARDS	3 CHESTER ST KURUNTING	Jeremy	DEVELOPER
22/5	Wayne Tobin	56 G. shorne Rd BM	Wayne	visiting
23/5	Melinda Pike	PO Box 421 Ballan	M Pike	visitor
23-5	Lorna Jork	352 Morrisons Lane Korobud	L. Jork	Sam a Walker
23-5	BRIAN BURVILL	1 GUNSWUD CRT BACCHUS MARSH	B. Burvill	WALKER
23-5	Gladys Hager	225 Mt Blackwood Rd MYRNIONG	Gladys	Business

Petition

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Myrniong is not an "unused road".

We the under sign have a legitimate purpose to use the road and require unobstructed
24/7 access.

Date	Name	Address	Signature	Reason to use the road
26/5/14	Ellen Fish	9 Brown St Newport	Ellen Fish	Visitor
27/05/14	Darren McKean	65 Merrimandy Reserve	[Signature]	visitor
27/05/14	Mark Marchant	14 Cromwell Ave Strathmore	[Signature]	visitor
27/05/14	Nicole Schneider	2/2 Plymouth Ave, Pascoe Vale 3044	[Signature]	Visitor
27/05/14	David Mudie	20 Monastery Close Wantina Sth.	[Signature]	Visitor
27/05/14	Peter Keagh	4/4 Balper Cres Brunswick West	[Signature]	visitor.
27/05/14	Linda O'Connell	15 KELVIN CLOSE, NIDRIE	[Signature]	visitor.
27/05/14	Bernadine Boul	32 PERCEVAL CRES. TAYNERS LAKES	[Signature]	visitor
27/5/14	Marianne Deftereas	3 Hunts Cross Way Caroline Springs	[Signature]	visitor
27/5/14	ANTONIO GOMEZ	1/49 FLEMINGHAM STREET FLEMINGTON	[Signature]	visitor
30/5/14	Mira Tomaselli	110.70 Hastings Rd	[Signature]	visitor
1-6-14	BRIAN MOORE	46 MARTIN ST, GREENDALE, BLACKWOOD	[Signature]	TRADESMAN
2-6-14	Chris Cook	Green Dale - Trentham Rd	[Signature]	visitor

(13)

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We the under sign have a legitimate purpose to use the road and require unobstructed
24/7 access.

Date	Name	Address	Signature	Reason to use the road
24/5	M. VANDENBELD	789 MT BLACKWOOD RD	<i>M. Vandenbeld</i>	BUSINESS & VISITING
27/5	R. BAYLY	254 MORRISONS LANE	<i>R. Bayly</i>	VISITING.
27/5	ALLISON BAYLY	254 MORRISONS LANE	<i>Allison Bayly</i>	VISITING
27/5	K. GREENWOOD	NARLEON ST	<i>(K)</i>	VISITING.
4/6	WENDY MINNS	385 MORRISONS LN KORDSEIT	<i>W. Minns</i>	HORSE RIDING WALKING
13/6	J. HINE	23 MALONES EAST RD MTEGERTON	<i>Julia Hine</i>	visiting.
13/6	O. Wallace	156 Dales Creek Ave, Dales Creek	<i>O. Wallace</i>	visiting
13/6	J. Kolbe	11 Cann Court Darley	<i>J. Kolbe</i>	visiting.
14/6	N WALLACE	156 CANNONS DVS, DALES CREEK	<i>N. Wallace</i>	VISITING.

(9)

Petition

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We the under sign have a legitimate purpose to use the road and require unobstructed
24/7 access.

Date	Name	Address	Signature	Reason to use the road
27/5/14	Judy Fisher	10 Lin Lir Road, Way West, Myrniong	Judy Fisher	Visiting Elderly Mother
28/5/14	Tanya James	12 Sunline Court Ballan	[Signature]	VISITING FRIENDS
28-05-14	Jenni Parnos	16 LYON PL, BALLAN	J. Parnos	Visitors
3-6-14	Peter Bostock	LOT 18 BRONZEWING RD LAL LAL	[Signature]	VISITOR.
5-6-14	Fiona Leach	30 Cameron's Lane Bonemake	[Signature]	Visitor
6-6-14	MICHELLE ZIEGLER	279 JAICOMBEIS LANE BALLAN	MA	VISITOR.
19/7/14	SIAN ANDROPOF	384 MASCOMA ST STRATHMORE HEIGHTS	[Signature]	visitor
22/7/14	J. DUGGAN	PO Box 889 BACCHUS MARSH	[Signature]	CLIENT
15/8/14	S. MCLAH	2 Pleasant View Court Gisborne	[Signature]	Courier

Moorabool Shire Council Members

Re 104 Lohs Lane Myrniong.

I have recently visited the properties in Lohs Lane off Mt Blackwood Rd.

I was surprised to find that there are 3 houses (Properties) behind a closed gate on Lohs Lane

The access to these properties is directly affected by these gates being closed and also severely impedes the access for the fire brigade in an emergency.

Lohs Lane from the first gate 73A is also extremely overgrown with large cypress pine trees which make it difficult to manoeuvre our large vehicles

It is also impossible for fire trucks to pass on this stretch of Lohs Lane this will be critical if an emergency were to occur during the day and extremely dangerous at night

Not only to the land holders but to the emergency services in an emergency.

It is the Brigades opinion based upon council guideline that the access and egress to and from these properties especially number 104 Lohs Lane to 73a are not up to the proper standard.

There are no passing areas, it is a single lane un seal with little or no road base and also cambers dangerously to the south.

This issue need immediate action as we are fast approaching what is begin advertised as a severe bush fire season

Lohs lane is shown as a Shire road we strongly suggest urgent action.

Alan Gorman

2nd Lieutenant

Myrniong Fire Brigade

Fire Prevention Officer

Council Members,

My name is Edward LAPPIN, I am the Senior Sergeant (Officer in Charge) of Bacchus Marsh Police Station and manager of the police service for Bacchus Marsh area.

I have been requested by the occupants of 104 Lohs Lane, to provide opinion on the impact of the current arrangements and infrastructure regarding access to their premises by members that come under my management.

I have attended in Lohs Lane and inspected the current arrangements, access and restrictions that inhibit unimpeded access to all parts of Lohs Lane, both in the day & at night.

I provide this opinion to you as the direct manager of the member's most likely to attend an incident or emergency in the Lohs Lane, specifically north of 73a Lohs Lane and on the basis that properties beyond 73a Lohs and the gate that impedes access are unrelated and independent to each other.

In my opinion, the provision of policing response, but more importantly an emergency policing response by members from Bacchus Police Station would be significantly challenged and delayed by the current infrastructure and agreements.

I would further submit that the provision of any emergency service north of 73 Lohs Lane, would struggle to provide an effective response under the current arrangements.

I offer no alternative recommendations to improve the emergency services response north of the gate in Lohs Lane, but I will suggest, that in my opinion, any member of the public that has been allowed to reside permanently and independent to the Lohs Lane community north of the gate on Lohs Lane, for obvious reasons, is at risk of being exposed to a lesser emergency service than other members of the members of the public.

A handwritten signature in black ink, appearing to read 'Edward LAPPIN', with a stylized flourish extending to the right.

Edward LAPPIN
Senior Sergeant 27976
Officer in Charge
Bacchus Marsh Police Station



June 2nd, 2014

Olivia Fisher
Lot 104, Lohs Lane
MYRNIONG VICTORIA

Dear Olivia,

Re: Request for Cancellation of Unused Road licence 0703869

Further to our telephone conversation and email correspondence, I am writing this letter in support of your application to have the unused road licence cancelled as referenced above.

There are certainly three areas of concern from an Emergency service attendance perspective. These are as follows:

1. Grazing of cattle. We are informed that cattle are permitted to graze in the area under discussion. Again this would certainly pose a significant hazard in terms of road obstruction and a collision threat. At the very least the likelihood of an ambulance being delayed due to cattle being on the road is very real.
2. Misleading directions. The gate in question, as we understand it, poses a significant risk in terms of misleading information for any emergency service that may be required to attend at 104 Lohs Lane. The property is not visible from the gate and there is a very real chance that an attending crew, relying on radio dispatch information for location details, could become confused and have doubts about the actual location. If confronted by a gate with a sign saying walkers and maintenance vehicles only, it would be very easy to assume that you are in the wrong place and start looking for another way to access the property. Again at the very least this would cause delays while the attending crew radioed back to query the veracity of the address and make sure they were in the right place.
3. Condition of the road surface. It is understood that, as the road is not currently maintained by the local authority, it is of very poor quality and gets worse during adverse weather. The bulk of the Ambulance fleet in Victoria are two wheel drive Mercedes sprinters and, if the road conditions are poor, this could compromise the ability of an Ambulance to negotiate the road in the event of an emergency. After all, we are talking about a road in an outer metropolitan catchment area, not a remote rural area. We would expect a property with a verifiable address to be serviced by a road of reasonable standard.

It is important that emergency services have unobstructed access to addressed properties on well maintained, serviced roads. In this instance there are a number of encumbrances that would be of particular concern, should an ambulance be required at your property.

Ambulance Victoria encourages the Authority concerned to take the necessary steps to rectify this situation.

Yours sincerely

Name Anthony Elliott
Title Group Manager 6
Ambulance Victoria



Attachment - Item 9.5.1(c)

9.5.4 Request for Cancellation of Agricultural Licence, Lohs Lane, Myrniong

Introduction

File No.: 388(1)
Author: Michelle Morrow
General Manager: Shane Marr

Background

Council has received a request from the property owner of 104 Lohs Lane, Myrniong requesting Council's consideration to cancel an agricultural licence 0703869 over a portion of Lohs Lane, Myrniong which provides sole access to this owner's property as shown on the attached plan. The owner of 104 Lohs Lane purchased the property in 2002 with the knowledge that a licence over this portion of Lohs Lane was in existence and that a swinging gate was required to be open and closed as per the conditions of the licence.

The holder of the Agricultural Licence resides at 70 Lohs Lane and also owns property at 89 Lohs lane to the north.

In 1991, the Bacchus Marsh Shire in accordance with provisions under Part 13 of the Land Act 1958 and by signing a Schedule 125, resolved to declare the portion of Lohs Lane (north of CA73 and CA73A) not required for public traffic therefore providing the Department of Conservation and Environment with the opportunity to grant a licence. As a result, the Department granted a 99 year lease. This Licence also included an unused road east of what is now identified as Lot 5 on PS422421.

In 1999 the land, highlighted in green on the attached map, was subdivided into 5 lots on Plan of Subdivision 422421W.

In 2012 the Department of Sustainability and Environment (now known as Department of Environment and Primary Industries - DEPI) approved a transfer of this agricultural licence from the original licence holder to another direct family member being the current Licensee.

Lohs Lane, up to the gate where the current licence applies, is currently listed on Council's Road Management Plan Road Register as an A2 Gravel Rural Road of 1.070kms.

Council's garbage contractor currently collects the bins for 104 Lohs Lane approximately in front of 73A Lohs Lane which is Crown Land owned by DEPI and provides entry to the Lerderderg Forest. This is where the garbage contractor turns around to exit Lohs Lane.

The owner of 104 Lohs Lane has stated a number of reasons as to why Lohs Lane should be re-opened including unhindered access to a rate paying property; fire maintenance as this road is the only way in and out and the property abuts a State park; garbage services; road maintenance; access for deliveries, visitors to their property and access for the general public. It is also claimed that the lane is not required to move stock as it once was prior to the subdivision.

The Licensee has also written to Council in objection to the cancellation of the licence and re-opening of the road which have been taken into consideration and are addressed as follows:

Possession of a 99 year grazing licence for agricultural purposes

A licence over an unused road provides personal permission to enter and use the land for a specific purpose and does not offer exclusive use to the licensee. All government roads are 'public highways' including unused roads. A public highway is land over which any member of the public has a right to come and go in the course of their lawful business.

Where an objection is raised to a cancellation of a licence, it must be remembered that the primary purpose of the road reserve is to support traffic movement and to allow access to abutting properties (Section 20 of the Road Management Act 2004).

Council's determination of this matter is under Section 407 of the Land Act 1958 and is solely to determine if it is 'desirable in the public interest' that the licence be cancelled.

Should Council determine that it is desirable in the public interest that the licence be cancelled then DEPI (under delegation from the Minister) would be notified with the final decision resting with the Department. The road would then become road within the meaning of the *Road Management Act* 2004 and a municipal road within the meaning of the Act but not a public road that Council would maintain. Section 107 of the *Road Management Act* 2004 specifies:

A road authority does not have a statutory duty or a common law duty to perform road management functions in respect of a public highway which is not a public road or to maintain, inspect or repair the roadside of any public highway (whether or not a public road).

Consideration in this instance needs to be given in regard to ongoing maintenance of this additional 500m of road. For Council to undertake ongoing inspections, maintenance and repairs, the road needs to be declared as a public road by adding it to the register of public roads as part of the Road Management Plan. An assessment of this 500m length of Lohs Lane in accordance with the criteria as stated in the Road Management Plan has occurred and it meets the criteria where Council would consider ongoing maintenance. Therefore it is proposed that the road be declared a public road and therefore listed on Council's road register and managed according to the hierarchy level of an A2 gravel road should the licence be cancelled.

Threat to conservation aspects of the Lerderderg State Forest

The matter pertaining to a threat to conservation aspects of the Lerderderg State Forests rests with the Department of Environment and Primary Industries and is not a matter in which Council may determine.

Any threat to areas in the forests which may be protected will be reviewed by DEPI when consideration of the cancellation is undertaken.

Impact to Council garbage collection

Confirmation from DEPI has been received that should the Licence be cancelled Crown Land would not be required to be fenced therefore allowing Council Garbage contractors to turn and exit Lohs Lane.

A waste of taxpayers/ratepayers money to perform works by maintaining a road to one landowner

This matter would be dependent upon assessment of the road at the request or need of the residents.

Proposal

Any person may submit a request to Council or DEPI that a grazing licence (or portion thereof as applies to this matter) held over a section of road in the municipality be cancelled.

Section 407 of the Land Act 1958 – Re-opening of a Licensed Closed Road provides as follows:

407. Re-opening of licensed closed road or water frontage

- (1) If a municipal council considers that it is desirable in the public interest that a licence under Division 8 of Part I or section 138 of this Act in respect of any unused road in the municipal district of that municipal council should be varied or cancelled it shall so inform the Minister or any person authorized to grant licences and the Minister or that person, may, after three months' notice has been given to the licensee, vary or cancel the licence.*
- (1A) If the Minister considers that it is desirable in the public interest that a licence under Division 8 of Part I or section 138 of this Act in respect of any water frontage should be cancelled he may after three months' notice has been given to the licensee cancel the licence.*
- (1B) Where a licence has been cancelled under sub-section (1) the land to which that licence related shall cease to be an unused road for the purposes of this Act.*

Evidence researched to assist Council determining whether it is desirable in the public interest that a licence should be cancelled has been sourced from a judgment handed down in the Supreme Court (*Johnson v Moyne Shire Council 2012*) which states:

The notion of public interest is derived from the concept of "public traffic". The relevant distinction is between the private use for agricultural purposes by the licensee and an alternative use for movement or traffic from one place to another. As soon as any person other than the licensee, even a single landholder, seeks access to the unused road for a legitimate purpose of movement from where the road begins to where the road ends, there is "public traffic".

Upon the author seeking advice from the Department of Environment and Primary Industries, it was advised that the landowner of 104 Lohs Lane, should have unobstructed legal access to their property. As soon as the statement of compliance on the plan of subdivision 422421W undertaken in 1999 was signed, the licence held over the portion of Lohs Lane should have been cancelled.

When considering matters to be taken into account deciding that a road is "not required for traffic" or access or other legitimate purposes, the General Manager of Infrastructure or Manager Assets will normally reject an application where a road reserve identifies with a number of criteria of which the following applies to this matter:

- Connects into and potentially forms a part of the wider network of public roads in or adjacent to residential, rural residential or industrial zones.
- Is currently used by traffic (vehicular, equestrian or pedestrian) other than traffic generated by the adjoining properties, to access properties or crown land.
- Is the only potential public road access to a land-locked property regardless of whether the property is held in joint ownership with adjoining properties which have road access.

Based upon the evidence obtained it is proposed that Council in accordance with section 407 of the Land Act 1958 determines that it is desirable in the public interest that Agricultural Licence 0703869 over the portion of Lohs Lane Myrniong situated north of CA73 and CA73A under Division 8 of Part I or section 138 of this Act be cancelled and shall so inform the Minister or any person authorised to grant licences of its decision.

This determination will only apply to the licence held over the portion of Lohs Lane Myrniong situated north of CA73 and CA73A. It is proposed that the remaining portion of the licence on the unused road east of Lot 5 on PS422421 will not be cancelled.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Ensure the current and future infrastructure meets the needs of the community
Strategy	Provision of effective and safe transport networks

The proposal to consider under section 407 of the Land Act 1958 that it is desirable in the public interest that a licence be cancelled is consistent with the 2013-2017 Council Plan.

Financial Implications

There are no financial implications in relation to consideration under section 407 of the Land Act 1958 that it is desirable in the public interest that a licence be cancelled.

Should the licence be cancelled by Department of Environment and Primary Industries, Council will incur ongoing maintenance costs if this portion of Lohs Lane is maintained in accordance with Council's Road Management Plan.

It is noted this length would require an upgrade into the future and it is recommended to be included in Council's Capital Improvement Program gravel road resheeting program accordingly.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Safety	Egress of residents during emergency situations	Medium	Removal of swinging gate through cancellation of agricultural licence

Community Engagement Strategy

Having received a written objection from the Licensee, officers have considered and addressed each matter raised. The owner of 104 Lohs Lane has notified officers of his reluctance to mediate and consider the Licensee's proposed solutions. Both parties have been provided the opportunity to address Council at its Ordinary Meeting in relation to this matter.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Shane Marr

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

Author – Michelle Morrow

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

Conclusion

Based upon the evidence obtained it is recommended that Council in accordance with section 407 of the Land Act 1958 determines that it is desirable in the public interest that Agricultural Licence 0703869 over the portion of Lohs Lane Myrniong situated north of CA73 and CA73A under Division 8 of Part I or section 138 of this Act be cancelled and shall so inform the Minister or any person authorised to grant licences of its decision.

It is also proposed that the road be declared a public road and therefore listed on Council's road register and managed according to the hierarchy level of an A2 gravel road should the licence be cancelled.

Consideration of Presentation

Ms. Monica Bartels addressed Council in relation to the request for cancellation of agricultural licence, Lohs Lane, Myrniong.

Mr. Scott Fisher addressed Council in relation to the request for cancellation of agricultural licence, Lohs Lane, Myrniong.

Recommendation:

That Council:

1. Considers it desirable in the public interest that Agricultural Licence 0703869, over the portion of Lohs Lane Myrniong situated north of CA73 and CA73A, under Division 8 of Part I or section 138 of the Land Act 1958 be cancelled and as a result will notify the Minister for Environment and Climate Change (Department of Environment and Primary Industries) of its decision.
2. Notifies the Minister for Environment and Climate Change (Department of Environment and Primary Industries) that the remaining portion of the licence on the unused road east of Lot 5 on PS422421 should not be cancelled.
3. Adds the portion of road situated north of CA73 and CA73A on Lohs Lane to the register of public roads as part of the annual update if the licence is to be cancelled by Department of Environment and Primary Industries.

Resolution :

Crs. Dudzik/

That Council leave current licences and arrangements in place and that Council Officers review signage and request appropriate changes.

The Motion was lapsed due to the want of a Seconder.

Resolution :**Crs. Toohey/Dudzik.**

- 1. That Council considers it not desirable or in the public interest that Agricultural Licence 0703869, over the portion of Lohs Lane Myrniong situated north of CA73 and CA73A, under Division 8 of Part I or section 138 of the Land Act 1958 be cancelled and as a result will notify the Minister for Environment and Climate Change (Department of Environment and Primary Industries) of its decision to not cancel this licence.**
- 2. That Council encourage both parties to come to a common sense agreement on times for gate closure and appropriate signage at the entrance, and to advise the residents that live beyond the gate.**

CARRIED.

Report Authorisation**Authorised by:**

Name: Shane Marr
Title: General Manager Corporate Services
Date: Wednesday 30 April 2014

Attachment - Item 9.5.1(d)

Attachment 9.5.1(d) is a confidential item
and therefore not included
as part of this Agenda.

9.5.2 2016 General Revaluation

Introduction

File No.: RFT 1-10-2010
Author: Monique McLeod
Acting General Manager: Natalie Abbott

Background

In accordance with the *Valuation of Land Act 1960*, Council conducts biannual general revaluations to ensure that Council's rating information is kept at a level that reflects the actual value of a property.

Proposal

That Council resolve to cause a general revaluation of all properties with a valuation level date of 1 January 2016 which will be utilised for the 2016/2017 and 2017/2018 financial years.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Representation and leadership of our community.
Objective	Sound, long term financial management.
Strategy	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets.

As general revaluations are required every 2 years, all appropriate steps are taken to ensure that this process is in accordance with all current policies, Best Practice Guidelines and associated legislation.

Financial Implications

Property Valuations have an impact on the value of rates levied on all rateable properties. These implications are considered when Council is compiling future budgets.

Communications Strategy

Once Council has resolved to cause a general revaluation under the *Valuation of Land Act 1960* Section 6(1), Council's Revenue Services and Procurement Co-ordinator will issue notification letters to all surrounding authorities, the State Revenue Office and the Valuer General's Office.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Acting General Manager – Natalie Abbott

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

Finance Manager – Steve Ivelja

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

Author – Monique McLeod

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

Conclusion

That Council resolve to cause a general valuation in accordance Section 6 (1) of the *Valuation of Land Act 1960*.

Recommendation:

That Council:

1. **resolve to cause a general revaluation of all properties with a valuation level date of 1 January 2016 which will be utilised for the 2016/2017 and 2017/2018 financial years.**
2. **authorises the Revenue Services and Procurement Co-ordinator to issue letters notifying surrounding authorities that Moorabool Shire Council has resolved to cause a general revaluation.**

Report Authorisation

Authorised by:

Name: Natalie Abbott
Title: Acting General Manager Corporate Services
Date: Friday, 9 January 2015



9.5.3 Second Quarter (October – December) 2014/15 Council Plan Actions Progress Report

Introduction

File No.: 02/02/002
Author: Michelle Morrow
Acting General Manager: Natalie Abbott

Background

The 2013-2017 Council Plan was revised and adopted by Council in July 2014. As part of the development of the framework of the Council Plan, Council determines appropriate actions which will support the framework, delivering agreed outcomes for the Community.

The Council Plan outlines three key result areas (KRA) or main themes that guide new initiatives and continuing services these being:

- Representation and Leadership of our Community;
- Community Wellbeing; and
- Enhanced Infrastructure and Natural and Built Environment.

Each KRA has a set of strategic objectives or desired outcomes with sets of strategies to be undertaken over the planned 4 years to achieve the objectives.

All Council actions aligned with the strategies are linked back to the Council Plan. The Council Plan is reviewed annually

Discussion

The attached 2014/15 Council Plan Actions Second Quarter Progress Report indicates each of the actions and the progress comments for the 2014/15 Financial Year. Overall there are 30 actions with 23 actions having reached 90% of the action target achieved for the October - December period with five actions having reached completion. Three actions have achieved between 60 and 90% of the action target achieved. Only four actions are under less than 60% of action target achieved due to the majority of work to be undertaken on these actions in the later quarters.

Proposal

This report is to inform Council and the community on the progress of key Council Plan actions for the 2014/15 Financial Year.

Policy Implications

The 2013. 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Effective strategic and business planning for a growing community
Strategy	Development of service plans that link service delivery, asset management and business excellence.

Financial Implications

There are no financial implications from this report. All projects being delivered have been allocated a budget.

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

Specific projects may have their own communications strategy nevertheless this report will be displayed on Council's website and the annual progress will be reported in Council's Annual Report.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Acting General Manager – Natalie Abbott

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

Author – Michelle Morrow

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

Conclusion

Council is making progress in all areas of the Council Plan for this second quarter. Overall there are 30 actions with 23 actions having reached 90% of the action target achieved for the October - December period with five actions having reached completion. Three actions have achieved between 60 and 90% of the action target achieved. Only four actions are under less than 60% of the action target achieved due to the majority of work to be undertaken on these actions in the later quarters.

Recommendation:

That Council receives the Second Quarter (October - December) 2014/15 Council Plan Actions Progress Report.

Report Authorisation**Authorised by:****Name:** Natalie Abbott**Title:** Acting General Manager Corporate Services**Date:** Tuesday, 13 January 2015

Attachment - Item 9.5.3



Moorabool Shire Council

PREMIUM Action and Task Progress Report

July 2014 - December 2014

Report Filters:


Date From :01-07-2014

Date To :31-12-2014

Display Task : No

Action Filter :Council Plan

Key Result Area: 1 Representation and Leadership of our Community
Objective: 1.1 Good governance through open and transparent processes and strong accountability to the community.
STRATEGY: 1.1.1 Ensure policies and good governance are in accordance with legislative requirements and best practice.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.1.1.5 Review Meeting Procedure Local Law and General Local Laws.	Natalie Abbott - Acting General Manager Corporate Services	In Progress	1/07/2014	30/06/2015	50%	50%	 GREEN
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Governance & Corporate Reporting	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments							
Council is in the process of reviewing the Local Law Meeting Procedure No. 8. Officers met in November 2014 to discuss a schedule in order to ensure Council's meeting procedures are in accordance with Best Practice. It is anticipated that this review process will be completed by 30 March, 2015.							
Council officers are currently participating in the Local Government Professionals (LGPro) Better Local Law Program which commenced in November 2014 and will conclude in March 2015. Two of the five training sessions have been attended to date.							
Last Updated - 09/01/2015							

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.1.1.6 Review Sealing of Unsealed Roads and Street Light policies in line with Council's Policy Framework	Sam Romaszko - Manager Engineering Services	In Progress	1/07/2014	30/04/2015	60%	60%	<div><div></div><div></div><div></div></div> <div>GREEN</div>
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Road Safety	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments Policies are currently being drafted. Draft policies are scheduled to be presented to the S86 Place Making Committee in February 2015 and subsequently an Ordinary Meeting of Council. Last Updated - 16/01/2015							
Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.1.1.7 Review the Community Development Fund	Kate Diamond-Keith - Manager Community Development	Completed	1/07/2014	30/11/2014	100%	100%	<div><div></div><div></div><div></div></div> <div>GREEN</div>
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Community Development	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments Discussion paper completed for the October S86 Social Development Committee Meeting. Discussion Paper endorsed, developed and presented to the Ordinary Meeting of Council on 5 November, to lay on table until December OMC. The report into the review of the Community Development Fund was presented to the Ordinary Meeting of Council on 3 December. The Council resolved to continue to operate the Community Development Fund. Review completed. Last Updated - 16/01/2015							


Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.1.1.8 Implement the statutory planning related Milner's Review - Action carried forward from 2013/14	Sian Smith - Manager Statutory Planning & Community Safety	In Progress	1/07/2014	30/06/2015	70%	50%	<div><div></div><div></div><div></div><div>GREEN</div></div>
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Statutory Planning	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments Sept 2014: The VicSmart process has been introduced however an application of this type has not yet been received . Aug 2014: E-Vis had completed a range of templates within Greenlight for officers to review . Sept 2014 - Confirmation on the effectiveness of delegate report templates in the Greenlight system will be explored in October . During August and September 2014, E-Vis (provider of Greenlight) has been upgrading Greenlight and officers are waiting for the upgrade to be finalised . Oct 2014 - E-Vis is awaiting feedback from officers regarding system and report changes . Nov 2014 - E-Vis is awaiting feedback from officers regarding system and report changes . Dec 2014 - Feedback has been provided on some of the changes they have made. A complete assessment of changes will be provided in the coming months . Jan 2015 - The Milner report is an analysis of the Statutory Planning Department and highlights a wide variety of recommendations ranging from delegation to department structure to specific operational changes. These recommendations seek to improve the efficiencies and effectiveness of the Statutory Planning Department . Some of the recommendations were able to be implemented very quickly, however some require a more detailed analysis or are being addressed by the organisation as a whole. In summary there were 66 recommendations within the Report and 46 of these have been completed. (This equates to 69.7%) The current work being undertaken relates to our Greenlight system to further enhance our effectiveness . This process is quite lengthy and involves a third party provider in trying to achieve a better outcome. Last Updated - 28/01/2015							

Objective: 1.3 Advocate for services and infrastructure that meet the Shire's existing and future needs.

STRATEGY: 1.3.2 Represent Council at a regional level to improve services and infrastructure within the Shire.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.3.2.1 Provide a leadership role in the Peri Urban Group of Councils	Satwinder Sandhu - General Manager Growth & Development	In Progress	1/07/2014	30/06/2015	75%	50%	<div><div></div><div></div><div></div></div> <div>GREEN</div>
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Strategic Land Use Planning	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments							
Recommendations, advice and guidance provided to the Group as required.							
Moorabool Shire Council present at all bi-monthly Peri Urban Group of Rural Councils meetings.							
Date of last meeting attended 5 December, 2014. The next meeting has been scheduled for 13 February, 2015.							
Projects are being identified and development will commence in 2015							
Last Updated - 30/01/2015							

Key Result Area: 2 Community Wellbeing**Objective: 2.1 Community self reliance and resilience****STRATEGY:** 2.1.1 Provide community development support and partnership projects.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
2.1.1.2 Prepare a position paper on Community Development in Moorabool	Kate Diamond-Keith - Manager Community Development	In Progress	1/07/2014	31/05/2015	55%	55%	 GREEN


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Community Development	Recurrent				

Linked action filters: Council Plan**Action Progress Comments**

Community Engagement Plan currently being implemented. Council and stakeholder workshop completed; first stage of community engagement completed.

Discussion paper presented to S86 Social Development Committee. Next stage development of Community Development paper is in progress.

Last Updated - 16/01/2015

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
2.1.1.3 Implement the economic development strategy key outcomes	Peter Forbes - Manager Economic Development & Marketing	In Progress	1/07/2014	30/06/2015	50%	50%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Marketing and Communications	Recurrent				

Linked action filters: Council Plan**Action Progress Comments**

Draft discussion paper and Strategy prepared identifying key strategy outcomes for adoption and implementation. Feedback provided to consultants on draft in October 2014.

Draft retail and industrial strategies have been received for incorporation into the strategy. The Agricultural Planning study and Parwan Employment Precinct study are yet to be finalised for inclusion.


It is anticipated that the suite of strategies will be received by Council in March 2015.

Last Updated - 28/01/2015

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
2.1.1.4 Prepare an Parwan Agribusiness, Employment and Industrial Land Strategy	Andrew Goodsell - Senior Strategic Planner / Acting Manager SSD	In Progress	1/07/2014	30/06/2015	60%	50%	<div><div></div><div></div><div></div></div> <div>GREEN</div>
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Statutory Planning	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments Spiller Gibbons & Swan (SGS) have been engaged by Council to prepare the Employment and Industrial Land Strategy. A Project Reference Group was convened in July 2014 with a meeting with internal and external stakeholders held. Stakeholder Consultation and Workshops for the Industrial Strategy is completed , however the Parwan Agribusiness Strategy is only 50% complete due to issuing of an updated brief and change in Project Personnel. Overall stakeholder consultation and workshops are approximately 80% completed. A Draft Strategy and Action Plan will be presented to the S86 Place Making Committee in February 2015. A Report to Council for adoption of the Strategy and Prioritised Action Plan will be prepared upon dependant tasks to the strategy being completed . Report is scheduled to be tabled at OMC 1 April 2015 Implementation of the key priorities, including Planning Scheme Amendments (as relevant) will commence upon the completion of the Agribusiness , Employment and Industrial Land Strategy as a component of M2041. CBRE has been engaged by Council to prepare the Agribusiness Strategy with an updated brief issued in December , 2014. Last Updated - 28/01/2015							

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
2.1.1.5 Develop a plan to maximise economic and employment opportunities at the Bacchus Marsh airfield (Aerodrome)	Peter Forbes - Manager Economic Development & Marketing	Deferred	1/07/2014	30/06/2015	15%	50%	<div><div></div><div></div><div></div></div> <div>RED</div>
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Marketing and Communications	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments An amount of \$20,000 has been allocated towards future planning work for the Bacchus Marsh Aerodrome as a part of the 2014/15 budget. An internal working group has been established to oversee strategic work for the aerodrome. A project scope and and issues paper has been prepared and will be tabled with the Executive Group in February . The project scope will be distributed for quotes after the Executive Group meeting in February. It is expected that the brief will go out for tender mid April , with the aim to have a consultant appointed by early May, 2015. Last Updated - 28/01/2015							

Objective: 2.2 Inclusive, responsive and accessible community services**STRATEGY:** 2.2.1 Work in partnership with government and non-government service providers to deliver early years facilities and services.


Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
2.2.1.8 Finalise the preparation of the Municipal Early Years Plan - Action carried forward from 2013/14	Sharon McArthur - Manager Early Years	In Progress	1/07/2014	30/04/2015	50%	60%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Child & Family Advocacy and Planning	Recurrent				

Linked action filters: Council Plan**Action Progress Comments**

Consultation for the development of the plan was completed in July/August 2014 through a family survey, a service provider survey, small focus groups and consultation with children. The total number of children, families and service providers who took part in the consultations (including the focus groups, children's consultations and surveys) was 536. This included input from 161 children, 271 families and 104 service providers. A discussion paper was presented to the October 2014 Section 86 Social Development Committee. It is anticipated that the draft plan will be completed in early February, with presentation to the Social Development Committee of Council in March, and with the draft and final draft plans to be presented to the Council by June 2015.

Last Updated - 23/01/2015

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
2.2.1.9 Complete the detailed design of the Darley Early Years Hub	Sam Romaszko - Manager Engineering Services	In Progress	1/07/2014	31/05/2015	30%	55%	 RED

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Project Management	Recurrent				

Linked action filters: Council Plan**Action Progress Comments**

An initial report was presented to Council in February 2014 outlining site options for the project, with the resolution confirming that Council endorse the Darley Civic & Community Hub (Science Wing) as the site for the proposed Darley Early Years Hub.

The conceptual plans have now been adopted by Council and procurement of a principal consultant to complete the detailed design has now occurred. Detailed design is scheduled to commence in January 2015 and be completed by June 2015.

Last Updated - 16/01/2015


STRATEGY: 2.2.3 Advocate, support and provide aged and disability services.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
2.2.3.2 Prepare an Ageing Well Strategy (Age Well Live Well)	Robyn Salt - Manager - Aged & Disability	In Progress	1/07/2014	30/04/2015	60%	60%	<div><div></div><div></div><div></div></div> <div>GREEN</div>
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Assessment and Care Management	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments A discussion paper was prepared and presented to the December meeting of the S86 Social Development Committee of Council for comment. The draft and final draft plans will be prepared and presented to the Council in the first half of 2015. Last Updated - 23/01/2015							

STRATEGY: 2.2.4 Ensure Council's services and facilities are accessible.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
2.2.4.1 Prepare an Access and Inclusion Plan	Robyn Salt - Manager - Aged & Disability	In Progress	1/07/2014	30/04/2015	60%	60%	<div><div></div><div></div><div></div></div> <div>GREEN</div>
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Assessment and Care Management	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments A discussion paper was prepared and presented to the December meeting of the S 86 Social Development Committee of Council for comment. The draft and final draft plans will be prepared and presented to the Council in the first half of 2015							
Last Updated - 23/01/2015							

Objective: 2.3 Increase and encourage participation in a range of sport, recreation and leisure activities**STRATEGY:** 2.3.1 Promote community health and well-being through the provision of recreation facilities, open space, programs and activities.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
2.3.1.4 Complete the review of the Recreation and Leisure Strategy	Troy Scoble - Manager Recreation & Youth Development	In Progress	1/07/2014	30/12/2014	70%	100%	 YELLOW


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Recreation Development	Recurrent				

Linked action filters: Council Plan**Action Progress Comments**

A draft Recreation and Leisure Strategy is being prepared for presentation to the Ordinary Meeting in March for endorsement for the purposes of community engagement . A final draft strategy will then be presented to Council in May for adoption

Last Updated - 23/01/2015

STRATEGY: 2.3.3 Pursue efficiencies in managing sporting and recreation facilities in partnership with Section 86 committees of management and other committees of management and sporting groups.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
2.3.3.2 Adopt the revised Bacchus Marsh Racecourse Recreation Reserve (BMRRR) Masterplan	Phil Jeffrey - General Manager Infrastructure	In Progress	1/07/2014	30/04/2015	60%	60%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Management	Recurrent				

Linked action filters: Council Plan**Action Progress Comments**


Following a period of user group consultation and options analysis by officers , a report was presented to an Ordinary Meeting of Council on Wednesday 5 November 2014 where it was resolved to locate the active sports precinct in the centre of the reserve and to finalise the masterplan and preliminary design of the active sports precinct components.

A lead consultant has been engaged to progress both masterplan and design work that will commence in January , including further stakeholder engagement and presentation of the masterplan to the Ordinary Meeting on Council on Wednesday 4 March 2015 to be placed on public exhibition.

Subject to the masterplan being endorsed, further design work is proposed to be completed by end April 2015, in preparation for grant opportunities anticipated in May.

Last Updated - 28/01/2015

Key Result Area: 3 Enhanced Infrastructure and Natural Built Environment**Objective: 3.1 Effective and integrated strategic planning in place to create sustainable communities.****STRATEGY:** 3.1.2 Development of Urban and Rural Growth Strategies in conjunction with other related plans.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.1.2.2 Perform Urban Growth Strategy (UGS) tasks: – Implement new residential zones (Ministerial Zones Review - MZR) – Complete Urban Settlement Strategic vision paper - UGS – Complete the Bacchus Marsh Precinct Study - UGS - Action carried forward from 2013/14	Andrew Goodsell - Senior Strategic Planner / Acting Manager SSD	In Progress	1/07/2014	30/06/2016	55%	25%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Strategic Land Use Planning	Recurrent				

Linked action filters: Council Plan**Action Progress Comments**

The Minister approved the Ministerial Zones Review - Amendment C72 - in October 2014. This Amendment has now been incorporated into the Planning Scheme.

The Bacchus Marsh Draft Housing Needs Context Report was presented to the Ordinary Meeting of Council in March 2014 and adopted as part of Draft Amendment C72 which is now completed.

Consultants Macroplan Dimasi have been appointed to manage the retail component for the Urban Growth Strategy. An inception meeting was held in September 2014. A discussion paper was issued in October 2014. Draft report has been tabled with Council staff for internal review in December, 2014.

Liaisons with Metropolitan Planning Authority (MPA) on partnership for preparation of Urban Growth Strategy are ongoing. Memorandum of Understanding to be prepared confirming MPA commitment.

Once the Memorandum of Understanding (MOU) is finalised with the Metropolitan Planning Authority (MPA) a draft updated Infrastructure Plan Framework can be prepared for Bacchus Marsh and surrounding areas for further consideration by Council.

The workplan pertaining to the Social Infrastructure Plan Review as part of the Urban Growth Strategy is being updated and will be further developed over the next quarterly period.

The Housing Strategy component for the Urban Growth Strategy will be prepared pending finalisation of the earliest stages of the Urban Growth Strategy.

Consultants Potts & Associates were appointed in August 2014 to prepare a consultation strategy for the Urban Growth Strategy.

Community consultation is expected to be completed now by the end of January, 2015. Consultation is now 90% complete with final task being senior citizen interviews and questionnaires being completed by Real Estate Agent, designer/architects and financial lenders.

Last Updated - 16/01/2015

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.1.2.3 Perform Rural Growth Strategy Projects tasks: – Complete agricultural enterprise investment needs on smaller lots study – Develop the Small Towns and Settlement Clusters Strategy - Action carried forward from 2013/14	Andrew Goodsell - Senior Strategic Planner / Acting Manager SSD	In Progress	1/07/2014	30/06/2016	40%	25%	<div><div></div><div></div><div></div><div>GREEN</div></div>
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Strategic Land Use Planning	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments The Agricultural Enterprise Investment Needs Strategy has been completed . Urban Enterprise work on the Small Towns Residential Demand Analysis has now been completed . Copy has been provided to S86 Rural Growth Strategy Committee. The Environmental Constraints Mapping of Small Towns is now substantially completed . Information has been incorporated into Consultation Maps to be tabled with each relevant community in February through to April 2015. With regard to finalising a Context Report - Small Towns and Clusters Settlement Strategy , a draft Issues paper will be circulated to Councillors via delivery end of January 2015. The Retail Strategy to support growth of small towns was commissioned August 2014 (4 Consultant Tenders were received). Draft report to be finalised in February 2015 and tabled with Council in March 2015. Engagement Strategy and "Community Visioning" methodology tabled with S86 Rural Growth Strategy Committee.							
Last Updated - 28/01/2015							

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.1.2.4 Participate in initiatives that advance the Central Highlands Regional Growth Plan (CHRGp) and Plan Melbourne key directions	Satwinder Sandhu - General Manager Growth & Development	In Progress	1/07/2014	30/06/2015	60%	50%	<div><div></div><div></div><div></div></div> <div>GREEN</div>
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Growth & Development Governance	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments							
Current member of the Regional Cities Forum Working Group and attendance at regular meetings with the Metropolitan Planning Authority .							
Currently working with the Metropolitan Planning Authority (MPA) and Department of Transport Planning and Local Infrastructure (DTPLI) to develop the Infrastructure Framework Plan for Bacchus Marsh and surrounding areas. Last meeting attended Tuesday 9 December, 2014. Next meeting scheduled for Thursday 8 January, 2015.							
A letter was prepared and sent to The Hon. Richard Wynne, Minister for Planning regarding Bacchus Marsh District - Request for Assistance – Metropolitan Planning Authority – Bacchus Marsh Future Growth Framework on the 12 December, 2014.							
Last Updated - 16/01/2015							

STRATEGY: 3.1.4 Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.1.4.2 Develop a plan for the long term use of the Darley Civic Hub	Danny Colgan - General Manager Community Services	Completed	1/07/2014	31/08/2014	100%	100%	<div><div></div><div></div><div></div></div> <div>GREEN</div>
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Community Services Governance	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments							
Council adopted a plan for the future use of the Darley Civic Hub at its Ordinary Meeting in August 2014. Work is now to commence on attracting the priority services and organisations outlined in the report including revision of the guidelines and expression of interest documentation.							
Last Updated - 16/01/2015							

Objective: 3.2 Enhance and protect the long term integrity and biodiversity of the natural environment.

STRATEGY: 3.2.4 Develop a Domestic Wastewater Management Plan in accordance with new ministerial guidelines.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.2.4.2 Complete a Domestic Wastewater Management Plan, as per new ministerial guidelines	Sian Smith - Manager Statutory Planning & Community Safety	Completed	1/07/2014	30/09/2014	100%	100%	<div><div></div><div></div><div></div></div> <div>GREEN</div>
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Environmental Health Investigation, Inspection & Education	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments							
Oct 2014: The plan was adopted by Council on 1/10/2014							
Last Updated - 16/01/2015							

Objective: 3.3 Ensure current and future infrastructure meets the needs of the community.

STRATEGY: 3.3.1 Develop long term social and physical infrastructure plans and funding modelling as part of the Moorabool 2041 Framework including opportunities for development contributions.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.3.1.3 Commence Development of the “Beyond 2041 Community Plan” framework.	Satwinder Sandhu - General Manager Growth & Development	Completed	1/07/2014	30/06/2015	100%	50%	<div><div></div><div></div><div></div></div> <div>GREEN</div>
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Growth & Development Governance	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments							
This Council Plan Action listed under Representation and Leadership of our Community in the 2013-2017 Council Plan (revised 2014) was not due to be solely acted upon at this time and has been included into the Moorabool 2041 Projects.							
Last Updated - 27/10/2014							

STRATEGY: 3.3.2 Plan and maintain a long term and annual capital improvement program.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.3.2.10 Resolve the future location of a new Ballan Depot.	Glenn Townsend - Manager Operations	Completed	1/07/2014	31/03/2015	100%	66%	<div><div></div><div></div><div></div></div> <div>GREEN</div>
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Management	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments							
A consultant has been appointed to the project and has evaluated a number of potential sites for the future location of a new Ballan depot . The report and recommendation endorsed 54 Haddon Drive as the preferred option for the future location of a Ballan depot.							
Last Updated - 23/01/2015							

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.3.2.22 C51 Bacchus Marsh Activity Centre Structure Plan	Damien Drew - Senior Strategic Planner	In Progress	1/07/2014	30/06/2015	86%	50%	<div><div></div><div></div><div></div></div> <div>GREEN</div>
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Growth & Development Governance	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments							
Provisions of the approved Amendment C72 are being assessed to determine whether changes are required to Amendment C51. Minor changes are required to C51 to ensure that the provisions of both Amendments are consistent.							
A report has been prepared for consideration by Council at Ordinary Meeting of Council scheduled for 4 February, 2015.							
Last Updated - 16/01/2015							

GREEN

[illegible]

<p>Draft text of Final Plan is being amended to reflect the comments of the Residential Zones Standing Advisory Committee .</p>
<p>Structure Plan implementation documents to be presented to the S86 Place Making Committee in first quarter 2015 prior to report to Council to adopt the Structure Plan and seek authorisation to prepare a Planning Scheme Amendment to implement the plan into the Moorabool Planning Scheme . Council Officers are amending the text of the document based on consultation and the outcome of Moorabool C72.</p>
<p>Structure Plan and Implementation Documents are expected to be presented to the Ordinary Meeting of Council on 1 April 2015.</p>



GREEN

[illegible]

At the Ordinary Meeting of Council on 5 March 2014, Amendment C53 Gordon Structure Plan was adopted. Council submitted C53 for Ministerial approval on 13 March 2014. This concludes Council's actions on the Amendment.


Amendment C72 has applied the Neighbourhood Residential Zone to Gordon as recommended by the Advisory Committee . Therefore, the rezoning of the former Township Zone area is not necessary as part of Amendment C53.

Regional Development Victoria (RDV) is reviewing remaining components of C53 prior to seeking Ministerial Approval. Further information was provided to RDV on 26 November, 2014 in response to questions of clarification. Approval is at the Minister for Planning's discretion.

Once approved and gazetted public notice is required to be published by Council.

Last Updated - 16/01/2015

STRATEGY: 3.3.4 Provision of effective and safe transport networks.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.3.4.1 Complete the traffic and transport study for Bacchus Marsh	Sam Romaszko - Manager Engineering Services	In Progress	1/07/2014	30/04/2015	60%	60%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Project Management	Recurrent				

Linked action filters: Council Plan


Action Progress Comments

Cardno Pty Ltd has been appointed to undertake the transport study for Bacchus Marsh. The outcome of this study will produce a traffic model for Bacchus Marsh, including various scenarios for 2014, 2021, 2031 and 2041, and recommend potential projects to manage traffic issues into the future.

Transport model development and initial engagement with the community has occurred, with scenario modelling and network option assessment continuing.

The draft Bacchus Marsh Transport Plan is anticipated to be presented to Council briefings in February /March 2015 and following that, to an Ordinary Meeting of Council in April to be placed on public exhibition for community members to provide further comment.

Last Updated - 16/01/2015

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.3.4.2 Perform progress planning for the extension of Halletts Way at north and south ends	Phil Jeffrey - General Manager Infrastructure	In Progress	1/07/2014	31/05/2015	30%	54%	 RED

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Management	Recurrent				

Linked action filters: Council Plan

Action Progress Comments

Halletts Way North End: Detailed design is currently in progress. Subject to continued developer commitment, it is expected that construction will commence in 2015.

Halletts Way South End: Preliminary design has been undertaken and includes stakeholders and authority in principle agreement to the major components such as the bridge size and flood impacts.

The detailed design commenced in January 2015 and is anticipated to be completed in June 2015. This involves design of all civil engineering aspects, flood and drainage, street lighting, structural engineering, geotechnical investigation and procurement of all statutory and authority approvals for the project. Following this process, the project should be in a position to tender for construction if budget is available. A land acquisition component is also required before the project can be constructed and this has commenced.

Last Updated - 16/01/2015

Objective: 3.6 Management of assets and infrastructure.

STRATEGY: 3.6.5 Proactive maintenance of roads, bridges and footpaths at documented standards in the Road Management Plan.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.6.5.4 Perform Level of Service Review for Street Sweeping and Cleaning	Glenn Townsend - Manager Operations	In Progress	1/07/2014	30/06/2015	30%	50%	<div><div></div><div></div><div></div></div> YELLOW
Activitv	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Roads Management	Recurrent						
Linked action filters: Performance Objective,Council Plan							
Action Progress Comments							
An internal working group has been formed to prepare a level of service document, with benchmarking of similar organisations existing levels of service for street, footpath and pit cleaning forming part of the review, along with an assessment of data from Council's existing cyclic cleaning processes. The data will be utilised to produce a draft document to be considered late in the financial year.							
Last Updated - 16/01/2015							

STRATEGY: 3.6.6 Proactive maintenance of buildings, structures, public amenities and community facilities at appropriate standards.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.6.6.4 Undertake a review of Council owned properties in order to provide better utilisation and benefits	Satwinder Sandhu - General Manager Growth & Development	In Progress	1/07/2014	30/06/2015	55%	50%	<div><div></div><div></div><div></div></div> <div>GREEN</div>
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Building Services	Recurrent						
Linked action filters: Council Plan							
Action Progress Comments							
Background research has been undertaken and collated with analysis ongoing.							
Last Updated - 16/01/2015							

STRATEGY: 3.6.7 Proactive maintenance of Council owned and managed parks, gardens, trees, playgrounds, open space and town entrances at appropriate standards.

Action	Responsibility	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.6.7.9 Develop a Street Tree Strategy (subject to budget)	Glenn Townsend - Manager Operations	Deferred	1/07/2014	30/06/2015	5%	50%	<div><div></div><div></div><div></div></div> RED

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Parks and Gardens	Recurrent				

Linked action filters: Performance Objective,Council Plan

Action Progress Comments

A New Initiative was approved as part of the 2014/15 budget for the development of the strategy. A grant application for supplementary funds was submitted , however officers have been advised that the application was unsuccessful. A scoping document has been prepared and a project brief is being developed in conjunction with the finalisation of the ' Tree Policy ' which will be a major factor given the documents are closely aligned.

Given anticipated grant funding has not been successful, officers are currently discussing the project with consultants to guage if the funds available can deliver a strategy .

Last Updated - 16/01/2015

9.5.4 Quarterly Financial Report December 2014

Introduction

File No.: 07/01/004
Author: Steve Ivelja
Acting General Manager: Natalie Abbott

This Quarterly Report covers the period of 1 July 2014 to 31 December 2014. The report outlines the year to date financial position of Council and forecast projections for the full year results.

The forecast result at the end of the financial year is an increase in the surplus by \$0.240m. Please refer to the attached report for a detailed review of the financials.

Background

Under section 138 . Quarterly Statements, of the Local Government Act (1989), Council is to receive a quarterly report on progress against the adopted budget.

Proposal

That Council receives the Quarterly Report . December 2014.

Policy Implications

The adoption of the Quarterly Report . December 2014 meets Council's statutory obligations under section 138 . Quarterly Statements of the Local Government Act (1989).

The 2013-2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Sound, long term financial management
Strategy	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets.

Amended Budget

Generally, at the end of the financial year it is not uncommon for projects (both Capital projects and Operating projects) to be incomplete at the end of the financial year. This can happen for a number of reasons such as delays in construction due to weather or other events, deferral of projects due to operational matters, late receipt of government funding for one off projects, lack of internal resources to complete one off new initiatives due to staff turnover etc.

Throughout this report Council will be reporting on the Amended Budget rather than the Adopted Budget. The Amended Budget contains items approved as carry forwards from the 2013/14 financial year. These include grant funded one off projects, Council approved New initiatives from prior years that are not yet complete, Flood recovery funds, and incomplete/deferred capital projects. The following schedule provides an overview at a high level of the items that have been added to the Adopted Budget to arrive at the Amended Budget.

Impact on Cash on hand as at 30 June 2014

Based on the aggregate of both the Operating Budget and Capital Budget carry forward, a sum of \$2.143m in cash will be required to fully fund the carry forward. These are made up of the following;

Net Operating Budget Carry forwards	\$0.835m
Net Flood Recovery Project Commitments	(\$1.853m)
Net 2013/14 CIP Program Commitments	<u>\$3.160m</u>
Total cash required to complete the carry forward	\$2.143m

As at the 30 June 2014, Council held \$9.576m in cash and cash equivalents. Cash holdings were high in part due to the impact of these uncompleted projects.

Operating Budget

The net effect on the Operating Budget is a favourable variance of \$2.380m.

Net Operating Surplus in the Adopted 2014/15 Budget	\$4.695m
Net New Initiatives / Grant Funded Projects	(\$0.835m)
Flood Recovery Capital Grants	\$1.853m
2013/14 Carry Forward Capital Grants	<u>\$1.362m</u>
Amended Operating Budget Surplus	\$7.074m

Capital Budget

The effect on the capital budget is an increase in expenditure of \$4.522m.

2014/15 Adopted Budget for Capital Expenditure	\$ 9.637m
Add 2013/14 Carry Forward Capital Projects	<u>\$ 4.522m</u>
Amended Capital Budget	\$14.149m

The attached Quarterly Financial Report, **Attachment 9.5.4**, provides an explanation of the Income Statement, Balance Sheet, Cash Flow Statement and Capital Works Statement with the year-to-date actuals compared to the year-to-date amended budget, and the amended annual budgets compared to the annual forecasts.

Income Statement

The main changes within the Income Statement are as follows:

- Decrease in ~~%Rates and Charges+~~ (\$0.282) mainly due to overestimating Rates and Supplementary Rates in the budget;
- Increase in ~~%Other Revenue+~~ (\$0.262m) mainly due to income from unbudgeted Insurance Claims;
- Decreased ~~%Employee Costs+~~ (\$0.144m) expenditure mainly due to predicted savings in employee oncosts including leave provisions, WorkCover and Parental leave;
- Increase in ~~%Capital Grants and Contributions+~~ (\$0.229m) mainly due to new funding identified since the adoption of the budget.

The net effect of these changes and other minor variances causes the total surplus for the year to increase by \$0.240m to \$7.314m.

Cash

The forecast cash balance at 30 June 2015 has decreased by \$0.505m to \$6.645m in comparison to the amended budget. This is mainly due to Council funding part of the Halletts Way project with borrowings from a prior year.

Capital Improvement Program (CIP)

The total cash expenditure forecast for the CIP has increased by \$0.816m, from the amended budget of \$14.159m to \$14.975m. This is due to:

- | | |
|---|------------------|
| • Prior year borrowings for Halletts Way Project | \$ 0.500m |
| • New funding received: | |
| ○ Yankee Flat Road / Navigators Road Intersection | \$ 0.052m |
| ○ Masons Lane Athletics Development | \$ 0.042m |
| ○ Elaine-Morrisons Road | \$ 0.040m |
| ○ Hike and Bike | \$ 0.040m |
| ○ Yendon Recreation Reserve Project | \$ 0.034m |
| ○ Mt Egerton Community Facilities | \$ 0.028m |
| • Other | \$ 0.080m |
| | \$ 0.816m |

Risk & Occupational Health & Safety Issues

There are no identified risks associated with this process.

Communications Strategy

To Council, through the Ordinary Meeting of Council on 4 February 2015, and to the Audit Committee meeting on 18 February 2015.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Acting General Manager – Natalie Abbott

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

Author – Steve Ivelja

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

Conclusion


The Quarterly Financial Report . December 2014 has been prepared in accordance with Section 138 . Quarterly Statements of the Local Government Act (1989) for review and receiving by Council.

Recommendation:

That Council receives the Quarterly Financial Report – December 2014.

Report Authorisation**Authorised by:**

Name: Natalie Abbott
Title: Acting General Manager Corporate Services
Date: Thursday, 22 January 2015



Attachment - Item 9.5.4

MOORABOOL SHIRE COUNCIL

*Out in the Country...
Close to the World*



2014/15 Quarterly Financial Report - December 2014

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1 Amended Budget

Generally, at the end of the financial year it is not uncommon for projects (both Capital projects and Operating projects) to be incomplete at the end of the financial year. This can happen for a number of reasons such as delays in construction due to weather or other events, deferral of projects due to operational matters, late receipt of government funding for one off projects, or lack of internal resources to complete one off new initiatives due to staff turnover etc.

Throughout this report Council will be reporting on the Amended Budget rather than the Adopted Budget. The Amended Budget contains items approved as carry forwards from the 2013/14 financial year. These include grant funded one off projects, Council approved New Initiatives from prior years that are not yet complete, flood recovery funds, and incomplete/deferred capital projects. The following schedule provides an overview at a high level of the items that have been added to the Adopted Budget to arrive at the Amended Budget.

1.1 Impact on Cash on hand as at 30 June 2014

Based on the aggregate of both the Operating Budget and Capital Budget carry forward, a sum of \$2.143m in cash will be required to fully fund the carry forward. These are made up of the following;

Net Operating Budget Carry forwards	\$0.835m
Net Flood Recovery Project Commitments	(\$1.853m)
Net 2013/14 CIP Commitments	<u>\$3.160m</u>

Total cash required to complete the carry forward \$2.143m

As at the 30 June 2014, Council held \$9.576m in cash and cash equivalents. Cash holdings were high in part due to the impact of these uncompleted projects.

1.2 Operating Budget

The net effect on the Operating Budget is a favourable variance of \$2.380m.

Net Operating Surplus in the Adopted 2014/15 Budget	\$4.695m
Net New Initiatives / Grant Funded Projects	(\$0.835m)
Flood Recovery Capital Grants	\$1.853m
2013/14 Carry Forward Capital Grants	<u>\$1.362m</u>
Amended Operating Budget Surplus	\$7.074m

1.3 Capital Budget

The effect on the capital budget is an increase in expenditure of \$4.522m.

2014/15 Adopted Budget for Capital Expenditure	\$9.637m
--	----------

Add

2013/14 Carry Forward Capital Projects	<u>\$4.522m</u>
--	-----------------

Amended Capital Budget	\$14.159m
-------------------------------	------------------

2 Operating Performance

Year to Date Operating Performance 31 December 2014

2.1 Overall:

For the six months to 31 December, the Net Result was a Surplus of \$17.352m with an unfavourable variance of \$0.034m compared to the year to date amended budget.

2.2 Operating Revenues [\$0.063m unfavourable]:

Rates and Charges . Unfavourable by \$225,000 due to an overestimation of Rates and Supplementary Rates income in the budget.

Operating Grants . Favourable by \$138,000 due to increases in grant income for Fire Services Levy (\$29,000), Valuation Contract (\$13,000), Library Services (\$22,000), Werribee Gorge Bio-link Project (\$15,000), Meals on Wheels (\$16,000) and other Aged & Disability grants (\$30,000). These increases have been reflected in the year end forecast.

Other Revenue . Favourable by \$139,000 mainly due to unbudgeted insurance claims (\$85,500). These relate to some items of plant that were stolen, as well as some damage to property. There were also some impounded items that were sold (\$12,800) that was unbudgeted. Other favourable variances include income from reimbursements under the Recycling contract (\$22,000) as well as timing variances relating to lease income from Darley Community Hub and Communication Towers (\$24,700). These favourable transactions have been reflected in the year end forecast.

Interest Received . Unfavourable by \$53,000 due to less interest generated from investments because of a lower cash balance held. This has occurred for a number of reasons, such as the cancellation of the early payment of the Financial Assistance Grants in 2014/15 and a significant delay in the receipt of the final flood assistance payments. Also, investment returns have generally been lower than the rates assumed in the calculation of the budget.

2.3 Operating Expenses [\$0.028m unfavourable]:

Borrowing Costs . Unfavourable by \$41,000 due to under budgeting for loan interest repayments.

2.4 Capital Income and Asset Items [\$0.056m favourable]:

Capital Contributions - Cash (Developer Contributions) . Unfavourable by \$57,000 due to the timing of Public Open Space Contributions (\$54,000) and Social Infrastructure Contributions (\$3,000). These will continue to be monitored to see if forecast adjustments are required.

Forecast Results for Year Ending 30 June 2015

As at 31 December, the Forecast Surplus for the year has increased by \$0.240 million. The Forecast is now expected to be a surplus of \$7.314m. Major variances are the following:

2.5 Operating Revenues [\$0.145m unfavourable]:

Rates and Charges . Unfavourable by \$282,000 due to an overestimation of Rates and Supplementary Rates income in the original budget.

Other Revenue . Favourable by \$262,000 mainly due to some unbudgeted insurance claims (\$85,700). However, this will also result in a matching increases in %Materials and Consumables+and capital expenditure for plant purchases. Other increases relate to income received for the sale of Impounded Items (\$12,800), reimbursements under the recycling collection contract (\$44,000), refunds of prior year\$ over charged bank fees (\$50,000) and reimbursements for prior year\$ profit share under the leisure services contract (\$70,000).

Interest Received . Unfavourable by \$138,600 due to the impact of a lower cash balance held. This has occurred for a number of reasons, such as the cancellation of the early payment of the Financial Assistance Grants in 2014/15 and a significant delay in the receipt of the final flood assistance payments. Also, investment returns have generally been lower than the rates assumed in the calculation of the budget.

2.6 Operating Expenses [\$0.032m unfavourable]:

Employee Costs . Favourable by \$144,000 mainly due to predicted savings in Employee Oncosts (\$311,000). This includes Leave Provisions \$189,000, Workcover Premium \$67,000 and Maternity/Paternity Leave \$55,000.

There are also savings in a number of Service Units due to vacancies. These include; Environment & Catchment Management (\$44,000), Maternal & Child Health (\$26,000), Strategic Planning (\$18,000) and Community Development (\$18,000).

These favourable adjustments are offset by an increase in salary costs for Community Safety (\$47,000), Accounting Services (\$47,000), Contracts and Procurement (\$35,000), People and Performance (\$35,000), Customer Service (\$27,000), and Environmental Health (\$26,000 . this is partially offset by reimbursements from Hepburn Shire Council and funds reallocated from Aged and Disability Services).

The increase in salary costs mentioned above are a result of extra resources required and additional project based work needed for certain periods of time over the first six months of the year. Council staff and management will be required to monitor their budgets over the next few months and find potential savings to cover any forecast overspend.

Borrowing Costs . Unfavourable by \$137,000 due to under budgeting for interest repayments in the original budget.

2.7 Capital Income and Asset Items [\$0.416m favourable]:

Capital Grants and Contributions . Favourable by \$229,000 due to new funding identified since the adoption of the budget. The projects include:

-
- Yankee Flat Road / Navigators Road Intersection (\$52,000)
 - Elaine-Morrison's Road (\$40,000)
 - Hike and Bike (\$40,000)
 - Yendon Recreation Reserve Development Project (\$33,850)
 - Mason's Lane Athletics Development (\$32,000)
 - Mt Egerton Hall and Recreation Reserve (\$28,200)
 - Maddingley Park Lifestyle Fitness Circuit (\$20,100)
 - Lal Lal Soldier's Memorial Hall Multi-purpose Facility (\$15,200)

These are partially offset by a decrease in the amount Council will receive for the Coimadai Avenue of Honour Project (\$35,000).

Net Gain (Loss) on Disposal of Property, Infrastructure, Plant and Equipment and Land Held for Sale . Favourable by \$186,500 due to the expected increase in plant sales in 2014/15. There is a large carry forward component in capital purchases relating to plant, therefore the income from sales is expected to increase from the adopted budget.

3 Balance Sheet

Forecast as at 30 June 2015

The Balance Sheet shows the movements from the Budget to the Forecast, as well as the current year to date balance (at 31 December 2014) compared to the same time last year (31 December 2013).

3.1 Assets

Cash Assets . the year to date cash balance is \$2.116m less than the same time last year, mainly as a result of large grants for flood restoration works being received up front last financial year. Flood restoration works have now been fully completed so cash levels are reverting back towards normal levels with the final grant payment of \$1.852m received in December.

The forecast cash balance is expected to be \$0.505m lower than the amended budget. This is predominantly due to a \$0.500m payment for the Halletts Way Project for which Council borrowed funds in prior years and will be spent in 2014/15. This was not included in the original budget.

Current Receivables . the balance is \$0.784 more than at the same time last year, mainly relating to Rates debtors outstanding.

Property, Infrastructure, Plant and Equipment . the balance is \$68.118m less than last year due to the revaluation of Infrastructure Assets in the 2013/14 financial year. The forecast balance is greater by \$0.816m compared to the amended budget which reflects the net of capital spend, contributed assets, depreciation, and written down value of assets disposed.

3.2 Liabilities

Payables . the balance is lower by \$198,000 compared to last year which reflects the timing of the last creditor payment run in December.

Trust Funds . the balance is less by \$154,000 compared to last year mainly due to a reduction in refundable building deposits (\$65,000) and retentions held (\$68,000).

Interest-Bearing Liabilities . the balance is less by \$0.758m overall compared to the same time last year. This relates to the net impact of debt redemption and any new loans being taken up in 2014/15.

3.3 Equity

Accumulated Surplus . the decrease of \$33.830m since December last year mainly relates to the accounting treatment of the reversal of found assets during the 2013/14 financial year.

Asset Revaluation Reserve . the decrease of \$35.580m relates to the revaluation of infrastructure assets and the restatement of found assets during the 2013/14 financial year.

4 Forecast Cash Flows

4.1 Overall

The overall cash forecast for 30 June 2015 is \$6.645m and \$0.505m less than the amended budget.

This forecast is a result of movements in each of the three types of cash flows as follows:

4.2 Operating Cash Flows

Capital Grants and Contributions . Favourable by \$229,000 due to new funding received since the adoption of the budget. These projects and other adjustments are highlighted earlier in section 2.7.

Other Revenue . Favourable by \$262,000 mainly due to some unbudgeted insurance claims (\$85,700) as well as other items identified in section 2.5.

Interest Received . Unfavourable by \$139,000 due to the impact of lower cash holdings as receipt of final Flood Grant has been delayed and the early payment of Financial Assistance Grant did not occur in 2014/15.

Employee Costs . Favourable by \$144,000 mainly due to predicted savings in Employee Oncosts (\$311,000). These are offset by increases in other areas. Refer to details in section 2.6.

4.3 Investing Cash Flows

Proceeds from Sale of Property, Plant and Equipment, Infrastructure . Favourable by \$186,500 due to the expected increase in plant sales in 2014/15. There is a large carry forward component in capital purchases relating to plant, therefore the income from sales is expected to increase from the adopted budget.

Payments for Property, Plant and Equipment, Infrastructure . the total cash expenditure forecast for the Capital Improvement Program has increased by \$0.816m from the Amended Budget of \$14.159m to \$14.975m.

The main increase relates to \$0.500m in borrowings taken up in the 2008/09 financial year to fund part of the Halletts Way Project. This and other variances can be seen below:

- | | |
|---|------------------|
| • Prior year borrowings for Halletts Way Project | \$ 0.500m |
| • New funding received: | |
| ○ Yankee Flat Road / Navigators Road Intersection | \$ 0.052m |
| ○ Masons Lane Athletics Development | \$ 0.042m |
| ○ Elaine-Morrison's Road | \$ 0.040m |
| ○ Hike and Bike | \$ 0.040m |
| ○ Yendon Recreation Reserve Project | \$ 0.034m |
| ○ Mt Egerton Community Facilities | \$ 0.028m |
| • Other | \$ 0.080m |
| | \$ 0.816m |

4.4 Financing Cash Flows

Borrowing Costs . Unfavourable by \$137,000 due to under budgeting for interest in the original calculations.

5 Investment Activity Report

In line with Council's Investment Policy (adopted February 2010), a quarterly report on investment activity will be presented to Council as part of the quarterly financial report.

Investment Activity Report

For the quarter ending: December 2014

On call balances:

Month ending	Amount	Rate	Interest Paid
October 2014	\$3,985,796	2.40%	Quarterly
November 2014	\$3,748,180	2.40%	Quarterly
December 2014	\$1,343,459	2.40%	Quarterly

Interest paid in the quarter: \$19,150

Term deposits:

Institution	Amount	Rate	Maturity Date
IMB	\$1,000,000	3.25%	9/01/2015
Bendigo Bank	\$1,000,000	3.10%	9/02/2015
IMB	\$2,000,000	3.30%	12/02/2015
IMB	\$1,000,000	3.40%	10/03/2015

Interest paid in the quarter: \$0

6 Rating & Debtors Information

6.1 General Rating Information

The Total Rates and Charges raised for the 2014/15 year, as at 31 December, is \$27.626m, compared to the year to date Amended Budget of \$27.851m.

6.2 Rates & Sundry Debtors Outstanding

For the year to date, 37.1% of the 2014/15 Rates & Charges raised have been collected. In addition, the level of Sundry and Other Debtors has decreased from \$2.735m to \$0.743m.

Current Receivables as at 31 December 2014, as shown in the Balance Sheet, consist of:

• Rates & Charges	\$ 19.392m
• Sundry Debtors	\$ 0.523m
• GST Receivable	\$ 0.196m
• Other	\$ 0.024m
	\$ 20.135m

The outstanding Rates & Charges consist of:

• Current Year Rates and Charges	\$ 17.081m
• Arrears (prior to 2014/15)	\$ 1.830m
• Pensioner Rebate Claim (DHS)	\$ 0.481m
	\$ 19.392m

6.3 Property Rate Debt Management Policy

Council first adopted this policy on 5 March 2007, with the requirement for Quarterly reporting on all applications made under this policy. The policy has since been updated and adopted on 6 April 2011. For the Quarter to 31 December 2014, the table on the following page displays the applications that have been received.

Please note that this table also includes the following information:

- Rates outstanding by differential rate category
- Sundry debtors outstanding
- Infringement status

Property Rate Debt Management as at 31 December 2014

			at 31 December	Year to Date				
Type/Function	Authority Limit	Delegation	Number	Number Applications	Application Value	Approved Value	Denied Value	Comments
Special Payment Arrangements	All Arrangements	Revenue Service Unit	560	551				
Escalation of Accounts to Debt Collection	All outstanding accounts	Revenue Services Co-ordinator	283	233				
Value of Penalty Interest Calculated Year to Date	All calculations	Revenue Services Co-ordinator	0	0				
Waiver of Interest and Costs	Up to \$500	Revenue Services Co-ordinator		3	\$198.90	\$198.90	\$0.00	
Waiver of Interest and Costs	>\$500 and <\$1,000	Finance Manager		4	\$3,296.47	\$3,296.47	\$0.00	
Waiver of Interest and Costs	>\$1,000	General Manager - Corporate Services		6	\$9,033.12	\$9,033.12	\$0.00	
Waiver of Rates and Charges	All applications	Council via resolution (Closed Session)		1	\$1,131.85	\$1,131.85		
Deferral of Rates, Charges & Interest	All applications	Council via resolution (Closed Session)		NIL				
Application for Financial Hardship	Reviewed	Council via resolution (Closed Session)		6	\$29,302.96	\$22,843.05		
Application for Financial Hardship	Awaiting Review	Council via resolution (Closed Session)		16	\$61,744.39	\$3,308.33		Delay with CAFS
Appeal of Decision	All appeals	Council via resolution (Closed Session)		NIL				
Sale of Property for Unpaid Rates	All sales	Council via resolution (Closed Session)		6		\$56,688.90		Progressing
Sale of Property for Unpaid Rates	All sales	Council via resolution (Closed Session)		4		\$56,372.22		Sold and settled
Applications for partial Waiver - Cultural and Recreational Land	50% General Rate	Revenue Service Co-ordinator/Finance Manager		7		\$27,645.79		
Other General Revenue Statistics			Summary of Outstanding Rates					
Function	Year To Date	Rate Category	Current	1 Year	2 Years	3 Years	Over 3 Years	Total
Percentage of Rates Collected	37.10%	General	12,091,533.10	657,135.84	270,945.51	142,966.16	235,024.73	13,397,605.34
Land Information Certificates	332	Residential Retirement	74,358.75	0.00	0.00	0.00	0.00	74,358.75
Value of Supplementary Rates Levied	\$237,128	Commercial/Industrial	1,335,324.98	46,942.21	50,821.47	6,303.22	7,580.80	1,446,972.68
		Vacant Land Commercial/Industrial	148,083.17	4,545.27	2,009.50	2,035.65	2,020.95	158,694.54
Objections Lodged (Closing Date 27 October 2014)								
		Extractive Industry	134,702.73	0.00	0.00	0.00	0.00	134,702.73
Under Review	30	Farm	2,679,369.87	52,397.67	34,040.67	24,526.05	12,441.30	2,802,775.56
Recommendation Notices								
Disallowance Notices								
Total Objections	30	Vacant Land General	630,040.75	39,284.26	20,083.15	9,132.24	30,533.56	729,073.96
		Vacant Land FZ or RCZ	531,346.89	30,582.50	17,461.47	8,359.09	59,749.62	647,499.57
		Vacant Land R1Z or R2Z	900,498.66	41,780.02	17,525.42	4,714.12	325.75	964,843.97
Pension Rebates								
Total Pensioners as at end of last quarter	2,255							
Changes		Non Rateable FSPL Leviable	34,454.93	1,865.50	550.10	560.80	167.56	37,598.89
Closing Balance	2,255	Garbage & FSPL	1,561.60	0.00	0.00	0.00	0.00	1,561.60
Sundry Debtor Overview			Grand Total Rates Outstanding					
			18,561,275.43	874,533.27	413,437.29	198,597.33	347,844.27	20,395,687.59
Sundry Debtors			Penalty Infringement Overview					
	Balance	% Outstanding	Infringement Status @ December Audit	# Infringements	\$ Infringements			
Current	53,737.47	18.3%	Too old to escalate	0	0.00			
30 Days	78,887.90	26.9%	Infringement Court	782	186,274.55			
60 Days	38,892.02	13.3%	Infringement Court - Expired - Write Off	0	0.00			
90 Days	4,692.88	1.6%	Debt Collection Agency - LOD Issued	3	848.30			
120+ Days	116,716.79	39.8%	Infringements Requiring Write Off	209	74,052.95			
			MSC Arrangements	15	5,758.60			
Total Outstanding	292,927.06	100.0%	MSC Arrangement Not Maintained - To escalate	0	0.00			
			MSC Objection	4	565.60			
			Within payment timeframes	140	24,084.60			
			Referred to Magistrates Court	23	10,412.40			
			Grand Total of Infringement Trial Balance					
				1,176	301,997.00			

7 Financial Statements as at 31 December 2014

Income Statement

	Last Year \$'000	Amended \$'000	Year to Date Actual \$'000	Variance \$'000	%	Amended \$'000	Annual Forecast \$'000	Variance \$'000	%
Income									
Rates and charges	26,018	27,851	27,626	(225)	-1%	27,959	27,677	(282)	-1%
Operating grants	6,644	4,484	4,622	138	3%	8,642	8,729	87	1%
User fees and charges	1,420	769	723	(46)	-6%	1,748	1,705	(43)	-2%
Statutory fees and charges	460	293	276	(17)	-6%	536	504	(32)	-6%
Other revenue	1,013	558	697	139	25%	981	1,243	262	27%
Interest received	478	120	67	(53)	-44%	530	391	(139)	-26%
Total Income	36,034	34,074	34,011	(63)	0%	40,395	40,250	(145)	0%
Expenses									
Employee costs	16,712	8,455	8,408	47	1%	17,227	17,083	144	1%
Materials and consumables	16,081	7,277	7,290	(13)	0%	16,052	16,089	(37)	0%
Depreciation	7,280	4,060	4,060	0	0%	8,120	8,120	0	0%
Borrowing costs	852	335	376	(41)	-12%	639	776	(137)	-21%
Other expenses	508	186	206	(20)	-11%	442	444	(2)	0%
Total Expenses	41,433	20,313	20,341	(28)	0%	42,480	42,512	(32)	0%
Result before capital income and asset items	(5,399)	13,761	13,670	(91)	-1%	(2,085)	(2,261)	(176)	8%
Capital grants and contributions	4,054	3,398	3,449	51	2%	6,108	6,337	229	4%
Capital contributions - cash (developer contributions)	104	93	36	(57)	-62%	185	185	0	0%
Contributions - non-monetary assets	4,275	0	0	0	0%	4,500	4,500	0	0%
Net gain (loss) on disposal of property, infrastructure, plant and equipment and land held for sale	(1,380)	135	197	62	46%	(1,634)	(1,447)	187	-11%
Surplus (Deficit)	1,654	17,386	17,352	(34)	0%	7,074	7,314	240	3%

Balance Sheet

	Last Year \$'000	Last Year \$'000	Year to Date Current \$'000	Change \$'000	%	Amended \$'000	Annual Forecast \$'000	Variance \$'000	%
Assets									
Current Assets									
Cash assets	9,576	8,714	6,598	(2,116)	-24%	7,150	6,645	(505)	-7%
Receivables	3,926	19,351	20,135	784	4%	4,066	4,064	(2)	0%
Non-current assets classified as held for sale	991	1,053	991	(62)	-6%	991	991	0	0%
Other assets	182	44	54	10	23%	182	182	0	0%
Total current assets	14,674	29,162	27,777	(1,385)	-5%	12,388	11,881	(507)	-4%
Non-current assets									
Receivables	127	127	127	0	0%	127	127	0	0%
Investments in associates	0	0	0	0	0%	0	0	0	0%
Other non-current assets	0	42	0	(42)	-100%	0	0	0	0%
Property, infrastructure, plant and equipment	421,522	487,856	419,738	(68,118)	-14%	429,257	430,073	816	0%
Total non-current assets	421,649	488,025	419,866	(68,159)	-14%	429,385	430,200	815	0%
Total Assets	436,323	517,188	447,643	(69,545)	-13%	441,772	442,081	309	0%
Liabilities									
Current liabilities									
Payables	6,418	602	404	(198)	-33%	6,418	6,418	0	0%
Trust funds	760	851	697	(154)	-18%	760	760	0	0%
Provisions	3,520	3,466	3,726	260	8%	3,520	3,520	0	0%
Interest-bearing liabilities	5,107	4,479	2,633	(1,846)	-41%	4,436	4,436	0	0%
Total current liabilities	15,805	9,399	7,460	(1,939)	-21%	15,134	15,134	0	0%
Non-current liabilities									
Provisions	923	472	736	264	56%	923	923	0	0%
Interest-bearing liabilities	7,592	9,004	10,092	1,088	12%	7,526	7,595	69	1%
Total non-current liabilities	8,514	9,476	10,827	1,351	14%	8,448	8,518	70	1%
Total Liabilities	24,319	18,876	18,287	(589)	-3%	23,583	23,652	69	0%
Net Assets	412,003	498,312	429,355	(68,957)	-14%	418,189	418,429	240	0%
Represented by:									
Accumulated surplus	124,397	175,579	141,749	(33,830)	-19%	131,471	131,711	240	0%
Asset revaluation reserve	284,358	319,938	284,358	(35,580)	-11%	283,470	283,470	0	0%
Statutory and other reserves	3,249	2,795	3,249	454	16%	3,249	3,249	0	0%
Total Equity	412,003	498,312	429,355	(68,957)	-14%	418,189	418,429	240	0%

Cash Flow Statement

	Last Year \$'000	Amended \$'000	Year to Date Actual \$'000	Variance \$'000	%	Amended \$'000	Annual Forecast \$'000	Variance \$'000	%
Cash flows from operating activities									
Receipts									
Rates and charges	26,100	11,140	10,772	(368)	-3%	27,747	27,465	(282)	-1%
Operating grants	6,496	4,484	6,266	1,782	40%	8,642	8,729	87	1%
Capital grants and contributions	4,161	3,398	2,449	(949)	-28%	6,108	6,337	229	4%
User fees and charges	1,523	769	723	(46)	-6%	1,748	1,705	(43)	-2%
Statutory fees and charges	460	293	276	(17)	-6%	536	504	(32)	-6%
Other revenue	1,146	650	733	83	13%	1,166	1,428	262	22%
Interest received	478	120	94	(26)	-22%	530	391	(139)	-26%
Net GST refund/payment	1,938	0	0	0	0%	0	0	0	0%
	42,301	20,854	21,314	460	2%	46,476	46,561	85	0%
Payments									
Employee costs	(16,259)	(8,804)	(8,389)	415	-5%	(16,764)	(16,620)	144	-1%
Materials and consumables	(17,200)	(8,923)	(10,599)	(1,676)	19%	(17,331)	(17,367)	(36)	0%
Other expenses	(508)	(186)	(241)	(55)	30%	(442)	(444)	(2)	0%
	(33,967)	(17,913)	(19,230)	(1,317)	7%	(34,537)	(34,431)	106	0%
Net cash provided by (used in) operating activities	8,334	2,941	2,084	(857)	-29%	11,939	12,129	190	2%
Cash flows from investing activities									
Proceeds from sale of property, plant and equipment, infrastructure	415	135	197	62	46%	1,170	1,357	187	16%
Payments for property, plant and equipment, infrastructure	(10,922)	(7,430)	(4,908)	2,522	-34%	(14,159)	(14,975)	(816)	6%
Net cash provided by (used in) investing activities	(10,507)	(7,295)	(4,711)	2,584	-35%	(12,989)	(13,618)	(629)	5%
Cash flows from financing activities									
Borrowing costs	(852)	(335)	(376)	(41)	12%	(639)	(776)	(137)	21%
Proceeds from interest bearing liabilities	2,845	1,000	1,000	0	0%	1,000	1,000	0	0%
Repayment of interest bearing liabilities	(1,517)	(974)	(974)	0	0%	(1,737)	(1,667)	70	-4%
Net cash provided by (used in) financing activities	477	(309)	(351)	(42)	14%	(1,376)	(1,444)	(68)	5%
Net increase (decrease) in cash and cash equivalents	(1,696)	(4,663)	(2,978)	1,685	-36%	(2,426)	(2,932)	(505)	21%
Cash and cash equivalents at the beginning of the financial year	11,272	9,576	9,576	0	0%	9,576	9,576	0	0%
Cash and cash equivalents at the end of the financial year	9,576	4,912	6,598	1,686	34%	7,150	6,645	(505)	-7%

Capital Works Statement

	Last Year \$'000	Amended \$'000	Year to Date			Amended \$'000	Annual Forecast \$'000	Variance \$'000	
			Actual \$'000	Variance \$'000	%				%
Capital Works Expenses									
Sealed Roads	3,519	1,272	519	753	59%	6,716	7,308	(592)	-9%
Unsealed Roads	426	457	61	396	87%	686	686	0	0%
Footpaths, Kerb & Channel, and Other	4,074	856	293	563	66%	1,391	1,431	(40)	-3%
Stormwater and Drainage	1,243	88	63	25	29%	88	88	0	0%
Community Land and Facilities	696	908	361	547	60%	3,065	3,177	(112)	-4%
Corporate Land and Facilities	271	188	48	140	75%	378	378	0	0%
Plant and Equipment	675	1,030	932	98	10%	1,836	1,907	(71)	-4%
Total Capital Works	10,905	4,798	2,277	2,521	53%	14,159	14,975	(816)	-6%
Represented by:									
Renewal	9,962	3,790	1,965	1,825	48%	9,503	10,141	(638)	-7%
Upgrade	414	0	4	(4)	0%	154	154	0	0%
New	529	1,008	308	700	69%	4,502	4,679	(177)	-4%
Total Capital Works	10,905	4,798	2,277	2,521	53%	14,159	14,975	(816)	-6%

10. OTHER REPORTS

10.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

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

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

- Assembly of Councillors . Wednesday 26 November 2014 . Strategic Financial Plan
- Assembly of Councillors . Wednesday 3 December 2014 . Consultation with Metropolitan Planning Authority
- Assembly of Councillors . Wednesday 3 December 2014 . Update on Halletts Way Alignment
- Assembly of Councillors . Wednesday 28 January 2015 . Amendment C51 Bacchus Marsh Activity Centre Structure Plan . Consideration of Panel Report and Adoption
- Assembly of Councillors . Wednesday 28 January 2015 . Presentation on the Draft Digital Strategy and Draft Social Media Policy

Recommendation:

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

- **Assembly of Councillors – Wednesday 26 November 2014 – Strategic Financial Plan**
- **Assembly of Councillors – Wednesday 3 December 2014 – Consultation with Metropolitan Planning Authority**
- **Assembly of Councillors – Wednesday 3 December 2014 – Update on Halletts Way Alignment**

- **Assembly of Councillors – Wednesday 28 January 2015 – Amendment C51 Bacchus Marsh Activity Centre Structure Plan – Consideration of Panel Report and Adoption**
- **Assembly of Councillors – Wednesday 28 January 2015 – Presentation on the Draft Digital Strategy and Draft Social Media Policy**

10.2 Section 86 - Delegated Committees of Council - Reports

Section 86 Delegated Committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989. The Council cannot delegate certain powers as specifically indicated in Section 86(4) of the Act.

Section 86 Delegated Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Section 86 . Delegated Committees of Council present the reports of the Committee Meetings for Council consideration.

Committee	Meeting Date	Council Representative
Development Assessment Committee	10 December 2014	Cr. Comrie, Cr. Dudzik, Cr. Spain, Cr. Tatchell.

Recommendation:

That Council receives the report of the following Section 86 - Delegated Committee of Council:

- **Development Assessment Committee meeting of Wednesday, 10 December 2014**

Attachment - Item 10.2

MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

WEDNESDAY 10 DECEMBER, 2014

James Young Room, Lerderderg Library, Bacchus Marsh
2.00pm – 3.30pm

Meeting Opening

Satwinder Sandhu welcomed all and opened the meeting at 1:00pm

Attendance

Cr Paul Tatchell (Mayor)	Councillor – Central Moorabool Ward
Cr John Spain	Councillor – East Moorabool Ward
Cr Allan Comrie	Councillor – East Moorabool Ward
Mr Satwinder Sandhu	General Manager Growth and Development
Ms Sian Smith	Manager Statutory Planning and Community Safety
Mr Robert Fillisch	Coordinator Statutory Planning
Ms Victoria Mack	Acting Senior Planner
Ms Judy Lotz	Planning Administration Officer
Ms Sharon Duff	Minute Taker

Apologies

Cr Tonia Dudzik	Councillor – East Moorabool Ward
Mr Phil Jeffrey	General Manager Infrastructure

Election of the Meeting Chair

Cr John Spain assumed the role of the Chair in the absence of Cr. Dudzik.

Conflict of Interest

No conflicts of interest were declared at the meeting.

Terms of Reference

Noted

Growth and Development Reports

Planning Permit 2013-309; 11 Lot Subdivision at Lot S2 on PS203803U, Geelong-Ballan Road, Ballan

Application Summary:	
Permit No:	PA2013 - 309
Lodgement Date:	16 December, 2013
Amended in process Date:	6 August, 2014
Planning Officer:	Victoria Mack
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	13 October, 2014
Address of the land:	Lot 2 on PS203803U, Geelong- Ballan Road, Ballan
Proposal:	Eleven (11) Lot Subdivision
Lot size:	1.177 ha
Why is a permit required	Clause 32.01-2 – General Residential Zone – to subdivide land
Public Consultation:	
Number of notices to properties:	Thirteen (13)
Notices on site:	One (1)
Notice in Moorabool Newspaper:	No
Number of Objections:	Two (2)
Consultation meeting:	Not held.
Policy Implications:	
Key Result Area -	Enhanced Infrastructure and Natural Built Environment.
Objective -	Effective and efficient land use planning and building controls.
Strategy -	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Manager Statutory Planning and Community Safety– Sian Smith:

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

Author – Statutory Planner Victoria Mack:

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

Executive Summary:

This application seeks approval for an eleven (11) lot subdivision on Lot 2 on PS203803U, otherwise known as Geelong-Ballan Road, Ballan

The application was for an eight (8) lot subdivision which was lodged on 16 December 2013. The application was advertised with two (2) objections received.

However, on 6 August 2014 the application was amended 'in process' to increase the number of lots to eleven (11). The application was readvertised and one objection was received from an objector to the original application for the eight (8) lots.

The average lot size would be 850sqm with the largest lot being 905sqm and the smallest being 827sqm.

Submissions from objectors were based on issues including: that the subdivision is an overdevelopment of the site; that there is an oversupply of unsold vacant allotments in Ballan; that the land has poor drainage; and a concern about available services.

The application was referred to all appropriate authorities and within Council departments for comment. No objections from referral authorities were raised provided specific conditions were placed on any permit granted.

The application was reviewed against the provisions of the Moorabool Planning Scheme with particular attention paid to the requirements of Clause 56 for residential subdivision.

This report recommends that Council issue a Notice of Decision to Grant an Amended Planning Permit for an eleven (11) lot Subdivision of the Land subject to conditions.

Summary Recommendation:
That, having considered all relevant matters as required by s.60 of the Planning and Environment Act 1987, Council issue Notice of Decision to Grant a Planning Permit for an Eleven (11) Lot Subdivision on Lot 2 on PS203803U, at Geelong-Ballan Road, Ballan subject to certain conditions.

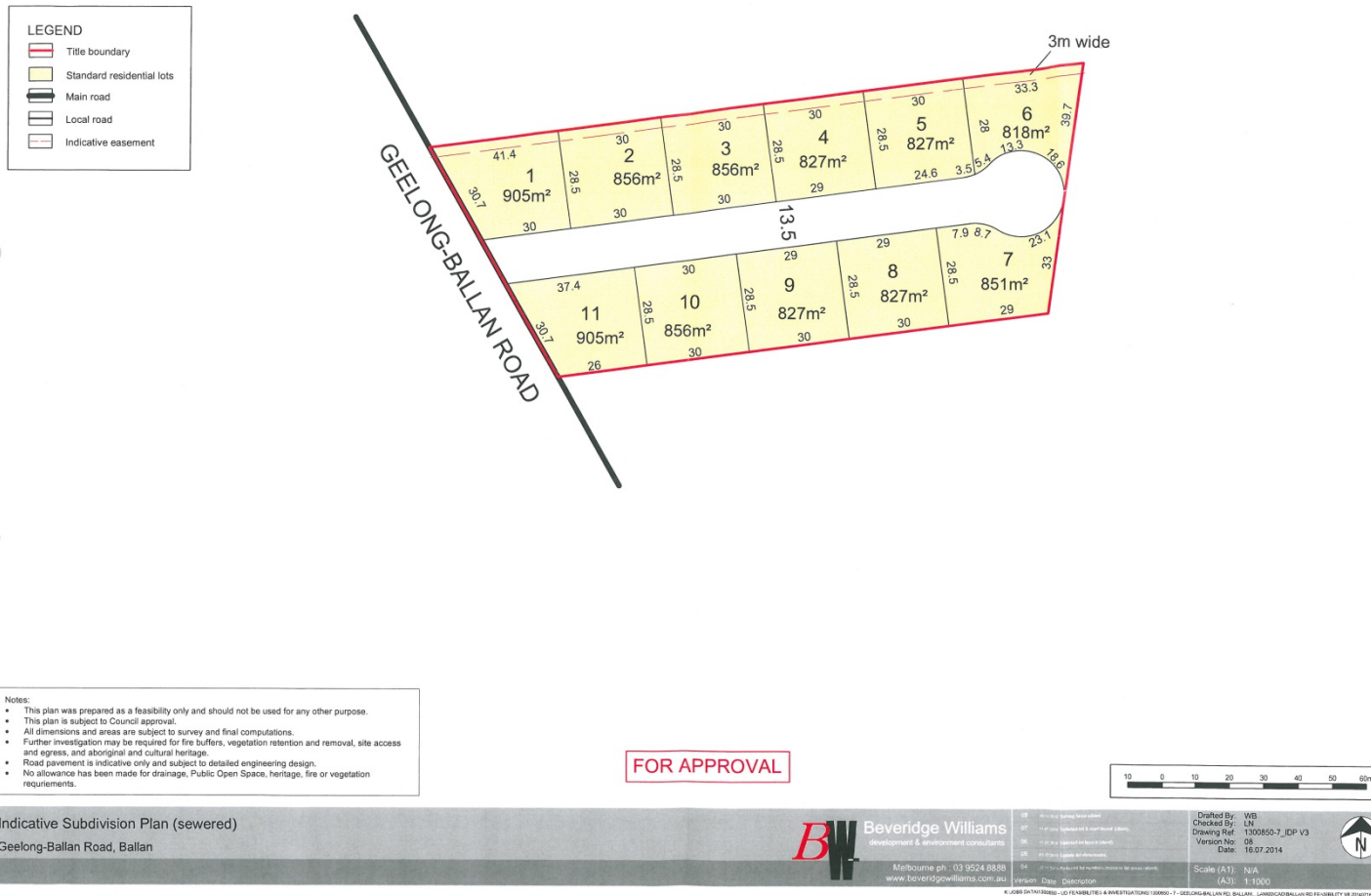
Proposal

This application seeks subdivide the land into eleven (11) lots. The lots proposed would have an average lot area of 850sqm.

It is proposed to provide relevant services to each of the lots including electricity, water, sewerage and gas and drainage infrastructure.

Access to the subdivision would be from the Geelong Ballan Road with each lot having access to a single court with a bowl at the eastern end and a width of 13.5m. No footpaths have been proposed

Proposed Plan of Subdivision



Background

The allotment is part of a six lot subdivision that was approved in 1986. Each of the lots is approximately 1ha.

As to whether any contribution was made to Council for public open space at the time of the original plan of subdivision PS 203803U has been investigated, but cannot be demonstrated.

Site Description

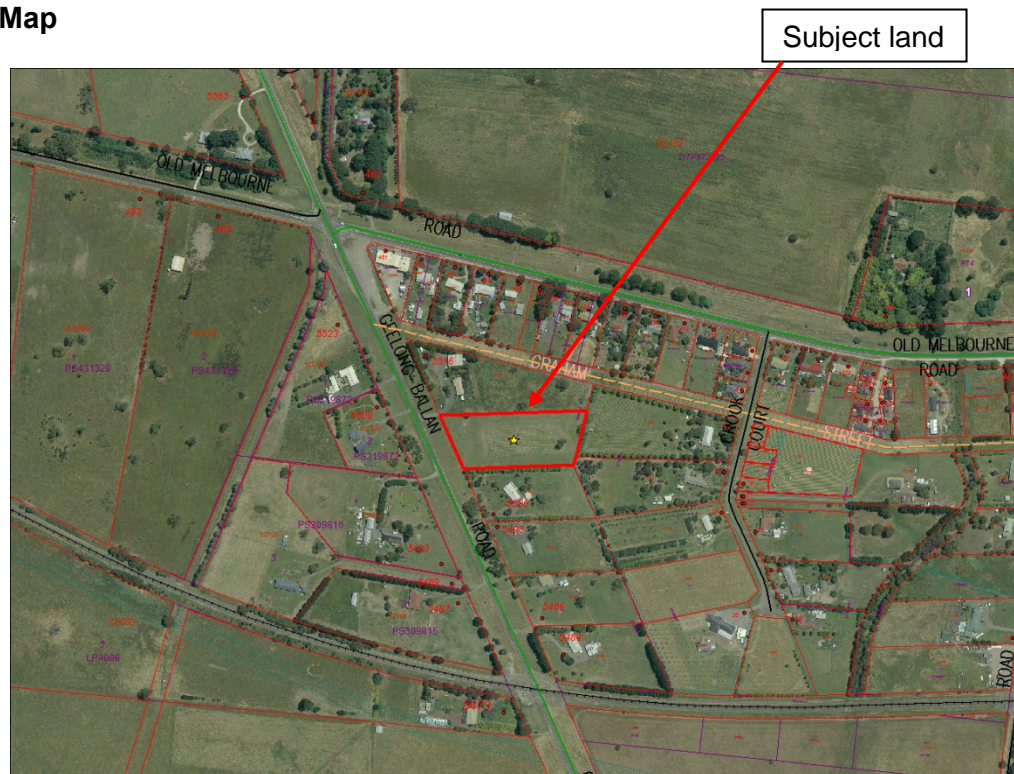
The subject site is located at the eastern side of Geelong Ballan Road in Ballan. Geelong Ballan Road is in a Road Zone Category 1 and is a VicRoads managed road. Across the Geelong Ballan Road to the west is land in the Rural Living Zone.

The site is approximately 280 metres south of Old Melbourne Road intersection with Geelong Ballan Road and approximately 120m south of the intersection of the Geelong Ballan Road with Graham Street, which is currently an unused road. The land is on the western edge of the Ballan township and is approximately 2kms from the town centre by road.

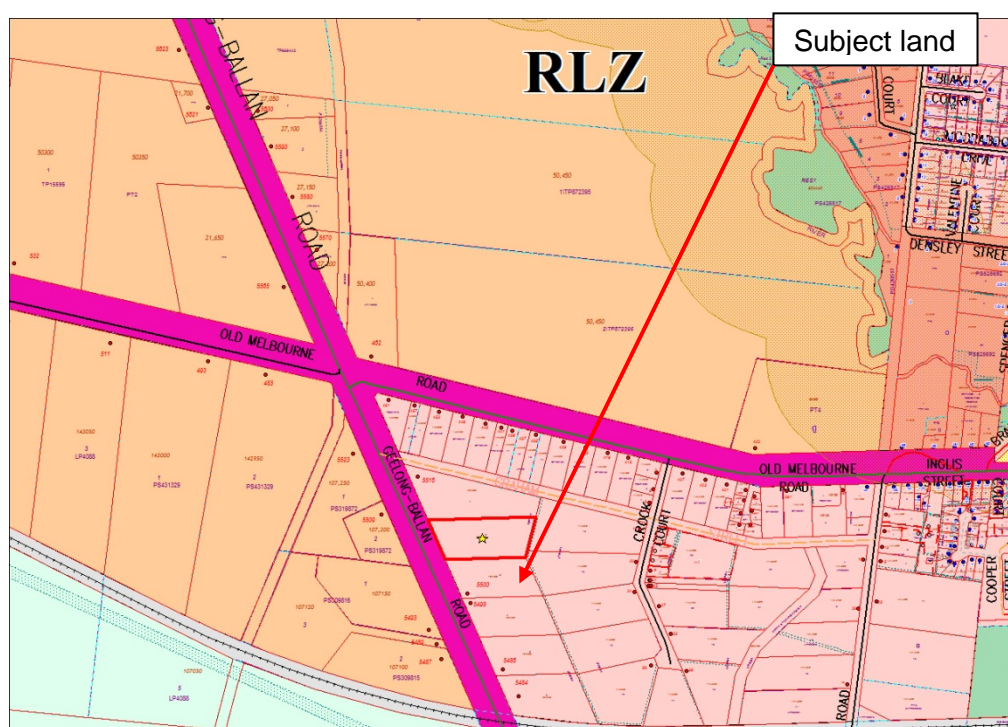
The subject site comprises 1.177 ha. The site is vacant and flat with no significant trees or understorey. No waterways cross the land.

The site is surrounded by similar sized or larger residential allotments, the majority of which have single dwellings and ancillary outbuildings. The land to the west of Crook Court where a number of residential subdivisions have been recently approved for residential allotments with lots sizes generally slightly smaller than those proposed in this application.

Locality Map



Zone Map



Planning Scheme Provisions

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

SPPF		
Clause 11.02-1	Supply of urban land	The intent of this policy is supported by the proposal.
Clause 11.03-1	Open space planning	No allowance for public open space provision has been made. A monetary contribution in lieu of public open space provision is therefore required.
Clause 11.05-2	Melbourne's hinterland	Providing for residential subdivision in Ballan is supported by this policy.
Clause 15.01-3	Neighbourhood and Subdivision Design	Average lot size of 850sqm per lot is greater than the average lot size of recent subdivisions in the surrounding precinct.

Clause 16.01-2	Location of Residential Development	The Ballan town centre is located approximately 2km from this subdivision. Nonetheless the land is in the General Residential Zone and while car travel is the most likely form of transport to health and public transport services in Ballan it is not inconsistent with Ballan's other more outlying residential areas.
Clause 19.03-2	Water Supply, Sewerage and Drainage	Connection to all reticulated services supports this policy and will apply to this subdivision.
LPPF		
Clause 21.03-5	Rural Lifestyle Opportunities	The proposal is consistent with the policy.
Clause 21.05	Development and infrastructure	The development enhances use of existing and proposed infrastructure and supports the policy intent.
Clause 21.07	Ballan	The proposal is generally consistent with the intent of this policy.

Zone

The development lies within the General Residential Zone and the provisions of Clause 32.08-2 apply where a permit is required to subdivide land.

Overlay

The land is affected by the Environmental Significance Overlay – Schedule 1 and the provisions of Clause 42.01-2 apply where a permit is required to subdivide land.

Particular Provisions

Clause 52.01 - Public Open Space Contribution and Subdivision

Clause 52.01 requires that public open space contribution is required for this subdivision. The subject land is part of a subdivision that was completed in approximately 1986 which created six lots of approximately 1ha in size. Whether a public open space contribution was made at that time has been investigated but cannot be demonstrated that any payment was made.

Clause 56 – Residential subdivision

Clause 56 provides objectives and standards for residential subdivision. This clause requires the submission of detailed information. Residential subdivisions should meet the objectives and standards contained within the clause.

Clause	Title	Detail	Compliance
52.01	Public Open Space (POS) Contribution and Subdivision	5% of land area or monetary contribution required to be provided for public open space purposes	No allowance for public open space has been made within the proposed subdivision. No evidence is available that POS has been paid in the previous subdivision of the six lots on PS203803U. Therefore a POS contribution of 5% of the site value is required as a condition on any permit issued.
Rescode			
56.01	Subdivision site and context description and design response	Planning report	The applicant has adequately addressed the requirements of objectives raised in the Clause.
56.03	Built environment	Standards C2-C5	N/A
56.03-5	Neighbourhood character objective	Standard C6	The proposed subdivision provides for more generous lot sizes than lots in approved subdivisions to the east in the Crook Court precinct. Currently the area comprises large residential allotments of approximately 1ha. However, the land is zoned General Residential Zone and the subdivision of this land is consistent with recently approved development patterns.
56.04	Lot Design	Standards C7-C11	The standards relating to lot design are generally met. Despite there being little diversity in lot sizes, the lots are of an acceptable size to contain a range of dwelling types. The lots would provide good solar and street orientation. Standard C11 is not applicable as there is no common property proposed.
56.05	Urban landscape	Standards C12-C13	Standard C12 would be met with the requirement that a detailed landscape design would form a condition of any permit issued. Standard C13 relating to the provision of Public Open Space does not apply to an 11 lot subdivision.

56.06	Access and mobility objective	Standards C14-C21	<p>Standards C14, C16 and C19 are not applicable to an 11 lot subdivision.</p> <p>Standard C15, C17, C18, C20, C21 relate to walking and cycling networks, and neighbourhood street network objectives.</p> <p>The internal roadway (court) has been designed as an Access Street Level 1.</p> <p>The subdivision does not provide any linkages to walking or cycling networks or any integration with any street networks as these are not yet in place in this area of Ballan.</p> <p>The risk with all current and future subdivision in this precinct is that the master planning for road connectivity is not yet in place.</p>
56.07	Integrated water management	Standards C22-C25	All standards have been addressed in the application and would be enforced with permit conditions.
56.08	Site Management	Standard C26	Conditions on the permit would ensure compliance.
56.09	Utilities	Standards C27-C30	All standards have been met.

Discussion

The proposal generally accords with State and Local Planning Policy Frameworks. With the inclusion of specific conditions relating to site, management particularly drainage, the proposal meets the requirements for subdivision and will provide for lots that are of reasonable size within a discrete court development. The wider issue of how the proposal integrates with the emerging pattern of development in this area is addressed later in this report.

General Provisions

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

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed subdivision.

Authority	Response
Western Water	No objection subject to conditions
Southern Rural Water	No objection subject to conditions
Melbourne Water	No objection subject to conditions
Central Highlands Water	No objection subject to conditions
Powercor	No objection subject to conditions
Telstra	Standard conditions
Tenix	No objection subject to condition
VicRoads	No objection subject to conditions

The following referral was made pursuant to s.52 of the Planning and Environment Act 1987 to make comment on the proposed development plan.

Authority	Response
Infrastructure Department	No objection subject to conditions

The external Referral Authorities have provided responses not unusual to this type of development and would be reflected, should a notice of decision to grant an amended permit be issued, as permit conditions.

Council's Infrastructure Department has consented to the proposal; subject to a suite of conditions being included on the permit relating to storm water management, drainage, street lighting and street trees, access, road construction and traffic management to the Geelong Ballan Road.

Public Notice

The application was advertised to adjoining and surrounding landowners and by sign on site for the original eight (8) lot subdivision where two objections were received. When the application was amended to an eleven (11) lot subdivision the application was re-advertised and a sign was placed on the site between 4 September and 29 September 2014. One original objector responded for a second time. A total of two objections were received.

Summary of Objections

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

Objection	Officer's response
The subdivision is distinctly out of character with land in the immediate surrounding area where 1ha lots are predominant.	The emerging subdivision pattern in this precinct, especially in Crook Court, has approved a number of new subdivisions with lots of similar size to the proposal or smaller. In particular PA2011-317, 23 Crook Court, was for 8 lots with an average lot size of 612sqm; and PA2011-316, Lot 15 Crook Court, was for 12 lots with an average lot size of 755sqm. It is considered that this subdivision accords with the emerging pattern of subdivision in this area of Ballan.
Services are stated to be provided but sewerage has not been adequately addressed.	The relevant water and sewerage authorities require all lots to be connected to reticulated sewerage system and other utility services.
The land is prone to flooding and needs adequate drainage.	The condition imposed by Melbourne Water addresses the flood risk that may occur on the subject land.
The lots are too small and will not provide occupants with adequate private open space particularly families. Eight lots were bad enough but 11 is even worse.	While many residents in Ballan find smaller lot sizes not in keeping with the rural character of Ballan, the trend is to smaller lots for both affordability and due to the cost of developing land. The proposal provides for lots that are generally larger than the general trend which is for lots ranging from 500 to 600sqm.
There are currently unsold vacant residential lots in Ballan that are not selling. No justification as to why more lots are required has been provided.	The commercial viability of development proposals is not a planning matter.
Concern about existing boundary fencing between neighbouring land owners and the development.	Direct negotiation with the developer should address this concern.
Double storey dwellings should not be permitted.	Rescode standards under Clause 54 of the Moorabool Planning Scheme, and the Building Regulations, would apply to future dwellings constructed on the lots. It is however recommended that a section 173 agreement is applied to all lots created to prevent further subdivision.

Discussion

The western edge of Ballan has experienced 'piecemeal' development over recent years. Several lots in Crook Court, to the east of this subject land, have been approved for subdivision into lots that are generally smaller than the lots proposed in this application.

The risk with 'one permit at a time' subdivisions is that they create a series of courts without a master plan for a network of roads, bike paths or footpaths to facilitate connectivity into the town precinct.

That said the proposal before Council meets the requirements of Clause 56 of the Moorabool Planning Scheme and also generally accords with state and local planning policy frameworks, the zones and overlay and the decision guideline at Clause 65 of the Moorabool Planning Scheme.

Infrastructure has expressed concern that VicRoads has not considered the impact of this subdivision on the Geelong Ballan Road where future provision should be made for the construction of a service road on the eastern side of the road, particularly when neighbouring lots to the subject land are also put up for subdivision. Infrastructure has included a condition on the permit that

- *The design and construction of the internal road between the boundary of the subject land and the carriageway of the Geelong-Ballan Road must make provision for a future service road along the frontage of the adjoining blocks to the South, to the satisfaction of the responsible authority.*

The proposal otherwise is a straightforward subdivision that generally complies with orderly planning the area.

Financial Implications

The recommendation of approval of this development will not represent any financial implications to Council.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

Conclusion

The proposal is generally consistent with the relevant policies contained within the Moorabool Planning Scheme. The subject land is located within an outlying residential area of Ballan and has access to essential services..

The proposal provides for an appropriate development of residential land and has been assessed against the relevant sections of the Moorabool Planning Scheme, and found to be supported by the policies therein. The application should be issued with a Notice of Decision to Grant a Permit.

Recommendation:

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act, the Section 86 Development Assessment Committee issues a Notice of Decision to Grant a Planning Permit number PA2013-309 for an Eleven Lot Subdivision on Lot 2 on PS203803U, otherwise known as Geelong – Ballan Road, Ballan subject to the following conditions:

- 1. Unless specifically required otherwise by any other condition of this permit and except with the prior written consent of the responsible authority to any variation, the subdivision must in accordance with the plans endorsed as part of this permit.**
- 2. Before Statement of Compliance is issued under the Subdivision Act 1988.**
- 3. Prior to the commencement of any site works, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:**
 - a) Details of surface finishes of pathways and driveways;**
 - b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;**
 - c) Landscaping and planting within the road reserve as applicable and how the development will ensure that existing roadside vegetation will be protected and enhanced as part of the landscape plan, while ensuring that roadside planting does not impact on the sighting of vehicles.**
 - d) All species selected must be to the satisfaction of the responsible authority. The landscape plan must also indicate if any in-ground irrigation system is to be provided to landscaped areas.**
- 4. Before the statement of compliance of the first stage is issued under the Subdivision Act 1988, the land owner/developer must pay to Council an amount of \$900 per additional lot created for the provision of social infrastructure.**

5. Before the Statement of Compliance is issued under the Subdivision Act 1988, a payment must be made to Council for unencumbered public open space that has not been provided by way of land provision. The calculation for the payment of cash-in-lieu of land will be based on 5% of the site value at the time of payment. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.
6. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
7. The plan lodged for certification for the development must include a restriction registered on each title to require as follows that:
 - a) Not more than one dwelling can be constructed on each lot created.
 - b) No lot created can be further subdivided.
8. The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
9. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

10. Fire hydrants must be provided:

- a) A maximum distance of 120 metres from the rear of the each lot.**
- b) No more than 200 metres apart.**

11. Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.

Infrastructure Conditions:

12. The storm water system must be designed in accordance with the recommendations of the Storm Water Management Plan V1100_179, prepared by Engeny dated 16 July 2014, using recommended Discharge Solution Two (2), to the satisfaction of the responsible authority.

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

- a) The subdivision as a whole must be self-draining.**
- b) All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.**
- c) All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.**
- d) Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.**
- e) Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.**
- f) The drainage system must be designed to include provision to intercept litter.**
- g) All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.**
- h) The drainage design must take into account any applicable drainage or flood management strategy.**

14. If required, the layout of the subdivision must be modified based on the approved stormwater design.

15. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:
 - a) The requirements for drainage of the whole site;
 - b) If the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development; and
 - c) If additional outfall drainage or upgrading of the existing drainage network is required.
16. The internal road network layout must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
17. The design and construction of the internal road between the boundary of the subject land and the carriageway of the Geelong-Ballan Road must make provision for a future service road along the frontage of the adjoining blocks to the South by constructing the intersection of the subdivisional road and the future service road, to the satisfaction of the responsible authority. The works required are as follows:
 - a) The construction of kerb returns, associated pavement and asphalt surfacing;
 - b) The construction of underground stormwater drainage, public lighting and landscaping as necessary.
 - c) The works must be designed and constructed in accordance with the requirements of the Infrastructure Design Manual.
18. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.
19. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.
20. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
21. An Environmental Management Plan for the road construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.

22. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991) and “Environmental Guidelines for Major Construction Sites” (EPA 1995).
23. Traffic management treatments must be provided in the form of line-marking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
24. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority.
25. Street names and street signs must be provided to the satisfaction of the responsible authority.
26. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.
27. Street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100mm of mulch and initial watering, to the satisfaction of the responsible authority.
28. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
29. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.
30. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.
31. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
32. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.
33. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:
 - a) 0.75% of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.

b) 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.

34. After all engineering works pertaining to each stage of the subdivision have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
35. Drainage construction details in “D-Spec” format.
36. Roadworks construction details in “R-Spec” format.
37. All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.
38. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
39. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Southern Rural Water conditions:

40. The plan of subdivision submitted for certification is referred to Southern Rural Water in accordance with section 8 Subdivision Act 1988;
41. All lots must be connected to the towns reticulated sewerage and approved storm water drainage system;
42. Sediment control measures outlined in the EPA’s publication No 275, Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.

VicRoads conditions:

43. A Basic Right turn lane (BAR) must be provided in accordance with Austroads ‘Guide to Road Design, Part 4A: Unsignalised and Signalised Intersection’.
44. Before the use and/or development starts:
 - a) A functional layout plan for the proposed access arrangement on Geelong Ballan road must be prepared and submitted to VicRoads for written approval; and

- b) Subsequent to the approval of the functional layout plan, a detailed engineering plan must be prepared and submitted to VicRoads for written approval.
- 45. Prior to the commencement of any road works within the Geelong Ballan road reserve the applicant must have first applied for and received written consent from VicRoads for those works in accordance with Section 63 of the Road Management Act 2004.
- 46. The existing access point must be removed and the nature strip reinstated to the satisfaction of the Responsible Authority.
- 47. Before VicRoads consents to the issue of Statement of Compliance for the subdivision, the road works must be completed in accordance with the approved plan at no cost and to the satisfaction of VicRoads.

Tenix conditions:

- 48. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

Powercor conditions:

- 49. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
- 50. The applicant shall:

- a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules. Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- b) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- c) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- d) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- e) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- f) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Melbourne Water conditions:

- 51. Prior to the issue of a Statement of Compliance, the owner shall enter into an agree to comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
- 52. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 53. Engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for comment/approval. A Certified Survey plan may be required following our comments on the engineering drawings.
- 54. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
- 55. Prior to Certification, a free draining outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owners(s). Written acceptance from downstream landowners and Council is to be forwarded to Melbourne Water for our records.
- 56. All new lots are to be filled to a minimum of either:
 - a) 300mm above the 1 in 100 year flood level associated with an existing Melbourne Water drainage asset; or
 - b) 600mm above the 1 in 100 year flood level associated with an existing Melbourne Water waterway; whichever one is greater.

57. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
58. Local drainage must be to the satisfaction of Council.
59. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

Central Highlands Water:

60. Any The developer must ensure that the site be developed and managed to minimize the risks of stormwater pollution through the contamination of run-off by chemicals, sediments or gross pollutants in accordance with currently accepted best practice.

Western Water conditions:

61. The developer must ensure that the site be developed and managed to minimize the risks of stormwater pollution through the contamination of run-off by chemicals, sediments or gross pollutants in accordance either currently accepted best practice.

Expiry conditions:

62. This permit will expire if one of the following circumstances applies:
 - a) The plans for the first stage are not certified within two years of the date of this permit.
 - b) The plans for any subsequent stage are not certified with two years of the date of certification of the immediately preceding stage.
 - c) The development of any stage is not registered on title within five years of the date of certification for that stage.

Council may extend the period referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Permit Notes:

Melbourne Water:

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 0679 7517, quoting Melbourne water's reference 243634.

Powercor:

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

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 27 November, 2014

Resolution:

Moved: Cr Comrie

Seconded: Cr. Tatchell

That the S86 Development Assessment Committee having considered all relevant matter as prescribed by s.60 of the Planning and Environment Act, issue a Notice of Decision to Grant a Planning Permit for Planning Application number PA2013-309 for an Eleven Lot Subdivision on Lot 2 on PS203803U, otherwise known as Geelong – Ballan Road, Ballan subject to the following conditions:

- 1. Before the development starts, amended plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with the plans submitted but modified to show:*
 - a) Amended design of the Access Street in accordance with condition 2.*
- 2. The Access Street must be redesigned as follows:*
 - a) The design must accord with Infrastructure Design Manual Standard Drawing SD610 and be 16 metres wide, made up of a 7.5 metre carriageway to the eastern boundary (to allow connectivity to the adjoining site) and a 3.5 metre minimum verge on each side of the street.*
 - b) A court bowl must be constructed at the end of the Access Street, and remain in place until the street is connected to a future road network to the east of the site.*
 - c) The Court bowl must be constructed to enable a service truck to change direction at the end of the street without reversing movements.*
- 3. Prior to the commencement of any site works, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:*
 - a) Details of surface finishes of pathways and driveways;*

- b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;**
 - c) Landscaping and planting within the road reserve as applicable and how the development will ensure that existing roadside vegetation will be protected and enhanced as part of the landscape plan, while ensuring that roadside planting does not impact on the sighting of vehicles.**
 - d) All species selected must be to the satisfaction of the responsible authority. The landscape plan must also indicate if any in-ground irrigation system is to be provided to landscaped areas.**
- 4. Before the statement of compliance of the first stage is issued under the Subdivision Act 1988, the land owner/developer must pay to Council an amount of \$900 per additional lot created for the provision of social infrastructure.**
 - 5. Before the Statement of Compliance is issued under the Subdivision Act 1988, a payment must be made to Council for unencumbered public open space that has not been provided by way of land provision. The calculation for the payment of cash-in-lieu of land will be based on 5% of the site value at the time of payment. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.**
 - 6. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a) Transport of materials, goods or commodities to or from the land;**
 - b) Appearance of any building, works or materials;**
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.**
 - 7. The plan lodged for certification for the development must include a restriction registered on each title to require as follows that:**
 - a) Not more than one dwelling can be constructed on each lot created.**
 - b) No lot created can be further subdivided.**
 - 8. The owner of the land must enter into an agreement with:**
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

9. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
- b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

10. Fire hydrants must be provided:

- a) A maximum distance of 120 metres from the rear of the each lot.**
- b) No more than 200 metres apart.**

11. Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.

Infrastructure Conditions:

12. The storm water system must be designed in accordance with the recommendations of the Storm Water Management Plan V1100_179, prepared by Engeny dated 16 July 2014, using recommended Discharge Solution Two (2), to the satisfaction of the responsible authority.

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

- a) The subdivision as a whole must be self-draining.**
- b) All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.**
- c) All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.**
- d) Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.**
- e) Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.**
- f) The drainage system must be designed to include provision to intercept litter.**

- g) All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.*
 - h) The drainage design must take into account any applicable drainage or flood management strategy.*
- 14. If required, the layout of the subdivision must be modified based on the approved stormwater design.*
- 15. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:*
- a) The requirements for drainage of the whole site;*
 - b) If the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development; and*
 - c) If additional outfall drainage or upgrading of the existing drainage network is required.*
- 16. The internal road network layout must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.*
- 17. The design and construction of the internal road between the boundary of the subject land and the carriageway of the Geelong-Ballan Road must make provision for a future service road along the frontage of the adjoining blocks to the South by constructing the intersection of the subdivisional road and the future service road, to the satisfaction of the responsible authority. The works required are as follows:*
- a) The construction of kerb returns, associated pavement and asphalt surfacing;*
 - b) The construction of underground stormwater drainage, public lighting and landscaping as necessary.*
 - c) The works must be designed and constructed in accordance with the requirements of the Infrastructure Design Manual.*
- 18. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.*
- 19. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.*
- 20. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.*

- 21. An Environmental Management Plan for the road construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.**
- 22. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995).**
- 23. Traffic management treatments must be provided in the form of line-marking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.**
- 24. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority.**
- 25. Street names and street signs must be provided to the satisfaction of the responsible authority.**
- 26. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.**
- 27. Street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100mm of mulch and initial watering, to the satisfaction of the responsible authority.**
- 28. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.**
- 29. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.**
- 30. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.**
- 31. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.**
- 32. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.**
- 33. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:**

- a) *0.75% of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.*
- b) *2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.*
- 34. *After all engineering works pertaining to each stage of the subdivision have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:*
- 35. *Drainage construction details in “D-Spec” format.*
- 36. *Roadworks construction details in “R-Spec” format.*
- 37. *All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.*
- 38. *Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.*
- 39. *Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.*

Southern Rural Water conditions:

- 40. *The plan of subdivision submitted for certification is referred to Southern Rural Water in accordance with section 8 Subdivision Act 1988;*
- 41. *All lots must be connected to the towns reticulated sewerage and approved storm water drainage system;*
- 42. *Sediment control measures outlined in the EPA’s publication No 275, Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.*

VicRoads conditions:

43. A Basic Right turn lane (BAR) must be provided in accordance with Austroads 'Guide to Road Design, Part 4A: Unsignalised and Signalised Intersection'.

44. Before the use and/or development starts:

- a) A functional layout plan for the proposed access arrangement on Geelong Ballan road must be prepared and submitted to VicRoads for written approval; and***
- b) Subsequent to the approval of the functional layout plan, a detailed engineering plan must be prepared and submitted to VicRoads for written approval.***

45. Prior to the commencement of any road works within the Geelong Ballan road reserve the applicant must have first applied for and received written consent from VicRoads for those works in accordance with Section 63 of the Road Management Act 2004.

46. The existing access point must be removed and the nature strip reinstated to the satisfaction of the Responsible Authority.

47. Before VicRoads consents to the issue of Statement of Compliance for the subdivision, the road works must be completed in accordance with the approved plan at no cost and to the satisfaction of VicRoads.

Tenix conditions:

48. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

Powercor conditions:

49. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

50. The applicant shall:

- a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.***

Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules. Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and

access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- b) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.*
- c) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.*
- d) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.*
- e) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.*
- f) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.*

Melbourne Water conditions:

- 51. Prior to the issue of a Statement of Compliance, the owner shall enter into an comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.*
- 52. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.*
- 53. Engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for comment/approval. A Certified Survey plan may be required following our comments on the engineering drawings.*
- 54. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.*
- 55. Prior to Certification, a free draining outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owners(s). Written acceptance from downstream landowners and Council is to be forwarded to Melbourne Water for our records.*
- 56. All new lots are to be filled to a minimum of either:*
 - a) 300mm above the 1 in 100 year flood level associated with an existing Melbourne Water drainage asset; or*

b) 600mm above the 1 in 100 year flood level associated with an existing Melbourne Water waterway; whichever one is greater.

57. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.

58. Local drainage must be to the satisfaction of Council.

59. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

Central Highlands Water:

60. Any The developer must ensure that the site be developed and managed to minimize the risks of stormwater pollution through the contamination of run-off by chemicals, sediments or gross pollutants in accordance with currently accepted best practice.

Western Water conditions:

61. The developer must ensure that the site be developed and managed to minimize the risks of stormwater pollution through the contamination of run-off by chemicals, sediments or gross pollutants in accordance either currently accepted best practice.

Expiry conditions:

62. This permit will expire if one of the following circumstances applies:

- a) The plans for the first stage are not certified within two years of the date of this permit.***
- b) The plans for any subsequent stage are not certified with two years of the date of certification of the immediately preceding stage.***
- c) The development of any stage is not registered on title within five years of the of certification for that stage.***

Council may extend the period referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Permit Notes:

Melbourne Water:

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 0679 7517, quoting Melbourne water's reference 243634.

Powercor:

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be

worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

CARRIED.

Update on Trends, Issues and Other Matters

The Proposed Council Report Template will be circulated to all Councillors for review and feedback. It was decided that the proposed Council Report template will be trialled for a 3 month period.

Satwinder Sandhu also provided a verbal update on other Planning Applications that are currently in the system.

Date of the Next Meeting

To be confirmed at a later date.

Meeting Closure

The Chair thanked all and closed the meeting at 2:55pm

10.3 Section 86 - Advisory Committees of Council - Reports

Section 86 Advisory Committees are established to assist Council with executing specific functions or duties.

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

Section 86 Advisory Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Section 86 . Advisory Committees of Council present the reports of the Committee Meetings for Council consideration.

Committee	Meeting Date	Council Representative
S86 Social Development Committee	10 December 2014	Cr Comrie Cr. Dudzik Cr. Edwards
S86 Finance and Governance Committee	17 December 2014	Cr. Dudzik Cr. Spain Cr. Tatchell

Recommendation:

That Council receives the reports of the following Section 86 Advisory Committees of Council:

- **S86 Social Development Committee meeting of Wednesday, 10 December 2014.**
- **S86 Finance and Governance Committee meeting of Wednesday, 17 December 2014.**

Attachment - Item 10.3(a)

MINUTES

SECTION 86 SOCIAL DEVELOPMENT COMMITTEE

WEDNESDAY 10 December 2014

James Young Room, Lerderderg Library

Bacchus Marsh

3.30pm – 5.00pm

MEETING OPENING

Cr Allan Comrie chaired the meeting in the absence of Cr Tonia Dudzik and opened the meeting at 3.30pm.

1. PRESENT

Cr David Edwards	Councillor – East Moorabool Ward
Cr John Spain	Councillor – East Moorabool Ward
Cr Allan Comrie	Councillor – East Moorabool Ward
Mr Danny Colgan	General Manager – Community Services
Ms Kate Diamond Keith	Manager - Community Development
Ms Robyn Salt	Manager – Recreation and Youth
Ms Robyn Willcox	Minute Taker

APOLOGIES

Cr Tonia Dudzik

CONFIRMATION OF THE PREVIOUS MINUTES

Resolution:

That the Minutes of the Section 86 Social Development meeting for 8 October 2014 be confirmed as a true and correct record.

Moved: Cr John Spain
Seconded: Cr Allan Comrie

CARRIED

2. CONFLICT OF INTEREST

No conflicts of interest were declared at the meeting.

3. PUBLIC QUESTION TIME

No members of the public attended the meeting.

4. STRATEGIC PROJECTS UPDATE

4.1 Community Services Strategic Projects

Danny Colgan tabled an updated report on projects the Community Services Directorate anticipates will be finalised in the next twelve months. Discussion took place in relation to projects that will be required to be presented to a Section 86 Committee meeting prior to an Ordinary Meeting of Council.

5. COMMUNITY SERVICES REPORTS

5.1 Age Well Live Well Strategy – Discussion Paper

Robyn Salt provided an overview of the background and content of the discussion paper.

Resolution:

That the committee provide feedback on the discussion paper to inform the preparation of a draft Age Well Live Well Strategy, which will then be presented to an Ordinary Meeting of Council in April/May 2015.

Moved: Cr David Edwards

Seconded: Cr John Spain

CARRIED

5.2 Disability and Access Inclusion Plan - Discussion Paper

Robyn Salt provided an overview of the background and content of the discussion paper.

Resolution:

That the committee provide feedback on the discussion paper to inform the preparation of a draft Disability Access & Inclusion Plan which then will be presented to an Ordinary Meeting of Council April/May 2015.

Moved: Cr David Edwards

Seconded: Cr Allan Comrie

CARRIED

5.3 Health & Wellbeing Plan – First Year Review

Kate Diamond Keith provided an overview of the background and content of the review of the first year of implementation of the Health and Wellbeing Plan.

Resolution:

That:

1. the committee provide feedback on the Moorabool Health and Wellbeing Plan First Year Report, including the following recommendations from the report:
 - That officers update the Health Profile to ensure data is current and relevant.
 - That additional partners be included in The Plan, including local schools and the Youth Action Group
 - That the following new actions to be added to the Plan:
 - that a partnership approach be undertaken to investigating the impact of ICE on the community and developing a strategy to address this issue
 - support the continued use of Darley Civic and Community Hub
 - That new funding opportunities be pursued to implement actions in the Plan
2. the committee subject to any changes, recommend that the Council endorse the review of the Moorabool Health and Wellbeing Plan

Moved: Cr John Spain
Seconded: Cr David Edwards

CARRIED

5.4 Community Development - Discussion Paper

Kate Diamond Keith provided an overview of the background and content of the discussion paper.

Resolution:

That the committee provide feedback on the discussion paper to inform the preparation of the draft Community Development Paper which will then be presented to an Ordinary Meeting of Council in May 2015.

Moved: Cr David Edwards
Seconded: Cr John Spain

CARRIED

DATE OF NEXT MEETING

To be advised

CLOSE OF MEETING

The meeting closed at 5.35pm

Attachment - Item 10.3(b)

MINUTES

SECTION 86 FINANCE & GOVERNANCE COMMITTEE

WEDNESDAY 17 December 2014

Council Chambers, Ballan

3.30pm – 5.00pm

1. MEETING OPENING

Cr. John Spain welcomed all and opened the meeting at 3.32pm.

ATTENDANCE

Present:

Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Cr. John Spain	Councillor – East Moorabool Ward

Officers:

Mr Rob Croxford	Chief Executive Officer
Ms Natalie Abbott	Acting General Manager Corporate Services
Ms. Jacinta Erdody	Acting Customer & Business Services
Ms Deb Absolom	Minute Taker

APOLOGIES

Cr. Paul Tatchell	Councillor – Central Moorabool Ward
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2. MINUTES OF PREVIOUS MEETING

Resolution:

Crs. Dudzik/Spain

The Finance & Governance Committee confirms the Minutes of the s86 Finance & Governance meeting on Wednesday 20 August 2014.

Carried

3. CONFLICTS OF INTEREST

No conflicts of interest were declared at the meeting.

4. CORPORATE SERVICES REPORTS

4.1. Review of Rate Debt Management Policy

Recommendation:

Moved: Cr. Dudzik

Seconded: Cr. Spain

That Council adopts the proposed amendments to the Property Rate Debt Management Policy.

CARRIED

4.2. Review of Council's Section 86 Committees

Recommendation:

Crs. Dudzik/Spain

That:

- 1. Ordinary Meetings of Council will be held on the 1st Wednesday of the month commencing at 7pm.***
- 2. A Place Making advisory committee be established and Terms of Reference be drafted for adoption by Council. All Councillors to be appointed to the committee. The committee will comprise of Social Development, Infrastructure and Strategic matters. This meeting will be held on the 3rd Wednesday of the month.***
- 3. Ordinary Meetings of Council scheduled outside daylight savings times are to commence at 5.00pm.***

CARRIED

General Business:

1. Confidentiality of Briefing Notes

Recommendation:

Crs. Dudzik/Spain

That the Chief Executive Officer provides a report on the process and criteria of confidentiality of content in Briefing Notes.

CARRIED.

2. Document Version Control

Request the Chief Executive Officer to review the document version control process.

3. Carbon Tax Repeal

That officers investigate details of the carbon tax repeal within the budget process.

5. DATE OF THE NEXT MEETING

The date of the next meeting will be dependant on the outcome of the report being presented at the February Ordinary Meeting of Council.

6. MEETING CLOSURE

Cr. Spain thanked all and closed the meeting at 4.55pm.

11. NOTICES OF MOTION**11.1 Cr. Comrie: N.O.M. No. 246 – Change of Meeting Times for Social Development, Place Making, Finance & Government and Development & Assessment S86 Committees****Motion**

That Council:

1. Changes the time that meetings commence in 2015 for the following S86 Committees of Council from 3.30pm to 5.00pm:
 - a. Social Development Committee
 - b. Place Making Committee
 - c. Finance and Governance Committee
2. Changes the time that meetings commence in 2015 for the following S86 Committee of Council from 2.00pm to 5.00pm:
 - a. Development Assessment Committee
3. Adopts the attached revised S86 Committees of Council Meeting Framework.

Preamble

I request that times of meetings change to allow members of the public an opportunity to attend the meetings if they wish. It will also facilitate a greater attendance by Councillors who often have competing priorities.

Attachment - Item 11.1

Mr Rob Croxford
Chief Executive Officer
Moorabool Shire Council
PO Box 18
BALLAN VIC 3342

7 November, 2014
Ref: AC

Dear Rob,

Notice Of Motion – Change of Meeting Times for Social Development, Place Making, Finance & Government and Development & Assessment S86 Committees

In accordance with the Council's Meeting Procedure Local Law No. 8 Section 28 – Notice of Motion, please accept this Notice of Motion for placement on the agenda of the Ordinary Meeting of Council to be held on Wednesday 3 December, 2014.

Motion

That Council:

1. Changes the time that meetings commence in 2015 for the following S86 Committees of Council from 3.30pm to 5.00pm:
 - a. Social Development Committee
 - b. Place Making Committee
 - c. Finance and Governance Committee
2. Changes the time that meetings commence in 2015 for the following S86 Committee of Council from 2.00pm to 5.00pm:
 - a. Development Assessment Committee
3. Adopts the attached revised S86 Committees of Council Meeting Framework.

Preamble

I request that times of meetings change to allow members of the public an opportunity to attend the meetings if they wish. It will also facilitate a greater attendance by Councillors who often have competing priorities.



Cr Allan Comrie
East Moorabool Ward

Moorabool Shire Council

S86 Committees of Council 2015

Date	Venue	Time
2015 Meetings (proposed)		
11 February, 2015	S86 Development Assessment Committee – Bacchus Marsh	5.00pm
11 February, 2015	S86 Social Development Committee – Bacchus Marsh	5.00pm
18 February, 2015	S86 Place Making Committee – Ballan	5.00pm
25 February, 2015	S86 Finance & Governance Committee – Bacchus Marsh	5.00pm
11 March, 2015	S86 Development Assessment Committee – Ballan	5.00pm
11 March, 2015	S86 Social Development Committee* – Ballan	5.00pm
18 March, 2015	S86 Place Making Committee – Bacchus Marsh	5.00pm
8 April, 2015	S86 Development Assessment Committee – Bacchus Marsh	5.00pm
8 April, 2015	S86 Social Development Committee – Bacchus Marsh	5.00pm
15 April, 2015	S86 Place Making Committee – Ballan	5.00pm
22 April, 2015	S86 Finance & Governance Committee – Ballan	5.00pm
13 May, 2015	S86 Development Assessment Committee – Ballan	5.00pm
13 May, 2015	S86 Social Development Committee* – Ballan	5.00pm
20 April, 2015	S86 Place Making Committee – Bacchus Marsh	5.00pm
10 June, 2015	S86 Development Assessment Committee – Ballan	5.00pm
10 June, 2015	S86 Social Development Committee – Ballan	5.00pm
17 June, 2015	S86 Place Making Committee – Ballan	5.00pm
24 June, 2015	S86 Finance & Governance Committee – Bacchus Marsh	5.00pm
8 July, 2015	S86 Development Assessment Committee – Bacchus Marsh	5.00pm
8 July, 2015	S86 Social Development Committee* – Bacchus Marsh	5.00pm
15 July, 2015	S86 Place Making Committee – Bacchus Marsh	5.00pm

12 August, 2015	S86 Development Assessment Committee – Ballan	5.00pm
12 August, 2015	S86 Social Development Committee – Ballan	5.00pm
19 August, 2015	S86 Place Making Committee – Ballan	5.00pm
26 August, 2015	S86 Finance & Governance Committee – Ballan	5.00pm
9 September, 2015	S86 Development Assessment Committee – Bacchus Marsh	5.00pm
9 September, 2015	S86 Social Development Committee* – Bacchus Marsh	5.00pm
16 September, 2015	S86 Place Making Committee – Bacchus Marsh	5.00pm
14 October, 2015	S86 Development Assessment Committee – Ballan	5.00pm
14 October, 2015	S86 Social Development Committee – Ballan	5.00pm
21 October, 2015	S86 Place Making Committee – Ballan	5.00pm
28 October, 2015	S86 Finance & Governance Committee – Bacchus Marsh	5.00pm
11 November, 2015	S86 Development Assessment Committee – Bacchus Marsh	5.00pm
11 November, 2015	S86 Social Development Committee* – Bacchus Marsh	5.00pm
18 November, 2015	S86 Place Making Committee – Ballan	5.00pm
9 December, 2015	S86 Development Assessment Committee – Ballan	5.00pm
9 December, 2015	S86 Social Development Committee – Ballan	5.00pm
16 December, 2015	S86 Place Making Committee – Bacchus Marsh	5.00pm
16 December, 2015	S86 Finance & Governance Committee – Bacchus Marsh	5.00pm

* Proposed meetings

Dates to Note:

Ballan Art Show

Wednesday 18 March to Sunday 22 March, 2015

Bacchus Marsh Rotary Art Show

Monday 1 June – Wednesday 10 June, 2015 (tbc)

12. MAYOR'S REPORT

To be presented at the meeting by the Mayor.

Recommendation:

That the Mayor's report be received.

13. COUNCILLORS' REPORTS

To be presented at the meeting by Councillors.

Recommendation:

That the Councillors' reports be received.

14. URGENT BUSINESS

15. CLOSED SESSION OF THE MEETING TO THE PUBLIC**15.1 Confidential Report****15.2 Confidential Report****15.3 Confidential Report****15.4 Confidential Report****15.5 Confidential Report****15.6 Confidential Report****Recommendation:**

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public

17. MEETING CLOSURE