

## **ORDINARY MEETING OF COUNCIL**

**Minutes** of the  
Ordinary Meeting of Council held at  
the Council Chamber, 15 Stead Street, Ballan on  
Wednesday 4 February 2015,  
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**

## AGENDA

<b>1.</b>	<b>OPENING OF MEETING AND PRAYER.....</b>	<b>4</b>
<b>2.</b>	<b>PRESENT.....</b>	<b>4</b>
<b>3.</b>	<b>APOLOGIES.....</b>	<b>4</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES.....</b>	<b>4</b>
4.1	<i>Ordinary Meeting of Council – Wednesday 3 December 2014 .....</i>	<i>4</i>
<b>5.</b>	<b>DISCLOSURE OF CONFLICT OF INTEREST .....</b>	<b>5</b>
5.1	<i>Disclosure of an Indirect Conflict of Interest .....</i>	<i>6</i>
<b>6.</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>7</b>
<b>7.</b>	<b>PETITIONS .....</b>	<b>8</b>
<b>8.</b>	<b>PRESENTATIONS / DEPUTATIONS.....</b>	<b>9</b>
<b>9.</b>	<b>OFFICER'S REPORTS .....</b>	<b>11</b>
<b>9.1</b>	<b>CHIEF EXECUTIVE OFFICER.....</b>	<b>11</b>
9.1.1	<i>Review of Council's Section 86 Committees (Internal) .....</i>	<i>11</i>
<b>9.2</b>	<b>GROWTH AND DEVELOPMENT .....</b>	<b>21</b>
9.2.1	<i>Planning Application PA2014-049; Three (3) Lot Subdivision (Boundary Realignment) at Lot 2 on PS 335979B &amp; Crown Allotments A7 &amp; A 17, Section 14, Parish of Gorrockburkhap, 201 Paces Lane, Rowsley.....</i>	<i>21</i>
9.2.2	<i>Planning Application PA2014-242; Two (2) Lot Subdivision at Lot 17 on PS 443705N, 13 Jeanette Court Darley VIC 3340.....</i>	<i>35</i>
9.2.3	<i>New Tourism Event Grants .....</i>	<i>49</i>
9.2.4	<i>Social Media Policy.....</i>	<i>57</i>
<b>9.3</b>	<b>COMMUNITY SERVICES .....</b>	<b>61</b>
9.3.1	<i>Draft Moorabool Youth Charter .....</i>	<i>61</i>
9.3.2	<i>Moorabool Recreation and Leisure Strategic Advisory Committee – Appointment of Councillor .....</i>	<i>65</i>
9.3.3	<i>Statement of Commitment to Indigenous People .....</i>	<i>68</i>
<b>9.4</b>	<b>INFRASTRUCTURE SERVICES .....</b>	<b>72</b>
9.4.1	<i>Capital Improvement Program Quarterly Report - December 2014 .....</i>	<i>72</i>
<b>9.5</b>	<b>CORPORATE SERVICES .....</b>	<b>77</b>
9.5.1	<i>Petition requesting cancellation of Agricultural Licence 0703869 over the portion of Lohs Lane, Myrmiong situated north of CA73 and CA73A.....</i>	<i>77</i>
9.5.2	<i>2016 General Revaluation.....</i>	<i>83</i>

9.5.3	<i>Second Quarter (October – December) 2014/15 Council Plan Actions Progress Report.....</i>	<i>85</i>
9.5.4	<i>Quarterly Financial Report December 2014 .....</i>	<i>88</i>
<b>10.</b>	<b>OTHER REPORTS .....</b>	<b>92</b>
10.1	<i>Assembly of Councillors.....</i>	<i>92</i>
10.2	<i>Section 86 - Delegated Committees of Council - Reports.....</i>	<i>94</i>
10.3	<i>Section 86 - Advisory Committees of Council - Reports .....</i>	<i>95</i>
<b>11.</b>	<b>NOTICES OF MOTION .....</b>	<b>96</b>
11.1	<i>Cr. Comrie: N.O.M. No. 246 – Change of Meeting Times for Social Development, Place Making, Finance &amp; Government and Development &amp; Assessment S86 Committees .....</i>	<i>96</i>
<b>12.</b>	<b>MAYOR'S REPORT.....</b>	<b>97</b>
<b>13.</b>	<b>COUNCILLORS' REPORTS.....</b>	<b>98</b>
<b>14.</b>	<b>URGENT BUSINESS.....</b>	<b>100</b>
<b>15.</b>	<b>CLOSED SESSION OF THE MEETING TO THE PUBLIC .....</b>	<b>101</b>
15.1	<i>Confidential Report .....</i>	<i>101</i>
15.2	<i>Confidential Report .....</i>	<i>101</i>
15.3	<i>Confidential Report .....</i>	<i>101</i>
15.4	<i>Confidential Report .....</i>	<i>101</i>
15.5	<i>Confidential Report .....</i>	<i>101</i>
15.6	<i>Confidential Report .....</i>	<i>101</i>
<b>17.</b>	<b>MEETING CLOSURE .....</b>	<b>140</b>

**1. OPENING OF MEETING AND PRAYER**

*The Mayor, Cr. Tatchell opened the Meeting with Cr. Edwards leading the Council Prayer at 5.03pm.*

**2. PRESENT**

*Cr. Paul Tatchell  
Cr. Allan Comrie  
Cr. David Edwards  
Cr. John Spain  
Cr. Tonia Dudzik  
Cr. Tom Sullivan  
Cr. Pat Toohey*

*Central Ward  
East Moorabool Ward  
East Moorabool Ward  
East Moorabool Ward  
East Moorabool Ward  
West Moorabool Ward  
Woodlands Ward*

**Officers:**

*Mr. Rob Croxford  
Ms. Natalie Abbott*

*Chief Executive Officer  
A/General Manager Corporate  
Services*

*Mr. Phil Jeffrey  
Mr. Satwinder Sandhu*

*General Manager Infrastructure  
General Manager Growth and  
Development*

*Ms. Danny Colgan*

*General Manager Community  
Services*

*Ms. Kate Diamond-Keith  
Ms. Sam Romaszko  
Mr. Steve Ivelja  
Mrs. Michelle Morrow  
Ms. Sarah Annells*

*Manager Community Development  
Manager Engineering Services  
Manager Finance  
Coordinator Council Business  
Coordinator Community Health and  
Safety*

*Mr. Rob Fillisch  
Ms. Melissa Hollitt*

*Coordinator Statutory Planning.  
Minute Taker*

**3. APOLOGIES**

*Nil.*

**4. CONFIRMATION OF MINUTES****4.1 Ordinary Meeting of Council – Wednesday 3 December 2014****Resolution:**

**Crs. Comrie/Edwards**

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

**CARRIED.**

## 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.

#### **5.1 Disclosure of an Indirect Conflict of Interest**

***Cr. Sullivan declared an Indirect Conflict of Interest (section 78B) in relation to Item 15.1 – Confidential Report.***

## **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.

**Nil.**

**7. PETITIONS**

**Nil.**



## 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
9.3.1	<i>Draft Moorabool Youth Charter</i>	Thomas Stoian	Supporter
9.5.1	<i>Petition requesting cancellation of Agricultural Licence 0703869 over the portion of Lohs Lane, Myrniong situated north of CA73 and CA73A.</i>	Olivia Fisher	Supporter
9.5.1	<i>Petition requesting cancellation of Agricultural Licence 0703869 over the portion of Lohs Lane, Myrniong situated north of CA73 and CA73A.</i>	Scott Fisher	Supporter

**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 Officers' report on the planning item.

**Nil.**

***Cr. Toohey entered the meeting at 5.05pm.***

## 9. OFFICER'S REPORTS

### 9.1 CHIEF EXECUTIVE OFFICER

#### **CHANGE OF ORDER OF BUSINESS**

**Crs. Spain/Edwards**

***That the order of business be changed to consider Items 9.2.1 to 10.3 prior to considering Item 9.1.1 Review of Council's Section 86 Committees (Internal).***

**CARRIED.**

#### 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:*

<b>Key Result Area</b>	<i>Representation and Leadership of our community</i>
<b>Objective</b>	<i>Good Governance through open and transparent processes and strong accountability to the community</i>
<b>Strategy</b>	<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**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Governance	<i>Poor structures and processes frustrate good governance outcomes</i>	Medium	<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.**

**Resolution:**

**Crs. Spain/Comrie**

***That:***

1. ***Ordinary Meetings of Council be held on the 1st Wednesday of the month commencing at 5.00pm.***
2. ***The existing committee structure will stay in place until the next Statutory Meeting in October 2015.***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**

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



## 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

<b>Application Summary:</b>	
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	Clause 35.07-3 . Farming Zone . to subdivide land  Clause 42.01-2 . Environmental Significance Overlay Schedule 1  Clause 45.05-1 . Restructure Overlay Schedule 4
<b>Public Consultation:</b>	
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.

<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building controls.
<b>Strategy</b>	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.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	
<b>Officer's Declaration of Conflict of Interests</b>	
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.	
<b>Executive Summary:</b>	
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.
<b>Summary Recommendation:</b>	
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.

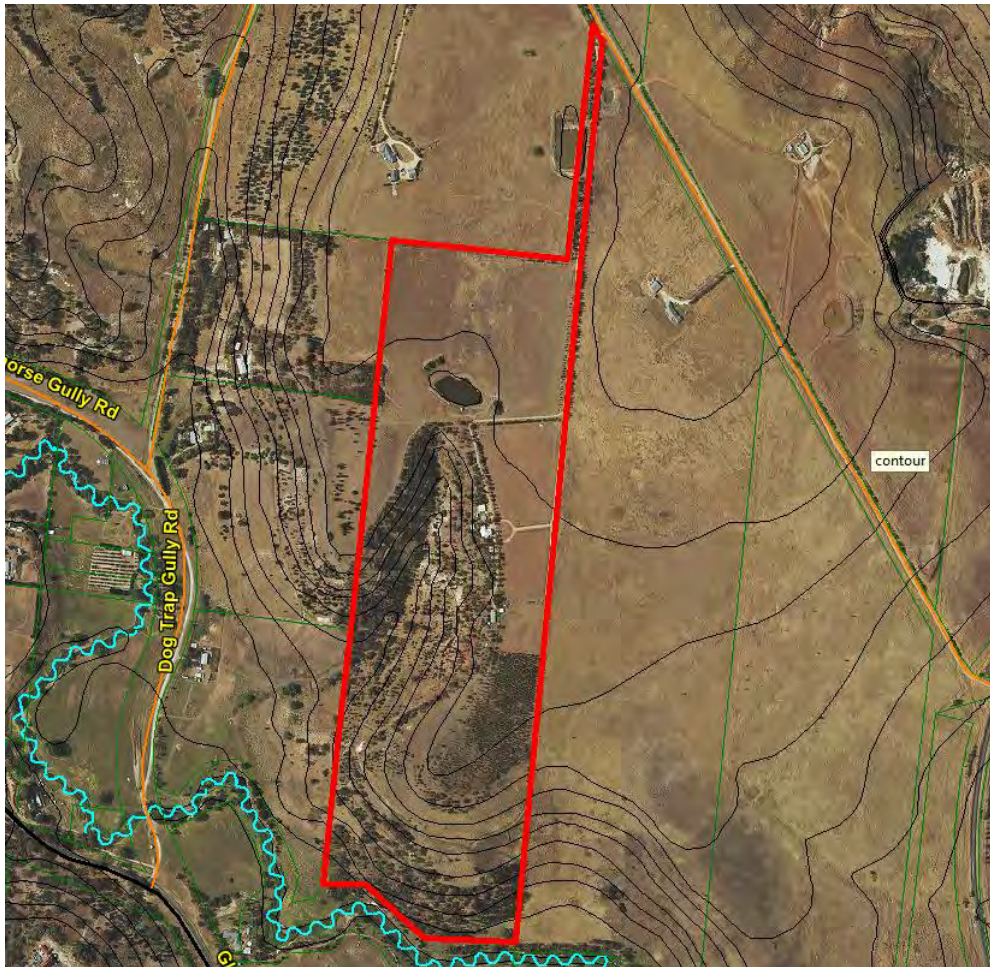
Lot 2 PS335979 on Title Volume 10200 Folio 265 is approximately 23 metres wide and 1000 metres long and shape as an L comprising a total area of 1.30 hectares. Lot 2 provides access to the whole site via Paces Lane. It appears this parcel of land was initially a road reserve which continued through the 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.

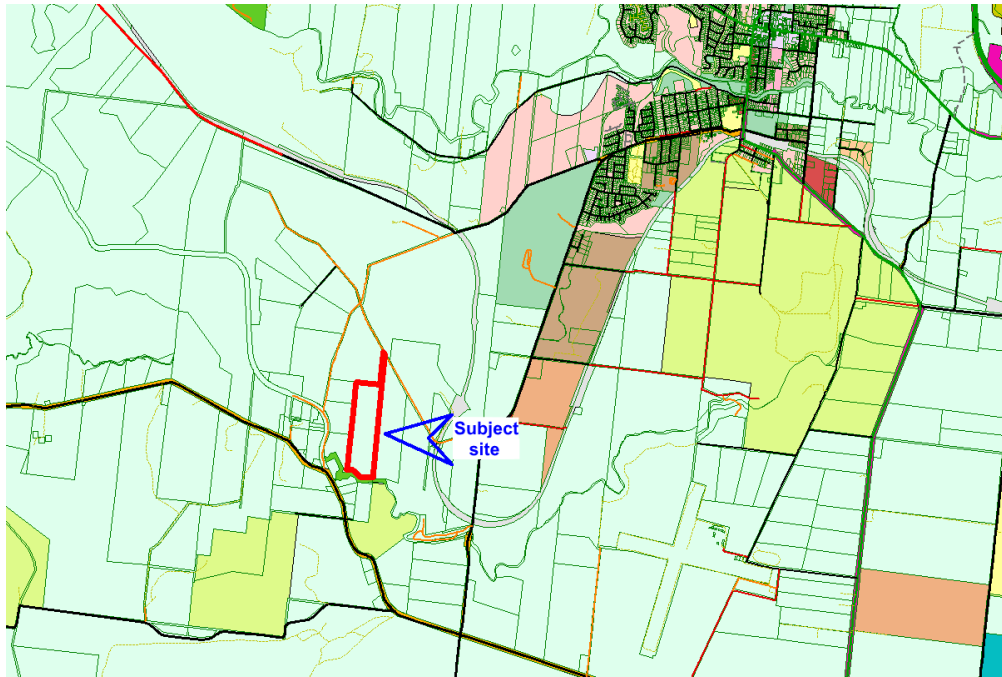


Subject site detailing 10 metre contours.

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.

### Resolution:

#### Crs. Comrie/Spain

***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.***

**CARRIED.**

---

### 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

<b>Application Summary:</b>	
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
<b>Public Consultation:</b>	
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.

<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Infrastructure and Natural Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building controls.
<b>Strategy</b>	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.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	
<b>Officer's Declaration of Conflict of Interests</b>	
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.	
<b>Executive Summary:</b>	
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><b>Officer's response –</b> 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
<b>Officer's response –</b> 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.	
<p>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).</p> <p>There are other estates in Bacchus Marsh where blocks are smaller and we want our estate kept unique.</p>	Clause 32.08 General Residential Zone Clause 56.03-5 Neighbourhood character objective
<b>Officer's response –</b> 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
<b>Officer's response –</b> 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.

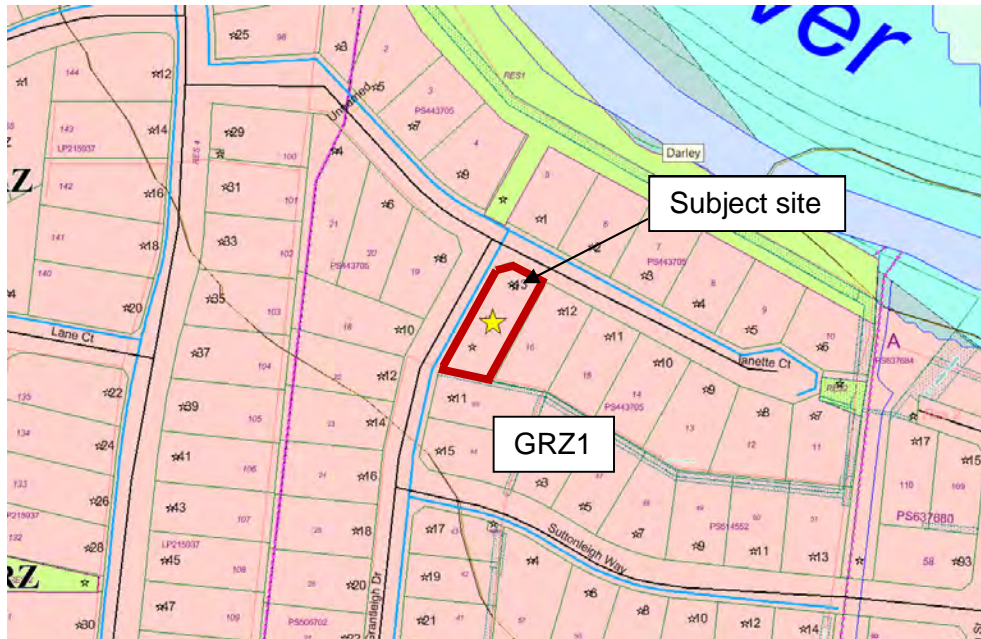
To the north is Janette Court with a crossover towards the north-east corner servicing the site. On the opposite side of Janette Court are a row of substantial double storey brick dwellings, while further north is a walking path leading to Lerderderg River, with access from Janette Court.



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>
<b>LPPF</b>	<b>Title</b>	
Clause 21.03-3	Objective . Residential Development	<p>The objectives are:</p> <ul style="list-style-type: none"> <li>• To extend the range of housing types available to provide resident choice and meet changing housing needs.</li> <li>• To achieve high quality living environments which balance the provision of residential development opportunities with the protection of productive agricultural land and environmental assets.</li> </ul> <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.

**Resolution:****Crs. Sullivan/Edwards**


***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.***

**CARRIED.**

---

**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
<b>TOTAL</b>			<b>\$44,790</b>	<b>\$109,675</b>	

## Policy Implications

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	A strong and diverse local economy
<b>Strategy</b>	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

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Rating</b>	<b>Control/s</b>
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

<b>Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Date</b>	<b>Outcome</b>
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
<b>TOTAL</b>		<b>\$11,000</b>

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.

**Resolution:**

Crs. Toohey/Spain

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
<i>Blackwood Festival of Music &amp; Culture</i>	<i>Blackwood Academy and Revue Inc</i>	<i>\$7,500</i>
<i>Sweet Wine Festival</i>	<i>Rotary Club of Ballan &amp; District</i>	<i>\$3,500</i>
<b><i>TOTAL</i></b>		<b><i>\$11,000</i></b>

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 or within the first half of 2015/16 financial year.***

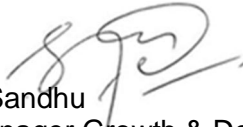
**CARRIED.**

---

#### **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:

<b>Key Result Area</b>	Representation and Leadership of our Community
<b>Objective</b>	Provide quality customer services that respond to the needs of our whole community
<b>Strategy</b>	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"> <li>• Social Media Policy.</li> <li>• Social Media Manual</li> <li>• User / Response Guides.</li> <li>• Training</li> <li>• Monitoring and pre approval process</li> <li>• Usage Terms and Conditions.</li> <li>• Administrative Power</li> <li>• Staff Code of Conduct</li> <li>• Privacy Legislation</li> </ul>
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.

**Resolution:****Crs. Spain/Comrie*****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.***

**CARRIED.**

---

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

## **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:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Inclusive, responsive and accessible community service
<b>Strategy</b>	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**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
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.
-----------	--------------------------------------	-----	--

### **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.

***Consideration of Presentation***

***Mr. Thomas Stoian addressed Council in relation to the Moorabool Youth Charter.***

***The business of the meeting then returned to the agenda.***

**Resolution:**

**Crs. Dudzik/Edwards**

***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.***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**



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



### **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:

<b>Key Result Area</b>	Representation and Leadership of our Community
<b>Objective</b>	Leadership through best practice community engagement
<b>Strategy</b>	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.**

***Cr. Spain nominated Cr. Dudzik. Cr. Dudzik accepted the nomination.***

### Resolution:

**Crs. Spain/Edwards**

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

**CARRIED.**

---

### 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:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Community Self Reliance
<b>Strategy</b>	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.

**Resolution:**

**Crs. Dudzik/Spain**

***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.***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**

**Name:**

**Title:**

**Date:**



Danny Colgan

General Manager Community Services

Wednesday, 21 January 2015

## **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
<b>TOTAL</b>	<b>62</b>	<b>100.00</b>

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:

<b>Key Result Area</b>	Enhanced Natural and Built Environment
<b>Objective</b>	Ensure current and future infrastructure meets the needs of the community.
<b>Strategy</b>	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.

**Resolution:**

**Crs. Sullivan/Toohey**

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

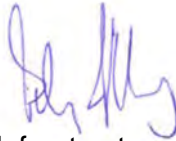
**CARRIED.**

---

**Report Authorisation**

**Authorised by:**

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



## **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:

<b>Key Result Area</b>	Enhanced Infrastructure and Natural and Built Environment
<b>Objective</b>	Ensure the current and future infrastructure meets the needs of the community
<b>Strategy</b>	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**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
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.

### ***Consideration of Presentations***

***Mrs. Olivia Fisher addressed Council in relation to the cancellation of Agricultural Licence 0703869 over the portion of Lohs Lane, Myrniong.***

***Mrs. Scott Fisher addressed Council in relation to the cancellation of Agricultural Licence 0703869 over the portion of Lohs Lane, Myrniong.***

***The business of the meeting then returned to the agenda.***

### **Resolution:**

**Crs. Comrie/Dudzik**

#### ***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.***

**CARRIED.**

#### Report Authorisation

**Authorised by:**

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

## 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:

<b>Key Result Area</b>	Representation and leadership of our community.
<b>Objective</b>	Sound, long term financial management.
<b>Strategy</b>	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*.

#### **Resolution:**

**Crs. Sullivan/Edwards**

#### **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 Coordinator to issue letters notifying surrounding authorities that Moorabool Shire Council has resolved to cause a general revaluation.**

**CARRIED.**

---

### **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:

<b>Key Result Area</b>	Representation and Leadership of our Community
<b>Objective</b>	Effective strategic and business planning for a growing community
<b>Strategy</b>	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.

## Resolution:

**Crs. Sullivan/Edwards**


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

**CARRIED.**

---

## Report Authorisation

### Authorised by:

**Name:** Natalie Abbott   
**Title:** Acting General Manager Corporate Services  
**Date:** Tuesday, 13 January 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:

<b>Key Result Area</b>	Representation and Leadership of our Community
<b>Objective</b>	Sound, long term financial management
<b>Strategy</b>	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:	
o Yankee Flat Road / Navigators Road Intersection	\$ 0.052m
o Masons Lane Athletics Development	\$ 0.042m
o Elaine-Morrison's Road	\$ 0.040m
o Hike and Bike	\$ 0.040m
o Yendon Recreation Reserve Project	\$ 0.034m
o Mt Egerton Community Facilities	\$ 0.028m
• Other	\$ 0.080m
	<b>\$ 0.816m</b>

### **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.

**Resolution:**

**Crs. Spain/Comrie**

***That Council receives the Quarterly Financial Report – December 2014.***

**CARRIED.**

---

**Report Authorisation****Authorised by:**

**Name:** Natalie Abbott  
**Title:** Acting General Manager Corporate Services  
**Date:** Thursday, 22 January 2015



## **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](http://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

**Resolution:****Crs. Toohey/Edwards**

***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***

**CARRIED.**

## 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.

### Resolution:

**Crs. Spain/Comrie**

***That Council receives the report of the following Section 86 - Delegated Committee of Council:***

- ***Development Assessment Committee meeting of Wednesday, 10 December 2014***

**CARRIED.**

### 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.

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
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

**Resolution:**

**Crs. Comrie/Spain**

***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.***

**CARRIED.**

**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.

**Resolution:**

**Crs. Comrie/Dudzik**

***That Cr. Comrie's Notice of Motion No. 246, be deferred to the next Ordinary Meeting of Council, with a report to be presented on the Committees that Cr. Comrie is a member of, before further consideration is given to meeting times.***

**CARRIED.**



**12. MAYOR'S REPORT**

***Since the last Ordinary Meeting of Council, the Mayor, Cr. Tatchell, attended the following meetings and activities:***

<b>Cr. Tatchell - Mayor</b>	
<b>December 2014/January 2015</b>	
8 December	Meeting with Catherine King re Blackwood Phone Tower
10 December	S86 Development Assessment Committee Meeting
15 December	Ballan Caravan Park Committee AGM
16 December	Metropolitan Planning Authority Function
17 December	S86 Finance & Governance Committee Meeting
18 December	Heritage Advisory Committee Meeting
19 December	Graduation Ceremony of CFA Recruit Firefighter Course 05/2014
26 January	Australia Day Community Breakfast and Award Ceremony, including Australian Citizenship Ceremony
28 January	Assembly of Councillors . Presentation on the Digital Strategy & Social Media Policy Assembly of Councillors . Amendment C51 Bacchus Marsh Activity Centre Structure Plan
4 February	S86 Urban Growth Strategy Committee Meeting Ordinary Meeting of Council

**Resolution:**

**Crs. Toohey/Edwards.**

***That the Mayor's report be received.***

**CARRIED.**

**13. COUNCILLORS' REPORTS**

*Since the last Ordinary Meeting of Council, Councillors have attended the following meetings and activities:*

<b>Cr. Spain</b>	
<b>November/December 2014</b>	
<b>4 December 2014</b>	<b>Attended the Grow West Implementation Committee meeting at Bacchus Marsh.</b>
<b>5 December 2014</b>	<b>Attended the Peri Urban Group of Rural Councils meeting in Melbourne.</b>
<b>12 December 2014</b>	<b>Attended the Melton Bacchus Marsh Prostate Support Group dinner.</b>
<b>15 December 2014</b>	<b>Attended Moorabool MECC Crisis Works training at Council Chambers in Ballan.</b>
	<b>Attended the Coimadaí Avenue of Honour Restoration Committee XMAS barbecue at Lake Merrimu.</b>
<b>24 December 2014</b>	<b>Attended the Moorabool Shire Council XMAS Staff Lunch at Wallace.</b>
<b>22 January 2015</b>	<b>Attended the "Land Fit For Heroes" project stakeholder meeting convened by CVA at Bacchus Marsh.</b>  <b>MSC represented by Anthony McGrath, Cr. John Spain and Colin Evans from Bacchus Marsh &amp; District Trails Advisory Committee to Council.</b>
<b>26 January 2015</b>	<b>Along with the Mayor, Cr. Tatchell and Crs. Edwards, Comrie and Dudzik attended the Australia Day Community Breakfast and Citizenship Ceremony at Bacchus Marsh.</b>
<b>28 January 2015</b>	<b>With Cr. Comrie conducted Interviews for applicants for Chairperson of the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management.</b>
<b>29 January 2015</b>	<b>Attended the January meeting of the Bacchus Marsh &amp; District Historical Society.</b>
<b>3 February 2015</b>	<b>Attended the Bacchus Marsh &amp; District Trails Advisory Committee meeting.</b>

<b>Cr. Comrie</b>	
<b>January 2015</b>	
<b>26 January</b>	<b>Australia Day Celebrations – Congratulations to all MSC Staff involved and the Australia Day Ambassador</b>

<b>Cr. Dudzik</b>	
<b>December 2014 / January 2015</b>	
<b>5 December</b>	<b>Bacchus Marsh RSL Ladies Auxillary Christmas Luncheon</b>
<b>11 December</b>	<b>Bacchus Marsh RSL Christmas Party</b>
<b>14 December</b>	<b>Apple 98.5 FM Christmas Party</b>
<b>15 December</b>	<b>Coimadai Avenue of Honour Restoration Committee Christmas BBQ, Lake Merrimu</b>
<b>24 December</b>	<b>Moorabool Shire Staff Christmas Lunch Wallace</b>
<b>17 January</b>	<b>Rally the Saints Music Festival</b>
<b>26 January</b>	<b>Australia Day Awards and Citizenship Ceremony Bacchus Marsh, Congratulations to staff involved.</b>

**Resolution:**

**Crs. Spain/Sullivan**

***That the Councillors' reports be received.***

**CARRIED.**

**14. URGENT BUSINESS**

**Nil.**

**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****ADJOURNMENT OF MEETING 6.33PM****Crs. Toohey/Comrie***That the meeting now stand adjourned for a period of 11 minutes.***CARRIED.****RESUMPTION OF MEETING 6.44PM****Crs. Comrie/Spain***That the meeting now be resumed.***CARRIED.****Resolution:****Crs. Comrie/Toohey**

*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*

**CARRIED.**

Items 15.1 . 15.6 are confidential items  
and therefore not included  
as part of these Minutes.

**MOTION IN OPEN BUSINESS**

**Council resolved that the following resolution be recorded in open business:**

**Resolution:**

**Crs. Toohey/Edwards**

***That Council:***

- 1. approves the purchase of the parcel of land known as Lot 1 on PS715949 that adjoins the Lal Lal Soldiers' Memorial Hall.***
- 2. approves \$20,000.00 payment of the purchase of land from the West Moorabool Development Reserve.***
- 3. authorises CEO to sign contract documents.***
- 4. authorises the resolution of the report be recorded in open business.***

**CARRIED.**

**17. MEETING CLOSURE**

*The meeting closed at 7.50pm.*

*Confirmed.....Mayor.*