

## **ORDINARY MEETING OF COUNCIL**

**Minutes** of the  
Ordinary Meeting of Council to be held at  
Elaine Community Hall, 20 Pearsons Road, Elaine on  
Wednesday 4 March 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***

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**1. OPENING OF MEETING AND PRAYER**

*The Mayor, Cr. Tatchell, opened the meeting at 5.00pm, Cr Spain read the Council Prayer.*

**2. ACKNOWLEDGEMENT TO COUNTRY**

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

**3. 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  
Mr. Phil Jeffrey  
Mr. Satwinder Sandhu*

*Chief Executive Officer  
General Manager Infrastructure  
General Manager Growth and  
Development*

*Mr. Danny Colgan  
Ms. Natalie Abbott*

*General Manager Community Services  
A/General Manager Corporate  
Services*

*Mr. Rob Fillisch  
Mr. Troy Scoble*

*Coordinator Statutory Planning  
Manager Recreation and Youth  
Development*

*Ms. Deb Absolom*

*Minute Taker*

**4. APOLOGIES**

*Nil.*

**5. CONFIRMATION OF MINUTES**

**5.1 Ordinary Meeting of Council – Wednesday 4 February 2015**

**Resolution:**

**Crs. Comrie/Edwards**

***That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 4 February 2015.***

**CARRIED.**

**5.2 Special Meeting of Council – Wednesday 18 February 2015**

**Resolution:**

**Crs. Sullivan/Spain**

***That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 18 February 2015.***

**CARRIED.**

## 6. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

### Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

#### **6.1 Disclosure of a Direct Conflict of Interest**

***Mr Robert Croxford, Chief Executive Officer, declared a Direct Conflict of Interest in relation to Item 10.5.1 CEO Contract of Employment.***

#### **6.2 Disclosure of a Indirect Conflict of Interest**

***Cr. Sullivan declared an Indirect Conflict of Interest in relation to Confidential Item 16.1. The nature of the Conflict of Interest is due to Cr. Sullivan having had a previous association with a contractor concerned with this project.***

## 7. 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.***



**8. PETITIONS**

***Nil.***

## 9. 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
10.3.3	<i>Appointment of Chairperson and Committee of Management for the Bacchus Marsh Racecourse and Recreation Reserve</i>	Dean Cowan	Objector

**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.

Item No	Description	Name	Applicant/ Objector
10.2.1	<i>Planning Permit PA2014-172; Development and Use of a Dwelling and Outbuilding (Shed) in Association with the Use of the land for Agriculture; at Crown Allotments 6 &amp; 8, Section 2, Parish of Warrenheip; Mahars Road, Warrenheip</i>	Keith Parry	Objector
10.2.1	<i>Planning Permit PA2014-172; Development and Use of a Dwelling and Outbuilding (Shed) in Association with the Use of the land for Agriculture; at Crown Allotments 6 &amp; 8, Section 2, Parish of Warrenheip; Mahars Road, Warrenheip</i>	Robert Eskdale	Applicant

**10. OFFICER'S REPORTS**

**10.1 CHIEF EXECUTIVE OFFICER**

*No reports for this meeting.*

## 10.2 GROWTH AND DEVELOPMENT

### 10.2.1 Planning Permit PA2014-172; Development and Use of a Dwelling and Outbuilding (Shed) in Association with the Use of the land for Agriculture; at Crown Allotments 6 & 8, Section 2, Parish of Warrenheip; Mahars Road, Warrenheip.

***This Planning Permit Application was tabled at the Section 86 Development Assessment Committee meeting held on Wednesday 11 February 2015. Upon review and discussion, the committee decided to refer this application to the 4 March, 2015 Ordinary Meeting of Council in accordance with the Terms of Reference for the Development Assessment Committee.***

Application Summary:	
Permit No:	PA2014-172
Lodgement Date:	14 July 2014
Planning Officer:	Roger Cooper
Address of the land:	Crown allotments 6 & 8, Section 2, Parish of Warrenheip; alternatively known as Mahars Road, Warrenheip VIC 3352
Proposal:	Development and Use of a Dwelling and Outbuilding (Shed) in Association with the Use of the land for Agriculture
Lot size:	11.75 hectares (consolidated)
Why is a permit required	Farming Zone: Clause 35.07-1, section 2, use of a Dwelling on land less than 40ha.  Farming Zone: Clause 35.07-4, Buildings and works for a use in section 2 of Clause 35.07-4
Restrictions registered on title	Covenant as to part E904765
Public Consultation:	
Was the application advertised?	The application was advertised due to the potential impact of a dwelling in proximity to adjoining existing agricultural uses.
Number of notices to properties:	Seven (7)
Notices on site:	One (1)
Notice in Moorabool Newspaper:	Not applicable

Number of Objections:	Two (2)
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 externally to Central Highlands Water, Tenix (Gas) and Powercor. The application was also referred internally to infrastructure and environmental health.

Any issues raised in referral responses?	None raised. Powercor (s. 52) mistakenly applied subdivision conditions to the permit, however following acknowledgement of the error sent a revised response in January, 2015. They are only a discretionary referral authority for the proposed dwelling\$ approx. 60m setback to high voltage power lines. The revised response does not include any permit conditions.
Preliminary Concerns?	The Officer had some concerns the proposed agricultural use of a cattle stud could also be interpreted primarily as grazing activity, for which justification for a dwelling is difficult to establish. The soil in this location is considered to be among the most fertile in the shire and so integrity of the agricultural use is significant.
Any discussions with applicant regarding concerns	The applicant provided further support of the proposal after the Officer sent questions about how the proposal increases the agricultural capacity of the land and complies with relevant state and local planning policy. The applicant maintains the dwelling is required for 24 hour supervision of the cattle stud operation and valuable stock.
Any changes made to the application since being lodged?	No
VCAT history?	None
Previous applications for the site?	None
General summary	<p>The application is for development and use of the land for a dwelling on land identified at CAs 6&amp;8, Section 2, Parish of Warrenheip at Mahars Road, Warrenheip. The total land area for the subject site is 11.75 hectares.</p> <p>The subject land is located on the south-western corner of Mahars Road and Forbes Road approximately 700m south of the Western Freeway and approximately 7kms east of the centre of the City of Ballarat.</p> <p>The Farm Plan states that the site is highly productive agricultural land and would be used for a seed stock herd of Lowline cattle (a sub-breed of Australian Angus). This is a more intensive operation than the limited cattle grazing activity that currently exists on the land.</p> <p>It is considered that the proposed application is generally consistent with the State and Local Planning Policies of the Moorabool Planning Scheme, which is discussed later in this report.</p>

	<p>Two (2) objections were received based on integrity of the farm management plan, fragmentation of land from one ownership (encouraging another future dwelling application), approval will encourage unwanted lifestyle blocks in this farming region, and the proposed dwelling will compromise chemical spraying activity of a nearby farmer which is their livelihood.</p> <p>In this instance it is considered that the subject land is prime agricultural land which is of strategic significance in the local and regional context, but that the location of the dwelling in the north east corner of the site would not impact on the use of the balance of the land for agriculture. No empirical evidence has been provided that other adjoining and adjacent farming activities will be compromised by the proposed dwelling. The dwelling would also strengthen a small local community in close proximity to major infrastructure (Western Freeway/Highway environs).</p> <p>While the protection of agricultural and horticultural land is an important planning outcome it is recommended that the application is supported.</p>
<b>Summary Recommendation:</b>	
It is recommended that Council issue a Notice of Decision to Grant a permit for this application in accordance with Section 60 of the Planning and Environment Act 1987 subject to conditions detailed at the end of this report.	

### Background

None.

### Public Notice

The application was notified to adjoining and surrounding landowners and, by sign on site for the period 18 August 2014 to 1 September 2014. Two objections were received.



## Summary of Objections

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

Objection	Any relevant requirements
Planning permit application is not for a genuine farm enterprise and the farm management plan makes false and misleading statements. Owner is just attempting to increase the value of the land for sale through the permit process.	Clause 14.01 Agriculture Clause 21.04-2 Objective . Agriculture Clause 22.03 Houses and House Lot Excisions in Rural Areas
<b>Officer's response –</b> The farm management plan (FMP) is very basic and Council takes the applicant at their word that they wish to live on and farm the land in accordance with their FMP. The FMP runs with the land and should the land be sold, the purchaser is also required to develop the land in accordance with the planning permit and FMP or an approved agricultural use. The FMP is generally consistent with a valid agricultural use, however the authenticity of the statements in the document cannot be verified by Council Officers.	
Granting a planning permit for the subject lots (6 & 8) fragments the land from more adjacent land under the same ownership. If this was a genuine application, the owner should have incorporated all his adjacent land under the one application. If this permit is granted, the owner will repeat the process for nearby vacant land under his ownership.	Clause 14.01 Agriculture Clause 21.04-2 Objective . Agriculture Clause 22.03 Houses and House Lot Excisions in Rural Areas Clause 35.07 Farming Zone
<b>Officer's response –</b> A check of Council records shows the land owner (J Frawley) also owns approx. 13ha opposite the subject land on the northern side of Mahars Road. The application would decouple the land from a larger holding, however this application does consolidate two titles accompanied by a FMP. Future applications involving dwellings should be decided on merit, however subsequent approvals which diminish the potential for genuine agricultural activity in this area should be discouraged.	

There is no substance to claims in the farm management plan, the proposed cattle stud requires close and daily supervision.	None applicable
<b>Officer's response –</b> It could be considered that a small scale cattle stud of this nature (1 bull), for which a substantial component is grazing, does not require 24 hour supervision. However the applicant claims the dwelling provides their stock with imperative security requirements, breeding is more than just seasonal and their full time occupation of the land affords them better land management outcomes.	
The ongoing approval of applications for dwellings in this agriculture rich region, with less than convincing justification for farming activity, will result in a surge of lifestyle blocks incompatible with traditional farming activities such as chemical spraying and noise.	Clause 14.01 Agriculture Clause 21.04-2 Objective . Agriculture Clause 22.03 Houses and House Lot Excisions in Rural Areas Clause 35.07-6 Decision Guidelines in the Farming Zone
<b>Officer's response –</b> While dwellings can conflict with some agricultural activities, there is substantial evidence to suggest they can co-exist. There are seven (7) dwellings within 1km of the subject land and various degrees of agriculture from grazing stock to crops requiring airborne chemical spraying. This planning application includes a FMP for an agricultural use which will be tied to the permit via a section 173 agreement. Council's Rural Growth Policy also encourages dwellings in the Farming Zone where communities are strengthened.	
The proposed dwellings' location has the potential to impact on our long standing airborne chemical spraying activity and pest control practices. Maintaining our status as Certified Seed Potato Growers requires strict compliance with hygiene standards. Compromising this status could have a significant effect on our livelihood.	Clause 14.01 Agriculture Clause 21.04-2 Objective . Agriculture Clause 22.03 Houses and House Lot Excisions in Rural Areas Clause 35.07-6 Decision Guidelines in the Farming Zone
<b>Officer's response –</b> The proposed dwelling is located 200-300m from the land of this objector, which claims they carry out airborne chemical spraying. Some contamination of the subject land may be possible, however no specific details of the area, type or duration of spraying has been provided by the objector. Occupants of the dwelling would be fully aware of the surrounding agricultural activity and associated risks of dust, odour, spray, etc. Council cannot rely on these statements unless valid empirical evidence of conflict is provided.	

If approved the application could lead to a number of similar approvals in our area, which are incompatible with our long standing farming activity.	Clause 14.01 Agriculture Clause 21.04-2 Objective . Agriculture Clause 22.03 Houses and House Lot Excisions in Rural Areas Clause 35.07-6 Decision Guidelines in the Farming Zone
<b>Officer's response –</b> Occupants of the dwelling would be fully aware of the surrounding agricultural activity and associated risks of dust, odour, spray, etc. Council cannot rely on these statements unless valid empirical evidence of conflict is provided. Council's Rural Growth Policy also encourages dwellings in the Farming Zone where communities are strengthened. Dwellings and agricultural activities currently co-exist in this locality.	

### Proposal

The proposal involves the development of a single storey weatherboard style country homestead on the subject site. The proposed dwelling would have a total floor area of approximately 18.5sq and would comprise three bedrooms, a study, bathroom, kitchen/meals area, separate open plan lounge/family and be encompassed by a 152sqm verandah.

The proposed dwelling would be sited approximately 40m from Mahars Road and approximately 25m from the eastern boundary.

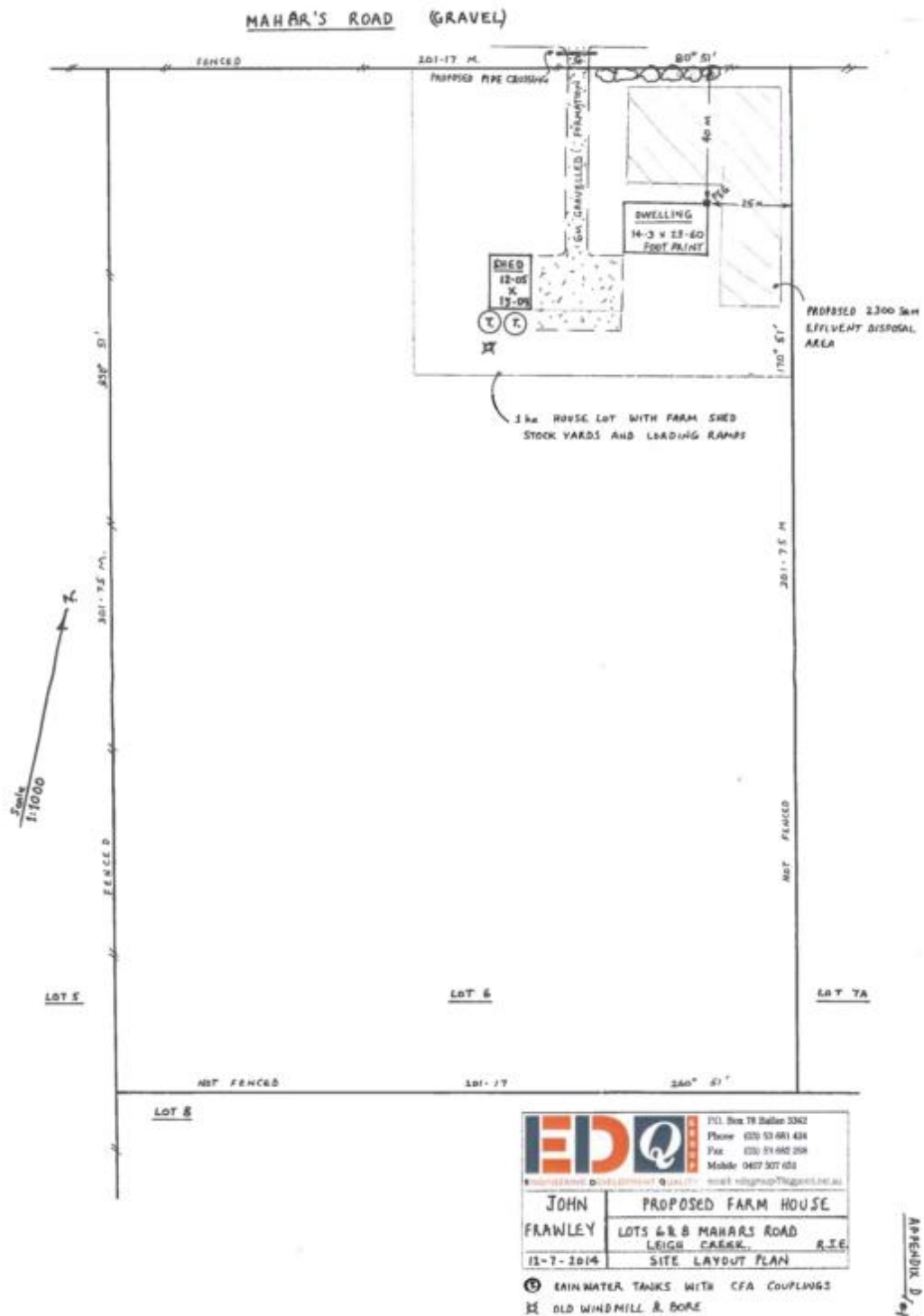
A new access from Mahars Road would be constructed towards the north-east corner of the site.

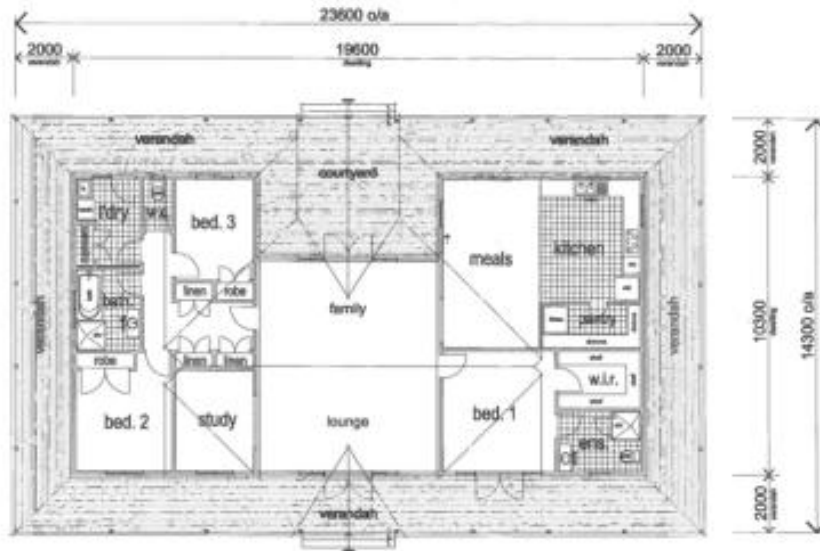
A 181sqm shed would be constructed approximately 30m west of the dwelling and would be located a minimum of 90m from the west side boundary.

A Farm Management Plan (FMP) was provided with the application. The FMP states that site contains soils of high agricultural productivity. The application states that the land would be used for seed stock herd of Lowline cattle (a sub-breed of Australian Angus). The applicant states the cattle stud under the land owner's supervision will increase and enhance the current low intensity grazing activity of the property.

As a part of the application, Crown Allotment 6 (proposed to contain the dwelling) & 8 (proposed to contain the balance of the agricultural use for a cattle stud) would be consolidated on one title.

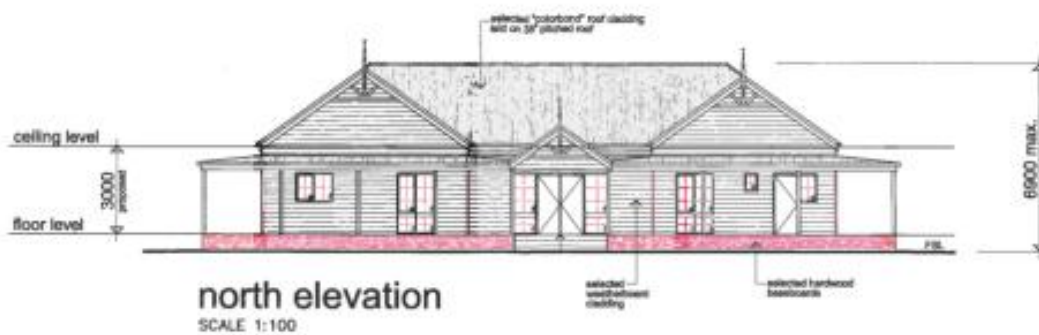
## Proposed Site Plan, Floor Plan and Elevations

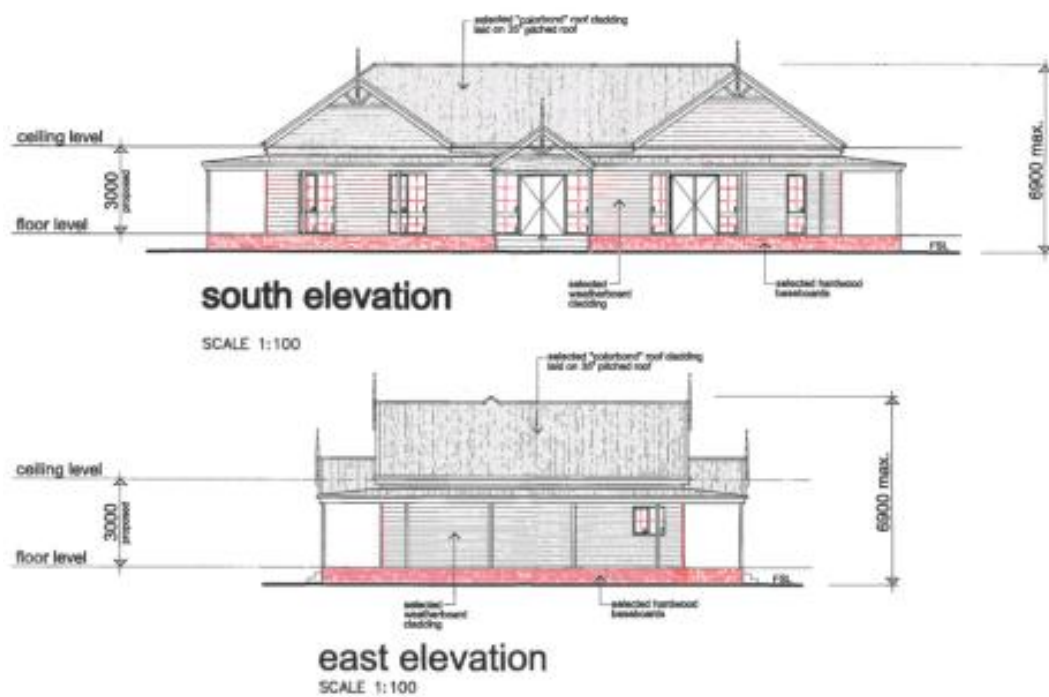




**proposed floor plan**  
SCALE 1:100

areas:	
proposed dwelling	: 186.90m <sup>2</sup>
proposed verandah	: 152.20m <sup>2</sup>
total	: 337.50m <sup>2</sup>



**KEY**

- Boundary
- - - Planned permanent fences
- DO Tank
- Troughs

## Site Description

An inspection of the site was undertaken on 16 September, 2014.

The decision guidelines of the Moorabool Planning Scheme require that the responsible authority consider, amongst other matters, the orderly planning of the area and the effect of the proposal on the amenity of the area together with any proposals or permits granted in the surrounding or adjoining area.

The subject land is made up to two parcels . CA 6 to the north with frontage to Mahars Road which is rectangular in shape and is proposed to contain the dwelling; and CA 8 to the south-east which is irregular shaped and proposed to contain the balance of the cattle stud. The site is substantially clear of vegetation and has rolling topography. Access to the site is via an informal crossover on the northern boundary abutting Mahars Road. A secondary access for previous farming activity is located on the east boundary to Forbes Road. There are no improvements on the site or any water supply.

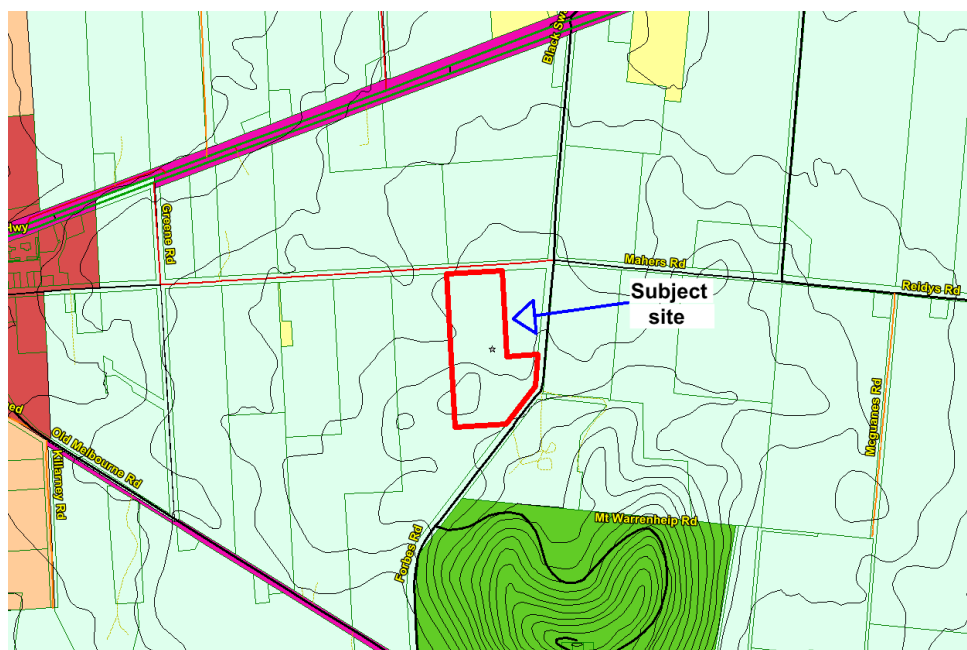
The land is located on the south west corner of the intersection of Mahars Road and Forbes Road and is approximately 7kms east of the centre of the City of Ballarat.

Surrounding land is zoned Farming. There are no dwellings located within 400m of the proposed dwelling, however there are seven (7) dwellings existing or approved in the range of 400m-1km from the site.

A search of Council records shows that there have been only seven (7) new dwellings approvals in the last five years in the Warrenheip, Dunnstown and Bungaree areas.

## 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:

SPPF	Title	Response
Clause 11.05-3	Rural productivity	The proposal promotes agriculture and rural production in an appropriate location. The subject and surrounding land has been identified as highly productive agricultural land of regional significance and there are many examples of where dwellings and agricultural operations currently co-exist.
Clause 14.01-1	Protection of agricultural land	The proposed dwelling is to support a breed of Angus cattle stud. The dwelling should not be supported without tying it to a suitable agricultural use, which can be done via a section 173 agreement registered on title to the consolidated crown allotments.
Clause 16.02-1	Rural residential development	Warrenheip is an existing settlement where dwellings and agricultural uses co-exist. The proposed dwelling should only be approved where it is in association with a suitable agricultural use, as in this case has been demonstrated by the applicant.



LPPF	Title	Response
Clause 21.01-2	Municipal context, Key Issues, Economic development	While the proposed dwelling is located in a regionally significant agricultural area in the west of the shire, it is to support an agricultural use. Surrounding land has other examples of dwellings co-existing with agricultural operations. The relatively small land holding lends itself to being able to operate a breed of Angus cattle stud of this size.
Clause 21.03-4	Landscape and Neighbour-hood Character	The applicant submits the proposed dwelling is required to facilitate the safe and secure management of a cattle stud. Surrounding land has other examples of dwellings co-existing with agricultural operations.
Clause 21.04-1	Key issues and influences, agriculture and horticulture	<p>The protection of agricultural and horticultural production is an important planning outcome.</p> <p>Farm businesses need to be able to retain the capacity to operate as agricultural enterprises.</p> <p>The proposal achieves this by tying the development of the dwelling to a suitable agricultural use on the land.</p>
Clause 21.04-2	Objective . Agriculture	Farming integrity is protected by tying the development of the dwelling to a suitable agricultural use on the land.
Clause 22.03	Houses and House Lot Excisions in Rural Areas	Agriculture is still the major land use in the Shire and a significant component of the economy. The Shire is committed to facilitating

		<p>sustainable agriculture and protecting the long term supply of productive agricultural and horticultural land. There is need to avoid fragmentation of land suitable for rural production by discouraging subdivision and houses that are unrelated to the agricultural use of the land. It is also important to ensure that farm production is not compromised or adversely affected by residents living in rural areas.</p> <p>The proposal is an acceptable outcome for the locality of Warrenheip where dwellings and agricultural enterprises currently co-exist.</p>
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### Zone

Pursuant to Clause 35.07-1, section 2, and the schedule to the Farming Zone, a planning permit is required to use the land for a dwelling if the land is less than 40ha.

Pursuant to Clause 35.07-4 of the Farming Zone a planning permit is required for building or works associated with a use in section 2 of Clause 35.07-1.

The subject site is in the Farming Zone. The Purpose of the Farming Zone is to implement the State and Local Planning Policy Frameworks, including the Municipal Strategic Statement and local planning policies and to:

- Provide for the use of land for agriculture;
- Encourage the retention of productive agricultural land;
- Ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture;
- Encourage the retention of employment and population to support rural communities; and
- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The lot must be at least the area specified in a schedule to this zone which states the minimum area for which no permit is required to use land for a dwelling is 40 hectares.

#### Farming Zone . decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the dwelling would result in the loss or fragmentation of productive agricultural land;
- Whether the dwelling would be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation;
- Whether the dwelling would adversely affect the operation and expansion of adjoining and nearby agricultural uses;
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture;
- Whether the use or development will support and enhance agricultural production;
- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land;
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent;
- How the use or development relates to sustainable land management.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production;
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses;
- The capacity of the site to sustain the agricultural use; and
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

#### **Overlays**

No overlays cover the subject land.

## **Particular Provisions**

No particular provisions apply to this application.

## **General Provisions**

Clause 65 . Decision Guidelines have been considered by officers in evaluating this application as appropriate.

## **Restrictive Covenants**

Parts of each Crown Allotment contain Restrictive Covenant E904765 relating to an easement for the former Gas & Fuel Corporation. The easement is located over the adjoining title boundaries for Lots 6 & 8 where no permanent structures are proposed, so the proposal is not affected by the restriction.

## **Discussion**

The Farming Zone in the Moorabool Planning Scheme provides discretion for a permit to be granted to use and develop land for the purposes of a dwelling on a lot less than 40ha.

The purposes of the Farming Zone is to provide for the use of land for agriculture, encourage the retention of productive agricultural land and ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.

Other purposes are to encourage the retention of employment and population to support rural communities, and encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

There are State and Local planning policies providing additional guidance to Council on the objectives that are to be achieved in relation to the protection of prime agricultural land across Victoria.

The use of land for a dwelling in the Farming Zone on a lot less than 40ha in the Moorabool Planning Scheme is discouraged unless it can be demonstrated that the agricultural use of the land will not be compromised, the application will not lead to a proliferation of dwellings in the surrounding area, the application will support retention of local communities and sustainable land management practices and infrastructure provision.

The proposal was accompanied by a Farm Management Plan which outlined the agricultural potential of the land in terms of breeding a seed stock herd of Lowline cattle.

In considering the application in this part of Warrenheip where dwellings and agricultural land uses currently co-exist, the primary question is whether the dwelling will support the use of the land for agriculture, and whether the use or development of a dwelling will support and enhance agricultural production.

On balance it is considered that the use and development of a dwelling on the land, located in the north-east corner of the site, would not impact on the use of the balance of the land for agriculture. The proposal also includes a more intensive form of agriculture that currently exists on the land and the immediate locality within 1km already has seven (7) existing or approved dwellings. It is also evident the application will strengthen a small local community in close proximity to major infrastructure (Western Freeway/Highway environs).

### **Council's Rural Housing Policy (RHP)**

A Council Policy has been developed to provide direction for how limited farming potential rural dwellings should be considered, and more broadly, rural settlement patterns. The policy seeks to articulate support for resilient and integrated rural communities and agricultural enterprises, recognising that State Government Planning Policy Framework does not adequately recognise or support agriculture trends and rural settlements in the Moorabool Shire.

Council believes that the existing one size fits all rural land use policies have proven to be inadequate for peri urban Shires such as Moorabool; and policy direction needs to be mindful of the existing subdivision pattern, with many allotments substantially less than 40 hectares in size, and the opportunities available to support and enhance existing settlements.

The principles of the policy relevant to this application include:

- Support the agriculture sector so that it can be more productive, diverse, resilient and adaptive to changing agricultural trends, including supporting agricultural activities that recognise Moorabool's advantageous proximity to market;
- Protect agricultural land use from loss and allow development that increases agricultural productivity;
- Focus growth opportunities in settlements along major transport corridors, in particular where there is physical and social infrastructure and services;
- Recognise that there is substantial existing lots under 40 hectares capable of supporting the viable operation of agricultural enterprises; and
- Promote a rural housing market that meets the needs of the Shire's rural communities

And specifically that:

- Land parcels for the proposed on farm living dwellings are to have a minimum lot size of 8 hectares and is within the areas identified in Map 1 so as to support retain population within rural communities (Map 1 refers. red).

The subject land is located in an area designated on Map 1 in red, as being a rural development area.

#### **RHP Comment:**

The policy provides guidance with respect to limited farm potential rural dwellings in this area of the Shire. The land meets the criteria of having a minimum lot size of 8ha and the dwelling is supported by a Farm Management Plan with a suitable agricultural use on the land.

#### **Referrals**

The following referrals were made pursuant to s.52 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan. No mandatory referrals were required under section 55.

<b>External Authority (Section 52)</b>	<b>Response</b>
Central Highlands Water Tenix (Gas) Powercor	No objection No objection No objection
<b>Internal referral</b>	<b>Response</b>
Infrastructure Environmental Health	No objection subject to conditions No objection subject to conditions

All referral authorities consented to the application, subject to appropriate conditions being placed on any permit issued.

#### **Financial Implications**

The recommendation of an approval of this development would not represent any financial implications to Council.

#### **Risk and Occupational Health and Safety Issues**

The recommendation of an approval of this development does not implicate any risk or OH & S issues to Council.

#### **Communications Strategy**

Notice was undertaken for the application, in accordance with the Planning and Environment Act 1987, and two (2) objections were received. The applicant was informed that this matter would be heard by Council and was advised of their right to address Council. The applicant will be advised of Council's determination.

## Options

An alternative recommendation would be to refuse the application on grounds the proposal reduces the land's capacity for agriculture or causes detriment to adjoining agricultural operations, however this would likely result in an application being lodged by the proponent at VCAT.

PA2013-118 for a dwelling in association with agriculture approved by Council as a notice of decision was taken to VCAT by an objector; the decision of Council was affirmed by VCAT.

## Conclusion

It is considered that the application is generally consistent with the State and Local Planning Policy Framework and the Municipal Strategic Statement of the Moorabool Planning Scheme. The proposal is also considered to be consistent with the purpose and decision guidelines of the Farming Zone.

### ***Consideration of Deputations – Planning Permit Application No. 2014-172.***

***Mr. Keith Parry addressed Council as an objector to the granting of a planning permit for the application.***

***Mr. Robert Eskdale addressed Council in favour of the granting of a planning permit for the application.***

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

## Resolution:

**Crs. Sullivan/Toohey**

***That, having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2014-172; Development and Use of a Dwelling and Outbuilding (Shed) in Association with the Use of the land for Agriculture; at Crown Allotments 6 & 8, Section 2, Parish of Warrenheip; Mahars Road, Warrenheip, subject to the following conditions:***

- 1. Before the use and development starts, the land known as Crown Allotments 6 & 8, Section 2, Parish of Warrenheip, Mahars Road, Leigh Creek must be consolidated to form one land parcel.***
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 3. The approved Farm Management Plan has been endorsed and forms part of the permit and must not be altered without the written consent of the Responsible Authority.***

4. ***Before the use of development commences the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 and to the agreement being registered on the titles to the land under Section 181 of the Act, which provides to the satisfaction of the Responsible Authority that:***
  - a) ***Agricultural activities identified in the endorsed Farm Management Plan or approved by the Responsible Authority in writing, must be undertaken on the land and must be in accordance with the Farm Management Plan endorsed under the relevant Condition 3 of Planning Permit PA2014-172.***
  - b) ***The owner must pay the reasonable costs for the preparation, execution and registration of the Section 173 Agreement.***
5. ***All external materials to be used in the construction of the dwelling and shed hereby permitted shall be of muted toning and non-reflective and shall not result in any adverse visual impact on the amenity of the surrounding area to the satisfaction of the Responsible Authority.***

***Environmental Health condition:***

6. ***The recommendations of the land capability assessment prepared by Provincial Geotechnical Pty Ltd 30 June 2014 Reference No: F4126 must be adhered to.***
7. ***The applicant must apply for a permit to install a septic tank.***

***Infrastructure conditions:***

8. ***A standard rural vehicle crossing with culvert must be provided on Mahars Road to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.***
9. ***Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.***
10. ***Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).***



11. ***Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.***
12. ***Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***

***Expiry condition:***

13. ***This permit will expire if one the following circumstances apply:***
  - a) ***The development is not started within two years of the date of this permit.***
  - b) ***The development is not completed within four years of the date of this permit.***

***Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the times frames as specified in Section 69 of the Planning and Environment Act 1987.***


**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Friday, 13 February 2015



## 10.2.2 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 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

Council considered the proposed policy on 4 February, 2015 and resolved that the policy lay on the table for further consideration and adoption at the next Ordinary Meeting of Council.

## Proposal

1. For Council to adopt the Social Media Policy
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 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 strategy to council and investigate how to bring forward 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. Sullivan/Edwards*****That Council,***

- 1. In accordance with Moorabool Shire Council Policy Protocol, 'Consideration of items which Affect beyond the Current Year', now endorses the Social Media Policy (Number GD009/Version 1).***
- 2. Approves a trial of the use of social media for a six month period.***
- 3. Approves that a further report be brought to the 2 September, 2015 Ordinary Meeting of Council on the trial and future direction of social media.***

**CARRIED.**

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**Report Authorisation****Authorised by:** **Name:** Satwinder Sandhu**Title:** General Manager Growth & Development**Date:** Friday, 13 February 2015

## 10.3 COMMUNITY SERVICES

### 10.3.1 Moorabool Health and Wellbeing Plan 2013-2017 – Annual Review.

#### Introduction

File No.: 12/01/001  
Author: Kate Diamond-Keith  
General Manager: Danny Colgan

#### Background

The purpose of this report is to present the Council with the outcomes of the annual review of the Moorabool Health and Wellbeing Plan 2013-2017 for adoption.

The Victorian *Public Health and Wellbeing Act 2008* requires that the Council conduct an annual review of the Municipal Public Health Plan, which is the Moorabool Health and Wellbeing Plan 2013-2017. The Department of Health has developed a guide for Councils in undertaking the annual review process. The guide specifies that conducting an annual review entails making sure that the actions identified in the plan are being implemented satisfactorily and that they remain the best way for council to invest in health and wellbeing over the life of the plan.

The Moorabool Health and Wellbeing Plan 2013-2017 is a four year plan for enhancing the health and wellbeing of our residents. The plan captures the health and wellbeing status of the community and presents a plan in partnership with local health providers and community organisations, to improve the health of the Moorabool community. The Plan was adopted by the Council at the Ordinary Meeting of Council on 6 November 2013.

The review and development of this report was undertaken through the following:

- Review of the Council's Health and Wellbeing Committee meetings for the past 12 months;
- Review of the first year action plan;
- Workshop with the Health and Wellbeing Committee members;
- Analysis of the Department of Health Annual review guidelines; and
- Discussion with other councils about their review processes.

Year one of the Plan contained 26 actions, which was a very ambitious undertaking for the first year. The report of the annual review of the Health and Wellbeing Plan is contained in **Attachment 10.3.1(a)** and the status of the implementation of the action plan contained in **Attachment 10.3.1(b)**.

The outcomes of the first year as follows:

Eleven actions were completed in the twelve months being:

- Implement a Community Leadership Program that focusses on health and wellbeing issues and outcomes;
- Implement the Lerdi Listeners program, which is a program for isolated older people and people with disabilities to utilise the Lerderderg Library;
- Further promote walking, cycling and running groups operating in the Shire;
- Identify and apply for funding opportunities for improving and enhancing walking tracks, including cultural walks;
- Advocate to the State Government to implement the Bacchus Marsh Town Bus review recommendations;
- Increase access to services for the elderly in Ballan through a trial community transport service around Ballan;
- Be a culturally inclusive Shire and create a sense of place for Indigenous people
- Deliver and promote the Federal Government funded Healthy Communities Project and evaluate this project with a view to sustainability;
- Develop a Domestic Animal Management Plan to support and encourage the positive health benefits of responsible pet ownership;
- Advocate for improved food security for low-income families; and
- Promote and monitor food safety compliance in Moorabool and provide advice on food safety to the public.

Fourteen actions are in progress, but it should be noted that nine of these actions are actions that are specified as year 1-4 actions and will therefore not be completed until the end of four year plan. It was therefore recommended that in the future, actions that are year 1-4 be presented differently to clarify the reporting of these actions.

- Advocate for improved careers advice services and apprenticeship opportunities for young people;
- In partnership with external agencies and Council staff prepare a report for Council consideration, to identify the key components of a new and dedicated youth space including the size and type of space required, governance and management arrangements, capital costs, operating costs, location and potential funding sources;
- Develop a Social Outings Guide for Moorabool Shire;
- Continue to promote the positive health benefits of increased education and employment opportunities in the community;
- Continue to promote the Council as employer of young people through apprenticeships;
- Actively pursue strong youth engagement practice, particularly on-line. This will include engaging young people in the design, development and maintenance of an on-line communication strategy as well as having young people directly involved in the design and maintenance of an online framework to gain educational outcomes for their involvement;

- Promote the positive health benefits of volunteerism and continue to provide opportunities for community members to participate in volunteer activities;
- Continue to promote the positive health benefits of the community use of community facilities and participation in sport and recreation activities currently provided;
- Promote the prevention of violence against women message through local print, radio and television media;
- Develop and build an Early Years Hub in Darley;
- Utilise the Moorabool Shire Council Website to provide information about local services;
- Provide programs that support frail older people and people with disabilities in the Home and Community Care target group to live in the community as independently and autonomously as possible;
- Promote opportunities for families to access existing physical activity programs in the community i.e. community sporting clubs; and
- Improve the breastfeeding rates for the Shire by promoting breastfeeding friendly spaces and providing information/education on the importance of breastfeeding.

One action was not completed, however, it emerged in the review process that this action was no longer relevant and that the action needed to be updated as follows:

#### Current Action

- Create links between disparate arts and community cultural initiatives and events by promoting the Arts Alive Arts Atlas

#### Proposed

- Provide support to existing and emerging arts and cultural groups to develop new opportunities within the Shire.

Considering the number of actions in the first year, the number of actions completed or in progress was considered very positive and the committee remarked that this was a positive achievement for the first year.

There was also a recommendation that the Plan continue to highlight the actions that have been completed to ensure that these projects are sustainable in the future.

#### *Health Profile*

The review identifies that the health profile could be updated to reflect current information and statistics.

#### *Partners*

The following were suggested as new partners to be added to the Health and Wellbeing Committee: local Schools and Council's Youth Action Group.



### *New Actions*

The review identified a number of new actions that could be progressed and one action recommended for inclusion in the updated Plan.

### **Proposal**

Following the completion of the review of the first year of the Moorabool Health and Wellbeing Plan 2013-2017, it is proposed that the following recommendations are to be considered by the Council:

1. That officers update the Health Profile to ensure data is current and relevant.
2. That additional partners be included in The Plan, including local schools and the Youth Action Group.
3. That the following new actions to be added to The Plan:
  - That a partnership approach be undertaken to investigate the impact of ICE on the community and that a strategy be developed to address this issue including determining the Council's role; and
  - Support the continued use of the Darley Civic and Community Hub, including encouraging greater use by community groups, committees and services.
4. That new funding opportunities be pursued to implement actions in The Plan.

Officers will update the Health Profile to ensure the data is current and the revised plan is to include schools and the youth action group as new partners in the implementation of the plan. Officers also will continue to pursue funding opportunities.

### **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>	Ensure Council's services and facilities are accessible

The proposal Moorabool Health and Wellbeing Plan 2013-2017 Year One Review Report is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

There are no financial implications from the recommendations proposed.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Health and Wellbeing Plan	Council is required to review the Health and Wellbeing Plan annually under the Public Health and Wellbeing Act 2008	Low	Council to review the Health and Wellbeing Plan annually.

### Communications and Consultation Strategy

The following community engagement activities have been undertaken, in accordance with the Council's Community Engagement Policy and Framework

Level of Engagement	Stakeholder	Activities	Outcome
Involve	Health and Wellbeing Committee	Review Workshop Submissions on draft report	Committee provided Feedback and endorsed recommendations

### 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 review determined that the first year of the Moorabool Health and Wellbeing Plan 2013-2017 was implemented with success. The review highlighted that some areas need to be updated to ensure the Plan is consistent with community needs and relevant to emerging issues. This includes updating the Health Profile to ensure data is current; addition of new partners; changes to working group process; additional actions to address emerging issues; such as ICE and promotion of new funding opportunities to implement actions.

The report of the review of the Health and Wellbeing Plan was considered at a meeting of the Social Development S86 Advisory Committee of Council on 10 December 2014. The recommendation by the Committee was that the Council endorse the recommendations of the review of the Moorabool Health and Wellbeing Plan.

## Recommendation:

**That the Council endorses the Moorabool Health and Wellbeing Plan 2013-2017 first year review report and authorises the following new actions to be added to the Plan:**

- **That a partnership approach be undertaken to investigating the impact of ICE on the community and that a strategy be developed to address this issue including determining the Council's role.**
- **Support the continued use of Darley Civic and Community Hub including encouraging greater use by community groups, committees and services.**

## Resolution:

**Crs. Dudzik/Toohey**

***That the Council endorses the Moorabool Health and Wellbeing Plan 2013-2017 first year review report and authorises the following new actions to be added to the Plan:***

- ***That a partnership approach be undertaken to investigating the impact of ICE on the community and that a strategy be developed to address this issue including determining the Council's role.***
- ***Support the continued use, of Darley Civic and Community Hub including encouraging greater use by community groups, committees and services in line with the adopted Darley Civic and Community Hub rental arrangements document.***

**CARRIED.**

### **Report Authorisation**

**Authorised by:**



**Name:** Danny Colgan

**Title:** General Manager Community Services

**Date:** Wednesday, 11 February 2015

### 10.3.2 Lerderderg Library Meeting Room Fees and Charges

#### Introduction

File No.: 17/02/001  
 Author: Kate Diamond-Keith  
 General Manager: Danny Colgan

#### Background

The purpose of this report is to recommend that the Council introduce commercial meeting room hire fees for the Lerderderg Library in Bacchus Marsh.

Since the opening of the Lerderderg Library in 2011, the use of the three meeting rooms has been steadily increasing. The meeting rooms are used regularly by community groups, committees, Council staff and for functions and Council meetings. Over the last 12 months, officers have received an increasing number of requests for hire of the meeting rooms from commercial businesses. The current meeting room fees and charges only include a community group hire rate, therefore commercial businesses currently hire the meetings rooms at the reduced community group rate.

Current meeting room charges:

	<b>Geoffrey Hine Room</b> (Small Meeting Room)	<b>Jean Oomes Room</b> (Medium Meeting Room)	<b>James Young Room</b> (Large Meeting Room)
Casual Hire	\$11.50/hour	\$17.00/hour	\$17.00/hour
Regular / Ongoing Hire	\$6.00/hour	\$11.00/hour	\$11.00/hour
Day/Night Hire for 8 hours	Not Applicable	\$33.00/8 hours	\$56.00/8 hours
Security Deposit	\$200.00	\$200.00	\$200.00
Insurance/Hire (applicable if hirer's own public liability insurance does not cover offsite/Australia wide).	\$33.50	\$33.50	\$33.50

The Lerderderg Library was constructed with funding from the Council and State government. The facility was established as a multi-purpose community facility, encompassing a library, Council customer service, visitor information centre, historical society and community meeting rooms. The meeting rooms were constructed to meet an increasing need in the community for meeting space for community groups and committees. Therefore the meeting rooms should be as accessible as possible for community groups and committees to access. The current meeting room fees provide the same accessibility to commercial businesses as community groups and committees and therefore this needs to be addressed to ensure the facility is meeting the community's needs and its purpose.

**Other Local Governments:**

Officers have undertaken benchmarking with other local governments hiring similar meeting facilities within library facilities. These libraries all have a meeting room hire rate for community groups as well as a hire rate for commercial businesses.

**Proposal**

It is proposed that the Council adopt meeting room hire fees and charge for the Lerderderg Library meeting rooms for commercial businesses, as follows:

**Definitions:**

Community Groups -Activities/Functions of community groups and incorporated associations that are not for profit

Commercial/Profit Making Groups - Activities/Functions which charge other personnel for attendance at class/activity and/or are registered for GST purposes, or organisation is a for profit business.

**Geoffrey Hine; - Seats 6, Video conferencing facilities, Wireless Internet**

\$20 per hour  
\$30 per hour with use of video conferencing facilities  
\$110 per day  
\$160 per day with use of video conferencing facilities

**Jean Oomes - Seats 12, No projector, Wireless Internet**

\$25 per hour  
\$130 per day

**James Young 1 or 2 - Seats 15-20, Projector, Wireless Internet**

\$35 per hour  
\$160 per day

**James Young 1 & 2 combined - Seats 40, Projector, Wireless Internet**

\$65 per hour  
\$300 per day

A security deposit of \$200 is required for each meeting room.

## 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 services
<b>Strategy</b>	Ensure Council's services and facilities are accessible

The proposal Lerderderg Library meeting room fees and charges is consistent with the 2013-2017 Council Plan.

## Financial Implications

The addition of commercial library fees may result in additional revenue for the use of the meeting rooms.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Hire rates for library meeting rooms	Commercial businesses can hire the library meeting rooms at the community group rate.	Medium	Introduce a commercial hire fees for the library meeting rooms

## Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	General community	Media Release detailing proposed changes to hire fees and charges	All	March 2015	To be determined

## 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 Lerderderg Library in Bacchus Marsh has three meeting rooms for hire by the Moorabool community. The current fees and charges for these meeting rooms only include a community group hire fee. There have been an increasing number of requests for hire by commercial businesses, who are currently able to hire the meeting rooms at the community group rate.

It is proposed to introduce a commercial business meeting room hire fees. This will ensure that the meeting rooms remain accessible to community groups and ensure that the facility is meeting its intended purpose.

### **Recommendation:**

#### **That Council:**

**1. Adopts the following additional meeting room hire fees for the Lerderderg Library meeting rooms:**

- **Geoffrey Hine; - Seats 6, Video conferencing facilities, Wireless Internet**

**\$20 per hour**

**\$30 per hour with use of video conferencing facilities**

**\$110 per day**

**\$160 per day with use of video conferencing facilities**

- **Jean Oomes - Seats 12, No projector, Wireless Internet**

**\$25 per hour**

**\$130 per day**

- **James Young 1 or 2 - Seats 15-20, Projector, Wireless Internet**

**\$35 per hour**

**\$160 per day**



- **James Young 1 & 2 combined - Seats 40, Projector, Wireless Internet**

**\$65 per hour**

**\$300 per day**

**Resolution:**

**Crs. Spain/Comrie**

***That Council:***

1. ***Adopts the following commercial rates for meeting room hire fees for the Lerderderg Library meeting rooms:***

- ***Geoffrey Hine; - Seats 6, Video conferencing facilities, Wireless Internet***

***\$20 per hour***

***\$30 per hour with use of video conferencing facilities***

***\$110 per day***

***\$160 per day with use of video conferencing facilities***

- ***Jean Oomes - Seats 12, No projector, Wireless Internet***

***\$25 per hour***

***\$130 per day***

- ***James Young 1 or 2 - Seats 15-20, Projector, Wireless Internet***

***\$35 per hour***

***\$160 per day***

- ***James Young 1 & 2 combined - Seats 40, Projector, Wireless Internet***

***\$65 per hour***

***\$300 per day***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**



**Name:** Danny Colgan

**Title:** General Manager Community Services

**Date:** Wednesday, 11 February 2015

### **10.3.3 Appointment of Chairperson and Committee of Management for the Bacchus Marsh Racecourse and Recreation Reserve**

#### **Introduction**

File No.: 534900  
Author: Troy Scoble  
General Manager: Danny Colgan

The purpose of this report is to recommend that the Council appoint a Chairperson for the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management and also appoints the Bacchus Marsh Racecourse Recreation Reserve Committee of Management, consistent with the Appointments and Delegations policy adopted by Council on the 18 April 2012.

#### **Background**

The Bacchus Marsh Racecourse and Recreation Reserve Committee of Management is a section 86 Committee of Council in accordance with the Local Government Act 1989. At the Ordinary Council Meeting on 18 April 2012 Council adopted the Appointments and Delegations Policy.

The existing members of the Bacchus Marsh Recreation and Racecourse Reserve Committee of Management were appointed for a period of two years at the Ordinary Meeting of Council on 6 June 2012

#### **Appointment of Chairperson and Establishment of New Committee of Management**

An advertisement was placed in the local papers inviting nominations for the position of Committee Chairperson and community representative positions. Existing user groups were also invited to nominate a representative to the Committee of Management consistent with the criteria outlined in Council's Appointment and Delegations Policy.

#### Chairperson Position

Two nominations were received for the position of Chairperson within the advertised nomination period. Council officers assessed the applicants and the East Moorabool Councillors interviewed the applicants on 28 January, 2015. In accordance with the Appointments and Delegations policy, the Chairperson of the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management is to be ratified by Council using the resolution and schedule from this policy.

#### Community Representatives Positions

Nominations for appointment as community representative positions were received from the Bacchus Marsh BMX Club, Bacchus Marsh Soccer Club, Bacchus Marsh Cricket Club, Darley Cricket Club and Ann Wilson. Ms Wilson in her nomination stated she is a non-active life member of the Bacchus Marsh Pony Club.

There has also been interest from both the Darley Football Netball Club and the Bacchus Marsh Football Netball Club in having representation on the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management in the future.

### User Group Nominations

User group nominations have been received from the following groups consistent with the criteria outlined in the Appointment and Delegations Policy; Bacchus Marsh Pony Club; Bacchus Marsh Campdrafting Club; Bacchus Marsh Harness Club; , Bacchus Marsh and Melton Poultry Club; and Footscray Poultry Club.

A nomination was also received from the Bacchus Marsh West Golf Club to be regarded as a user group with an active interest in the future development and operation of the reserve.

### **Proposal**

It is proposed that in accordance with Council's Appointment and Delegations Policy, that Council

1. Appoint Mr Patrick Griffin as Chairperson for a period of two years.
2. Appoint the nominees from the existing user groups to the committee as listed as ~~±~~User Representatives
3. Include the Bacchus Marsh West Golf Club as a user group on the Committee of Management and appoint Dean Cowan to the Committee; and
4. Appoint Les Stewart (Bacchus Marsh BMX Club), Noel Stanley (Bacchus Marsh Soccer Club), Marcus Invorgson (Darley Cricket Club), Darran Fowlie (Bacchus Marsh Cricket Club) and Ann Wilson, to the Committee as ~~£~~Community Representatives~~q~~for a period of two years.

### **Policy Implications**

The 2013. 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Well Being
<b>Objective</b>	Community Self Reliance
<b>Strategy</b>	Actively support Committees of Management of community assets.

The proposal to appoint the Chairperson and Committee of Management of the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management is consistent with the 2013-2017 Council Plan.

## Financial Implications

Council provides operational funding to Bacchus Marsh Racecourse and Recreation Reserve as part of the Recreation Reserve Funding Policy. An Annual Management Agreement is in place outlining the service level for maintenance, roles and responsibilities in management of both Council and delegated to the Committee of Management.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Vacant chairperson position	Position remains vacant	Low	Appoint chairperson to committee or Council manage the reserve.

## Communications and Consultation Strategy

The outcomes of this report will be communicated to the applicants for the Chairperson position, Community Representative Positions and User Group Representatives of the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management.

## 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 – Anthony McGrath*

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

## Conclusion

The Bacchus Marsh Racecourse and Recreation Reserve Committee of Management is a Section 86 Committee of Management and is delegated management and maintenance responsibilities at the reserve on behalf of Council. The appointment of the chairperson will ensure that the Committee of Management can continue to support Council to perform this function in the future.

**Consideration of Presentation**

***Mr. Dean Cowan addressed Council in relation to the Appointment of Chairperson and Committee of Management for the Bacchus Marsh Racecourse and Recreation Reserve.***

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

**Recommendation:****That Council:**

- 1. Appoint Mr Patrick Griffin as the Chairperson of the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management for a period of two years.**
- 2. Appoint the following 'User Group Representatives' and 'Community Representatives' to the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management for a period of two years:**

**User Groups Nominees****Bacchus Marsh Pony Club****Bacchus Marsh Campdrafting Club****Bacchus Marsh West Golf Club****Bacchus Marsh Harness Racing Club****Bacchus Marsh and Melton Poultry Club****Footscray District Poultry Club****Representative****Diedre Davey****Damian Everard****Dean Cowan****Robert Young****George Rogers****Jack Pavey****Community Representative Nominees****Les Stewart****Noel Stanley****Marcus****Invorgson****Darran Fowlie****Ann Wilson**

- 3. Write to unsuccessful nominee for the position of Chairperson to thank them for their nomination.**
- 4. Write to outgoing Committee of Management Chairperson and Members, thanking them for their contribution towards the betterment of the reserve.**

**Resolution:****Crs. Sullivan/Spain*****That Council:***

- 1. Appoint Mr Patrick Griffin as the Chairperson of the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management which comes into force immediately and remains in force until Council determines to vary or revoke it.***
- 2. Appoint the following 'User Group Representatives' and 'Community Representatives' to the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management for a period of two years:***

**User Groups Nominees*****Bacchus Marsh Pony Club******Bacchus Marsh Campdrafting Club******Bacchus Marsh West Golf Club******Bacchus Marsh Harness Racing Club******Bacchus Marsh and Melton Poultry Club******Footscray District Poultry Club*****Representative*****Diedre Davey******Damian Everard******Dean Cowan******Robert Young******George Rogers******Jack Pavey*****Community Representative Nominees*****Les Stewart******Noel Stanley******Marcus******Invorgson******Darran Fowlie******Ann Wilson***

- 3. Write to unsuccessful nominee for the position of Chairperson to thank them for their nomination.***
- 4. Write to outgoing Committee of Management Chairperson and Members, thanking them for their contribution towards the betterment of the reserve.***

**CARRIED.**

---

**Report Authorisation****Authorised by:****Name:** Danny Colgan**Title:** General Manager Community Services**Date:** Thursday, 12 February 2015

### 10.3.4 Blackwood Hall

#### Introduction

File No.: 90095  
Author: Dawn Tschujasehenko  
General Manager: Danny Colgan

The purpose of this report is to provide information to Councillors regarding emergency repairs required to the Blackwood Hall and to recommend that the Council allocate \$15,000 from the Woodland Ward Funds toward the repair works.

#### Background

The Blackwood Hall is a Department of Environment, Land, Water and Planning (DELWP) facility. Council provides operational support to the Committee of Management for the facility through an annual Operational Grant. The Committee also has access to Council's Community Grants and Community Development Fund Programs.

The Blackwood Crown Reserves Committee of Management recently advised Council of urgent repairs needed to the Hall to restore safe access and use by the local community. An inspection of the Hall confirmed that the facility is in a state of disrepair and poses a considerable safety risk to users. Damage to the Hall includes significant, long term water damage to the subfloor and floorboards which is the result of inadequate drainage pits installed approximately twelve years ago as part of the bitumen driveway installation. The pits slope toward the facility, thus pushing excess water in and around the footings. The extensive damage means that the Hall is unable to be safely accessed by the community.

If repairs are not promptly carried out, the Hall may need to be closed to the community indefinitely. The repairs required are: replacement of the subfloor and floorboards (approximately \$45,000); and installation of a new drainage system including water tank (approximately \$18,000), a total cost of \$63,000.

Council Officers have been working with the Blackwood Crown Reserves Committee of Management to identify potential funding sources to undertake the emergency works required at the Hall. To date, officers have been in contact with representatives from Regional Development Victoria (RDV) and DELWP. Officers from DELWP have inspected the site and confirmed that the Department would be willing to support an application to their Public Land Safety Grants Program for up to \$15,000 toward the flooring repairs. A representative from RDV has also inspected the Hall and has encouraged the Committee of Management to make an application to the Putting Locals First Program to support the project.

The Committee of Management has also been in recent discussions with the Blackwood Bowling Club around a potential contribution to the project. The Bowling Club has expressed interest in utilising the Hall for indoor bowls and may wish to contribute to the project with the view of facilitating its use.

However the funding contribution still to be confirmed. The Bowling Club has also advised that an additional investment of \$7,000 for the purchase of indoor bowling equipment will be required. Council Officers will work with the Blackwood Bowling Club in relation to applying for a Community Grant for the purchase of this equipment.

The total potential funds available to complete the repair work is listed below:

DELWP	\$15,000
RDV	\$13,000
Blackwood Bowling Club (not confirmed)	\$15,000
In-Kind (Committee of Management)	\$ 5,000
<b>Total Funds</b>	<b>\$48,000</b>

At the Ordinary Meeting of Council on 2 February 2011, Council resolved to:

%Confirm its decision made at the Council Meeting held on Wednesday 3 November 2010, to sell the surplus land known as Crown Allotment 1 Section G Township and Parish of Blackwood+.

%That the funds obtained from the sale of this land be directed to the Woodlands Ward reserve seed funding for community projects+.

The sale of the land detailed above totalled \$16,500. It is therefore proposed that Council resolve to allocate \$15,000 from the Woodlands Ward Fund toward repairs required to restore safe access and usage of the Blackwood Hall by the community.

These funds will be used as seed funding to leverage the external funding opportunities listed above. Council Officers will work closely with the Committee of Management to prepare external funding submissions with the view to securing adequate funding for the project.

### **Secondary Project – Hall Upgrade Project**

It should be noted that a broader ~~Blackwood Hall Upgrade Project~~ which includes kitchen and toilet upgrade has also been proposed by the Committee of Management. Council Officers have advised the Committee of Management to apply for a Community Development Fund Grant to progress this project.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Community self-reliance and resilience
<b>Strategy</b>	Actively support Committees of Management in the management of community assets



The proposal to allocate \$15,000 Woodland Ward Funds toward the Blackwood Hall Flooring Repairs is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

In the current financial year, the Council is providing the Hall Committee with \$4,483 in operational funding. The repairs required to the Blackwood Hall to restore safe access and use by the community is a newly emerged project requiring immediate attention. As such the project is not detailed in the current CIP list for recommendation and has not been allocated funding as part of the 2014/15 Annual Budget. A Council contribution of \$15,000 Woodland Ward Funds is proposed as a Council commitment to support external funding submissions toward the delivery of the project.

### **Risk & Occupational Health & Safety Issues**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Financial . Inadequate funds to undertake project	Committee of Management unable to secure external funding to support the project	Moderate	Council Officers to work closely with Committee of Management to prepare funding submissions

### **Communications Strategy**

Council Officers have been in contact with key representatives of the Blackwood Hall Committee of Management. The Committee of Management has been involved in the development of this project as well as the funding model proposed.

Officers from external funding bodies including DELWP and RDV have been contacted and have inspected the site.

The outcomes of this report will be communicated to all stakeholders.

### **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 – Dawn Tschujasehenko*

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

### Conclusion

The Blackwood Hall is in a current state of disrepair and poses a considerable safety risk to users. Damage to the Hall includes significant, long term water damage to the subfloor and floorboards. Failure to carry out repairs may result in the indefinite closure of the facility. Officers have been in contact with the Committee of Management and potential external funding bodies. A funding strategy has been outlined including the proposal to allocate \$15,000 from Woodland Ward reserve fund to the project.

### Resolution:

#### Crs. Toohey/Edwards

1. ***That Council resolves to allocate \$15,000 from the Woodlands Ward Reserve Fund toward repairs required to restore safe access and usage of the Blackwood Hall by the community.***
2. ***That funds be used to leverage external funding opportunities.***
3. ***That Council Officers work with the Committee of Management to prepare external funding submissions with the view to securing external funding to enable all required works to be completed.***

**CARRIED.**

---

### Report Authorisation

**Authorised by:**



**Name:** Danny Colgan  
**Title:** General Manager Community Services  
**Date:** Wednesday, 18 February 2015

#### **10.4 INFRASTRUCTURE SERVICES**

*No reports for this meeting.*

## 10.5 CORPORATE SERVICES

***Mr Robert Croxford, Chief Executive Officer, declared a Direct Conflict of Interest in relation to Item 10.5.1 CEO Contract of Employment.***

### 10.5.1 CEO Contract of Employment

#### Introduction

File No: Personnel  
Author: Natalie Abbott

#### Background

The Chief Executive Officer's Contract of Employment with Moorabool Shire Council expires on 25 July, 2015.

Robert Croxford was appointed as CEO of the Moorabool Shire Council commencing on 26 July, 2010 with a five year employment contract expiring on 25 July, 2015 unless terminated earlier in accordance with his Contract of Employment. There are two options available to Council to appoint a CEO. They are:

- To reappoint the incumbent CEO without any advertising process, in accordance with Section 94(4) of the Local Government Act 1989 (LGA); or
- To commence the process of advertising the CEO position in accordance with section 94(3) of the Act before the expiry date, having advised the CEO of this intention within the timeframe specified in his/her contract.

The Local Government Act provides Council with the option of reappointing Robert Croxford as its CEO. To do this, the Council must formally resolve its intention to reappoint the CEO without an advertising process and give public notice of this intention followed by a further report to Council resolving to make the appointment. The meeting to confirm the appointment cannot take place until 14 days after the public advertisement has been placed.

A Panel was established comprising the Mayor, Cr. Toohey and Cr. Edwards and an independent consultant to advise on and commence the process for renewing or advertising a new contract of employment for a CEO.

A rigorous confidential process was undertaken to assist the Panel in making its recommendations to Council, including consideration of the requirements of the Local Government Act, contractual requirements, market advice/benchmarking and current and future municipal requirements.

Resulting from this process, Council resolved on 4 February, 2015 its intention to reappoint Robert Croxford as the Chief Executive Officer of the Moorabool Shire Council without the position being advertised.

In accordance with Section 94(4) of the Local Government Act 1989 a public notice was subsequently published stating Council's intention to pass a

resolution at a meeting of Council to be held on Wednesday 4 March, 2015 that would result in Robert Croxford being reappointed to the position of Chief Executive Officer of Moorabool Council without the position being advertised.

### **Proposal**

It is now open to Council to formally resolve to reappoint Mr Robert Croxford as its CEO for a further term of 5 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>	Good Governance through open and transparent processes and strong accountability to the community.
<b>Strategy</b>	Ensure policies and good governance are in accordance with legislative requirements and best practice.

### **Financial Implications**

Budgeted amount for appointment of an independent consultant to work with Councillor panel to advise on the process for renewing or advertising a new contract of employment for a CEO.

### **Risk & Occupational Health & Safety Issues**

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

### **Communications and Consultation Strategy**

Once appointed a media release advising the community of the appointment of the Chief Executive Officer of Moorabool Shire Council will be announced.

### **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 – Natalie Abbott, Acting General Manager Corporate Services*

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

The independent consultant, Lydia Wilson, has advised that she does not have any conflicts of interest in this matter.

### **Conclusion**

The Moorabool Shire Council has carefully considered the requirements of the Local Government Act 1989, contractual requirements, market advice and current and future municipal requirements in considering whether to reappoint its current Chief Executive Officer, Robert Croxford or alternatively to publicly advertise the position of CEO.

Council, having carefully considered this matter and undertaken the statutory process, can now resolve to reappoint Robert Croxford for a further five year period. This would be effective from 26 July, 2015.

***Mr. Robert Croxford adjourned from the meeting at 6.34pm.***

### **Resolution:**

**Crs. Toohey/Edwards**

***That Council;***

- 1. Resolves to reappoint Mr Robert Croxford in accordance with Section 94(4) of the Local Government Act 1989 for a further five year period subject to and in accordance with the contract of employment tabled at this meeting effective from 26 July, 2015.***
- 2. Under Section 94(6) of the Local Government Act 1989 will make available the proposed total remuneration payable to the Chief Executive Officer under the new contract for public inspection within 14 days.***

**CARRIED.**

***Mr. Robert Croxford returned to the meeting at 6.35pm.***

---

### Report Authorisation

**Authorised by:**

**Name:** Natalie Abbott

**Title:** A/General Manager Corporate Services

**Date:** Tuesday, 17 February 2015

A handwritten signature in black ink, appearing to read 'N. Abbott', is written over the 'Name' and 'Title' fields.

## 10.5.2 Review of Property Rate Debt Management Policy

### Introduction

File No.: 02/06/007  
Author: Jacinta Erdody  
General Manager: Natalie Abbott

### Background

Council last adopted the Property Rate Debt Management Policy on 6 April 2011 and at the time the policy was adopted for a period of three years. Overall the policy and its contents continues to work well and provides a consistent framework for managing the collection and escalation of property rate accounts.

There have been a couple of minor enhancements proposed within the policy review which are further highlighted throughout this report.

### Proposal

There are no significant changes to the policy, with the exception of the proposed amendments detailed as follows:

Section 3.1.3, the following statement has been inserted:

~~Fourteen~~ Fourteen days after the legislated full payment date, reminder letters will be issued to ratepayers who have not paid the full payment amount. The reminder letter will not have any penalty interest calculated and will allow ratepayers a further opportunity to pay the account penalty free+

This process was trailed within the 2013/14 financial year. Most residents were generally appreciative of being given an additional reminder without incurring penalties and made a significant improvement to the conversations that the Revenue Team had with ratepayers in regards to the payment of their rate accounts.

Section 3.3, the following statement has been inserted:

~~Special~~ Special payment arrangements should clear the outstanding debt within a 12 month period. If the offer of the arrangement does not clear the rate debt within a 12 month period, financial hardship provisions where the property is the principal place of residence must be considered.+

Council currently has a number of special payment arrangements which are making very low regular payments but the outstanding debt continues to grow as the regular payments do not address the annual debt levied to the account.



Section 3.6, the following statement has been inserted:

~~%~~Due to the costs associated with escalation via the Magistrates Court, rate accounts with balances below \$1,000 will not be escalated to the Debt Collection Agency.+

Section 3.8.2, the following statement has been inserted:

~~%~~The consolidated criteria which will be considered when reviewing applications for the waiver of interest and/or costs will be:

- A 3 year (if owner has owned property for this period of time) good payment history (Eg: No escalation in that time);
- No previous waivers of interest and/or costs; and
- No other money owing to Council.+

Section 3.9, the following statement has been inserted:

~~%~~Financial Hardship Principles

- Early identification of financial hardship is key and where there is no communication from the ratepayer it can be very difficult to identify financial hardship
- Accessibility of information about Council hardship provisions, including material on council websites and rate brochures
- Referral of financial hardship applications to qualified financial counsellors. If the ratepayer is experiencing financial difficulties with their rate account, there are generally other accounts which they are having difficulty paying+.

Section 3.11, the following line has been inserted:

~~%~~Waiver of Interest up to the value of \$25 . Delegated authority to Senior Revenue Officer and Revenue Officer+.

Section 4, the following statement has been inserted:

~~%~~Municipal Association of Victoria . Hardship Policy Guidelines . November 2013. This document was created by MAV with the input of Local Government to assist with the management of ratepayers experiencing financial hardship.+.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

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

The proposal for the review and update of the Property Rate Debt Management Policy is consistent with the 2013-2017 Council Plan.

## **Financial Implications**

The only notable change to the policy with a financial implication is the issue of the reminder letter prior to the interest calculation on full payment accounts. The resulting reduction in interest would be deemed minimal in the scheme of the overall interest calculation and would be outweighed by the significantly improved discussions and goodwill created with ratepayers.

## **Community Engagement Strategy**

During the life of the currently adopted policy, Council's Revenue Team have listened to feedback from ratepayers in regards to the policy and some of the changes to the review are a result of ratepayer feedback to further enhance the functionality of the policy. The policy is on Council's web page and mailed to ratepayers where appropriate.

## **Communications Strategy**

Following review and adoption of the updated policy, the updated policy will be uploaded to Council's website.

## **Victorian Charter of Human Rights and Responsibilities Act 2006**

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

## **Officer's Declaration of Conflict of Interests**

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

*A/General Manager – Natalie Abbott*

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

*Author – Jacinta Erdody*

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

## **Conclusion**

Overall the policy provides a consistent framework for the collection and escalation of Council's property rate accounts. The proposed amendments will ensure, the policy will continue to meet operational requirements over coming years.

The matter pertaining to Review of Property Rate Debt Management Policy was considered at a meeting of the Finance and Governance S86 Advisory Committee of Council on 17 December 2014 with a recommendation by the Committee that the report be presented to the Ordinary Meeting of Council.

**Resolution:**

**Crs. Dudzik/Sullivan**

***That Council adopts the proposed amendments to the March 2015, Version No. 004 - Property Rate Debt Management Policy.***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**

**Name:** Natalie Abbott

**Title:** A/General Manager Corporate Services

**Date:** 15 January 2015



## 11. OTHER REPORTS

### 11.1 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 18 February 2015 . Bacchus Marsh Racecourse Reserve Active Sporting Precinct
- Assembly of Councillors . Wednesday 18 February 2015 . Bacchus Marsh Transport Study

#### **Resolution:**

**Crs. Edwards/Comrie**

***That Council receives the record of Assemblies of Councillors as follows:***

- ***Assembly of Councillors – Wednesday 18 February 2015 – Bacchus Marsh Racecourse Reserve Active Sporting Precinct.***
- ***Assembly of Councillors – Wednesday 18 February 2015 – Bacchus Marsh Transport Study.***

**CARRIED.**

## 11.2 Section 86 - Advisory Committees of Council - Reports

Section 86 Advisory Committees are established to assist Council with executing specific functions or duties.

Advisory Committees of Council currently have no delegated powers to act on behalf of Council or commit Council to any expenditure unless resolved explicitly by Council following recommendation from the Committee. Their function is purely advisory.

Section 86 Advisory Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Section 86 . Advisory Committees of Council present the reports of the Committee Meetings for Council consideration.

Committee	Meeting Date	Council Representative
Bacchus Marsh District Trails Advisory Committee	3 February 2015	Cr. Spain

*Council officers are currently assessing the proposal by the Committee (in the attached minutes) and will prepare a report for consideration by the Council.*

### **Resolution:**

**Crs. Spain/Comrie**

***That Council receives the reports of the following Section 86 Advisory Committees of Council:***

- ***Bacchus Marsh District Trails Advisory Committee meeting of Tuesday, 3 February 2015.***

**CARRIED.**

**12. NOTICES OF MOTION**

***Nil.***

**13. 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>February 2015</b>	
5 February	Meeting with Don Nardella & Geoff Howard re advocacy issues
8 February	The Australian Ex-Prisoners of War Memorial . 11th Anniversary Service
9 February	Crime Stoppers Victoria Bushfire Arson Media Launch, Ballan
11 February	S86 Development Assessment Committee Meeting
17 February	M2041 Community Consultation Session . Bungaree
18 February	Assembly of Councillors . Bacchus Marsh Racecourse Reserve Active Sporting Precinct Assembly of Councillors . Bacchus Marsh Transport Study Special Meeting of Council
19 February	Meeting with Mary-Ann Thomas, Member for Macedon
24 February	Gordon Primary School - Meeting with senior children Meeting with Judy Verlin and John Kilgour, Committee for Ballarat M2041 Consultation Session . Dunnstown, Navigators and Yendon
25 February	Meeting with Ian Smith, Colin Evans and John Cutler re Land of Honour Project Moorabool Heritage Advisory Committee Meeting Ballan Shire Historical Society Annual General Meeting
27 February	Meeting with Joshua Morris, Member for Western Victoria

**Resolution:**

**Crs. Comrie/Edwards**

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

**CARRIED.**

**14. COUNCILLORS' REPORTS**

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

<b>Cr. Dudzik</b>	
<b>February/March 2015</b>	
<b>11 February 2015</b>	<b>S86 Development Assessment Committee</b>
<b>14 February 2015</b>	<b>Valentines Dinner Dance fundraiser for Apple 98.5fm radio and the Marsh Food Bus.</b>
<b>17 February 2015</b>	<b>Masons Lane Committee of Management meeting</b>
<b>20 February 2015</b>	<b>Ovarian Cancer Awareness Afternoon Tea Hon. Catherine King MP</b>
<b>21 February 2015</b>	<b>Gymnastics Victoria Awards night – Acrofun won Best Small Club of the Year Award</b>
<b>23 February 2015</b>	<b>Strategic Health Forum Great War Centenary Committee Meeting</b>
<b>26 February 2015</b>	<b>Audit and Risk Committee Meeting</b>
<b>1 March 2015</b>	<b>Clean Up Australia Day – Long Forest</b>
<b>3 March 2015</b>	<b>Recreation and Leisure Advisory Committee Meeting.</b>

<b>Cr. Spain</b>	
<b>February/March 2015</b>	
<b>5 February 2015</b>	<b>Meeting with Don Nardella &amp; Geoff Howard, Mayor, CEO re advocacy issues</b>
<b>10 February 2015</b>	<b>Moorabool Municipal Emergency Planning Committee meeting</b>
<b>11 February 2015</b>	<b>S86 Development Assessment Committee meeting</b>
<b>12 February 2015</b>	<b>Bacchus Marsh Public Hall Committee meeting</b>
<b>13 February 2015</b>	<b>Peri-Urban Group of Rural Councils meeting</b>
<b>17 February 2015</b>	<b>M2041 Community Consultation Session – Bungaree</b>
<b>18 February 2015</b>	<b>Assembly of Councillors – Bacchus Marsh Racecourse Reserve Active Sporting Precinct</b>  <b>Assembly of Councillors – Bacchus Marsh Transport Study</b>  <b>Special Meeting of Council</b>



<b>19 February 2015</b>	<b>Meeting with representatives of Bacchus Marsh &amp; District Historical Society re archive data backups</b>
<b>19 February 2015</b>	<b>Grow West Implementation Committee meeting</b>
<b>19 February 2015</b>	<b>VLGA Development Session – Being Deputy Mayor</b>
<b>24 February 2015</b>	<b>M2041 Consultation Session – Dunnstown, Navigators and Yendon</b>
<b>25 February 2015</b>	<b>Meeting with Mayor, CEO, Ian Smith, Colin Evans and John Cutler re Land of Honour project</b>  <b>Moorabool Heritage Advisory Committee meeting</b>
<b>26 February 2015</b>	<b>Audit &amp; Risk Committee meeting</b>  <b>M2041 Consultation Session – Gordon</b>
<b>27 February 2015</b>	<b>Meeting with Joshua Morris, Member for Western Victoria, Mayor, CEO</b>
<b>3 March 2015</b>	<b>Recreation &amp; Leisure Strategic Advisory Committee meeting</b>
<b>4 March 2015</b>	<b>Bacchus Marsh Harvest Festival Media Launch</b>

**Cr. Sullivan****February/March 2015**

<b>16 February 2015</b>	<b>MAV Strategic Planning Workshop – Rural South Central</b>
<b>10 February to 3 March 2015</b>	<b>Attending 2041 Small Town Structure Meetings</b>

**Cr. Toohey****February/March 2015**

<b>26 February 2015</b>	<b>Western Highway Community Action Group meeting</b>
<b>3 March 2015</b>	<b>2041 Small Towns Structure Meeting Gordon.</b>

**Resolution:****Crs. Comrie/Sullivan*****That the Councillors' reports be received.*****CARRIED.**

**15. URGENT BUSINESS**

**15.1 Contract of Employment – Chief Executive Officer**

**Resolution:**

**Crs. Toohey/Sullivan**

***That the common seal be affixed to Robert Croxford Chief Executive Office contract of employment at the Ordinary Meeting of Council on 1 April, 2015.***

**CARRIED.**

**16. CLOSED SESSION OF THE MEETING TO THE PUBLIC****16.1 Confidential Report****16.2 Confidential Report****16.3 Confidential Report****ADJOURNMENT OF MEETING 6:52PM****Crs. Comrie/Edwards***That the meeting now stand adjourned for a period of 14 minutes.***CARRIED.****RESUMPTION OF MEETING 7.06pm****Crs. Sullivan/Comrie***That the meeting now be resumed.***CARRIED.****CLOSURE OF THE MEETING TO THE PUBLIC – 7.06PM****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 16.1 . 16.3 are confidential items and therefore not included as part of these minutes.

**17. MEETING CLOSURE**

***The meeting closed at 7.52pm.***

***Confirmed.....Mayor.***