

ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held at Council Chamber, 15 Stead Street, Ballan on
Wednesday 4 May 2016 at 5:00 p.m.

Members:

Cr. Allan Comrie (Mayor)	East Moorabool Ward
Cr. Paul Tatchell	Central 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
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. Comrie, opened the meeting at 5.00pm with the Council Prayer.

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. PRESENT

<i>Cr. Allan Comrie</i>	<i>East Moorabool Ward</i>
<i>Cr. Paul Tatchell</i>	<i>Central Ward</i>
<i>Cr. John Spain</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>
<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>

Officers:

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Community Services</i>
<i>Mr. John Whitfield</i>	<i>Governance Coordinator</i>
<i>Mr. Robert Fillisch</i>	<i>Acting Manager Statutory Planning & Community Safety</i>
<i>Mr. Steve Ivelja</i>	<i>Manager Finance</i>
<i>Ms. Michelle Morrow</i>	<i>Minute Taker</i>

4. APOLOGIES

Nil.

5. CONFIRMATION OF MINUTES**5.1 Ordinary Meeting of Council – Wednesday 6 April 2016****Resolution:**

Crs. Sullivan/Edwards

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 6 April 2016.

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)
 - indirect interest because of impact on residential amenity (section 78E)

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 an Indirect Conflict of Interest

Cr. Spain declared an Indirect Conflict of Interest (section 78E – Impact on residential amenity) in relation to Item 10.2.7 – Local Law Application – Keeping of an animal (one ram) in an urban area – 4 Love Close, Maddingley. The nature of the conflict of interest is due Cr. Spain residing in Love Close, Bacchus Marsh.

6.2 Disclosure of an Indirect Conflict of Interest

Cr. Spain declared an Indirect Conflict of Interest (section 78B – Conflicting duty) in relation to Item 10.3.1 – Community Grants Program Summer 2016. The nature of the conflict of interest is due Cr. Spain being member of the Committee of the Bacchus Marsh Arts Council.

Cr. Toohey entered the meeting at 5.03 pm.

7. PUBLIC QUESTION TIME

The Council makes provision in the business of the Ordinary Meetings of the Council for the holding of a Public Question Time. It is provided to enable members of the public to submit questions to Council.

Public Question Time is conducted in accordance with Clause 57 in the Council's *Local Law No. 8 Meeting Procedure Local Law Division 8*.

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.

All questions and answers must be as brief as possible and no discussion may be allowed other than for the purposes of clarification. Three minutes is considered to be an appropriate time limit. The question is not to be debated.

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, the question shall be recorded in the Minutes of the Meeting. The response to the question will also be recorded in the Minutes of the Ordinary Meeting when that response is provided to the Council.

Clause 57.6 of Local Law No. 8 outlines the circumstances when a question may be disallowed. It includes questions that the Chairperson determines to be defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance, or is aimed at embarrassing a Councillor or a member of Council staff.

The following question was responded to at the meeting:

Ms. Marilyn Meadows – Ballan – What is Council's involvement in relation to the decision regarding the Ballan Mechanics Hall Committee of Management?

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
10.2.6	<i>Making of new Local Law – Meeting Procedure Local Law No. 9 to replace Meeting Procedure Local Law No. 8</i>	Armanda Bertok	Objector
10.2.6	<i>Making of new Local Law – Meeting Procedure Local Law No. 9 to replace Meeting Procedure Local Law No. 8</i>	Bruce Bullock	Objector
10.2.6	<i>Making of new Local Law – Meeting Procedure Local Law No. 9 to replace Meeting Procedure Local Law No. 8</i>	Debra Bullock <i>(Did not speak to the item)</i>	Objector
10.2.6	<i>Making of new Local Law – Meeting Procedure Local Law No. 9 to replace Meeting Procedure Local Law No. 8</i>	John Kowarsky	Objector

10.2.6	<i>Making of new Local Law – Meeting Procedure Local Law No. 9 to replace Meeting Procedure Local Law No. 8</i>	Marilyn Rister	Objector
10.2.7	<i>Local Law Application – Keeping of an animal (one ram) in an Urban area – 4 Love Close, Maddingley</i>	Gerrard Miller	Objector
10.2.7	<i>Local Law Application – Keeping of an animal (one ram) in an Urban area – 4 Love Close, Maddingley</i>	Bruce Bullock	Objector
10.2.7	<i>Local Law Application – Keeping of an animal (one ram) in an Urban area – 4 Love Close, Maddingley</i>	Debra Bullock	Objector
10.2.7	<i>Local Law Application – Keeping of an animal (one ram) in an Urban area – 4 Love Close, Maddingley</i>	Godwin Aquilina	Supporter

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

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

Item No	Description	Name	Position
10.2.1	<i>PA2015-205 Development of four (4) dwellings and removal of vegetation on Lot 1 on TP 231842W, 70 Atkinson Street, Ballan VIC 3342</i>	David Bayley	Applicant
10.2.1	<i>PA2015-205 Development of four (4) dwellings and removal of vegetation on Lot 1 on TP 231842W, 70 Atkinson Street, Ballan VIC 3342</i>	Sivy Orr	Objector
10.2.2	<i>Extension of Time (E5) for Planning Permit Application PA2007-243; 483 Old Melbourne Road, Ballan; Use and development of a staged residential village comprising 120 self-contained dwellings, residential centre and associated outdoor recreation facilities</i>	Robert Eskdale	Applicant
10.2.2	<i>Extension of Time (E5) for Planning Permit Application PA2007-243; 483 Old Melbourne Road, Ballan; Use and development of a staged residential village comprising 120 self-contained dwellings, residential centre and associated outdoor recreation facilities</i>	Jason Bennett	Supporter

10.2.2	<i>Extension of Time (E5) for Planning Permit Application PA2007-243; 483 Old Melbourne Road, Ballan; Use and development of a staged residential village comprising 120 self-contained dwellings, residential centre and associated outdoor recreation facilities</i>	Pat Griffin	Supporter
10.2.2	<i>Extension of Time (E5) for Planning Permit Application PA2007-243; 483 Old Melbourne Road, Ballan; Use and development of a staged residential village comprising 120 self-contained dwellings, residential centre and associated outdoor recreation facilities</i>	Scott Buckner	Supporter
10.2.3	<i>PA2015-244; Buildings and Works associated with a major electricity transmission line and removal of vegetation at multiple addresses in Buninyong, Clarendon, Elaine, Navigators, Scotsburn, Warrenheip and Yendon</i>	Ole Kelderman	Objector
10.2.3	<i>PA2015-244; Buildings and Works associated with a major electricity transmission line and removal of vegetation at multiple addresses in Buninyong, Clarendon, Elaine, Navigators, Scotsburn, Warrenheip and Yendon</i>	Paul Ower	Applicant
10.2.3	<i>PA2015-244; Buildings and Works associated with a major electricity transmission line and removal of vegetation at multiple addresses in Buninyong, Clarendon, Elaine, Navigators, Scotsburn, Warrenheip and Yendon</i>	Indran Pillay	Applicant

10. OFFICER'S REPORTS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 Rural Councils Victoria (RCV) - Incorporation

Introduction

File No.: 02/06/004
Author: Rob Croxford

Background

Rural Councils Victoria (RCV) has been operating for many years as an unincorporated association.

Over time, RCV has identified that this is an unsatisfactory means of conducting RCV's business . it exposes its members to liability and limits RCV's ability to enter into contracts.

As a result, RCV has been considering alternative vehicles for the conduct of its business.

RCV's Executive Committee has determined that RCV should apply to the Registrar for Incorporated Associations for incorporation as Rural Councils Victoria Incorporated.

This will not change the way that RCV operates, or its pursuit of outcomes that benefit all of its rural council members. It will simply ensure that RCV can operate more effectively when pursuing those outcomes.

Proposal

Rural Councils Victoria (RCV) is an unincorporated organisation which represents the interests of rural councils within Victoria and currently has 38 members, of which Council is one.

The RCV's work includes:

1. providing opportunities for networking and professional development;
2. activities directed at ensuring the sustainability of rural councils; and
3. activities to assist rural communities to remain sustainable.

This occurs via a number of mechanisms, including the:

1. organisation of forums and conferences for member councils;
2. engagement of consultants to undertake project work; and
3. applying for Government grants, particularly through Regional Development Victoria.

Given that the RCV is not a separate legal entity, it conducts its business through a 'Secretariat'. This involves the Executive appointing a willing council member to, essentially, act as its agent, providing administrative support and entering into contracts on its behalf.

Incorporation of RCV

As the RCV is currently unincorporated, Council is, together with all other member councils, exposed to liability in respect of its operations.

To address this, and to enable the RCV to operate with greater independence and ease, it is proposed to incorporate the RCV as an incorporated association. It will be called 'Rural Councils Victoria Incorporated' and will operate in accordance with the draft Rules, attached to this report as 'Attachment 10.1.1(b)'.

The benefits of the RCV being incorporated include that it:

1. is recognised as a separate legal entity, with protection from debts for members and perpetual succession;
2. has the power to own and hold property, enter into contracts and otherwise act as any other legal entity would;
3. cannot distribute profit to its members;
4. must operate in accordance with a set of rules, including a statement of purpose . being the draft Rules attached to this report as 'Attachment 10.1.1(b)'; and
5. is operated by a Committee of Management and a Secretary, which are responsible for ensuring that all legislative obligations are complied with, and purposes are being achieved.

The RCV fulfils a number of functions that are important to rural councils in Victoria. Perhaps most importantly, it currently has responsibility for applying for Government grants, particularly through Regional Development Victoria, which are of benefit to rural councils.

It will be important that the RCV is incorporated to enable it to carry on those functions with greater independence and flexibility while still being subject to the views of its member councils.

It is not expected that the manner in which the RCV operates will be different from its current operations, although election to the Committee of Management will be based on slightly different zones, as set out in the draft Rules attached to this report as 'Attachment 10.1.1(b)'.

Exercise of Entrepreneurial Powers

As Council will, if in favour of this proposal, be participating in the formation and operation of a separate legal entity, it is required, in accordance with s 193 of the *Local Government Act 1989* (LG Act), to have regard to the risks involved and comply with ss 193(5A) and (5B) of the LG Act.

Council is advised that:

1. the **total investment** involved in Council's participation in the formation of Rural Councils Victoria Limited is:

\$0

Council will be required to continue paying membership fees, as fixed by the Committee from time to time, but will not be required to invest anything in respect of the incorporation; and

2. the **total risk** involved in Council's participation in the formation of Rural Councils Victoria Limited is:

\$0

Any liability for the activities of Rural Councils Victoria Limited will attach to it, not to the individual members.

So, the total investment and risk exposure will be \$0, meaning that Council is not required to take any further action in relation to this matter under s 193(5C) of the LG Act.

Moorabool Shire Council did not make a Councillor appointment to the RCV at its statutory meeting in October 2015. It is noted that Cr Sullivan is the representative on the MAV and that the RCV was a sub set of its operations. It is suggested however that the Mayor, Cr Comrie be authorised to attend the RCV incorporation meeting and vote according to the council's resolution on this matter.

Policy Implications

The 2013-2017 Council Plan provides as follows:

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

The proposal is consistent with the 2013-2017 Council Plan.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Governance	Inappropriate governance framework	Low	Participate in incorporation of RCV to minimise Council's exposure to the potential decisions of RCV.

Communications and Consultation Strategy

Attached is correspondence from the RCV secretariat (Attachment 10.1.1(a)). The Council's decision on this matter will be communicated to the RCV via letter and attendance at the RCV Forum on 10 June 2016.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Author – Rob Croxford, CEO

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

Conclusion

If the RCV continues operating as an unincorporated association, there is a risk that its individual members, including Council, will be exposed to liability if the RCV fails to properly conduct its business. Furthermore, it will be unable to enter into contractual arrangements on its own behalf . instead relying on the Secretariat council to do so.

It is therefore recommended that Council accepts the analysis of Council's investment and risk exposure and votes in favour of the RCV being incorporated on the basis of the draft Rules attached to this report as 'Attachment 10.1.1(b)q

It is proposed that a vote of all current members will be held at the next meeting of RCV to be held on 10 June 2016. The vote will, if a majority is in favour, authorise Jim Nolan, Chief Executive Officer of Pyrenees Shire Council (the current Secretariat council), to apply to the Registrar of

Incorporated Associations for the incorporation of RCV and approve the draft Rules.

Resolution:

Crs. Spain/Edwards


That:

1. ***the proposed incorporation of Rural Councils Victoria does not involve an investment and/or risk exposure that exceeds the thresholds set out in s 193(5C) of the Local Government Act 1989;***
2. ***Council votes in favour of authorising Jim Nolan, Chief Executive Officer of Pyrenees Shire Council, to apply to the Registrar of Incorporated Associations for the incorporation of Rural Councils Victoria Incorporated;***
3. ***Council approves the draft Rules attached to this report as 'Attachment 10.1.1(b)' as the Rules for Rural Councils Victoria Incorporated; and***
4. ***Council authorises the Mayor Cr Allan Comrie (or proxy) to vote on Council's behalf on this matter, in accordance with this resolution, at the meeting of RCV to be held on 10 June 2016.***

CARRIED.

Report Authorisation

Authorised by:

Name: Rob Croxford 
Title: Chief Executive Officer
Date: Tuesday, 26 April 2016.

10.2 GROWTH AND DEVELOPMENT**10.2.1 PA2015-205 Development of four (4) dwellings and removal of vegetation on Lot 1 on TP 231842W, 70 Atkinson Street, Ballan VIC 3342.**

This application went before the S86 Development Assessment Committee on 10 February 2016, however it was deferred to a future Ordinary Meeting of Council for consideration in accordance with the Terms of Reference for the Development Assessment Committee.

Application Summary:	
Permit No:	PA2015-205
Lodgement Date:	4 September, 2015
Planning Officer:	Roger Cooper
Address of the land:	Lot 1 on TP 231842W, 70 Atkinson Street, Ballan VIC 3342
Proposal:	Development of four (4) dwellings and removal of vegetation
Lot size:	1,011 sqm
Why is a permit required?	Clause 32.08-2 . General Residential Zone . to construct more than one dwelling on a lot. Clause 42.01-2 Environmental Significance Overlay . to remove vegetation.
Restrictions registered on title	Nil
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposals potential to cause material detriment.
Number of notices to properties:	Ten (10)
Notices on site:	One (1)
Notice in Moorabool Newspaper:	None
Number of Objections:	Two (2)
Consultation meeting:	26 November, 2015 at Ballan attended by the applicant, the land owner and one objector

Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Robert Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Mark Lovell</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application referred?	The application was referred to Central Highlands Water, Melbourne Water, Southern Rural Water, Western Water and internally to Council's Infrastructure Department.
Any issues raised in referral responses?	Central Highlands Water require a 3.0 metres wide easement (minimum width) over the sewer main located on the eastern boundary.
Preliminary Concerns?	The officer sought further information from the applicant to demonstrate how the proposed multi-unit development is in keeping with the existing neighbourhood character and/or contributes to a preferred neighbourhood character. Vehicle turning templates for four dwellings were also

	required to be shown on the design response, as the development must allow all vehicles to exit the site in a forward direction.
Any discussions with applicant regarding concerns	Further information in the form of an amended ResCode submission and development plans were requested via Section 54 of the Planning and Environment Act 1987.
Any changes made to the application since being lodged?	Initially amended plans/submission were included in public notice of the application. Council received an application to amend in process on 18 March 2016, which included amended plans generally in accordance with the Officers' condition 1 plan requirements in the original recommendation put to Council on 10 February 2016. The amended plans were sent to the two objectors and uploaded to Council's planning permit register greenlight for comment on 29 March 2016. The amended plans generally increase setbacks of the proposed development to the property boundaries and neighbouring private open space.
VCAT history?	None
Previous applications for the site?	Nil
General summary	<p>The application was originally considered at Council's DAC of 10 February 2016 and deferred to a future OMC.</p> <p>The proposal is for development of four (4) dwellings and removal of vegetation on a lot in a well serviced suburban area of Ballan.</p> <p>The proposal results in an increase in housing choice, more diverse and affordable housing in an area of Ballan close to the train station and within walking distance of the town's core commercial area.</p> <p>Surrounding streets are generally characterised by detached single storey post war homes in rows, consistent front and side setbacks, mature vegetation above roof lines and one vehicular crossover. The proposed layout is for two post war imitation weatherboard dwellings to front Atkinson Street, screening another two at the rear with a shared vehicular crossover in the middle and room for canopy landscaping. The proposal generally maintains a front and one side setback consistent with the established neighbourhood character, however results in an increase in dwelling density in a preferred urban location.</p> <p>Two objectors have raised concerns the proposed density and built form results in an overdevelopment which is not in keeping with the existing neighbourhood character (including the backyard-scaped), does not maintain setbacks consistent with the established neighbourhood</p>

	<p>and has minimal opportunity for appropriate landscaping.</p> <p>Officers believe while the proposal results in a higher than established dwelling density on a lot of 1,100m², it is compliant with the objectives and standards (with minor modifications) of ResCode and is an acceptable increase in dwelling density and contribution to the existing neighbourhood character.</p> <p>The application is worthy of support subject to applying the permit conditions recommended in this report.</p>
Summary Recommendation:	
<p>It is recommended that Council issue a Notice of Decision to Grant a permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to conditions detailed at the end of this report.</p>	

Public Notice

The original application was advertised to adjoining and nearby landowners by mail on 29 September 2015 and a sign placed on site from 13 to 27 October 2015. Two (2) objections were received.

The amended application was advertised to the two objectors by mail on 29 March, 2016. No formal comments were received from objectors within a fourteen day notice period.

Summary of Objections

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

Objection	Any relevant requirements
<p>Does not meet the objectives of Clause 55.02-1 Neighbourhood Character, including respecting the established neighbourhood character (country town setting).</p>	<p>Purposes of Clause 32.08 General Residential Zone Clause 55.02-1 Neighbourhood character</p>

<p>Officer's response - Clause 55.02-1 Neighbourhood character objectives of the Moorabool Planning Scheme, requires a design response must be appropriate to the neighbourhood and site AND respect an existing or preferred neighbourhood character.</p> <p>The established neighbourhood character streetscapes of Ballan is rows of consistent front setbacks (6-10 metres on average), single or double fronted single storey/low rise built form, one wall on or within 1.5 metres of a side boundary, mature vegetation above roof lines and a singular vehicle crossovers. The proposed streetscape is two single fronted single storey dwellings, ResCode compliant 5 metres front setbacks, 1.35 metre side setbacks on both external boundaries, canopy landscaping and a single shared vehicular crossover. These are generally consistent with the existing built form.</p> <p>The proposed backyard-scape is another two dwellings which result in a marginal increase in dwelling density but have ResCode compliant height, side and rear setbacks, secluded private open space, access and car parking.</p> <p>A 2000 ResCode Advisory Committee Report defines neighbourhood character by built form in the context of its surroundings, vegetation and topographic characteristics, distinctive physical features. Consistent interpretation of neighbourhood character at VCAT is it is <i>not</i> related to dwelling density.</p> <p>Large backyards in established urban areas close to commercial services and public transport provides an opportunity to increase dwelling density in controlled manner. While it may be unusual for backyard-scapes in this part of Ballan to feature dwellings, many do feature buildings such as large sheds built on or close to a boundary. Therefore it could be argued the proposed built form respects the existing neighbourhood character while contributing to Council's desire for infill development in a controlled manner.</p>	
<p>17m wide built form on north (rear) elevation is inappropriate.</p>	<p>Clause 55.02-1 Neighbourhood character Clause 55.04-1 Side and rear setbacks objective</p>
<p>Officer's response - This objection was raised at the consultation meeting in November and relates to the roof line of the semi-detached mirror image rear dwellings. The rear walls are setback by around 500mm for a verandah, however the applicant has submitted amended plans with a break in the roofline for improved articulation of the north elevation.</p>	
<p>1.5m side setbacks to east and west cannot have meaningful landscaping.</p>	<p>Clause 55.33-8 Landscaping objectives</p>
<p>Officer's response - The proposal has side setbacks of between 1.15-3.04 metres, which is not unusual for this suburban part of Ballan, however the intensity of the proposal dictates the side setbacks should apply to both external boundaries. The setbacks make planting large canopy trees along the side boundaries difficult, however the development does leave space for new canopy trees in the private open spaces of each dwelling. This requirement can be made a condition of permit.</p>	
<p>Walls on boundaries are a foreign element in Ballan.</p>	<p>Clause 55.02-1 Neighbourhood character Clause 55.04-2 Walls on boundaries objective</p>

Officer's response - The proposal has two single garage walls on a boundary setback approx. 25 metres from the street. This is due to the nature of the design with four units either side of a central driveway. The garage walls and height on a boundary comply with applicable ResCode Standards and Officers requested the four garages be attached to increase the area of north facing private open space for the front two dwellings.	
Dwellings encroach on adjoining private open space.	Clause 55.02-1 Neighbourhood character
Officer's response - The increased dwelling density does result in secluded private open spaces (SPOS) located in close proximity to six neighbouring dwellings. ResCode does not have objectives and standards to assess encroachment of SPOS, however the design does meet the ResCode Standard for overlooking with internal and external visual amenity protected. Controlled urban infill development in Ballan is inevitable and increasing the stock of more diverse and affordable housing will result in some smaller more intimate and lower maintenance private gardens. This appeals to some residents who wish to downsize from a larger property. Amended plans lodged in March generally result in greater setbacks of the rear dwelling§ 3 & 4 to neighbouring private open space.	
Substantial increase in density versus surrounding pattern of development.	Clause 55.02-1 Neighbourhood character
Officer's response - Consistent interpretation of neighbourhood character at VCAT is it is <i>not</i> related to dwelling density. The proposal results in a threefold increase in dwelling density, however does provide more diverse and affordable infill housing in an urban area of Ballan with all services and public transport available.	
Only one car park per dwelling provided which will inadequately service parking needs, particularly where the studyqis modified for use as a bedroom.	Clause 52.06 Car parking
Officer's response - The car parking requirements for a two bedroom dwelling under the Moorabool Planning Scheme (Clause 52.06 Car parking) is one space; and each dwelling has been provided with a single car garage. Previous plans with a study in each dwelling have been superseded and there is no longer a studyqin each dwelling, which could be converted to a thirdqbedroom. Car parking provided on site is in accordance with Clause 52.06.	
Cars reversing from garages 3 & 4 will collide with the wall of bedroom one of these dwellings.	Clause 52.06 Car parking

Officer's response - The plans originally put on public notice show turning templates where cars reversing from garages 3 & 4 towards bedroom 1 of these dwellings are inside the bedrooms. This is a drafting error as cars appear to have room to reverse within the common property driveway drive back towards the bedrooms of unit 3 & 4 then pull towards the central driveway and safely exit in a forward direction. Amended plans showing modified turning templates were sent to each objector.	
Car parking provision does not adequately cover the needs of residents in a car dependent community like Ballan. The streets should not have to absorb the extra cars and on street parking is too far from the rear two dwellings.	Clause 52.06 Car parking
Officer's response - In accordance with Clause 52.06 Car parking of the Moorabool Planning Scheme, adequate car parking for the development is provided on site. Relocating the single crossover to the centre of the site does not alter the possibility for two cars to park in front of the site on Atkinson Street. The location of the development is directly opposite the Ballan railway station so has excellent access to public transport.	
Secluded POS for dwellings 1 & 2 does not comply with the objective for solar access.	Clause 55.05-5 Solar access to open space objective
Officer's response - The standard at Clause 55.05-5 Solar access to open space objective requires a setback of 4.88 meters should be provided for the private open spaces of dwellings 1 & 2, where as a lesser setback of 4.28 metres is shown. Relative to the size and scale of the proposal, the objective of Clause 55.05-5 is met. It should also be noted that the secluded private open space exceeds the minimum 25 meter requirement and the garage wall does not impede the full length of the north boundary.	
Lack of separation between habitable room windows abutting the access way.	Clause 55.03-10 Parking location objectives
Officer's response - In accordance with the Scheme, shared access ways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where window sills are at least 1.4 metres above the access way. This is recommended as a condition of permit to ensure the bedroom 1 windows of dwellings 3 & 4 meets the standard of this clause.	
Location of study walls next to garage entries (dwellings 3 & 4).	

Officer's response - N/A. Previous plans with a study in each dwelling have been superseded and there is no longer a designated study space in each dwelling.	
Porches abutting a common driveway.	
Officer's response - Relative to the size and scale of the proposal, this design outcome is not contrary to any objective of ResCode.	
Dwellings are weatherboard not brick.	Clause 55.02-1 Neighbourhood character
Officer's response - Weatherboard clad dwellings are relatively common across the Ballan urban area and there is no requirement in the Moorabool Planning Scheme for the dwellings to be clad in brick.	
Minimal landscaping and open spaces for landscaping provision.	Clause 55.303-8 Landscaping objectives
Officer's response - A landscape plan with provision for new canopy trees is recommended as a condition of any permit issued.	
Large area of hard surface driveway.	Clause 55.02-1 Neighbourhood character Clause 55.03-4 Permeability objectives
Officer's response - Relative to the size and scale of the proposal, an access way of this nature is required. The standard for permeable surfaces at Clause 55.03-4 is at least 20% and the proposed development has 35% permeable surfaces, therefore the objective is met.	

Proposal

It is proposed to develop four (4) dwellings and remove vegetation at 70 Atkinson Street, Ballan.

Dwelling 1 would be constructed towards the south-west (front) corner of the lot with a 5 metre street setback and consist of two bedrooms, living area, open plan kitchen/meals area, separate laundry, bathroom, toilet, north facing verandah and detached single garage. The dwelling has an area of 51m² of north facing secluded private open space with a minimum dimension of 4.28 metres. The minimum side setback is 1.35 metres and there is provision for landscaping in the front and rear setbacks.

Dwelling 2 is a mirror image of dwelling 1 would be constructed towards the south-east corner of the lot.

Dwelling 3 would be constructed towards the north-west (rear) corner of the lot and consist of two bedrooms, spacious open plan kitchen/meals/living area, separate laundry, bathroom, toilet, north facing verandah and attached single garage. This dwelling will share a common wall along the two bedrooms with dwelling 4. The dwelling has an area of 73m² of north facing secluded private open space with a min. dimension of 5.99 metres. Minimum side setback is 1.15 metres and there is provision for landscaping in rear setback.

Dwelling 4 is a mirror image of dwelling 3 dwelling towards the north-east corner of the lot with 105m² of secluded private open space. This dwelling will share a common wall along the two bedrooms with dwelling 3. Due to a sewerage easement requirement by Central Highlands Water, a 3 metre wide east setback has been provided. Amended plans provided detail the development has increased the side and rear setbacks to neighbouring back yards.

Shared access to the dwellings is provided by a single crossover towards the centre of the south boundary from Atkinson Street adjoining a 3 metre wide access way to the four garages at the rear of the site. The proposal has two adjoining garage walls on boundaries and two garage walls sharing an internal boundary, which all comply with ResCode requirements.

The maximum height of the proposed single storey dwellings to roof peak is 5.10 metres; site coverage is stated to be 47% and permeability is at 36%.

The dwellings would be of a modern post-war design, constructed of weatherboard cladding with a hipped Colorbond roof generally in keeping with some surrounding dwellings.

Major reticulated services are available to the site.

The vegetation proposed to be removed are four exotic trees/shrubs ranging in size but not considered significant to in the context of the site or surrounding area. Consent for their removal is required from the water authorities, in accordance with Clause 42.01-2 of the Environmental Significance Overlay.

The amended development plans are included at Attachment 1.

Site Description

The land is known as Lot 1 on TP 231842W, on the northern side of Atkinson Street, Ballan. It is currently cleared including all vegetation and a single dwelling previously on the land. Atkinson Street is a local road towards the south of the Ballan township traversing from almost the end of the urban area in the east to the west. The nearest intersection is Stead Street approximately 50 metres to the east. A single gravel crossover exists from Atkinson Street towards the south-west corner of the site.

Surrounding development is predominantly single detached dwellings with a small number of multi-unit developments. Land to the south of Atkinson Street is in the Public Use Zone including the Ballan Railway Station as part of the Ballarat to Melbourne railway line.

The site is rectangular in shape with the following dimensions:

- A south street frontage of 20.12 metres
- An east side boundary of 50.29 metres
- A north rear boundary of 20.12 metres
- A west side boundary of 50.29 metres
- Overall site area of 1,011m²

There are no easements registered on the title to the property.

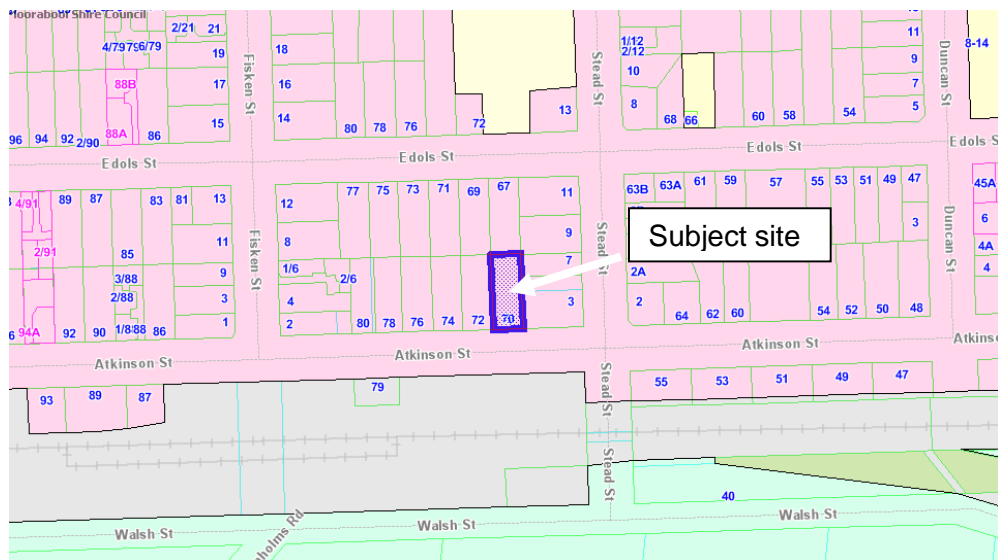
The subject site is in the General Residential Zone with an Environmental Significance Overlay Schedule 1.



The site is within walking distance of the commercial core of Ballan (500 metres), Ballan train station (50 metres), Ballan Primary School (500 metres); and 3.5km drive of the Western Freeway providing express access to Ballarat and Melbourne.

Locality Map

The map below shows the location of the subject site and the zoning of 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:

- 11 . Settlement
- 11.05-2 . Melbourne's hinterland areas
- 11.06-1 . Planning for growth
- 15.01-5 . Cultural identity and neighbourhood character
- 16.01-1 . Integrated housing
- 16.01-2 . Location of residential development
- 16.01-4 . Housing diversity
- 16.01-5 . Housing affordability
- 21.03-2 . Urban Growth Management
- 21.03-3 . Residential Development
- 21.03-4 . Landscape and Neighbourhood Character
- 21.08 . Ballan

The proposal generally complies with the relevant sections of the SPPF and LPPF.

Zone

General Residential Zone

The subject site is in the General Residential Zone, Schedule 1 (GRZ1), and the provisions of Clause 32.08 apply.

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

Pursuant to Clause 32.08-4 of the General Residential Zone of the Moorabool Planning Scheme, a permit is required to construct more than one dwelling on a lot.

The development must meet the requirements of Clause 55 Two or More Dwellings on a Lot and Residential Buildings.

Before deciding on an application to develop two or more dwellings on a lot, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the following relevant decision guidelines:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone.
- The objectives, standards and decision guidelines of Clause 55.

Overall, the proposed development is considered to be consistent with the purpose and decision guidelines of the GRZ1, as discussed below.

Overlays

The subject site is affected by the Environmental Significance Overlay . Schedule 1 (ESO1) at Clause 42.01 of the Moorabool Planning Scheme.

Pursuant to Clause 42.01-2, a permit is required to remove vegetation.

Relevant Policies

Council's Urban Growth Policy, 2012 forecasts Ballan will become home to up to 4,500 residents by 2041 and promotes well designed and located infill development.

"As unconstrained land in Bacchus Marsh becomes scarce Ballan and Gordon have the potential to accommodate further growth, which could absorb some of the pressure from Bacchus Marsh, and address the imbalance in growth, which is occurring in the municipality."

"The Ballan Structure Plan should plan for initial development pressure and have an indicative urban growth boundary to provide certainty to 2041."

Council's Ballan Structure Plan still in draft form nominates the subject site as being within the yellow town centre infill area encouraging good urban design.

Particular Provisions

Clause 52.06 Car Parking

The proposal includes the required number of resident car spaces, being one space for each two (2) bedroom dwelling.

The minimum 3 metre width of the accessway meets the standard, as do the carport and garage dimensions under Clause 52.06-8 Design standards for car parking.

Clause 55 Two or more dwellings on a lot and residential buildings

Clause 55 provides objectives and standards for residential development of two or more dwellings on a lot. This clause requires the submission of detailed information. Residential development must meet all of the objectives and should meet all of the standards of this clause.

The proposal complies with ResCode (Clause 55) except for the following:

Clause ResCode	Title	Response
55.02-1	Neighbourhood character objectives (side and rear setbacks)	The streetscape has two side setbacks of 1.35 metres with another two virtually against the common property accessway. The rear setbacks are also generally less than what are found in this part of Ballan, however they do comply with another part of ResCode at Clause 55.04-1 and it is not uncommon for backyard-scapes to include large sheds built close to a boundary. Given key elements of neighbourhood character are generally compliant including architectural style, building height, room for canopy trees, single crossover, buildings in rear yards close to the boundary, it is argued the objective is met.
55.03-10	Parking location objectives	The development complies for dwellings 1 & 2. A condition of any permit issued should be the bedroom 1 windows of dwellings 3 & 4, should be at least 1.4 metres above the accessway to comply with this standard.
55.05-5	Solar access to open space objective	<p>According to the standard B29, the southern boundary of SPOS should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where h is the height of the wall. The SPOS for dwellings 1 & 2 is setback 4.28 metres when the standard requires 4.88 metres. Amended plans were submitted to improve setbacks of dwellings 3 & 4 to the north, which has slightly compromised this space. The variation to the standard is relatively minor and the objective to allow solar access to this space is met.</p> <p>It should also be noted that the secluded private open space exceeds the minimum 25 meter requirement and the garage wall does not impede the full length of the north boundary.</p>

Discussion

Overall, the proposal is deemed to comply with State and local planning policy. The *Central Highlands Regional Growth Plan* (Victorian Government 2014) identifies Ballan as regionally significant in terms of its role as a key service centre and location for increased population growth, partly due to high volume passenger road and rail links between Ballarat and Melbourne.

The proposal would facilitate consolidated growth within the existing township, take advantage of existing infrastructure and services and reduce pressure on outward growth. While the immediate area is dominated by single detached dwellings, the proposal makes a positive contribution to housing choice and affordability through incremental change. Growth must be balanced with the need for new development to respond positively to neighbourhood character.

The established neighbourhood character streetscapes of Ballan is rows of consistent front setbacks (6-10 metres on average), single or double fronted single storey/low rise built form, one wall on or within 1.5 metres of a side boundary, mature vegetation above roof lines and a single vehicular crossover.

While the proposal results in a higher dwelling density, it draws on a number of similarities with the surrounding built form including single fronted single storey façades, ResCode compliant front/side setbacks, walls and heights on boundaries, room for appropriate landscaping and single shared vehicular crossover. Officers consider the design response to be generally in keeping with the existing neighbourhood character and responding to the features of the site/surrounds, whilst allowing for an incremental change in dwelling density. In the context of key elements of neighbourhood character being compliant, the design response is considered appropriate and supportive of a range of relevant policy objectives.

General Provisions

Clause 65 . Decision Guidelines have been considered by officers in assessing this application.

Referrals

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

Authority	Response
Infrastructure	No objection subject to eleven (11) conditions
Central Highlands Water	No objection subject to four (4) conditions
Melbourne Water	No objection subject to one (1) condition
Southern Rural Water	No objection subject to two (2) conditions
Western Water	No objection no conditions

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 the form of 10 letters to nearby property owners and one sign on site for a min. 14 days, in accordance with s.52 of the Planning and Environment Act 1987. Further correspondence is required to all interested parties to the application as a result of a decision in this matter.

Options

An alternative recommendation would be to refuse the application on the grounds that the proposal is not appropriately responsive to the existing neighbourhood character.

Refusing the application may result in the proponent lodging an application for review of Council's decision with VCAT.

Conclusion

It is considered that the application is generally consistent with relevant State and local planning policy, the General Residential Zone, and the relevant Particular and General Provisions of the Moorabool Planning Scheme.

It is therefore recommended that the application be supported by Council.

Consideration of Deputations - Planning Permit Application No. PA2015-205

Mr. David Bayley addressed Council in favour of the granting of a planning permit for the application.

Ms. Sivy Orr addressed Council as an objector to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:**Crs. Sullivan/Spain**

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant a Planning Permit for PA2015-205 - Development of four (4) dwellings and removal of vegetation on Lot 1 on TP 231842W, 70 Atkinson Street, Ballan VIC 3342, subject to the following conditions:

Endorsed Plans:

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three A3 size copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

a) Sill level of south facing bedroom windows of dwelling's 3 and 4 raised to at least 1.4 metres above the accessway;

b) Landscape plan in accordance with Condition 2.

Unless otherwise approved in writing by the Responsible Authority all buildings and works are to be constructed and undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of occupation.

2. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

a) details of surface finishes of pathways and driveways;

b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;

c) landscaping and planting within all open areas of the site;

d) One canopy tree (minimum two metres tall when planted) in the following areas (min. four in total): front setback of dwelling's 1 and 2; and rear setback of dwelling's 3 and 4.

All species selected must be to the satisfaction of the responsible authority.

Building and works:

3. ***Any external lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.***
4. ***All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise emanating from the site.***
5. ***All pipes, fixtures, fittings and vents servicing any building on the site, other than storm water down pipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.***

Landscape plans:

6. ***Before occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans required at Condition 2 of this permit must be carried out and completed to the satisfaction of the responsible authority.***
7. ***The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.***

Infrastructure conditions

8. ***A standard urban residential vehicle crossing must be provided on Atkinson Street to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.***
9. ***The common property driveway must be constructed in reinforced concrete to a depth of 125 mm. The layout of the driveway must be designed to ensure that all vehicles are able to enter and exit the property in a forward direction in accordance with Clause 55.03-9 of the Planning Scheme.***
10. ***The development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:***
 - a) ***The development as a whole must be self draining.***
 - b) ***Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.***
 - c) ***All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.***
11. ***A Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".***

12. ***The Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.***
 13. ***Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.***
 14. ***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.***
 15. ***Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995).***
 16. ***The Prior to the commencement of the development, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***
 17. ***Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:***
 - a) ***location of vehicle crossings***
 - b) ***details of the underground drainage***
 - c) ***location of drainage legal points of discharge***
 - d) ***standard details for vehicle crossing and legal point of discharge***
 - e) ***civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.***
- Melbourne Water:***
18. ***Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.***
- Southern Rural Water:***
19. ***The development must be connected to the town sewerage system approved drainage infrastructure.***
 20. ***Sediment control measures outlined in EPA's publication No 275, Sediment Pollution Control, shall be employed during construction works and maintained until the disturbed areas have been revegetated.***

Central Highlands Water:

21. **Reticulated sewerage facilities must be provided to each dwelling by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.**
22. **A reticulated water supply must be provided to each dwelling by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.**
23. **The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.**
24. **If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.**

Expiry condition

25. **This permit will expire if one of the following circumstances applies:**
 - 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 timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Permit Notes:


If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 262701.

Central Highlands Water require a 3.0 metre easement (minimum width) over the Sewer main located on the Eastern Boundary of the proposed dwelling number 4. Please contact Central Highlands Water Growth and Development Team for further information.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu 
Title: General Manager Growth and Development
Date: Thursday, 14 April 2016

10.2.2 Extension of Time (E5) for Planning Permit Application PA2007-243; 483 Old Melbourne Road Ballan; Use and development of a staged residential village comprising 120 self-contained dwellings, residential centre and associated outdoor recreation facilities

Application Summary:	
Permit No:	PA2007-243
Lodgement Date:	29 January, 2016
Planning Officer:	Roger Cooper
Address of the land:	Lot 2 on PS431329H 483 Old Melbourne Road, Ballan
Proposal:	Fifth extension of time (E5)
Lot size:	7.53ha
Why is a permit required?	The permit has expired as the development was not commenced by 25 January 2016
Public Consultation:	
Was the application advertised?	No
Objections received:	N/A
Consultation meeting:	N/A
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.

Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>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.</p>	
Officer's Declaration of Conflict of Interests	
<p>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.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Mark Lovell</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
Application referred?	Not required to be referred
Any issues raised in referral responses?	N/A
Preliminary concerns?	Nil
Any discussions with applicant regarding concerns	N/A
Any changes made to the application since being lodged?	Nil
VCAT history?	On 2 November 2012 VCAT varied Council's decision to amend the planning permit ordering a further amendment to the permit's conditions. The hearing was sought by J. Kowarsky against Council's decision to amend the permit.
Previous applications for the site?	Nil

General Summary:

The application is for a fifth extension of time of an approved development which has not commenced. The reasons given for the recent request is issues with building contracts and secure funding. Securing funds has been a pattern behind requesting the permit be extended, for which Officers have previously been accommodating.

No reasonable buildings and works have occurred on the site despite stage 1 dwelling footprints being pegged and evidence of some minor scraping of the site. Over eight years has lapsed since the permit was issued, which is ample time to commence the development in accordance with what the permit allows and the corresponding conditions.

As part of the *Kantor test* for extensions of time Officers can consider whether the permit may be being warehoused.

Officers consider the permit is being warehoused as no reasonable buildings and works in accordance with the permit have commenced in the eight years date of issue. A search of Council records indicate no building permits for the approved development have been applied for.

It is therefore considered that a fifth extension of time should not be supported and under the circumstances there is sufficient grounds for refusal of the extension, as per the recommendation section of this report.

Summary Recommendation:

That, having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council refuse the application to extend the time for commencement of planning permit PA2007-243.

Background

An application for a staged retirement village with 120 self-contained units and associated buildings and works was received on 16 August 2007.

- The application was put on public notice and there were four (4) objections.
- A Notice of Decision to grant a permit was issued on 19 December, 2007.
- A Planning Permit was issued on 25 January 2008 with conditions including condition 1 plan requirements.
- A master plan for the estate was endorsed on 28 March 2011.
- At the time of issue, the expiry conditions were:
 - Development commencement by 25 January 2010; and
 - Development completion by 25 January 2012.

A first extension of time (E1) of two (2) years was granted on 2 December 2009.

- The reason given for the request was the current economic recession prevented commencement of stage 1, with the four stages expected to take up to 10 years to complete.
- The expiry conditions were extended to:
 - Development commencement by 25 January 2012; and
 - Development completion by 25 January 2014.

An application to amend the permit (A1) was granted on 28 March 2011.

- The amendments included changing the permit preamble to include removal of native vegetation and staging of the development from four to five.
- A condition 1 plan was also endorsed.

An application to amend the permit (A2) was granted on 3 January 2012.

- The amendment was to alter the use from ~~retirement village~~ to ~~residential village~~
- The application was put on public notice and there were no objections.
- New and amended conditions were put on the permit.

A second extension of time (E2) was granted for a further one (1) year to commence and six (6) years to complete on 6 February 2012.

- There is no documented reason for the request, however it is known the applicant was still having difficulty securing finance to commence.
- The expiry conditions were extended to:
 - Development commencement by 25 January 2013; and
 - Development completion by 25 January 2018.

An application to amend the permit (A3) was granted on 6 June 2012.

- The amendment was to alter permit conditions referring to residents of ~~retirement age~~
- The applicant claimed association of the development with ~~retirees~~ was a barrier to generating the necessary funding.
- The application was put on public notice and there was one (1) objection.
- New and amended conditions were put on the permit.

The objector Mr. J Kowarsky took Council's decision to grant an amendment to the planning permit to the Victorian Civil and Administrative Tribunal. On 2 November 2012, Council's decision was varied by the Tribunal, however the amendment was granted with revised conditions.

A third extension of time (E3) was granted for a further two (2) years to commence and twelve (12) years to complete on 1 March 2013.

- There is no documented reason for the request, however it is known the applicant was still having difficulty securing finance to commence.
- The expiry conditions were extended to:
 - Development commencement by 25 January 2015; and
 - Development completion by 25 January 2025.

On 8 December 2014, a fourth extension of time (E4) was granted for a further one (1) year to commence by 25 January 2016.

Reasons given for the delay in commencing were:

- A member of Management had been fraudulently diverting funds away from Linton Estate resulting in legal action and loss of focus on commencing the development.
- A successful tender process saw a builder appointed to stage 1 of the development with a view to commencing in March 2015.
- Building permits were applied for.
- The expiry conditions were extended to:
 - Development commencement by 25 January 2016; and
 - Development completion by 25 January 2025.

An application for a fifth extension of time (E5) was received by Council on 21 January 2016.

Reasons given for the application to extend the permit again were:

- Site works (pegging for stage 1 dwellings) have commenced but final development plans are not going to be ready for submission to Council until February 2016.
- The previous stage 1 builder was replaced and development plans for endorsement will not be completed until February 2016.
- Slow economic conditions in 2015 were still hampering sourcing of funding.

Details of the approved development

The endorsed site plan is included as an attachment at the end of this report.

Amended plans following the appointment of a new builder were submitted for endorsement by secondary consent on 26 February 2016. A decision on the plans is pending the outcome of this application for an extension of time to commence the development.

The approved development has the following specifications:

- 120 dwellings
- Residential care/community facilities (gym, swimming pool, beauty salon, store room, theatre, licensed restaurant)
- Recreation facilities (tennis courts, bowling green, lake)
- Cul-de-sacs servicing each dwelling
- Six different dwelling styles (2-3 bedrooms)
- Dual carriageway access from Old Melbourne Road

Assessment of Extension of time applications – *Kantor test*

There are no specific controls in the Planning Scheme relating to the assessment of an extension of time of a permit. However, there are some general guidelines or tests that can be applied to guide an assessment of an extension of time application.

Such guidance was provided by His Honour Mr. Justice Ashley in considering a number of Tribunal decisions in *Kantor v. Murrindindi Shire Council* 18 AATR 285 where His Honour stated that a Responsible Authority may rightly consider the following:

- " Whether there had been change in planning policy;
- " Whether the landowner is seeking to vary the permit;
- " Intervening circumstances as bearing upon grant or refusal;
- " The total elapse of time;
- " Whether the time limit originally imposed was adequate;
- " The economic burden imposed on the landowner by the permit; and
- " The probability of a permit issuing should a fresh application be made.

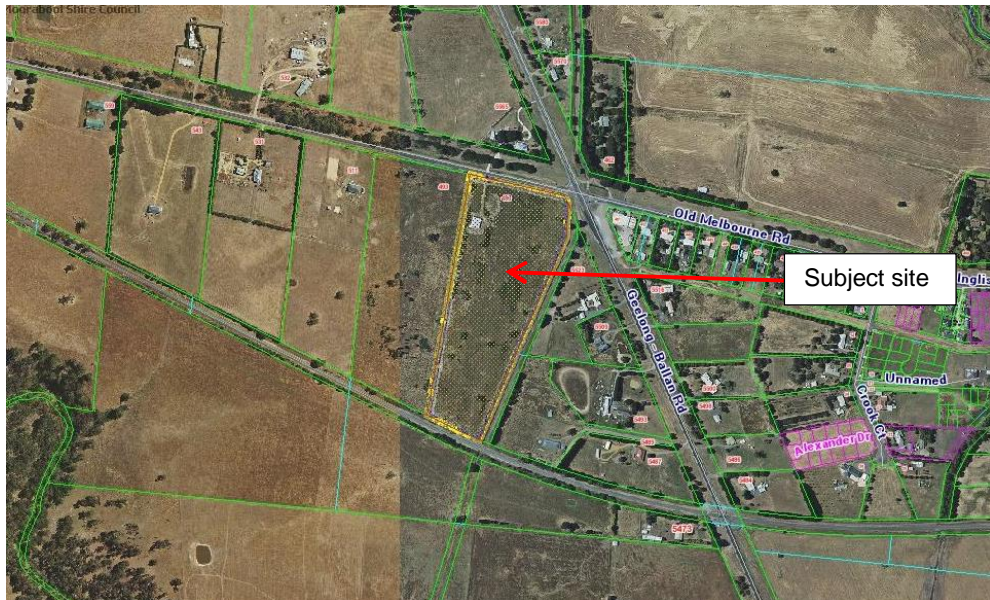
It is important to note that most of the above decisions do not necessarily provide clear direction on the weighting that should be applied to the various criteria and it is important that each proposal be assessed on the merits of the individual circumstances.

The *Kantor test* is generally used by the Moorabool Shire Planning Department to assess extension of time applications, and an assessment against the *Kantor* "test" questions is detailed later in this report.

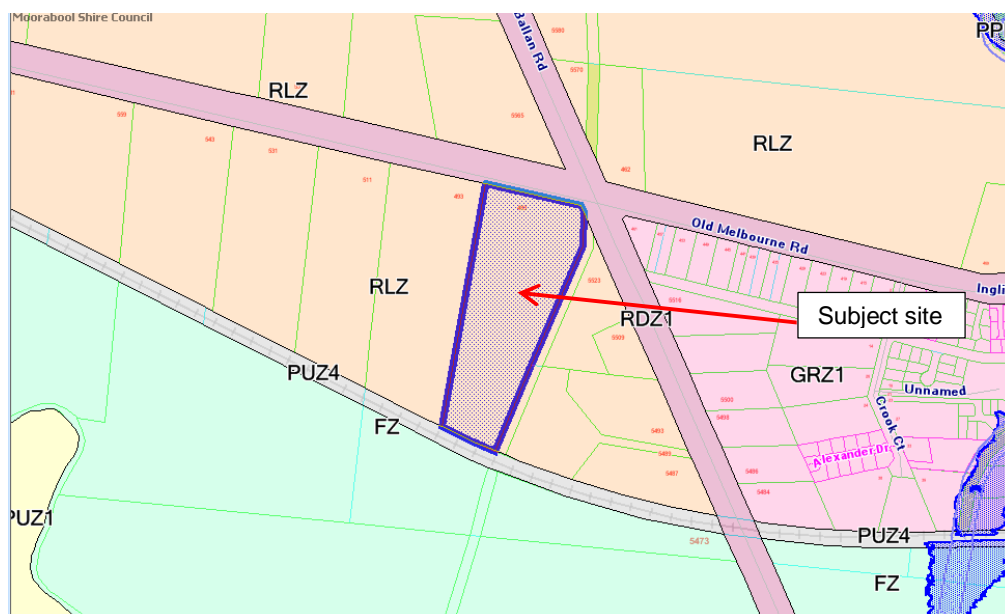
Public Notice

Nil - there is no requirement to advertise a request to extend the time of a planning permit under Section 69 of the Planning and Environment Act 1987.

Locality Map - aerial view of the subject site:



Zone map of the subject site:



Zone

The land is in the Rural Living Zone where a permit is required to use the land for more than one dwelling and associated buildings and works.

The purpose of the zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The land is adjacent to a Road Zone Category 1. Pursuant to *Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road*, a permit is required to create or alter access to a road in a road zone category 1.

The purpose of Clause 52.29 is:

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

Overlays

The land covered by an Environmental Significance Overlay . Schedule 1 where a permit is required for buildings and works.

The purpose of the overlay is:

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

The land covered by a Design and Development Overlay . Schedule 2 where a permit is required for buildings and works using reflective materials.

The design objectives of the overlay is:

- To enhance visual amenity in rural, township and vegetated areas of the Moorabool Shire.
- To encourage the use of external cladding, such as non-reflective materials for building construction.
- To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on amenity.

Kantor test

1. Whether there has been change in planning policy

Since the grant of the permit, the following planning scheme amendments have been implemented.

VC103 gazetted on 5 December 2013 introduced reformed rural zones to the Victorian Planning Provisions including to the Moorabool Planning Scheme.

VC106 gazetted on 30 May 2014 introduced changes to State Planning Policy Framework (SPPF) including the introduction of the Central Highlands regional growth plan. VC101 gazetted on 29 October 2015 introduced further minor changes to the VPP, SPPF and some Particular Provisions.

VC95 introduced on 19 April 2013 introduced some minor changes to the Particular Provisions for ResCode and car parking. One of the changes at Clause 52.06-8 Design standards for car parking require:

‘that where an accessway serves four or more car spaces OR connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction’.

It is not considered that these Planning Scheme amendments would materially alter the assessment of this application.

2. Whether the landowner is seeking to “warehouse” the permit.

It is considered that the land owner is warehousing the permit as this is a fifth (E5) request for an extension of time to commence the development.

The permit was originally required to commence by 25 January 2010.

Extensions of time to commence the permit were granted as follows:

- E1 . 25 January 2012 (two years)
- E2 . 25 January 2013 (one year)
- E3 . 25 January 2015 (two years)
- E4 . 25 January 2016 (one year)

It should also be noted Officers extended completion date of the permit in 2013 to the year 2025, giving the applicant ample opportunity to complete a large scale residential development.

An application for a fifth (5) extension of time was received by Council on 21 January 2016.

Reasons given for the application to extend the permit again were:

- Site works (pegging for stage 1 dwellings) have commenced but final development plans are not going to be ready for submission to Council until February 2016.
- The previous stage 1 builder was replaced and development plans will not be completed until February 2016.
- Slow economic conditions in 2015 were still hampering sourcing of funding.

Officers do not agree with the applicant's claim minor scraping of the site and pegging of dwelling footprints is satisfactory commencement of works. A search of Council records does not indicate a building permit for the development has been obtained.

Officers consider this is a pattern of requests consistent with warehousing the permit.

3. Intervening circumstances as bearing upon grant or refusal.

There have been no intervening circumstances that would have a bearing on this decision.

4. The total elapse of time since the permit was issued.

The permit was issued on 25 January 2008 or over eight years ago. It is not unreasonable for a permit to take some years to be acted upon especially when it is a larger sized development. That said no effort has been made since the permit was issued to commence development in any reasonable manner. A recent site visit revealed the site is in its natural state other than for some pegs, ground markings and scattered piles of top soil.

5. Whether the time limit originally imposed was adequate.

It is considered that the time originally imposed was adequate. In good faith Council extended the permit for two (2) years in the first instance (E1), one year in the second (E2), another two in the third (E3) and finally one further year in the fourth (E4) to encourage genuine commencement of works. The land owner has had ample time to commence the development.

6. The economic burden imposed on the landowner by the permit.

It is not considered that any economic burden was imposed on the landowner by the issue of a planning permit.

7. The probability of a permit issuing should a fresh application be made.

It is not considered that if this application was lodged with the responsible authority today that there have been material changes to the planning scheme that would prevent the issue of a permit.

It is generally considered that if a fresh application were to be accompanied by similar supporting documentation (and subsequent amendments), it would support the grant of a planning permit.

Financial Implications

If Council was to refuse the application it may result in the applicant appealing the decision at VCAT. There are unlikely to be additional costs to Council to defend the decision.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

Pursuant to Section 69 of the Planning and Environment Act 1987 no advertising of the application was required to be given; and no appeal right is available to a person or persons to appeal a Responsible Authority Decision to extend a permit. The applicant has appeal rights if Council was to refuse the application.

Options

Council could support the application and determine to approve a further extension to commence the planning permit.

Discussion

The request is for a fifth extension of time for a lawfully approved planning permit.

While it is generally agreed if the planning permit application was received today, it would be supported in its current form, a more relevant deliberation of the application's status is to be made on the set of principles from the *Kantor test*, which is accepted as a planning tool for the assessment of extensions of time requests.

It is considered that a fifth extension of time to commence the development is warehousing of the permit, which ultimately provides reasonable grounds for refusal.

Conclusion

The *Kantor test* provides reasonable grounds for refusal of the application including:

- No substantial commencement of the development has been undertaken.
- The applicant is warehousing the permit.

Consideration of Deputations - Planning Permit Application No PA2007-243

Mr. Scott Buckner addressed Council on behalf of Mr Robert Eskdale and Mr Dickson (Applicant) in favour of the granting of an extension of time to the planning permit.

Mr. Jason Bennett addressed Council in favour of the granting of an extension of time to the planning permit.

Mr. Pat Griffin addressed Council in favour of the granting of an extension of time to the planning permit.

Mr. Robert Eskdale addressed Council in favour of the granting of an extension of time to the planning permit.

The business of the meeting then returned to the agenda.

Recommendation

That, having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council Refuse the application to extend the time for commencement of planning permit PA2007-243 on the following grounds:

1. The application does not meet the *Kantor test* including:
 - a) No substantial commencement of the development has been undertaken.
2. The applicant is warehousing the permit.

Motion:**Crs. Dudzik/Spain**

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council approve the application to extend the time for commencement of planning permit PA2007-243 by one year so the permit will now expire as follows:

1. *This permit will expire if one of the following circumstances applies:*
 - a) *The development and use are not started by 28 January 2017.*
 - b) *The development and use is not completed by 28 January 2025.*


LOST.**Resolution:****Crs. Tatchell/Sullivan**

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council Refuse the application to extend the time for commencement of planning permit PA2007-243 on the following grounds:

1. *The application does not meet the Kantor test including:*
 - a) *No substantial commencement of the development has been undertaken.*
2. *The applicant is warehousing the permit.*

CARRIED.

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu 
Title: General Manager Growth and Development
Date: Thursday, 14 April 2016

10.2.3 PA2015-244; Buildings and Works associated with a major electricity transmission line and removal of vegetation at multiple addresses in Buninyong, Clarendon, Elaine, Navigators, Scotsburn, Warrenheip and Yendon

This application was listed to go before the S86 Development Assessment Committee on 13 April 2016, however it has been called in to be considered at an Ordinary Meeting of Council in accordance with the Terms of Reference for the Development Assessment Committee.

Application Summary:	
Permit No:	PA2015-244
Lodgement Date:	8 October, 2015
Planning Officer:	Tom Tonkin
Address of the land:	Multiple addresses in Buninyong, Clarendon, Elaine, Navigators, Scotsburn, Warrenheip and Yendon.
Proposal:	Building and works associated with a major electricity transmission line and removal of vegetation.
Lot size:	N/A
Why is a permit required?	Clause 35.07 Farming Zone . Buildings and works Clause 36.01 Public Use Zone . Buildings and works Clause 42.01 Environmental Significance Overlay . Buildings and works Clause 45.05 Restructure Overlay - Buildings Clause 52.17 Native Vegetation . Vegetation removal
Public Consultation:	
Was the application advertised?	Yes
Notices on site:	No
Notice in Moorabool Newspaper:	No
Number of Objections:	One (1)
Consultation meeting:	Council sought Informal consultation with the objector who did not respond.

Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. Manager . Robert Fillisch In providing this advice to Council as the Manager, I have no interests to disclose in this report. Author . Tom Tonkin In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	The application was referred to internal Council departments and externally.
Any issues raised in referral responses?	No
Preliminary Concerns?	The applicant did not originally provide the written consent of the public land manager for affected land in the Public Use Zone.
Any discussions with applicant regarding concerns	Yes. Written consent as per the above requirement was provided on 27 January, 2016.
Any changes made to the application since being lodged?	None

VCAT history?	None
Previous applications for the site?	None
General summary (Pros/Cons of the proposal)	The application is for an upgrade of the existing major transmission line and the associated removal of vegetation, including native vegetation. The proposed buildings and works would utilise existing infrastructure and involve the installation of an additional 220kV transmission line. Vegetation removal would be to the extent needed for clearance from the line for safety and maintenance requirements.
Summary Recommendation:	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to conditions detailed at the end of this report.	

Background

Community consultation was done on behalf of the permit applicant prior to the application being submitted. This included meetings with Council officers, mail outs and phone calls and meetings with affected landowners, and information provided online. Further consultation during the construction phase of the project is intended.

Public Notice

Notice of the application was given by mail on 28 January 2016 to landowners of properties over which the existing transmission line easement runs.

Summary of Objections

One objection was received and is detailed below with officer's comments accompanying them:

Objection	Any relevant requirements
Notice of the application did not allow sufficient time to prepare an objection/ advice.	Planning & Environment Act
Officer's response - The application was advertised in accordance with Planning & Environment which requires a minimum of 14 days to advertise the application.	
Advice of the application flawed	Planning & Environment Act
Officer's response - Notice of the application was detailed in the prescribed form.	

Details of work insufficient	N/A
Officer's response - Detailed written report submitted with the application detailing the works. Location of the work pads can be confirmed by a condition 1 requirement.	
Details of vegetation removal insufficient	N/A
Officer's response - Detailed written report submitted with the application detailing the works. Location of all trees to be removed can be confirmed by a condition 1 requirement.	
Community consultation by AusNet has been misleading	N/A
Officer's response - The objector has been concerned about the prior conduct of AusNet of entering their property without landowner's permission and removal of trees without an offset. The applicant has advised they have met with the objector on site and went through the construction process and identified the trees to be removed from their property. The applicant has also given an undertaking that landowners will receive at least 1 month notice prior to the construction team accessing any landowner's property.	

Proposal

It is proposed to install an additional 220kV transmission line between the Moorabool Terminal Station in Moorabool on the northwestern outskirts of Geelong and the Ballarat Terminal Station in Warrenheip. This application only concerns land in Moorabool Shire, with separate permit applications submitted to the other relevant Councils for land in their respective areas.

Currently two 220kV circuits extend between the abovementioned terminal stations, utilizing a series of incrementally spaced towers which were installed in 1985, and designed to accommodate future upgrades when required, as is now the case. The proposed upgrade is required to ensure a secure and reliable electricity power supply to north-west Victoria by increasing the capacity of the existing infrastructure.

The proposed upgrade would comprise installation of a third circuit by stringing three more dual conductors on the western side of the existing towers, to mirror the existing circuit on the other side of the cross arms. No additional towers would be required. Some vegetation removal would be required to maintain clearance distances in accordance with the Electricity Safety (Electric Line Clearance) Regulations 2010.

In addition, the upgrade would require the following works in Moorabool Shire:

- Several pads, typically 15.0m x 7.0m and located within the easement, for the stringing machines located where cables need to be joined or where the alignment changes directions. The pads would usually be located within the easement and generally 100-150m from the towers. The pads exact location would be confirmed closer to the time of construction.
- Access tracks to each tower, as required.
- Vegetation removal at various locations.

Site Description

The proposal affects multiple land parcels held by more than 70 different landowners. The land affected is mostly privately owned land in rural or semi-rural areas of the Shire. Some publically owned land used for transport (railway) purposes would be affected.

All affected land is encumbered by an electricity transmission easement in which the proposed structure would be erected and in which most of the proposed works and vegetation removal would occur, or directly abut.

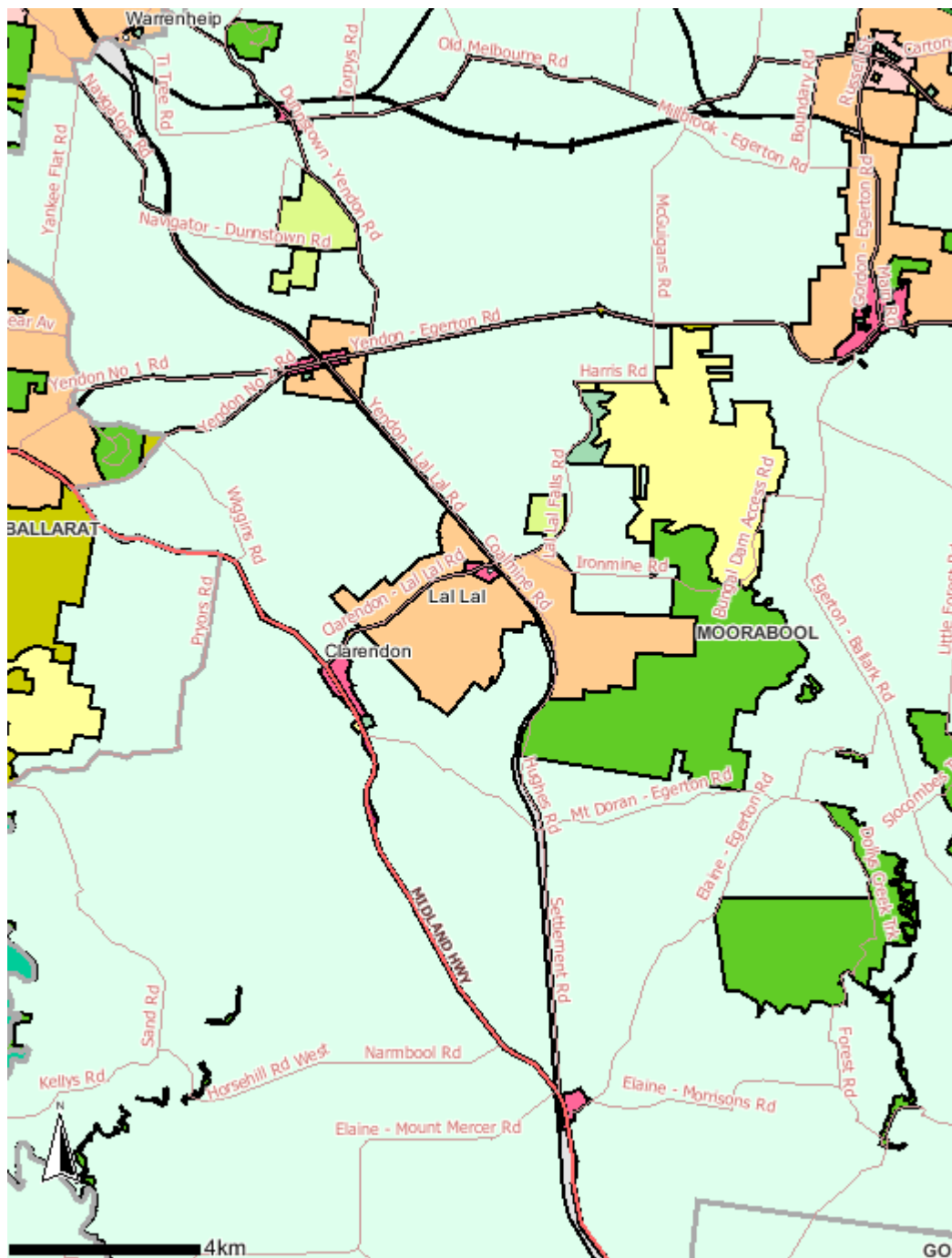
Land affected is used for a range of purposes, including agricultural and residential uses. Much of the land affected has been cleared of vegetation whilst other areas are more heavily vegetated, mostly with native vegetation.

Locality Map

The site below indicates the location of the subject sites covering 152 properties) and the zoning applicable to the surrounding area. The transmission line traverses land in Buninyong, Warrenheip, Navigators, Scotsburn, Yendon, Clarendon and Elaine.



Zoning Map



Planning Scheme Provisions

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

The relevant clauses are:

- Clause 11.05-2 Melbourne's hinterland areas.
- Clause 11.06-7 Environmental Assets.

- Clause 14.01-1 Protection of Agricultural Land
- Clause 14.02-1 Catchment Planning and Management.
- Clause 21.02-3 Water and Catchment Management.
- Clause 21.03-4 Landscape and Neighbourhood Character.

The proposal complies with the relevant sections of the SPPF and LPPF, with the exception of the clauses outlined in the table below:

SPPF	Title	Response
Clause 11.05-2	Melbourne Hinterland area	The proposal does have regard complex to the landscapes and agricultural activities in the area.
Clause 11.06-7	Environmental Assets	The proposal minimises the impact from development on a water catchment by being limited to an existing major transmission line easement.
Clause 14.01-1	Protection of agricultural land	The proposed building and works will not adversely impact upon the continuation of primary production on the subject land or adjacent land.
Clause 14.02-1	Catchment Planning and Management	The proposal minimises the impact from development on a water catchment by being limited to an existing major transmission line easement.
LPPF		
Clause 21.03-3	Water and Catchment Management	The proposal minimises the impact from a development on a water catchment by being limited to an existing major transmission line easement.
Clause 21.03-4	Landscape and Neighbourhood Character	The proposal will not adversely the existing landscape area with the additional line contained within the existing major transmission line easement. Some trees will be required to be removed.

Zone

Affected land is contained is mostly in the Farming Zone, with smaller sections being in the Public Use Zone.

Under both Clauses 35.07 (Farming Zone) and 36.01 (Public Use Zone) a permit is required for buildings and works.

The proposal is considered to be generally consistent with the provisions of the Farming Zone and Public Use Zone.

Overlays

Affected land is covered by various Overlays, as follows:

- Clause 43.02 Design and Development Overlay, Schedule 2
- Clause 42.01 Environmental Significance Overlay, Schedules 1 and 2
- Clause 44.06 Bushfire Management Overlay
- Clause 45.04 Road Closure Overlay
- Clause 45.05 Restructure Overlay

Of the above Overlays, the application would require a permit under Clause 42.01 (Environmental Significance Overlay) and Clause 45.05 Restructure Overlay only.

Relevant Policies

There are no adopted Council policies or draft policies relevant to this application.

Particular Provisions

Clause 52.17 Native Vegetation

The purpose of this particular provision is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

This is achieved through the following approach:

- Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
- Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

Under Clause 52.17-6 the biodiversity impacts of the removal of native vegetation are required to be offset, in accordance with the Permitted clearing of native vegetation . Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013). The conditions on the permit for the removal of native vegetation must specify this offset requirement.

Discussion

The existing major transmission line with support pylons has been designed to allow for additional lines to be added at a future date when additional electricity capacity is required. The operator has now identified that additional capacity is required and a new line needs to be added to the existing structure which connects Geelong and Ballarat.

The planning scheme encourages improvements to existing infrastructure, especially in support of the continued growth of the municipality. The additional electricity transmission line will involve some tree removal which needs to be clearly identified on the plans. This can be addressed through the submission of revised plans. The objector has raised concerns regarding previous access to their property without the landowner's permission. The applicant has given the undertaking to provide at least 1 month notice prior to any construction team accessing privately owned land. The proposal is considered worthy of support, subject to conditions.

General Provisions

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

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

Referrals

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

Authority	Response
Barwon Water	Consent with conditions
Central Highlands Water	Consent
DELWP	Consent with conditions
Infrastructure	Consent with conditions
Environmental Planning	Consent with conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

The recommendation of approval of this development does have any risk or OH & S implications for Council.

Communications Strategy

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

Options

There are no reasonable grounds on which to refuse the application.

Refusing the application would in all likelihood result in the proponent lodging an application for review of Council's decision with VCAT.

Conclusion

The proposed building and works to a major transmission line satisfactorily addresses planning scheme controls and policies. The proposed development should be supported and issue a Notice of Decision to grant a permit.

Consideration of Deputations - Planning Permit Application No 2015-244

Mr. Ole Kelderman addressed Council as an objector to the granting of a planning permit for the application.

Mr. Paul Ower addressed Council in favour of the granting of a planning permit for the application.

Mr. Indran Pillay addressed Council in favour of the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation

That, having considered all matters as prescribed by Section 60 of the Planning and Environment Act, Council issue a Notice of Decision to grant a Planning Permit No. PA2015-244 for buildings and works associated with a major electricity transmission line and vegetation removal, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Full details of all buildings and works to be undertaken including the location of work pads and any new access tracks.
 - b) All trees to be removed clearly identified.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the development.

Infrastructure conditions:

2. **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).**
3. **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.**
4. **Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

Environmental Planning conditions:

5. **In order to offset the total removal of 4.154 hectares of remnant native vegetation and 73 native scattered trees approved to be removed within Moorabool Shire, Golden Plains Shire and the City of Ballarat as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the DELWP publication 'Permitted clearing of native vegetation – Biodiversity assessment guidelines' and the 'Native vegetation gain scoring manual'.**

The offset of the losses within Moorabool Shire must:

- a) **Contribute gain of 0.610 general biodiversity equivalent units.**
 - b) **Be located within the Corangamite Catchment Management Authority boundary or Moorabool Shire Municipal District.**
 - c) **Have a minimum strategic biodiversity score of at least 0.158.**
6. **Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the DELWP publication 'Permitted clearing of native vegetation – Biodiversity assessment guidelines' and the 'Native vegetation gain scoring manual'. Offset evidence can be either:**
 - a) **A credit register extract from the Native Vegetation Credit Register (for more information refer to the DELWP publication 'Permitted clearing of native vegetation Meeting permit conditions – Third party offsets');** or
 - b) **A security agreement, to the required standard, for the offset site or sites, including a ten (10) year offset management plan. Every year for ten (10) years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site**

condition statement, including photographs must be included in this notification.

Revegetation must done in accordance with the minimum planting standard specified in Appendix 2 of DEPI's publication 'Native vegetation gain scoring manual' and revegetation sites must meet the following size requirements:

- i. At least 1 hectare in size**
- ii. Have an average width of at least 20 metres**
- iii. Have a perimeter to area ratio of 1:20. Perimeter to area ratio can be calculated by dividing the area (metres²) by the perimeter (metres).**

In the event that the offsets for the removal of native vegetation within Moorabool Shire are sourced as part of a larger offset for the total removal of native vegetation across the municipalities, Moorabool Shire is to be notified and a copy of the total offset extract is to be provided.

Barwon Water condition:

- 7. Sediment control measures outlined in the EPA's publication No 275, Sediment Pollution Control, must be employed and maintained until the disturbed area has been permanently stabilised and/or revegetated.**

DELWP conditions:

- 8. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.**
- 9. Before works start, a plan to the satisfaction of the Responsible Authority, identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.**
- 10. To offset the removal of 4.154 hectares of native vegetation and 73 scattered trees the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEPI 2013) as specified below:**
 - a) A general offset of 0.664 general biodiversity equivalence units with the following attributes:**
 - be located within the Corangamite Catchment Management Authority boundary**
 - have a strategic biodiversity score of at least 0.162**

- b) **A specific offset(s) of 3.227 specific biodiversity equivalence units for 504484, Melbourne Yellow-Gum, Eucalyptus leucoxyton subsp. Connata.**
11. **Before any native vegetation is removed, evidence that the required offset for the project has been secured, as per the supplied offset strategy (Moorabool – Ballarat Transmission Line Upgrade Offset Strategy, 10 September 2015), must be provided to the satisfaction of the Responsible Authority. The offset evidence can be:**
- a) **a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or**
- b) **an allocated credit extract from the Native Vegetation Credit Register.**

A copy of the offset evidence with the endorsement of the Responsible Authority will form part of this permit. Within 30 days of endorsement, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

12. **In the event that a security agreement is entered into as per condition 10, the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.**

Permit Expiry:

13. **This permit will expire if one of the following circumstances applies:**
- 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 timeframes as specified in Section 69 of the Planning and Environment Act 1987.

DELWP permit notes:

Works or other activities on public land, which may impact on protected plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee Act 1988 (FFG). All native vegetation likely to be impacted should be checked against the Protected Flora List (DEPI 2014) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the department's regional office.

Any adjoining Crown land is not to be used for access, storage of materials or rubbish. Any private use of Crown land requires consent and/or licensing from the Department of Environment, Land, Water and Planning.

Resolution:

Crs. Sullivan/Toohey

That, having considered all matters as prescribed by Section 60 of the Planning and Environment Act, Council issue a Notice of Decision to grant a Planning Permit No. PA2015-244 for buildings and works associated with a major electricity transmission line and vegetation removal, subject to the following conditions:

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:***
 - a) Full details of all buildings and works to be undertaken including the location of work pads and any new access tracks.***
 - b) All trees to be removed clearly identified.***
 - c) That copies of the amended plans be made available to the affected landowners.***

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the development.

Infrastructure conditions:

- 2. 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).***
- 3. 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.***
- 4. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***

Environmental Planning conditions:

5. ***In order to offset the total removal of 4.154 hectares of remnant native vegetation and 73 native scattered trees approved to be removed within Moorabool Shire, Golden Plains Shire and the City of Ballarat as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the DELWP publication 'Permitted clearing of native vegetation – Biodiversity assessment guidelines' and the 'Native vegetation gain scoring manual'.***

The offset of the losses within Moorabool Shire must:

- a) ***Contribute gain of 0.610 general biodiversity equivalent units.***
 - b) ***Be located within the Corangamite Catchment Management Authority boundary or Moorabool Shire Municipal District.***
 - c) ***Have a minimum strategic biodiversity score of at least 0.158.***
6. ***Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the DELWP publication 'Permitted clearing of native vegetation – Biodiversity assessment guidelines' and the 'Native vegetation gain scoring manual'. Offset evidence can be either:***
- a) ***a credit register extract from the Native Vegetation Credit Register (for more information refer to the DELWP publication 'Permitted clearing of native vegetation Meeting permit conditions – Third party offsets'); or***
 - b) ***a security agreement, to the required standard, for the offset site or sites, including a ten (10) year offset management plan. Every year for ten (10) years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.***

Revegetation must done in accordance with the minimum planting standard specified in Appendix 2 of DEPI's publication 'Native vegetation gain scoring manual' and revegetation sites must meet the following size requirements:

- i. At least 1 hectare in size*
- ii. Have an average width of at least 20 metres*
- iii. Have a perimeter to area ratio of 1:20. Perimeter to area ratio can be calculated by dividing the area (metres²) by the perimeter (metres).*

In the event that the offsets for the removal of native vegetation within Moorabool Shire are sourced as part of a larger offset for the total removal of native vegetation across the municipalities, Moorabool Shire is to be notified and a copy of the total offset extract is to be provided.

Barwon Water condition:

- 7. Sediment control measures outlined in the EPA's publication No 275, Sediment Pollution Control, must be employed and maintained until the disturbed area has been permanently stabilised and/or revegetated.*

DELWP conditions:

- 8. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.*
- 9. Before works start, a plan to the satisfaction of the Responsible Authority, identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.*
- 10. To offset the removal of 4.154 hectares of native vegetation and 73 scattered trees the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEPI 2013) as specified below:*
 - a) A general offset of 0.664 general biodiversity equivalence units with the following attributes:*
 - be located within the Corangamite Catchment Management Authority boundary*
 - have a strategic biodiversity score of at least 0.162*
 - b) A specific offset(s) of 3.227 specific biodiversity equivalence units for 504484, Melbourne Yellow-Gum, Eucalyptus leucoxyton subsp. Connata.*

11. Before any native vegetation is removed, evidence that the required offset for the project has been secured, as per the supplied offset strategy (Moorabool – Ballarat Transmission Line Upgrade Offset Strategy, 10 September 2015), must be provided to the satisfaction of the Responsible Authority. The offset evidence can be:

- a) a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or**
- b) an allocated credit extract from the Native Vegetation Credit Register.**

A copy of the offset evidence with the endorsement of the Responsible Authority will form part of this permit. Within 30 days of endorsement, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

12. In the event that a security agreement is entered into as per condition 10, the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

13. That affected landowners be given at least one (1) months' notice of any work to be conducted on their property.

Permit Expiry:

14. This permit will expire if one of the following circumstances applies:

- 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 timeframes as specified in Section 69 of the Planning and Environment Act 1987.

DELWP permit notes:


Works or other activities on public land, which may impact on protected plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee Act 1988 (FFG). All native vegetation likely to be impacted should be checked against the Protected Flora List (DEPI 2014) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the department's regional office.

Any adjoining Crown land is not to be used for access, storage of materials or rubbish. Any private use of Crown land requires consent and/or licensing from the Department of Environment, Land, Water and Planning.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu 
Title: General Manager Growth and Development
Date: Thursday, 14 April 2016

10.2.4 Revised 2013-2017 Council Plan

Introduction

File No.: 02/02/002
Author: John Whitfield
General Manager: Satwinder Sandhu

Background

Council adopted the Council Plan 2013-2017 at the Ordinary Meeting of Council held on 19 June 2013.

As part of a community engagement process to understand the community needs for the future, Council has embarked on the project known as, "*The Talking 2041*" community engagement process for Moorabool 2041. This process commenced in October 2014 and is the most comprehensive community engagement process ever undertaken by Moorabool Shire Council.

Within the engagement process two key elements of Moorabool 2041, being an Urban Growth Strategy and a Rural Small Towns Strategy, have focused on the urban areas of Bacchus Marsh and surrounds and separately, the rural areas of the Shire. The engagement for both the urban and rural areas has been very successful.

The outcomes of the engagement process will be presented to Council later in the year which will be reflected in future Council Plans.

Proposal

A review of the Council Plan has been conducted which has resulted in changes to the document. In accordance with Section 125 of the Local Government Act 1989 (the Act) Council must consider whether the Council Plan requires any adjustment and if there are adjustments Council must seek public submissions under Section 223 of the LGA.

The Council Plan has been reviewed by Councillors and officers and changes have been made to the projects under each Key Result Area to reflect the Council activities in each area. The actions supporting the Council Plan have been updated and the performance measures have been updated in accordance with the Local Government Performance Reporting Framework.

The reviewed 2013-2017 Council Plan (2016 revision) is shown in Attachment 10.2.4.

Policy Implications

The 2013. 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
------------------------	--

Objective	Good governance through open and transparent processes and strong accountability to the community.
Strategy	Ensure policies and good governance are in accordance with legislative requirements and best practice.

The proposal is consistent with the 2013-2017 Council Plan.

Financial Implications

In accordance with Section 126 of the Local Government Act 1989, Council has prepared the attached Strategic Resource Plan that details the resources required to achieve the objectives and strategies outlined in the 2013-2017 Council Plan.

The Strategic Resource Plan includes the following information in respect of next 4 financial years:

- the standard statements describing the required financial resources in the form and containing the information required by the regulations; and
- statements describing the required non-financial resources, including human resources.

This four-year forecast outlines to the community the way it will deliver on the 3 key result areas as set out in the 2013-2017 Council Plan (2016 revision) being:

1. Representation and Leadership of our Community
2. Community Wellbeing
3. Enhanced Infrastructure and Natural and Built Environment

The Strategic Resource Plan for each financial year is subject to final determination as part of Council's Annual Budget process. Councillors will note that the Comprehensive Income Statement, Balance Sheet, Cash Flow Statement and Statement of Capital Works in the Council Plan will require updating to align with the draft Budget once it is reviewed by Council at this meeting.

Risk & Occupational Health & Safety Issues

No risk and occupational health and safety issues have been identified.

Communications and Consultation Strategy

Under section 125 (9) of the Local Government Act 1989, a person has a right to make a submission under section 223 on a proposed adjustment to a Council Plan which relates to the following matters:

- the strategic objectives of the Council;
- strategies for achieving the objectives for at least the next 4 years;
- strategic indicators for monitoring the achievement of the objectives;

A communications plan has been developed to advise the community via Council's website, media release, social media, Council's community consultation website: haveyoursay.com.au and with hard copies available at all Council offices.

Public notice of the revised Council Plan will be placed in The Moorabool News and members of the community will have no less than 28 days to make a submission.

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 – John Whitfield

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

Conclusion

The 2013-2017 Council Plan (2016 revision) and Strategic Resource Plan are presented for Council to place on public exhibition to commence public consultation.

Resolution:

Cr. Edwards/Dudzik

- 1. That, having considered the details of the Council Plan 2013-2017 (2016 revision) appended to this report, Council, in accordance with the requirements of Part 6 Section 125 and 126 of Local Government Act 1989**
 - a) authorises the Chief Executive officer to give public notice that the Council Plan 2013-2017 (2016 revision) has been prepared and is available for public inspection; and**
 - b) gives public notice and have ready for public inspection all prescribed information to be available from 10 May 2016 until 7 June 2016.**


2. ***That Council resolves to allow no less than 28 days for submissions to be made by members of the public and that all submissions are to be made in the prescribed manner. Council will hear submissions on Wednesday, 22 June 2016 at a Special Meeting of Council at a destination to be confirmed.***

3. ***That in accordance with Section 125 of the Local Government Act 1989, Council resolves to notify and place on public notice its intention to adopt the Council Plan 2013-2017 (2016 revision) on Wednesday 29 June 2016 at a Special Meeting of Council at a destination to be confirmed.***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu 
Title: General Manager Growth and Development
Date: Friday, April 15, 2016

10.2.5 Third Quarter (January – March) Report – 2015/16 Council Plan Actions

Introduction

File No.: 02/02/002
Author: John Whitfield
General Manager: Satwinder Sandhu

Background

The 2013-2017 Council Plan was revised and adopted by Council in July 2015. As part of the development of the framework of the Council Plan, Council determines appropriate actions which will support the framework, delivering agreed outcomes for the Community.

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

- Representation and leadership of our community;
- Community Wellbeing; and
- Enhanced infrastructure and Natural and Built Environment.

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

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

Discussion

The attached 2015/16 Council Plan Actions Third Quarter Progress Report indicates each of the actions and their progress comments for the 2015/16 Financial Year. Overall there are 33 actions with 26 actions being on or ahead of their target (including 10 completed) at 31 March 2016. There are 4 actions, as indicated by the yellow traffic light, that are a little behind target. Three actions, as indicated by the red traffic light, have not reached 60% completion compared to a target of 75% as at 31 March 2016. Resourcing issues have impacted their progress, which may require these actions to be carried over into the next period.

Proposal

This report is to inform Council and the community on the progress of key Council Plan actions for the 2015/16 Financial Year.

Policy Implications

The 2013. 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our community
Objective	Effective strategic and business planning for a growing community
Strategy	Develop service plans consistent with Business Excellence principals that reflect systems thinking and value for the community.

Financial Implications

There are no financial implications from this report.

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – John Whitfield

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

Conclusion

Council is making good progress in all areas of the Council Plan for this third quarter. Overall there are 33 actions with 26 actions being or ahead of their target as at 31 March 2015. There are 4 actions that are a little behind target; 60% to 90% complete for the 2015/16 financial year. Three actions have not reached 60% completion compared to a target of 75% as at 31 March 2016 due to resourcing issues impacting their progress, which may require these actions to be carried over into the next period.

Resolution:

Crs. Dudzik/Tatchell

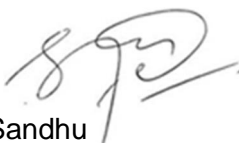
That Council receives the Third Quarter (January – March) 2015/16 Council Plan Actions Progress Report.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Tuesday, 26 April 2016



10.2.6 Making of new Local Law – Meeting Procedure Local Law No. 9 to replace Meeting Procedure Local Law No. 8

Introduction

File No.: 02/01/001
Author: John Whitfield
General Manager: Satwinder Sandhu

An updated Meeting Procedure Local Law has been prepared. Council must give notice in the Government Gazette and in a newspaper circulating within the municipality stating the intention of a proposed local law.

Background

Section 91(1) of the *Local Government Act* 1989 (the Act) stipulates that Councils must make a Local Law governing the conduct of Council and Special Committee meetings to ensure the orderly function of Council business.

Councils existing Meeting Procedure Local Law No. 8 was adopted by Council in 2009. Since this time, there have been a number of amendments to the Act that has necessitated a review of Councils Meeting Procedure Local Law.

In line with a resolution of Council and Councils 2013-2017 Council Plan (Revised 2015), a review of Councils Meeting Procedure Local Law No. 8 has been undertaken.

The requirement of the Act and past practices of Moorabool Shire Council, where they do not conflict with any legislation in force, have been combined to prepare this proposed Meeting Procedure Local Law No.9 of 2016.

Proposal

A copy of the proposed Meeting Procedure Local Law No. 9 is provided to Council as an attachment to this report.

It is recommended that Council gives notice in the Government Gazette and a public notice in a newspaper generally circulating within the Municipality of its intent to propose a new Meeting Procedure Local Law No. 9 stating .

- (i) the purpose and general purport of the proposed meeting procedure local law;
- (ii) that a copy of the proposed meeting procedure local law and explanatory document can be obtained from Council offices; and
- (iii) that any person affected by the proposed meeting procedure local law may make a submission relating to the proposed local law under section 223 of the *Local Government Act* 1989.

A Local Law Community Impact Statement (LLCIS) in support of the Local Law has been prepared to inform the community about the proposed Meeting Procedure Local Law No. 9. This is also attached to this report. The aim of the LLCIS is to assist any member of the public who may wish to make a submission to Council during the public consultation process required under section 223 of the *Local Government Act 1989* (the Act).

Part C of the LLCIS shows a table that provides cross references of all clauses within the existing Meeting Procedure Local Law No. 8 (2009) with the proposed Meeting Procedure Local Law No. 9-2016. The content does not comment on minor alterations or grammatical changes.

References to clauses that have been identified as new provisions, expanded or enhanced provide for greater transparency and clarity and are consistent with current and industry practices. In most cases where new provisions have been included these provisions are current practices that have now been documented to reflect these procedures.

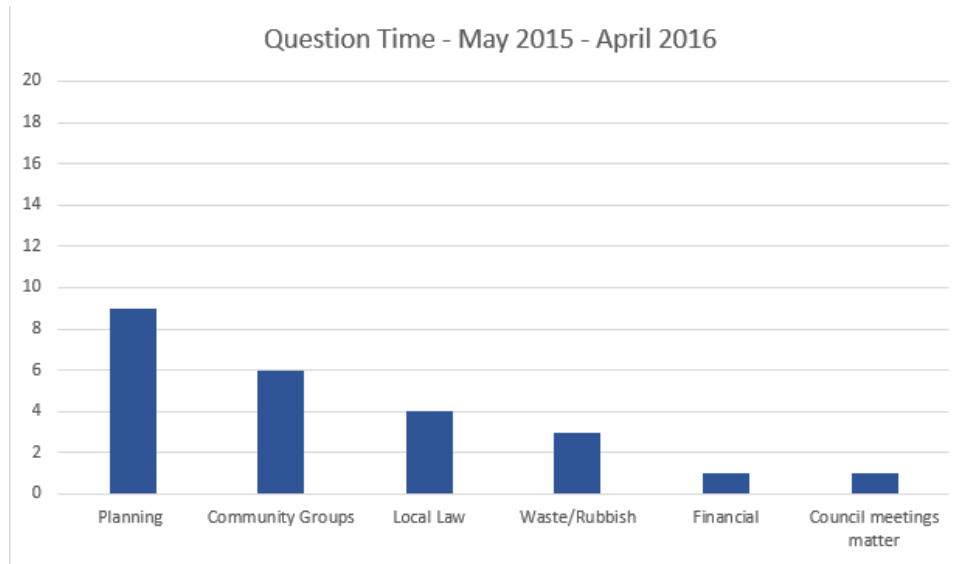
In order to ensure compliance with the Act, Council's legal advisor has reviewed and validated this proposed Meeting Procedure Local Law No.9.

Councillors were also provided with the opportunity to review and provide feedback on the proposed Meeting Procedure Local Law No.9 at an Assembly of Councillors held on Wednesday 20 April 2016.

As a result of discussions held at the Assembly of Councillors, the following amendments of significance have been made:

- Clause 6.5 . Speakers to an Item on the Agenda - inclusion of a 3.00pm timeframe
- Clause 6.7 . Petition and Joint Letters - inclusion of a process pertaining to a petition or joint submission to a planning application
- Clause 6.9 . Public Question Time . There is no provision in the new Meeting Procedure Local Law for Public Question Time. Its removal allows the structure of the Council meeting agenda to regulate the items dealt with at an Ordinary Meeting of Council. Members of the community who may wish to pose a question to Council will continue to be able to consult directly with their Ward Councillor, or contact Council via social media messaging, or via Council's online request system or by contacting Council on the phone or in person. The provision to Speak to an Item on the Council Agenda will remain.
- Clause 7.1 (c) . Addressing the meeting . removal of Deputy Mayor to automatically fill the position of Chairperson.
- Clause 15.2 . When Required. Sub clause (f) has been removed. Election of temporary chairperson is catered for in Clause 15.10
- Clause 15.10 . Absence of Mayor at Meetings - removal of reference to Deputy Mayor acting as Chairperson in the absence of the Mayor. Council to elect a temporary Chairperson.

Further to the removal of Public Question Time in the proposed new Local Law, a review of the types of questions received by Council over the last twelve months in Public Question Time has been undertaken, the graph below shows the categories that the questions fall within.



The majority of the questions raised in Public Question Time over the last twelve months could have been addressed through other methods of contacting the Council. In some cases the matters raised in question time had already been addressed by Council staff.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

The proposal is consistent with the 2013-2017 (Revised 2015) Council Plan.

Financial Implications

The only financial implications to Council are administrative and advertising costs.

Risk & Occupational Health & Safety Issues

There are no risk and occupational health and safety issues associated with the preparation of the proposed Local Law No. 9.

Communications Strategy

Initial consultation has been undertaken with Councillors, staff and Council's legal advisor. Amendments in legislation have also necessitated changes to the proposed Meeting Procedure Local Law.

Public consultation will be open on 7 May 2016 and close on 7 June 2016. During this time the community will be invited to make a written public submission in accordance with section 223 of the *Local Government Act 1989*.

The Meeting Procedure Local Law No. 9 will be advertised in local and regional newspapers circulating within the Municipality, online via the Have Your Say website and as required by the Act, in the Victorian Government Gazette. Copies can also be viewed on Council's website: www.moorabool.vic.gov.au

Copies of the Proposed Meeting Procedure Local Law will be available for inspection on weekdays between 8.30am and 5.00pm from Monday 9 May 2016 up to and including Monday 7 June 2016 at Council offices at:

- 15 Stead Street, Ballan;
- 215 Main Street, Bacchus Marsh; and
- 182 Halletts Way, Darley

Feedback should be made in writing and be addressed to:

The Chief Executive Officer
Meeting Procedure Local Law Submission
Moorabool Shire Council
PO Box 18
Ballan VIC 3342

Alternatively, submissions can be emailed to info@moorabool.vic.gov.au or submitted online at haveyoursaymoorabool.com.au

Any person requesting that he or she be heard in support of a submission is entitled to appear before the Special Meeting of Council either personally or by a person acting on his or her behalf. Any person who wishes to be heard in support of a submission should indicate this request in their written submission. A special meeting to hear submissions is scheduled to occur on Wednesday 22 June 2016 at 5.00pm at a venue to be confirmed.

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 – John Whitfield

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

Conclusion

Having reviewed and prepared a proposed Meeting Procedure Local Law and a Local Law Community Impact Statement to inform the community, Council must give notice its intention to propose a new Meeting Procedure Local Law.

It is recommended that Council gives notice that the Meeting Procedure Local Law No. 9 will be advertised in local and regional newspapers circulating within the Municipality, online via the Have Your Say website and as required by the Act, in the Victorian Government Gazette.

Consideration of Deputation

Ms. Armanda Bertok addressed Council in relation to the Making of new Local Law – Meeting Procedure Local Law No. 9 to replace Meeting Procedure Local Law No. 8.

Mr. Bruce Bullock addressed Council in relation to the Making of new Local Law – Meeting Procedure Local Law No. 9 to replace Meeting Procedure Local Law No. 8.

Mr. John Kowarsky addressed Council in relation to the Making of new Local Law – Meeting Procedure Local Law No. 9 to replace Meeting Procedure Local Law No. 8.

Ms. Marilyn Rister addressed Council in relation to the Making of new Local Law – Meeting Procedure Local Law No. 9 to replace Meeting Procedure Local Law No. 8.

The business of the meeting then returned to the agenda.

Recommendation:**That Council resolves to:**

1. (i) advertise in the Government Gazette and by public notice in the local and regional newspapers circulating within the Municipality, its intention to make a new local law titled *Meeting Procedure Local Law No.9* in the form and content as detailed in the attachment to this report;
 - (ii) seek public submissions under section 223 of the *Local Government Act 1989* relating to the making of the proposed *Meeting Procedure Local Law No.9*; and
 - (iii) make copies of the draft *Meeting Procedure Local Law No.9* available to the community at each Council office in Ballan, Darley and Bacchus Marsh.
2. Consider a further report from Council officers considering all public submissions received under section 223 of the *Local Government Act 1989* before determining on the adoption of the new *Meeting Procedure Local Law No.9*.

Resolution:

Crs. Dudzik/Sullivan

That Council resolves to:

1. ***Reinstate a new provision of Public Question Time as Clause 6.9 into the Meeting Procedure Local Law No.9 as outlined below:***

Question time will be available at every Ordinary Meeting to enable members of the public to address questions to Council.

- a) ***All questions and answers must be as brief as possible.***
- b) ***All questions must be received in writing or provided verbally to a Councillor on behalf of the constituent on the prescribed form as outlined on the Council's website and state the name and address of the person submitting the question.***
- c) ***All questions must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than 5.00pm the day before the Council Meeting.***

- d) ***A person must not submit more than two (2) individual questions at a meeting, inclusive of all parts and variants as interpreted by the Chairperson or other person authorised for this purpose by the Chairperson.***
- e) ***A question will only be read to the meeting if the Chairperson or other person authorised for this purpose by the Chairperson has determined that:***
 - i) ***the person directing the question is present in the gallery;***
 - ii) ***the question does not relate to a matter of the type described in section 89(2) of the Act (for confidential matters);***
 - iii) ***the question does not relate to a matter in respect of which Council has no power to act;***
 - iv) ***the question is not defamatory, indecent, abusive or objectionable in language or substance;***
 - v) ***the question is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and***
 - vi) ***the question is not asked to embarrass a Councillor, member of Council staff or member of the public.***
- f) ***If the person submitting a question is not present in the gallery, the question will be held over to next meeting only.***
- g) ***If the Chairperson or other person authorised for this purpose by the Chairperson has determined that the question shall not be read to the meeting, then the Chairperson must advise the meeting accordingly.***
- h) ***The Chief Executive Officer or delegate must read to the meeting the name of the person who has submitted a question.***
- i) ***The Chief Executive Officer or delegate must read the text of the question and the Chairperson will then direct that question to be answered by a nominated Councillor or member of Council staff.***
- j) ***A Councillor or Council officer may:***
 - i) ***immediately answer the question asked; or***
 - ii) ***elect to have the question taken on notice until the next Ordinary meeting of Council; at which time the question must be answered and incorporated in the Agenda of the meeting under Public Question Time; or***

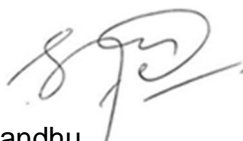
- iii) elect to submit a written answer to the person asking the question within 10 working days.*
- k) No debate on or discussion of a question or an answer will be permitted.*
2. (i) *advertise in the Government Gazette and by public notice in the local and regional newspapers circulating within the Municipality, its intention to make a new local law titled Meeting Procedure Local Law No.9 in the form and content as detailed in the attachment to this report as amended by this Resolution;*
- (ii) *seek public submissions under section 223 of the Local Government Act 1989 relating to the making of the proposed Meeting Procedure Local Law No.9; and*
- (iii) *make copies of the draft Meeting Procedure Local Law No.9 available to the community at each Council office in Ballan, Darley and Bacchus Marsh.*
3. *Consider a further report from Council officers considering all public submissions received under section 223 of the Local Government Act 1989 before determining on the adoption of the new Meeting Procedure Local Law No.9.*

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Tuesday, 26 April 2016



Cr. Spain declared an Indirect Conflict of Interest (section 78E - Impact on residential amenity) in relation to Item 10.2.7 - Local Law Application - Keeping of an animal (one ram) in an urban area - 4 Love Close, Maddingley. The nature of the conflict of interest is due Cr. Spain residing in Love Close, Bacchus Marsh.

10.2.7 Local Law Application – Keeping of an animal (one ram) in an Urban area – 4 Love Close, Maddingley

Introduction

File No.: 517600
Author: Robert Fillisch
General Manager: Satwinder Sandhu

Background

A permit is required for the keeping of certain animals under clause 38 of Council's General Local Law 2010. This application is for the keeping of a ram on an urban property and therefore clause 38.1(b)(l) in the table states a permit is required for keeping of any sheep.

The matter of keeping a sheep on this land has previously been determined at a full Council meeting on 20 March, 2013. Subsequently Permit No. A022-2013 was issued on 12 April, 2013 with specific conditions in accordance with the resolution of the Council meeting.

Issues with the ram have escalated in the last four months which caused a review of the previous permit A022-2013.

The review identified that the permit was issued to a person who is no longer a resident of 4 Love Close. Clause 81 of General Local Law 2010 states a permit is not transferable without the written consent of Council. No such consent was applied for and therefore the permit is no longer valid.

The review also identified that permit A022-2013 was not issued with a specific expiry condition. Clause 80 of General Local Law 2010 states a permit will expire one year after the date of issue unless expressly stated in the Local Law or a permit. Therefore the permit is considered to have expired on 11 April, 2014.

The owner of the ram, Mr Godwin Aquilina, was made aware that there was no current permit for the keeping of the ram at 4 Love Close, Maddingley. An application for keeping an animal (one ram) was lodged by Mr Aquilina on 30 March, 2016.

Proposal

The property owner of 4 Love Close, Maddingley, Mr Aquilina, seeks a permit under clause 38.1(b) to keep one sheep on the property.

The sheep is a white entire male Merino ram known as Jackie Chan who is approximately 8.5 years old.

Additional information provided with the application states:

- Family pet been hand raised on the property for 8.5 years;
- Trained and will come when called;
- Also protection for the property.

The process for assessing applications for keeping of animals under clause 38 of the General Local Law 2010 are as follows:

- Application lodged and acknowledged;
- Notify adjoining landowners and provide 14 days for them to make any comments on the application;
- Inspect the property to assess if it is capable of containing the animal;
- Consider comments/submission;
- Create a report;
- Advise applicant and adjoining landowners of the application outcome.

Notification of adjoining landowners provided the following comments:

- The ram has attacked people and is dangerous;
- The ram has not been adequately contained to the property and has been on other residents properties;
- The owner has breached conditions of the previous permit causing amenity issues to other residents;
- Concerns over the animals welfare i.e. lack of food and amount of wool it is carrying;
- Council has been reluctant to enforce previous permit conditions.

The applicant was contacted by phone on 21 April, 2016 to arrange an inspection of the site. The applicant refused to provide access to the site. It was reiterated to the applicant that a site inspection was critical for the assessment of the application as staff need to be satisfied that the property is able to contain the animal. The applicant again clearly refused access and was then advised that staff would have no other option but to recommend refusal of the application.

The following two options are available to Council:

Option A

That Council approve the application for the Local Law permit to keep the animal conditional to the following:

1. The animal must not be allowed to exist on any public land under the control and management of the Moorabool Shire Council, subject to conditions 2 and 3.
2. Any movement of the animal to, or from, the property must be provided in the form of a carriage vehicle suitable and recognized for the transport of livestock.
3. Loading or unloading of the animal must be undertaken entirely within the property boundary.

4. The animal must not be allowed to graze, wander, travel or by any other means exist on any road or road reserve within the municipal boundary, other than as provided in condition 2.
5. The animal must not be allowed access to any residentially zoned property within the municipal boundary, other than as provided in condition 6.
6. Where the animal is transported for professional care or treatment, such as by a veterinarian or shearer, the professional care must be provided on private property and within the care provider's public liability and recognized professional facility. Any loading or unloading of the animal at the facility must be conducted entirely within the property line of the facility.
7. It is the animal owner's responsibility to ensure that all containment measures are maintained to a level that will not allow the animal to escape the property.
8. The animal must have appropriate food, water and shelter at all times
9. This permit applies to the keeping of the specified animal only and is not transferable to any other animal
10. The animal must be kept in a manner that does not cause a nuisance, as defined under the Public Health and Wellbeing Act 2008. - A state, condition or an activity may be considered to be a nuisance if it is deemed to be offensive by an investigating Authorised Officer
11. Where an Authorised Officer determines that any condition of this permit has been violated in any regard, the Authorised Officer may immediately void this permit and direct the animal owner to remove the animal from the property within seven (7) days.
12. This permit will not become valid until signed on behalf of Council (at Manager level), an Authorised Officer, the Applicant and the Applicant's support representative
13. This permit will remain valid for the life of the animal or, until revoked by an Authorised Officer.

Option B

That Council refuse to grant the Local Law permit to keep the animal on the grounds that a site inspection was refused and therefore staff were unable to ascertain if the property was capable of containing the animal.

That a Notice to Comply is served on Mr Aquilina requiring the ram to be removed within 14 days of the notice.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	A Safe Community

Strategy Promote and administer Council's Local Laws and other relevant legislation

The proposal to assess an application for keeping an animal (ram) at 4 Love Close, Maddingley is consistent with the 2013 - 2017 Council Plan.

Risk & Occupational Health & Safety Issues

The ram has demonstrated a tendency to attack people and should this occur on Council managed land, Council may be liable.

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial / Public Liability	Potential claims against Council	Medium	Public liability insurance

Communications and Consultation Strategy

30 March, 2016

Application for keeping of animal (one ram) received by applicant. The applicant was advised of the process for assessing the application which included the requirement of a site inspection.

8 April, 2016

Acknowledgement letter sent to applicant.
Survey letter sent to adjoining neighbours notifying them of the application and providing opportunity to provide comments for consideration of the application.

21 April, 2016

The applicant was contacted by phone to arrange a site inspection. Access to the site was refused.

27 April, 2016

Letter sent to applicant and adjoining neighbours advising the application will be determined at the Council meeting of 4 May, 2016.

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 – Robert Fillisch

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

Conclusion

The application for keeping an animal in this case cannot be supported by staff due to the refusal of the applicant to provide site access to assess the property.

It is therefore recommended by staff that the application be refused.

Cr. Spain left the meeting at 7.37 pm and did not participate in the discussion or voting on the following two Items – 10.2.7 and 10.3.1.

Consideration of Deputation

Mr. Gerrard Miller addressed Council in relation to Local Law Application – Keeping of an animal (one ram) in an Urban area – 4 Love Close, Maddingley.

The Mayor, called Mr. Godwin Aquilina to order.

Mr. Bruce Bullock addressed Council in relation to Local Law Application – Keeping of an animal (one ram) in an Urban area – 4 Love Close, Maddingley.

Ms. Debra Bullock addressed Council in relation to Local Law Application – Keeping of an animal (one ram) in an Urban area – 4 Love Close, Maddingley.

Mr. Godwin Aquilina addressed Council in relation to Local Law Application – Keeping of an animal (one ram) in an Urban area – 4 Love Close, Maddingley.

The Mayor, called Mr. Godwin Aquilina to order.

Cr. Tatchell left the meeting at 7.53 pm and did not vote on Items 10.2.7 and 10.3.1.

Cr. Toohey left the meeting at 7.55 pm.

Cr. Toohey returned to the meeting at 7.55 pm.

Resolution:

Crs. Sullivan/Edwards

That Council:

- 1. *Resolves to refuse the application for Keeping of an animal (one ram) in an Urban area – 4 Love Close, Maddingley.***
- 2. *Requires Authorised Officers to issues a Notice to Comply as soon as practicable requiring the animal (ram) to be removed from 4 Love Close, Maddingley within 14 days of the Notice to Comply being served.***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Tuesday, 26 April 2016



10.3 COMMUNITY SERVICES

Cr. Spain declared an Indirect Conflict of Interest (section 78B – Conflicting duty) in relation to Item 10.3.1 – Community Grants Program Summer 2016. The nature of the conflict of interest is due Cr. Spain being member of the Committee of the Bacchus Marsh Arts Council.

10.3.1 Community Grants Program Summer 2016

Introduction

File No.: 06/03/004
Author: Renae Knight
General Manager: Danny Colgan

Background

The purpose of this report is to present the Council with an assessment of applications received under the Summer 2016 round of Community Grants.

Community grants totalling \$140,000 per annum are available in two separate funding rounds of \$70,000 each. The Summer round of the Community Grants Program opened on the 1 February and closed on the 28 February 2016.

At the Ordinary Council Meeting on Wednesday 4 September 2013, the Council adopted the revised Community Grants Policy and Guidelines. The policy will be reviewed again in 2017. The Summer 2016 Community Grant Program represents the sixth round under the revised Community Grant Policy.

Council's Community Grants program enables not for profit community groups to apply for funding under the following three program categories:

- " Community Strengthening Grants: Community projects, programs and initiatives with a specific focus on connecting communities and building community capacity (\$50,000 available per round).
- " Events Grants: Non-recurrent, seed funding designed to encourage and promote the development of sustainable local events (\$10,000 available per round).
- " Arts Grants: Supporting local artists and organisations to use a creative approach to the development of community projects and initiatives (\$10,000 available per round).

Community groups and organisations can apply for up to \$5,000 for Community Strengthening Grants and up to \$3,000 for Arts and Events Grants. Groups also need to demonstrate a cash or in-kind contribution toward the cost of their project on a ratio of \$1 for \$1 (Council \$1: Group \$1). Small Community Strengthening Projects under \$1,000 are not required to demonstrate a contribution.

The categories under the Community Grants Program recognise the diverse range of activities that community groups in Moorabool are engaged in and the areas in need of financial support from Council.

The Community Grants Program Policy Guidelines state that applicant groups must demonstrate the support of the committee responsible for management of the proposed facility/service. This includes demonstrating that proposed projects are consistent with the service or facilitiesqMaster Plan, Strategic Plan or Business Plan.

Policy Assessment Criteria

Criteria	Percentage
Project Description and why the applicant wants to do the project	10%
What will this project achieve?	20%
Why is this project needed in your community?	20%
Who will be involved in the project?	15%
How will you carry out your project? (including risk management)	15%
Project budget and explanation of how the group arrived at the costs	20%

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

Application Support

The Community Grants Program Policy specifies that applicant groups are encouraged to meet with a Community Development Officer prior to lodging an application. The majority of applicant groups for the Summer 2016 round of Community Grants received support and advice from Community Development Officers.

Number of applications and amount requested

In total, 29 applications were received across the three program categories: Community Strengthening (20), Events (3) and Arts (6). A total of \$97,147 was requested with \$70,000 available. (\$50,000 for Community Strengthening, \$10,000 for Events, \$10,000 for Arts)

Category	Applications Received	Amount Requested	Amount recommended	Amount Available
Community Strengthening	20	\$77,471	\$50,265	\$50,000
Events	3	\$9,000	\$3,000	\$10,000
Arts	6	\$10,676	\$10,150	\$10,000
Total	29	\$97,147	\$63,415	\$70,000

Assessment

Assessment of applications was conducted by a panel of officers and ranked according to the extent to which the application addressed Council's policy assessment criteria.

Proposal

Based on the above process and funding criteria, it is proposed that the Council allocate the grants for the Summer 2016 round of Community Grants as follows.

Community Strengthening Grants:

Groups demonstrating Council Policy criteria of, or better than, a score of 71.65 may be provided with funding if Council so determine.

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Ballan Bowling Club	Ballan Bowling Club . New Concrete Path	Installation of a new concrete path at the club	\$3,941	\$7,882	\$3,941	82.8	No
Gordon Recreation Reserve	Gordon Recreation Reserve - Storage Solutions	Installation of a new storage facility	\$5,000	\$14,010	\$8,941	81.6	2014
Ballan Recreation Reserve	Ballan Rec Reserve Water Storage Capacity	Installation of a water storage tank	\$5,000	\$10,600	\$13,941	81.3	No
Rotary Club of Bacchus Marsh	Purchase of new Trailer Cool Room	Purchase of new trailer cool room	\$5,000	\$10,000	\$18,941	80.8	2014

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Acrofun Bacchus Marsh	Purchase of Safety Mats	Purchase of new safety mats	\$5,000	\$10,000	\$23,941	80.7	Summer 2015
Ballan Men's Shed	Dust Extraction Delivery & Disposal Construction	To purchase and install a dust extraction machine	\$4,285	\$10,205	\$28,226	80.1	2014
Ballan Racecourse	New entrance for the Recreation Reserve	Build a new entrance for the Racecourse Recreation Reserve	\$5,000	\$10,000	\$33,226	79.7	2014
Rotary Club of Ballan and District	Tag Off Ballan	Establishment of a Graffiti Tag removal group to combat the increase of tagging in the township of Ballan	\$5,000	\$10,000	\$38,226	73.7	No
Myrniong & District Seniors Luncheon	Cooking facilities for the Myrniong and District Seniors Luncheon Group	New oven for the Seniors Luncheon Group	\$1,879	\$3,758	\$40,105	73.4	No

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Elaine Cricket Club	Baggy Caps & Floppy Sun Hats	Purchase of baggy caps	\$1,000	\$1,012	\$41,105	73.1	2014
Springbank Football Club	Fridge Replacement at Club Rooms	Purchase of new fridge	\$4,160	\$8,320	\$45,265	72.8	No
Lions Club Bacchus Marsh	Lions Train & Carriage Restoration	To restore the Lions Train	\$5,000	\$10,900	\$50,265	72.1	No
Avenue Bowling Club	Avenue Shade Project	Installation of sun shades	\$3,270	\$6,545	\$53,535	57.5	Summer 2015
Bacchus Marsh BMX Club	Bacchus Marsh BMX Track - Electronic Scoring/Timing	Installation of a Electronic Scoring/Timing device as a mandatory requirement for BMX Victoria	\$5,000	\$10,541	\$58,535	55.9	2014

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Morrisons Cemetery Trust	Cemetery Boundary Fencing	New boundary fencing	\$3,082	\$4,082	\$61,617	54.7	No
Ballark Gun Club	Shade Shelter	Purchase of shade sail	\$2,169	\$4,419.00	\$63,786	53.8	No
The Neighbours Place	No Interest Loan Scheme (NILs) Office Accommodation	No Interest Loan Scheme (NILs) Office Accommodation	\$5,000	\$20,000	\$68,786	53.2	No
Yarrowee Leigh Catchment Group	Servicing Landcare Trailer	Servicing of Landcare Trailer to be used in the Scotsburn Fire Recovery	\$700	\$1,400	\$69,486	51.1	No . ineligible as it is a maintenance project
Moorabool Shire Lego Club	Moorabool Shire Lego Club	Community Lego Group	\$2,985	\$7,235	\$72,471	50.1	No
Ballan Arboretum	Ballan "Home of Notable Trees"	Brochure showcasing the notable trees in Ballan	\$5,000	\$9,000	\$77,471	50	2014
Total			\$77,471	\$166,509			

Events Grants:

Groups demonstrating Council Policy criteria of, or better than, a score of 71.00 may be provided with funding if Council so determine.

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Myrniong Primary School	Christmas in Winter Fundraiser	School Fundraising event	\$3,000	\$7,062	\$3,000	71.70	Parents group received an Arts grant in Winter 2015
Moorabool Laughing Group	Moorabool Laughing Group	Community Laughing workshop	\$3,000	\$6,000	\$6,000	65.60	No
Ladies Probus Club Bacchus Marsh	Trip to foster social connection for isolated members of the community	Holiday to for those who are living alone in the community.	\$3,000	\$33,000	\$9,000	51.30	No
TOTAL			\$9,000	\$46,062			

Arts Grants:

Groups demonstrating Council Policy criteria of, or better than a score of 76 may be provided with funding if Council so determine.

Name of Organisation/Artist	Project Name	Brief Project Description	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Bacchus Marsh Arts Council	Develop and Art Exhibition Space at Bacchus Marsh Public Hall	Installation of an exhibition space at the Bacchus Marsh Public Hall	\$1,150	\$2,325	\$1,150	78.30	No
Ballan District Health and Care	Ballan Hospital Book: 72 Years of Fundraising and 50 Years of Service	Ballan Hospital Book	\$3,000	\$20,500	\$4,150	78.20	Received a strengthening Grant Winter 2015
Water Colours Painting Group	Bacchus Marsh U3A Watercolours Painting Group	Supplies for watercolours group	\$2,000	\$4,000	\$6,150	77.20	No

Name of Organisation/Artist	Project Name	Brief Project Description	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Ballan Community Choir	Ballan Community Choir . Everyone has a Voice	To create a choir for the Ballan and District area	\$1,000	\$2,000	\$7,150	76.90	No
Moorabool Light Orchestra	Moorabool Light Orchestra	Expansion of the Moorabool Light Orchestra program across	\$3,000	\$98,450	\$10,150	76.10	No
Myrniong Primary School	Australian Animals Fence Decorations	Australian Animals Fence Decorations	\$526	\$976	\$10,676	56.80	Parents Group Received an Arts Grant Winter 2015
TOTAL			\$10,676	\$128,251			

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

The proposed allocation of grants under the Community Grants Summer 2016 Program is consistent with the 2013-2017 Council Plan.

Financial Implications

Consistent with the Community Grants Policy and 2015/16 budget allocation, a total of \$70,000 is available for allocation in the Summer 2016 round: \$50,000 for Community Strengthening, \$10,000 for Events, \$10,000 for Arts. The total of grants being recommended for allocation in this round is \$63,415.

Risk & Occupational Health & Safety Issues

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

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community Groups	Meetings with applicant groups	Various	February 2016	Applicants groups supported to submit applications

Communications and Consultation Strategy

Applicants for the summer 2016 round of Community Grants Program will be advised in writing that they will be notified of the outcomes of their grant applications in April 2016.

Community Development Officers will provide feedback to unsuccessful applicant groups via meetings or phone contact. Feedback will include:

- Advice to applicant groups of the relative strengths and areas for improvement in their Community Grant applications
- Options for alternative funding
- Supporting a group to re-lodge their application in the next appropriate round of Community Grants Program

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 – Renae Knight

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

Conclusion

Applications received under the Summer 2016 round of Community Grants are reflective of the diverse range of activities that community groups are engaged in and the areas in need of financial support from Council. In total, 29 applications were received across the three program categories: Community Strengthening (20), Events (3) and Arts (6).

This is the sixth round of Community Grants under the revised Community Grants Policy and Guidelines adopted by the Council on the 4 September 2013. The standard of applications in this round was very high, which is demonstrated by the higher scores achieved by most applications. The majority of applicants met with Community development Officers prior to submitting an application, which may demonstrate why applications were of a high standard.

Resolution:**Crs. Sullivan/Toohey**

1. *That the Council allocates the following grants in the Community Strengthening Grant category:*

Name of Organisation	Project Name	Recommended Amount
Ballan Bowling Club Inc.	Ballan Bowling Club – New Concrete Path	\$3,941
Gordon Recreation Reserve	Gordon Recreation Reserve - Storage Solutions	\$5,000
Ballan Recreation Reserve	Ballan Rec Reserve Water Storage Capacity	\$5,000
Rotary Club of Bacchus Marsh	Purchase of new Trailer Cool Room	\$5,000
Acrofun Bacchus Marsh	Purchase of Safety Mats	\$5,000
Ballan Men's Shed	Dust Extraction Delivery & Disposal Construction	\$4,285
Ballan Racecourse	New entrance for the Recreation Reserve	\$5,000
Rotary Club of Ballan and District	Tag Off Ballan	\$5,000
Myrniong & District Seniors Luncheon	Cooking facilities for the Myrniong and District Seniors Luncheon Group	\$1,879
Elaine Cricket Club	Baggy Caps & Floppy Sun Hats	\$1,000
Springbank Football Club	Fridge Replacement at Club Rooms	\$4,160
Lions Club Bacchus Marsh	Lions Train & Carriage Restoration	\$5,000
Total		\$50,265

2. ***That the Council allocates the following grants in the Community Events Grant category:***

<i>Name of Organisation</i>	<i>Project Name</i>	<i>Recommended Amount</i>
<i>Myrniong Primary School</i>	<i>Christmas in Winter Fundraiser</i>	<i>\$3,000</i>
<i>Total</i>		<i>\$3,000</i>

3. ***That the Council allocates the following grants in the Community Arts Grant category:***

<i>Name of Organisation/Artist</i>	<i>Project Name</i>	<i>Recommended Amount</i>
<i>Bacchus Marsh Arts Council</i>	<i>Develop and Art Exhibition Space at BM Public Hall</i>	<i>\$1,150</i>
<i>Ballan District Health and Care</i>	<i>Ballan Hospital Book: 72 Years of Fundraising and 50 Years of Service</i>	<i>\$3,000</i>
<i>Watercolours Painting Group</i>	<i>Bacchus Marsh U3A Watercolours Painting Group</i>	<i>\$2,000</i>
<i>Ballan Community Choir</i>	<i>Ballan Community Choir – Everyone has a Voice</i>	<i>\$1,000</i>
<i>Moorabool Light Orchestra</i>	<i>Moorabool Light Orchestra</i>	<i>\$3,000</i>
<i>Total</i>		<i>\$10,150</i>

4. ***That all applicants be notified in writing of the outcome of their application.***
5. ***That Council Staff provide feedback to unsuccessful groups and provide suggestions for alternative funding, or how the group may choose to improve and re-develop their application for submission to the next appropriate round of the Community Grants Program.***

CARRIED.

Report Authorisation

Authorised by:

Name: Danny Colgan

Title: General Manager, Community Services

Date: Thursday, 14 April 2016

Cr. Spain returned to the meeting at 7.58 pm.

Cr. Tatchell returned to the meeting at 7.58 pm

Cr. Toohey left the meeting at 8.00 pm.

Cr. Toohey returned to the meeting at 8.01 pm.

10.3.2 Bacchus Marsh and Melton Poultry Club and Footscray and District Poultry Club Lease Agreement

Introduction

File No.: 471850
Author: Troy Scoble
General Manager: Danny Colgan

The purpose of this report is to recommend that the Council enter into a lease with the Bacchus Marsh and Melton Poultry Club and the Footscray and District Poultry Club situated at the Bacchus Marsh Racecourse and Recreation Reserve.

Background

The Bacchus Marsh and Melton Poultry Club and the Footscray and District Poultry Club has operated at the Bacchus Marsh Racecourse and Recreation Reserve for many years prior to Council being granted land management of the reserve by the Victorian Government. Prior to the Council becoming land manager, the Poultry Clubs managed the facilities they occupy under a Crown Land (Reserves) Act 1978 licence agreement. The Poultry clubs share occupancy of the facility under a Memorandum of Understanding which outlines each clubs obligations including financial.

Discussions have been held with the Poultry Clubs to establish a lease agreement that provide exclusive rights to the clubs for the management, maintenance and operation of the Poultry Club Facilities at the Bacchus Marsh Racecourse and Recreation Reserve.

The Council Plan 2013-2017 includes a commitment to undertake a review of the master plan for the Bacchus Marsh Racecourse and Recreation Reserve inclusive of the area under the management of the Poultry Clubs. This review has been completed and the revised Reserve Master Plan adopted at the September 2015 Ordinary Meeting of Council. This lease agreement is consistent with recommended future development for the Poultry Club facilities at the reserve.

Proposed Terms of the Lease Agreement

Tenure

It is proposed that the term of the lease be seven years with two additional seven year options. The proposed term of the lease is suitable given the

significant investment that both the clubs have already made to the Poultry Club facilities and the future plans the Club has to improve the facilities with significant investment from the governing association available once a lease agreement is entered into. It is proposed that the draft lease contain a provision that provides Council with the rights to undertake any further developments at the reserve in consultation with the Clubs to ensure there is no disadvantage to the club. This provides Council with opportunities to consider outcomes from the master planning of the reserve in consultation with the Club in the future.

Under section 190 of the Local Government Act (the Act), if a lease is to be for 10 years or more, then the Council is required to publish a public notice of the proposed lease and allow the community four weeks to make a submission under S223 of the Act.

Maintenance / Management

The lease agreement provides the Poultry Clubs with exclusive management and usage rights in return for the Clubs undertaking the majority of maintenance required at the facility.

It is proposed that as land manager the Council be responsible for the following:

- The initial entrance roadway into the reserve that provides access to the facilities.
- Any future service infrastructure costs including sewer and power installations.

The Poultry Clubs currently pay user fees to the value of \$215 per club (\$530 total) for the use of the facilities. The clubs have proposed to continue to pay fees at this level with an increase annually no greater than the Consumer Price Index to continue to contribute toward the management and maintenance of the common areas around the facilities that provide access to their facility. It is recommended that the fees be reviewed at the end of the first 7 years of the agreement.

Proposal

Section 190 of the Local Government Act 1989, the Council has a restriction of power to lease land. The section is as follows:-

- (1) A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.
- (2) Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.
- (3) If the lease is to be .
 - (a) for 1 year or more and .
 - (i) the rent for any period of the lease is \$50,000 or more a year; or
 - (ii) the current market rental value of the land is \$50,000 or more a year; or

- (b) for 10 years or more; or
- (c) a building or improving lease .

the Council must at least 4 weeks before the lease is made, publish a public notice of the proposed lease.

- (4) A person has a right to make a submission under section 223 on the proposed lease.

Policy Implications

The 2013. 2017 Council Plan provides as follows:

Key Result Area	Community Well Being
Objective	Increase and encourage participation in a range of sport, recreation and leisure activities.
Strategy	Promote community health and wellbeing through the provision of recreation facilities, open space, programs and activities.

The proposed lease with the Bacchus Marsh and Melton Poultry Club and the Footscray and District Poultry Club is consistent with the 2013-2017 Council Plan.

Financial Implications

The Bacchus Marsh and Melton Poultry Club and the Footscray and District Poultry Club Lease Agreement outlines conditions of responsibility for Council to be implemented over the course of the agreement. Officers will continue to source funding and resource opportunities both internally and externally to implement these actions.

The clubs have proposed to continue to pay an annual user fee to contribute toward the common (shared use) areas on the reserve that provide access to the Poultry Club facility.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Governance	Suitable agreement required to outline roles and responsibilities of Council and the user groups in the management of the Poultry Club Facility	Medium	Ensure suitable agreement is put in place to protect both parties to the agreement.

Communications and Consultation Strategy

To comply with Section 190 of the Local Government Act 1989, the Council is required to give four weeks public notice of its intention to enter into a lease of 10 years or more for the lease of land which includes a building. The public then have the right to make public submissions in accordance with Section 223 of the Act.

Community Engagement has been undertaken with the Bacchus Marsh and Melton Poultry Club and the Footscray and District Poultry Club, the Bacchus Marsh Racecourse Recreation Reserve Committee of Management and the Department of Environment, Land, Water and Planning.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Troy Scoble

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

Conclusion

The Bacchus Marsh and Melton Poultry Club and the Footscray and District Poultry Club has operated the Poultry Club facilities at the Bacchus Marsh Racecourse and Recreation Reserve for many years. Council Staff have been in discussions with the Clubs to establish a lease agreement that provides exclusive rights to the Clubs for the management, maintenance and operation of the Poultry Club facilities at the Bacchus Marsh Racecourse and Recreation Reserve.

Resolution:**Crs. Edwards/Sullivan**

1. ***That Council resolves to enter into a lease with the Bacchus Marsh and Melton Poultry Club and the Footscray and District Poultry Club for the lease of the Bacchus Marsh Racecourse and Recreation Reserve Poultry Club Facilities under the following conditions:***
 - a) ***An initial term of seven years plus two further seven year options.***
 - b) ***An annual lease fee of \$530 per annum (increase annually by CPI) for the first seven year term of the lease with the fee to be reviewed at the conclusion of the seven period.***
 - c) ***Council will maintain the areas of the roadway entrance into the reserve that provides access to the Poultry Club Facility as outlined in attached map in Attachment 10.3.2.***
 - d) ***The Council reserves the right to undertake any future development works at the site (minor or major capital works projects). Any works will be planned and undertaken in consultation and agreement with the Bacchus Marsh and Melton Poultry Club and the Footscray and District Poultry Club.***
2. ***That Council, in accordance with section 190 of the Local Government Act 1989, gives four weeks public notice of its intention to enter into a lease for a term of seven years with two seven year options with the Bacchus Marsh and Melton Poultry Club and the Footscray and District Poultry Club for the lease of the Bacchus Marsh Racecourse and Recreation Reserve Poultry Club Facilities and seek and consider public submissions under section 223 of the Act.***
3. ***Following the completion of the public submission process, a further report be presented to Council considering all public submissions received.***

CARRIED.

Report Authorisation

Authorised by: 
Name: Danny Colgan
Title: General Manager Community Services
Date: Friday, 15 April 2016

10.4 INFRASTRUCTURE SERVICES

10.4.1 Capital Improvement Program Quarterly Report – March 2016

Introduction

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

Background

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

Proposal

This quarterly report provides Council with an overview of the progress of Council's 2015/2016 Capital Improvement Program to 31 March 2016.

Implementation of the 2015/2016 Capital Improvement Program

The 2015/2016 Capital Improvement Program currently consists of 79 projects, of which 12 are inactive and cannot commence. Therefore the table below reports on the 67 active projects in terms of percentage. This number will be adjusted throughout the year as other projects become active.

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

- Projects carried forward from 2014/2015 program
- 2015/2016 Council budgeted projects
- Grant funded projects

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

The Engineering Services Unit nominates 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status. The table below summarises the overall program status as at 31 March 2016:

CIP Program Delivery Stage	Actual as of 31 March 2016	
	No. of Projects	%
Not Commenced (inactive)	12	-
Not Commenced	1	1.5
Documentation/Design Preparation	2	3.0
Tender/Quote Stage	4	6.0
Project Awarded . Waiting Commencement	11	16.4
In Progress/Under Construction	18	26.9
Complete	31	46.3
TOTAL	67	100.00

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

Project amendments

Roads to Recovery Design Package

The Roads to Recovery Design Package project is now active. The projects listed below are proposed for construction in the draft 2016/17 Capital Improvement Program and require preplanning this financial year. These projects included are;

- Lesters Road, Millbrook road widening (Old Melbourne Road to railway)
- Berry Street, Ballan road widening (Blackwood Street to Spencer Road)
- Inglis Street, Ballan kerb and channel and formalisation of parking (Stead Street to Duncan Street)

ANA Memorial Gates, Maddingley Park

The restoration of the ANA memorial gates in Maddingley Park is now an active project following consultation with the Maddingley Park Committee of Management. Council officers will be working with the Committee to deliver the project.

Ballan Vintage Machinery Museum

The council contribution for the construction of the vintage machinery storage shed is now a grant to the Committee and will be managed through Community Development. As a result this project will be removed from the program.

Darley Civic Hub Sporting Pavilion

The sporting pavilion is included within the Darley Early Years Hub construction contract and has a total budget allocation of \$908,500, funded over multiple years.

2013/14 CIP	\$208,500
2014/15 CIP	\$600,000
SRV	\$100,000 (unsuccessful)
TOTAL	\$908,500

Submission of an application to Sport and Recreation Victoria for a grant to the value of \$100,000 has been unsuccessful.

Under the contract, the commencement date for construction of the pavilion is no later than 1 June 2016 or else delay costs will be applied and the construction period extended. Given the unsuccessful grant, a decision to proceed with the project, or not, is required.

The Darley Early Years Hub contract includes a project contingency of \$200,000. In the event the contingency is not exhausted, the \$100,000 shortfall, or part of, can be absorbed within the total contract sum and the remainder either from approval for over expenditure or possible savings in the 2016/17 Capital Program although it is unknown if there will be any.

Given this, and that the project is ready to go, approval to over spend the project budget if necessary is being sought in order to complete the project.

An alternate option would be to cancel this component of the contract and defer construction which may incur a cost in the order of \$100,000 without constructing the facility because economies of scale were achieved when all components were lumped into one contract. This is not the preferred outcome.

Program Status

At this stage of the financial year the program is tracking well with 45% of the program complete. A number of projects were awarded and commenced in last quarter with 44% of the program in the ~~Project Awarded~~ or ~~in Progress/Under Construction~~ stage.

Policy Implications

The 2013-2017 Council Plan provides as follows:

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

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

Financial Implications

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

Approval to overspend the Darley Civic Hub project is being sought, if necessary, which represents a 2.0% spend over the project budget consisting of the Early Years Hub, Lift Upgrade and Pavilion projects. A breakdown of the Darley Civic Hub project budget is outlined below. An overspend will only be necessary if the full project contingency is used.

Early Years	\$3,650,000	
Pavilion	\$808,500	(was \$908,500, less \$100,000)
Lift	\$250,000	
TOTAL	\$4,708,500	
DEYH Contract	\$4,450,888	
Contingency	\$200,000	
CFA relocation	\$50,000	
PM fees	\$100,000	
TOTAL	\$4,800,888	

Risk & Occupational Health & Safety Issues

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

Communications Strategy

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

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

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Sam Romaszko

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

Conclusion

This report provides a summary of the progress of the Capital Improvement Program for the first quarter of the 2015/2016 period for the information of Councillors.

Resolution:**Crs. Dudzik/Edwards****That Council;**

- 1. receives the Capital Improvement Program quarterly report to 31 March 2016.**
- 2. authorises officers to proceed with the Darley Sporting Pavilion project without the proposed \$100,000 grant and over spend the project budget, if required, to undertake the works.**

CARRIED.

Report Authorisation**Authorised by:**

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday, 27 April 2016



10.4.2 Energy Efficient Street Lighting

Introduction

Author: John Miller
General Manager: Phil Jeffrey

Upgrading to Light Emitting Diode (LED) lighting will save \$134,000 on running costs, reduce greenhouse emissions in year one and the project could be cash flow positive in 7-10 years.

A report was presented to the Place Making Advisory Committee on 20 April 2016, where the following was resolved:

That the Place Making Advisory Committee:

- 1. Provides in principle support to the upgrade of street and public place lighting to LED technology where practicable.*
- 2. Recommends to Council that it refers funding for bulk street light changeover to the 2017/18 annual budget process.*
- 3. Requests that a further briefing be presented to Council as part of the 2017/18 annual budget process, outlining changes to street lighting implementation, funding options or technology for consideration.*

CARRIED.

Background

Council has a responsibility to provide a safe environment for its community through the provision street and public place lighting. Council's Street and Public Place Lighting Policy establishes the guidelines for the provision of lighting.

The most common street lamp throughout Moorabool is the 80-Watt Mercury Vapour street light (80WMV), however over recent years, technology around street lighting has improved considerably. This has resulted in the opportunity for significant cost savings for Councils through the upgrade of the existing 80WMV street lights. In Victoria, 68 of the 79 Councils have already completed a bulk changeover of existing lighting.

In this regard, one of the actions in the 2015/16 Council Plan is to resolve Council's position in relation to energy efficient street lighting. Officers engaged Ironbark Sustainability to prepare a business case on energy efficient lighting, which forms the basis of this report.

Proposal

All street and public place lighting is managed by distribution company Powercor. Council pays an annual service charge for maintenance (OMR) of the light and pole over its life, in addition to charges for electricity usage.

At last count, Council has a total 2,069 streetlights, of which 1,950 are able to be replaced with a more energy efficient option as outlined below. This number changes as new developments are completed.

	Non Decorative	Decorative	Total
80WMV	1,919	25	1,944
125WMV	6	0	6
Total	1,925	25	1,950

These streetlights can be replaced by T5, Compact Fluorescent or LED streetlights, which reduce energy usage by 68%, 62% and 77% respectively, compared to the existing Mercury Vapour streetlights that are currently installed. In addition to offering lower costs, energy consumption and greenhouse emissions, the new lights can provide better lighting outcomes including lower glare, better colour and visibility and less depreciation of light output over time.

The 80WMV street lights that are in use, cost 437% more in electricity compared to LEDs. Even when you take into account the capital cost of the materials (new lights), installation costs, project management and other costs (such as residual value of old lights), bulk replacement projects demonstrate high returns on investment and can pay themselves back in as little as eight years.

Technology Options

There are currently 3 streetlight replacement options for Council to choose from being T5, Compact Fluorescent or LED streetlights, which reduce energy usage by 68%, 62% and 77% respectively, compared to the existing Mercury Vapour. However, given the advancement in LED technology, the price of LEDs is rapidly decreasing and is becoming more and more affordable. As shown below, although T5 has a lower cost than LED, the cumulative net savings is about 50% more for LED and the greenhouse saving is approximately 10% more.

As a result, it would make sense for Council to adopt LED technology instead of T5.

Savings

Total OMR for 80WMVs is around \$50/luminaire/year and the LED around \$20/luminaire/year. This equates to an annual saving of \$57,000 and coupled with reduced energy costs of \$77,000 amounts to an annual operating cost saving in the order of \$134,000. Based on modelled scenarios for an LED implementation over 1 year, the total cumulative savings for OMR and energy cost over 20 years is approximately \$3,332,000, subtracting the initial outlay of \$858,000, this will give Council a net cash flow of \$2,474,000. The project would become cash flow positive at year 7. These figures do not include any interest payments related to borrowings for this project.

Greenhouse Emissions

LED lamps are substantially more efficient than current Mercury Vapour lamps. It is estimated that the total savings in greenhouse emissions over 20 years is approximately 14,149 tonnes. This is equivalent to taking 3,290 cars off the road per year or running 6,738 fridges. The greenhouse savings are

expected to decline the longer Council delays the program. This is as a result of the overall electricity system becoming less reliant on fossil fuels over time.

Procurement

On 1st September 2012 MAV Procurement set up a bulk procurement panel for lighting materials on behalf of 40 of the 79 Victorian councils. This was a public competitive tender process on behalf of these 40 councils for the Appointment of a Panel of Providers for Approved Energy Efficient Street Lighting Hardware (Luminaires and associated PE Cells).

Effective 22 June 2014, Ministerial approval has now been granted under section 186(5)(c) of the Local Government Act 1989 in relation to all contracts entered into by councils through MAV Procurement. Approval was granted on the basis that contracts entered through MAV Procurement will provide councils access to suppliers selected through a competitive process, and that leveraging the combined purchasing power of councils will result in economies of scale and long term savings. As a result, Victorian Councils can receive discounted prices for energy efficient lights such as LEDs and compact fluorescents lights with no tender process required to be undertaken.

The Process for Councils

The standing panel of approved lights allows Councils to purchase directly without going out to tender, even if it's over the Local Government Act threshold. The panel was free for Councils to join and access and there are no obligations to use the panel (i.e. Councils may still tender for lights separately).

Councils receive an excel spreadsheet with all the lighting prices at bulk discount rates. They are then able to contact the supplier directly and purchase lights, even if the total amount is above Councils tender threshold, as MAV Procurement have already completed the tender process on each Councils behalf. Councils are not required to seek quotations or go to tender. The panel contains all currently approved energy efficient street lights and is refreshed regularly as new lighting becomes approved or if suppliers wish to reduce their prices. It only covers to hardware, and does not include installation, project management or maintenance of lights.

Funding

There are currently no available grants for such a program so two funding options available:

1. The Clean Energy Finance Corporation (CEFC) is a financing mechanism for energy efficiency projects. It has been in operation since 2012 and provides financing to businesses and Councils for energy efficiency projects. Energy efficient street lighting projects have been approved by the CEFC over the past 4 years. The CEFC has also partnered with larger lending institutions and banks who indicated that they are ready to provide finance for these types of projects because of the guaranteed energy savings and relatively low risk profile.
2. Source a loan from Councils preferred financial institution.

The savings in electricity, operations and maintenance can be used to service the loan repayments.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Management of Assets and Infrastructure
Strategy	Proactive maintenance of buildings, structures, public amenities and community facilities.

The proposal is consistent with the 2013-2017 Council Plan.

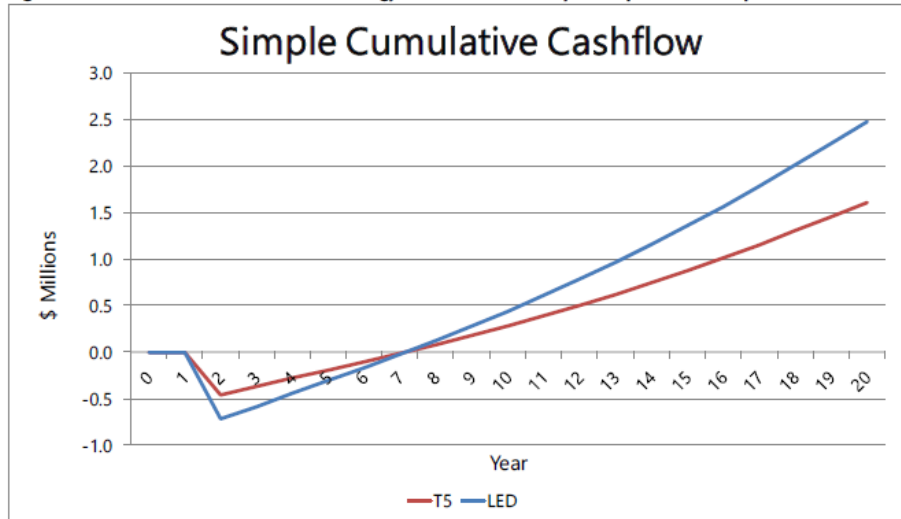
Financial Implications

Although the LED project will be cash flow positive in 10 years (including interest payments on borrowings for the project) it needs to be considered in light of funding options and the impact on borrowing levels. Based on an analysis, the project is considered extremely viable and warrants consideration. Given the large capital projects that Council is currently undertaking, debt levels are relatively high therefore it is being recommended that its implementation be referred to the 2017/18 budget process as a new initiative. This will also enable it to be included in the 2017/18 version of the SFP.

The table below summarise the difference between the scenarios for T5s and LEDs with a 1-year implementation period (excluding interest).

	T5	LED
Total Cumulative Project Cost	\$547,033	\$857,901
Cumulative Simple Net Savings	\$1,608,785	\$2,474,057
Net Present Value	\$1,011,321	\$1,555,632
Cumulative Greenhouse Savings from commencement (20 years, tCO ₂ . e)	12,553	14,149
Year at which the project is cash flow positive	8	8

Figure 2: Cumulative cash flows of technology scenarios with a 1 year implementation period



The table below summarise the cash flow projection over a 20-year period for a 1-year implementation for LED lights and may be subject to change. Projections are based on average price modelling from Government information papers.

Please note that these figures do not include any costs associated with borrowings for this project (ie. interest).

Year	Thousands of \$				
	Annual OMR Cost Saving	Annual Energy Cost Saving	Council Project Cost	Annual Net Cash Flow	Cumulative Project Cash Flow
2015	0.00	0.00	0.00	0.00	0.00
2016	0.00	0.00	0.00	0.00	0.00
2017	57.69	77.86	857.90	-722.35	-722.35
2018	59.42	77.32	0.00	136.74	-585.62
2019	61.20	76.77	0.00	137.98	-447.64
2020	63.04	76.24	0.00	139.28	-308.36
2021	64.93	75.70	0.00	140.63	-167.73
2022	66.88	75.17	0.00	142.05	-25.68
2023	68.88	79.27	0.00	148.15	122.47
2024	70.95	83.59	0.00	154.54	277.01
2025	73.08	88.15	0.00	161.22	438.24
2026	75.27	92.95	0.00	168.22	606.46
2027	77.53	98.01	0.00	175.54	782.00
2028	79.85	103.36	0.00	183.21	965.21
2029	82.25	108.99	0.00	191.24	1,156.45
2030	84.72	114.93	0.00	199.65	1,356.10
2031	87.26	121.19	0.00	208.45	1,564.55
2032	89.88	127.80	0.00	217.67	1,782.22
2033	92.57	131.44	0.00	244.02	2,006.24
2034	95.35	135.20	0.00	230.55	2,236.79
2035	98.21	139.06	0.00	237.27	2,474.06
Total	1,449	1,883	858	2,474	

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	Cost savings to Council are not as anticipated	Low	Supervision of ongoing financials
Occupational Health & Safety	Risk of physical injury	Low	Replacement to be undertaken by a contractor with suitable OH&S systems and procedures in place.

Communications Strategy

Should a bulk replacement be approved, the initiative would be promoted to residents through social and local print media.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – John Miller

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

Conclusion

Over recent years, technology around street lighting has improved considerably, resulting in the potential for savings on both maintenance and usage costs to Council.

A business case has been prepared and determined that upgrading to LED lighting will save Council on running costs and reduce Greenhouse emissions from year one, and the project will be cash flow positive in 7-10 years, providing even greater savings into the future for the community.

As such, it is recommended that Council provides in principle support to a bulk changeover project to the more energy efficient street light option and refers its funding to the 2017/18 budget process.

Resolution:

Crs. Sullivan/Spain

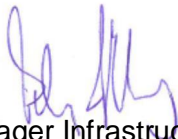
That Council:

- 1. provides in principle support to the upgrade of street and public place lighting to LED technology where practicable.***
- 2. recommends to Council that it refers funding for bulk street light changeover to the 2017/18 annual budget process.***
- 3. requests that a further briefing be presented to Council as part of the 2017/18 annual budget process, outlining changes to street lighting implementation, funding options or technology for consideration.***

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey 
Title: General Manager Infrastructure
Date: Wednesday, 27 April 2016

10.4.3 Draft Urban Tree Management Policy

Introduction

File No.: 16/04/007
Author: Glenn Townsend
General Manager: Phil Jeffrey

A report was presented to the Place Making Advisory Committee on 20 April 2016, where the following was resolved:

That the Place Making Advisory Committee:

- 1. Receives the draft Tree Policy for the purpose of review and feedback to officers.*
- 2. Recommends that the Draft Tree Management Policy (with any amendments identified) be presented to Council for adoption.*

CARRIED.

Background

Urban street trees provide significant social, environmental and aesthetic benefits to our communities and assist in the creation of neighbourhood character in urban streets. The Council recognises trees as a living asset, and understands ongoing maintenance, renewal and management is required for long-term sustainability and community benefit.

Council is responsible for the maintenance and management of trees located on Council managed land. As such, a key action from the 2015/16 Council Plan, was to develop a Tree Management Policy to provide a basis to make decisions on the management of trees with a particular vision to balance amenity and risk.

Whilst there are many benefits to having street trees, they come with some public risk that needs to be managed. Previous audits on street tree management have highlighted that there is a lack of policies and systems to support staff in managing urban trees.

In the last 18 months, an inventory of trees has been developed that includes species, age, physical properties and condition. The inventory contains approximately 17,000 trees and has been used to inform maintenance programs over the last 12 months.

The aim of this policy is to formalise the Moorabool Shire Council's commitment to the preservation and enhancement of its urban environments through providing and maintaining high quality trees in urban areas whilst implementing prudent management practices to manage risk.

Proposal

The draft policy addresses the risk to public safety whilst taking into account the amenity, environmental and heritage value of the trees. A copy of the policy forms the attachment to this report.

The purpose of the policy is to:

- Provide a basis to make decisions on trees
- Establish clear guidelines and principles for trees
- Provide guidance to Council and officers regarding trees
- Establish criteria for prioritising work on trees within the scope of the Council budget
- Identify the resourcing needs to implement the Policy
- Engage the community with the issue of trees

The objective is to handle tree management in a proactive, rather than reactive manner. The Council finite resources so is unable to remove all risks associated with trees but these resources need to be directed towards those public areas that expose the community to the greatest risk.

The policy and appendices have been developed for consideration, and include preferred tree species lists and a Zone Map for the purpose of tree selection. These zones reflect the climatic, geological and related ecological forces that effect tree development around the shire.

Consideration

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

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Management of Assets and Infrastructure
Strategy	Proactive maintenance of Council owned and managed parks, gardens, trees, playgrounds, open space and town entrances at appropriate standards.

The proposal is consistent with the 2013-2017 Council Plan.

Financial Implications

Council currently budgets approximately \$483k on urban tree management which is made up of Avenue of Honour (\$223k), Tree Inspection/Maintenance (\$201k) and Powerline Clearance (\$59K). The existing budgets are generally used for establishment, pruning, removals and reactive works and there is limited budget for new plantings.

The adoption of a tree management policy is not expected to have any financial implications associated with the recommendation within this report.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Occupational Health & Safety	High risk equipment in use (eg. wood chipper, chainsaw, polesaws, pruning saws)	High	Safe Work Procedures and Job Safety Analysis certificates of competency, licences and risk assessments current and in place.
Financial	Overspend of recurrent budget	Low	Review and analysis of regular (monthly) budget reporting.
Public Liability	Failing trees and/or limbs	Medium	Proactive inspections are undertaken and maintenance works scheduled appropriately.

Communications Strategy

There is no formal communications strategy associated with the recommendation within this report. Following adoption of the policy, a copy will be placed on Council's website for information.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Glenn Townsend

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

Conclusion

It is recognised that trees are a living asset, and ongoing maintenance, renewal and management is required for long-term sustainability and community benefit. A draft Tree Management Policy has been developed to provide a basis to make decisions on the management of trees with a particular vision to balance amenity and risk. It is recommended that the draft policy be presented to Council for formal adoption.

Resolution:

Crs. Sullivan/Tatchell

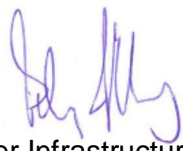
That, in accordance with Moorabool Shire Council Policy Protocol, 'Consideration of items which Affect beyond the Current Year', the draft Urban Tree Management Policy now lay on the table for further consideration at the next Ordinary Meeting of Council on 1 June 2016.

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday, 27 April 2016



10.4.4 Quarterly Financial Report March 2016

Introduction

File No.: 07/01/004
Author: Steve Ivelja
General Manager: Phil Jeffrey

This Quarterly Report covers the period of 1 July 2015 to 31 March 2016. The report outlines the year to date financial position of Council and forecast projections for the full year results.

The forecast result at the end of the financial year is an increase in the surplus by \$0.620m. Please refer to the attached report for a detailed review of the financials.

Background

Under section 138 . Quarterly Statements, of the Local Government Act (1989), Council is to receive a quarterly report on progress against the adopted budget.

Proposal

That Council receives the Quarterly Report . March 2016.

Policy Implications

The adoption of the Quarterly Report . March 2016 meets Council's statutory obligations under section 138 . Quarterly Statements of the Local Government Act (1989).

The 2013-2017 Council Plan provide as follows:

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

Amended Budget

Generally, at the end of the financial year it is not uncommon for projects (both Capital projects and Operating projects) to be incomplete at the end of the financial year. This can happen for a number of reasons such as delays in construction due to weather or other events, deferral of projects due to operational matters, late receipt of government funding for one off projects, or lack of internal resources to complete one off new initiatives due to staff turnover etc.

Throughout this report Council will be reporting on the Amended Budget rather than the Adopted Budget. The Amended Budget contains carry forwards from the 2014/15 financial year. These include grant funded one off projects, New Initiatives from prior years that are not yet complete, and incomplete/deferred capital projects. The following schedule provides an overview at a high level of the items that have been added to the Adopted Budget to arrive at the Amended Budget.

Impact on Cash on hand as at 30 June 2015

Based on the aggregate of both the Operating Budget and Capital Budget carry forward, plus other adjustments, a sum of \$6.939m in cash will be required to fully fund the requirements of the Amended Budget. These are made up of the following:

Net Operating Budget Carry forwards	\$0.606m
Net 2014/15 CIP Commitments	\$4.243m
Early Payment of Grants Commission	\$2.870m
Early Payment of Emergency Management Grant	\$0.120m
Sale of Council Land	<u>(\$0.900m)</u>
Total cash required	\$6.939m

As at the 30 June 2015, Council held \$12.173m in cash and cash equivalents. Cash holdings were high in part due to the impact of these uncompleted projects and the early payment of Grants Commission.

Operating Budget

The net effect on the Operating Budget is a favourable variance of \$0.524m.

Net Operating Surplus in the Adopted 2015/16 Budget	\$7.529m
Net New Initiatives / Grant Funded Projects	(\$0.606m)
2014/15 Carry Forward Capital Grants	\$1.589m
New Grants Identified Since Adoption of Budget	\$2.596m
Early Payment of Grants Commission	(\$2.870m)
Early Payment of Emergency Management Grant	(\$0.120m)
Net Result of Sale of Council Land	(\$0.091m)
Other Minor Adjustments	<u>\$0.026m</u>
Amended Operating Budget Surplus	\$8.053m

Capital Budget

The effect on the capital budget is an increase in expenditure of \$8.454m.

2015/16 Adopted Budget for Capital Expenditure	\$15.213m
Add:	
2014/15 Carry Forward Capital Projects	\$5.832m
New Grants Identified Since Adoption of Budget	<u>\$2.622m</u>
Amended Capital Budget	\$23.667m

The attached Quarterly Financial Report, Attachment 10.4.4, provides an explanation of the Income Statement, Balance Sheet, Cash Flow Statement and Capital Works Statement with the year-to-date actuals compared to the year-to-date amended budget, and the amended annual budgets compared to the annual forecasts.

Income Statement

The main changes within the Income Statement are as follows:

- Increase in ~~Rates~~ Rates and Charges+(\$0.221m) due to higher amount of growth in property numbers than what was originally budgeted. This includes both Rates and Waste Charges;
- Increase in ~~User~~ User Fees+(\$0.117m) due to expected increases in Aged and Disability Brokerage Services, Subdivision supervision and checking fees, and Meals on Wheels;
- Increase in ~~Grants~~ Grants - Operating+(\$1.490m) predominantly due to the estimated \$1 million in funding for the Scotsburn fire recovery. There are also new grants received since the adoption of the budget. These include: Supported Parents and Playgroups, Roadside Weeds and Pest Management, and MAV Kinder Enrolment Project;
- Decrease in ~~Contributions~~ Contributions . Monetary+ (\$0.565m) mainly due to Council receiving developer contributions last financial year when they were expected this financial year.
- Increase in ~~Materials~~ Materials and Services+(\$1.147m) mainly due to costs incurred for emergency works and infrastructure restoration due to Scotsburn fire. There are also matching Council funds for new grants identified since the adoption of the budget.

The net effect of these changes and other minor variances causes the total surplus for the year to increase by \$0.620m to \$8.688m.

Cash

The forecast cash balance at 30 June 2016 has increased by \$2.764m to \$7.249m in comparison to the amended budget. This is due to an overestimation of the amount of 2014/15 year end accruals when calculating the amended budget.

Capital Improvement Program (CIP)

The total cash expenditure forecast for the CIP at this stage has increased by \$0.137m to \$23.804m. This is due to new funding received for Station Street Pedestrian Access Improvement Project.

Risk & Occupational Health & Safety Issues

There are no identified risks associated with this process.

Communications Strategy

To Council, through the Ordinary Meeting of Council on 4 May 2016, and to the Audit Committee meeting on 11 May 2016.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Steve Ivelja

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

Conclusion

The Quarterly Report . March 2016 has been prepared in accordance with Section 138 . Quarterly Statements of the Local Government Act (1989) for review and receiving by Council.

Resolution:

Crs. Sullivan/Tatchell

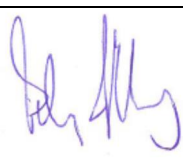
That Council receives the Quarterly Financial Report – March 2016.

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday, 27 April 2016



10.4.5 Rating Strategy 2016/17

Introduction

File No.: 09/02/2010
Author: Steven Ivelja
General Manager: Phil Jeffrey . General Manager Infrastructure

Background

Council last formally adopted a Rate Strategy on 21 May 2014 for a period of 2 years. The current Rating Strategy covers the 2014/15 and 2015/16 financial years but not the upcoming 2016/17 financial year which is also a revaluation year.

In addition to the municipal revaluation, rate capping will also be introduced in the 2016/17 financial year. Due to 2016 being a revaluation year, the impact of rate capping (or any approved rate variation) will not be reflected in residents' rate notices as property revaluations will result in a re-distribution of the rating burden.

The results of the 2016 Municipal Revaluation indicate a general shift in valuations from the general rate (i.e. residential rates) to Commercial / Industrial and to a lesser extent to rural valuations (including Farm rates and Vacant Land). In comparison to previous years, the movement in overall valuation shifts are lower.

Due to the approaching expiry date of the current Rating Strategy, it is recommended that Council re-adopt the existing Rating Strategy for a further period of 1 year and that any major review of the Rating Strategy be referred to the new Council for consideration as part of the 2017/18 financial year.

Proposal

The 2016 municipal revaluation has seen an overall increase of 6.89% in the value of rateable properties in the shire. The increase measures the change in value over a two-year period as compared with the 2014 municipal revaluation. It is important to note that the increase in property valuations of 6.89% within the shire does not affect the total value of rates levied by the Council, rather the way that total rates are distributed. For this reason, in a revaluation year some properties may experience a rate increase whilst other properties may experience a rate decrease.

The 2016 municipal revaluation has seen relatively consistent valuation increases across the various rating categories with the greatest average increase attributed to commercial / industrial properties at 12.1%. The following table provides a high level snapshot of the overall valuation increases for each differential rating category;

Table 1: Overall Valuation Shifts – 2016 Municipal revaluation

Rate Category	Number of Properties	2014 Valuations	2016 Valuations	% Increase
General Rate	11,808	4,142,028,000	4,399,855,000	6.22%
Extractive Industry Rate	14	22,174,000	22,174,000	0.00%
Residential Retirement Village Rate	175	36,986,000	38,598,000	4.36%
Vacant Land General	562	99,531,000	107,934,000	8.44%
Farm Rate	1,443	933,993,000	1,009,585,000	8.09%
Commercial/Industrial Rate	531	253,585,000	284,260,000	12.10%
Vacant Land Commercial/Industrial	66	20,189,000	21,672,000	7.35%
Vacant Land FZ & RCZ	699	165,402,000	180,411,000	9.07%
Vacant Land GRZ	655	128,992,000	137,947,000	6.94%
	15,953	5,802,880,000	6,202,436,000	6.89%

As per Table 1, there has been a modest valuation shift from residential land to rural land in 2016. On average, general rate valuations have seen a 6.22% increase in comparison to an average rate increase of 8.09% for properties on the Farm rate. The 2016 revaluation has also seen a valuation shift toward vacant land with vacant land FZ or RCZ, vacant land General & vacant land Commercial / Industrial experiencing a 9.07%, 8.44% and 7.35% valuation increase respectively. As mentioned above, Commercial / Industrial developed properties have seen the largest valuation increase at 12.1%.

It is recommended that Council adopt the existing differential rating structure for a further period of 12 months and defers any formal review of the Rating Strategy for consideration by the new Council in 2017/18. A 12 month extension may be insufficient depending on priorities of the new Council.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Continuous improvement in Council Services
Objective	Effective strategic and business planning for a growing community
Strategy	Develop, implement and maintain relevant strategic and business plans.

The proposal to adopt Council's Rate Structure is consistent with the 2013-2017 Council Plan.

Financial Implications

Due to 2016 being a revaluation year, the impact of rate capping (or any approved rate variation) will not be reflected in residents' rate notices as property valuations will result in a re-distribution of the rating burden. As a result, depending on the valuation movements of individual properties, some properties may experience a rate decrease whilst other properties may experience a higher rate increase.

Council has submitted a request for a rate cap variation of totalling 3.5% for 2016/17. The Draft Budget 2016/17 has also been developed based on a 3.5% rate increase. If Council is unsuccessful in its application for a rate cap variation, a 2.5% rate increase will apply for the 2016/17 year. This will result in a loss of approximately \$260k in rate revenue in the 2016/17 year.

Risk & Occupational Health & Safety Issues

There are no identified risks or occupational health and safety issues identified with this initiative.

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Rate capping	Council unsuccessful in application for rate cap variation resulting in reduced financial sustainability	Medium / High	Service / infrastructure rationalisation, budget controls, service reviews

Community Engagement Strategy

The Draft 2016/17 Budget is scheduled for community consultation between the 10th May and the 7th June. During this time, ratepayers will have the opportunity to make a formal written submission on elements of the Draft 2016/17 Budget including the Rating Strategy. A Special Meeting of Council will be convened on the 22nd June to hear and consider any budget submissions. The budget is scheduled to be adopted on the 29th June.

Communications Strategy

The Draft 2016/17 Budget will be supported by advertising in local newspapers in addition to links on Council's website and Have your Say Moorabool. The Rating Strategy once adopted will be published on 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.

General Manager – Phil Jeffrey

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

Manager Finance – Steven Ivelja

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

Conclusion

The results of the 2016 Municipal Revaluation indicate a general shift in valuations from the general rate (i.e. residential rates) to Commercial / Industrial and to a lesser extent to rural valuations (including Farm rates and Vacant Land). In comparison to previous years, the movement in overall valuation shifts are lower.

It is recommended that Council adopts the existing differential rating structure for a further period of 12 months and defers any formal review of the Rating Strategy for consideration by the new Council in 2017/18.

Recommendation:

1. **That Council adopts the existing Municipal Rating Strategy for a further period of 1 year which incorporates the following rate structure and associated levels;**

Rate Category	Level of Rate
General	1.00
Residential Retirement	0.90
Commercial/Industrial	1.60
Commercial/Industrial Vacant Land	2.60
Extractive Industry	3.12
Farm	0.78
Vacant Land General	2.10
Vacant Land FZ or RCZ	1.00
Vacant Land GRZ	2.50

Motion:

Crs. Tatchell/Dudzik

That the Rating Strategy be deferred to a Special Meeting of Council on a date to be determined.

LOST.

Resolution:**Crs. Edwards/Spain**

1. ***That Council adopts the existing Municipal Rating Strategy for a further period of 1 year which incorporates the following rate structure and associated levels;***

<i>Rate Category</i>	<i>Level of Rate</i>
<i>General</i>	<i>1.00</i>
<i>Residential Retirement</i>	<i>0.90</i>
<i>Commercial/Industrial</i>	<i>1.60</i>
<i>Commercial/Industrial Vacant Land</i>	<i>2.60</i>
<i>Extractive Industry</i>	<i>3.12</i>
<i>Farm</i>	<i>0.78</i>
<i>Vacant Land General</i>	<i>2.10</i>
<i>Vacant Land FZ or RCZ</i>	<i>1.00</i>
<i>Vacant Land GRZ</i>	<i>2.50</i>

CARRIED.**Report Authorisation****Authorised by:**

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday, 27 April 2016

10.4.6 Consideration of the Proposed 2016/17 Annual Budget

Introduction

File No: 07/01/012
Author: Steve Ivelja
General Manager: Phil Jeffrey

Background

This report relates to the commencement of the process for Council to adopt the 2016/17 Annual Budget, in accordance with Section 127 of the Local Government Act 1989 (as amended).

The process includes giving public notice to allow 28 days for submissions to be made by members of the public and such submissions will be heard prior to Council adopting the 2016/17 Annual Budget.

In accordance with Section 127 of the Local Government Act 1989 (the Act) and part 3 of the Local Government (Planning and Reporting) Regulations 2014 (the Regulations), Council is required to commence the statutory process to adopt the Proposed 2016/17 Annual Budget.

The proposed budget recognises the importance of setting a clear direction for the future, achieving measurable objectives, encouraging community input and consultation, and being financially responsible. It is part of a four year Strategic Financial Plan that aims to secure a viable and sustainable path to achieve the Shire's objectives.

The budget proposal is for a 3.5% rate increase for 2016/17 (dependant on application to Essential Services Commission). The rate increase is to fund the capital improvement program, new initiatives, service growth and Council operations. The budget document appended to this report (Appendix A) provides detailed information with regard to the major impacts for 2016/17. It also provides details with regard to Council's financial management principles to ensure a financially sustainable future.

Proposal

Key Influencing Trends:

Revenue

The 2016/17 budget includes a 3.5% rate increase. Council's submission to the ESC is premised on an acceleration of fees & charges under a user pays model. As a result, a number of Fees & Charges will be escalated in 2016/17 and for a number of years until full cost recovery is achieved. These include;

1. Animal Registration fees are proposed to increase on average by 15% pa over a 3 year period till full cost recovery is achieved;
2. Food Registrations are proposed to increase on average by 10% pa over a 2 year period till full cost recovery is achieved;

3. Septic Tank . New Installation fees are proposed to increase on average by 20% pa over a 5 year period until full cost recovery is achieved
4. It is proposed to progressively increase Transfer Station charges until recovery of the waste disposal and transport cost is achieved:
 - a. In 2016/17 it is proposed to increase Transfer Station Charges by 15% for residents
5. In 2016/17 it is proposed to increase Transfer Station Charges for non-residents so that they are higher than neighbouring councils, reducing the possibility of non-residents receiving a Council subsidy on waste disposal.

The proposal to increase Fees & Charges for these areas until full cost recovery is achieved will be monitored and reviewed each year.

Please refer to Appendix A of the Proposed 2016/17 Budget for a full listing of Council proposed Fees & Charges.

Expenditure

Total operating expenditure is budgeted to increase by 0.43% or \$0.198 million as compared to the 2015/16 forecast actual. The major changes by expenditure category are shown below;

- Total employee costs are budgeted to increase by 2.1% as compared to the 2015/16 forecast actual including the EBA increase, an allowance for banding increments, and leave entitlements and provisions.
- Expenditure on Materials and Consumables is budgeted to decrease by 9.3% as compared to the 2015/16 forecast actual due in large part to a significant focus on cost control of discretionary expenditure.
- Other expenses are budgeted to increase by 1.7% as compared to the 2015/16 forecast actual.
- Depreciation charges are budgeted to increase by 15.9% as compared to the 2015/16 forecast actual. Depreciation is expected to increase in 2016/17 as a result of the proposed revaluation of Council's Infrastructure assets.
- Borrowing costs are predicted to increase by 4.9% as compared to the 2015/16 forecast actual which reflects \$2.790 million in new borrowings for 2016/17.

In addition to planned delivery of recurrent services, the 2016/17 Annual Budget is proposing to fund a number of new initiatives being:

- Community Facilities Booking System (\$0.010 million)
- Moorabool Leisure Service Management Model Review (\$0.045 million)
- Fire Hydrant Maintenance (\$0.015 million)
- Residential Zone Implementation - Bacchus Marsh (\$0.050 million)
- Small Towns Strategy Implementation (\$0.055 million)
- Four Strategies Amendment Development (\$0.050 million)

In total, the Council will invest \$0.225 million in new service initiatives across service areas. The investment in new initiatives of has been delivered whilst at the same time achieving minimal growth in overall expenditures.

Capital projects

Council's Capital Works program maintains a mix between the need to maintain existing infrastructure and build new assets to meet community expectations. Included in the 2016/17 budget is \$17.460 million in funds set aside for the delivery of the Capital Improvement program. Some of the projects proposed as part of the 2016/17 Capital Program include;

- Halletts Way / O'Leary Way - Southern Extension (\$5.885 million)
- Bacchus Marsh Racecourse Reserve Sporting Facilities (\$1.000 million)
- Bacchus Marsh-Balliang Road, Balliang - Road Rehabilitation (\$0.650 million)
- Cairns Drive, Darley - Road Rehabilitation (\$0.605 million)
- Ballan-Meredith Road, Mt Wallace - Road Rehabilitation (\$0.515 million)
- Egerton-Ballark Road, Bungal - Road Rehabilitation (\$0.450 million)
- Butter Factory Road, Wallace (\$0.450 million)
- Inglis Street, Ballan (\$0.420 million)
- Station Street, Maddingley - Urbanisation (\$0.325 million)
- Ballan Recreation Reserve Netball/Tennis Court Reconstruction (\$0.165 million)
- Reids Road, Balliang - Gravel Road Resheet (\$0.156 million)
- The Avenue Bowling Club Resurfacing of the Lorna Lucas Green (\$0.152 million)
- Maddingley Park Pavilion Improvements (\$0.150 million)

Parameters

The original budget parameters used in formulating the 2016/17 budget were a 3.5% rate increase, a projected CPI increase of 2.5%, an employee cost increase of 4.25% (excluding new staff and one off adjustments) and population growth within the shire of 2.7%. Council has made significant savings in Operating budget expenses to accommodate the proposed 3.5% rate increase in the face of a difficult fiscal environment with major areas of Operating budget expenses increasing at a rate significantly lower than the original budget parameters.

Rates

Rates will increase by an average of 3.5% in the 2016/17 budget raising total rates and charges of \$31.043 million. This includes rates raised through supplementary valuations, the various waste management charges and any special rate schemes.

The 2016/17 financial year is also a revaluation year. Due to the municipal revaluation a proposed 3.5% rate increase will not be reflected in the residents rates notices as property valuations will result in a redistribution of the rating burden.

Additionally, the proposed 3.5% rate increase is subject to approval by the Essential Services Commission as part of the Fair Go Rates System.

The Waste Management Service Charge will rise from \$85.00 to \$90.00 and the overall Waste Collection Charge will rise from \$131.00 to \$144.00. The State Landfill Levy will remain at \$45.00 and the new Kerbside Greenwaste service, beginning in January 2017, will be \$50.00 for the first year (half year price).

Loan Funding

The 2016/17 budget includes new borrowings of \$2.790 million which will be used to fund the 2016/17 CIP Program.

The 2016/17 budget also includes loan principle repayments of \$1.431 million.

Cash Management

Overall, total cash and investments of \$7.553 million are forecast as at 30 June 2017. This assumes that 100% of the 2016/17 Capital Program will be completed at the 30th June 2017.

Policy Implications

The 2013 . 2017 Council Plan provides as follows:

Key Result Area	Continuous Improvement in Council Services
Objective	Sound, long term financial management
Strategy	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets.

The proposal for Consideration of the Proposed 2016/17 Annual Budget+ is consistent with the 2013-2017 Council Plan.

Financial Implications

The 2016/17 Budget contains details of the financial resources required to deliver the Council Plan.

Communications Strategy

After Council has accepted the Proposed 2016/17 Budget, an advertisement will be placed in local newspapers. The process includes giving public notice to allow 28 days for submissions to be made by members of the public and such submissions will be heard prior to Council adopting the 2016/17 Annual Budget.

Copies of the Proposed 2016/17 Annual Budget will be available for inspection on weekdays between 8.30am and 5.00pm from Tuesday 10 May 2016 up to and including Tuesday 7 June 2016 at Council offices at:

- 15 Stead Street, Ballan;
- 215 Main Street, Bacchus Marsh; and
- 182 Halletts Way, Darley

Copies of the Proposed 2016/17 Annual Budget can also be viewed on Council's website: www.moorabool.vic.gov.au

Residents are invited to make submissions in relation to the Proposed 2016/17 Annual Budget until 5.00pm on Tuesday 7 June 2016.

Feedback should be made in writing and be addressed to:

The Chief Executive Officer
Budget Submission
Moorabool Shire Council
PO Box 18
Ballan VIC 3342

Alternatively, submissions can be emailed to info@moorabool.vic.gov.au or submitted online at haveyoursaymoorabool.com.au

Any person requesting that he or she be heard in support of a submission is entitled to appear before the Special Meeting of Council either personally or by a person acting on his or her behalf. Any person who wishes to be heard in support of a submission should indicate this request in their written submission. A special meeting to hear submissions is scheduled to occur on Wednesday 22 June 2016 at 5.00pm at a destination to be confirmed.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Steve Ivelja

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

Conclusion

The proposed budget presents Council's immediate and longer-term financial strategy and links the actions set out in the Council Plan. It also identifies the capital works and services the community can expect from Council during the 2016/17 financial year and beyond.

Resolution:

Crs. Edwards/Toohey

1.1 That having considered the details of the 2016/17 recurrent and capital budget appended to this report, which includes:

1.1.1 – Mayor’s Introduction

1.1.2 – Chief Executive Officer’s Summary

1.1.3 – Budget reports (contains all statutory requirements)

1.1.4 – Budget analysis (best practice)

1.1.5 – Long term strategies

1.1.6 – Appendix A – Fees and Charges schedule

1.1.7 – Appendix B – Budget process

that the proposed operating and capital budget 2016/17 be the budget prepared for the purposes of section 127 of Act.

1.2 That in accordance Part 3 of the Regulations, Council declares its intention to borrow \$2.790 million. Loan redemption for 2016/17 will be \$1.431m.

1.3. General Rates

1.3.1 That in accordance with Section 158 of the Local Government Act 1989, Council declares a General Rate for the rating period commencing 1 July 2016 and ending 30 June 2017.

1.3.2 It be further declared that the general rate be raised by the application of differential rates.

1.3.3 A differential rate be respectively declared for rateable land having the respective characteristics specified in the Schedule to this resolution, which characteristics will form the criteria for each differential rate so declared:

Category	Cents/\$CIV
Commercial & Industrial Rate	0.006528
Commercial & Industrial Vacant Land	0.010607
Extractive Industry Rate	0.012729
Farm Rate	0.003182
General Rate	0.004080
Vacant Land General	0.008567
Vacant Land FZ and RCZ	0.004080
Vacant Land GRZ	0.010199
Residential Retirement Villages	0.003671

1.3.4 *Each differential rate will be determined by multiplying the Capital Improved Value (CIV) of each rateable land (categorised by the characteristics described in the Schedule to this Resolution) by the relevant percentages.*

1.3.5 *It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:*

1.3.5.1 *the respective objectives of each differential rate be those specified in the Schedule to this Resolution; and*

1.3.5.2 *the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Resolution; and*

1.3.5.3 *the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Resolution; and*

1.3.5.4 *the relevant*
 (a) *uses of;*
 (b) *geographical locations of; and*
 (c) *Planning Scheme zonings of; and*
 (d) *types of buildings on the respective types or classes of land be those identified in the Schedule to this Resolution.*

1.4. Municipal Charge

1.4.1 *It be confirmed that no municipal charge is declared in respect of the 2016/17 Financial Year.*

1.5. Annual Service Charge

1.5.1 An annual service charge be declared in respect of the 2016/17 Financial Year.

1.5.1.1 The annual service charge be declared in respect of the period 1 July 2016 to 30 June 2017.

1.5.1.2 The annual service charge be declared for the collection and disposal and management of refuse from land.

1.5.1.3 The annual service charge be in the sum of, and be based on the criteria, set out below:

- (i) \$144 per annum for each property that is within the defined urban service area to which a domestic waste collection service is available;**
- (ii) \$144 per annum for each property that is within the defined rural service area to which a domestic waste collection service is available;**
- (iii) \$144 per annum for each property that is not within a defined service area, to which a domestic waste collection service is provided;**
- (iv) \$90 per annum for all rateable properties in all Wards including:**
 - (a) each rateable land that is "farm land" within the meaning of section 2(1) of the Valuation of Land Act 1960 and is a 'single farm enterprise' within the meaning of Section 159(8) of the Local Government Act 1989; and**
 - (b) each other rateable land, from which there is capable of being generated waste which can be deposited by a ratepayer or resident at a landfill or waste transfer station or any other litter facility.**
- (v) \$45 per annum for all rateable properties in all Wards including:**
 - (a) each rateable land that is "farm land" within the meaning of section 2(1) of the Valuation of Land Act 1960 and is a 'single farm enterprise' within the meaning of Section 159(8) of the Local Government Act 1989; and**

- (b) each other rateable land, from which there is capable of being generated waste which can be deposited by a ratepayer or resident at a landfill or waste transfer station or any other litter facility.**
- (vi) \$50 per annum (half year impact 2016/17) non-compulsory and optional charge within the urban (residential and low density residential) areas of Bacchus Marsh and Ballan for kerbside greenwaste collection service.**

The defined service areas outlined above and the designated routes are defined on a plan, which can be viewed at the Council offices.

1.6. Rebates & Concessions

- 1.6.1 It be recorded that Council grants to each owner of rateable land who is an "eligible recipient" within the meaning of the State Concessions Act 1986, a rebate of an amount determined by the Department of Human Services in respect of their principal place of residence. The criteria for "eligible recipient" is also determined by the Department of Human Services.**

1.7. Payment

- 1.7.1 All rates and charges to be paid in four instalments, in accordance with Section 167 (1) and (2) of the Local Government Act 1989.**
- 1.7.2 Unless Council resolves otherwise, a person may only pay rates and charges as a lump sum if payment is made on or before 15 February 2017.**

1.8. Consequential

- 1.8.1 It be confirmed that, subject to sections 171 and 172 of the Local Government Act 1989, Council will require a person to pay interest on any rates and charges which:
 - 1.8.1.1 that person is liable to pay;**
 - 1.8.1.2 have not been paid by the date specified for their payment.****
- 1.9 That it is proposed that an amount of \$31,043,434 be declared as the amount Council intends to raise from the general rates**

and charges (including Supplementary and Special Rates) for the period from 1 July 2016 to 30 June 2017.

1.10 That in accordance with Section 158 of the Act and Regulation 8 of the Regulations, detailed information concerning General Rates and Special Rates and charges is appended to this report.

1.11 That as part of the public presentation process for the proposed budget, the following actions will be undertaken in accordance with:

1.11.1 Sections 127 and 129 of the Act and Part 3 of the Regulations – that the proposed 2016/17 budget be made available for public inspection.

1.11.2 Section 129 of the Act and Part 3 of the Regulations – that the Chief Executive officer be authorised to give public notice that the Proposed 2016/17 Annual Budget has been prepared and is available for public inspection.

1.11.3 Sections 158 to 162 of the Act and Part 3 of the Regulations - that Council give public notice and have ready for public inspection all prescribed information to be available from 10 May until 7 June 2016.

1.12 That Council resolves to allow 28 days for submissions to be made by members of the public and that all submissions are to be made in the prescribed manner. Council will hear submissions on Wednesday 22 June 2016 at a Special Meeting of Council, at a destination to be confirmed.

1.13 That in accordance with Section 130 of the Act, Council resolves to notify and place on public notice its intention to adopt the 2016/17 Annual Budget on Wednesday 29 June 2016 at a Special Meeting of Council, at a destination to be confirmed.

SCHEDULE

Differential Rating Categories

General Developed Land

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial Year.

Definition:**Any land:**

- **on which a dwelling is lawfully erected and occupied for the principal purpose of physically accommodating persons; and**
- **which does not have the characteristics of:**
 - **Commercial and Industrial Land;**
 - **Vacant Commercial and Industrial Land;**
 - **Extractive Industry Land;**
 - **Farm Land**
 - **Residential Retirement Villages Land;**
 - **Vacant General Land;**
 - **Vacant FZ and RCZ Land; or**
 - **Vacant GRZ Land.**

Commercial/Industrial Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial Year.

Definition:

Any land which is lawfully used:

- **for the principal purpose of carrying out the manufacturing or productions of goods; or**
- **for the principal purpose of carrying out trade in goods or services.**

Vacant Commercial/Industrial Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:**Any land:**

- **located within an Industrial or Business zone under the Moorabool Planning scheme; and**
- **which is vacant; or**
- **not lawfully developed for the principal purpose of carrying out the manufacturing or production of goods or trade in goods or services; and**
- **which does not have the characteristics of General Developed Land.**

Extractive Industry Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial Year.

Definition:**Any land:**

- **which is used primarily for the extraction or removal of minerals, earth or stone including the treatment of minerals, earth or stone; or**
- **on which activities for the extraction or removal of minerals, earth or stone including the treatment of minerals earth or stone have been discontinued but which has not yet been rehabilitated to environmental standards as required by law.**

Farm Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial Year.

Definition:***Any land:***

- ***which is "farm land" within the meaning of section 2(1) of the Valuation of Land Act 1960.***

Vacant General Land***Objective:***

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and***
- 2. Development and provision of health and community services; and***
- 3. Provision of general support services.***

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:**Any land:**

- on which no building is lawfully erected; and
- which does not have the characteristics of;
 - Vacant Commercial and Industrial Land; or
 - Vacant FZ and RCZ Land; or
 - Vacant GRZ Land.

Vacant FZ or RCZ Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

1. **Construction and maintenance of public infrastructure; and**
2. **Development and provision of health and community services; and**
3. **Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:**Any land:**

- on which no building is lawfully erected; and
- which is located within the Farm Zone (FZ) or Rural Conservation Zone (RCZ) under the Moorabool Planning Scheme; and
- which does not have the characteristics of Farm Land.

Vacant GRZ Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:**Any land:**

- on which no building is lawfully erected; and
- which is located within the General Residential Zone (GRZ) under the Moorabool Planning Scheme.

Residential Retirement Villages**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial Year.

Definition:


Any land:

- **Which is defined as a Retirement Village land under the Retirement Villages Act 1986.**

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey 
Title: General Manager Infrastructure
Date: Wednesday, 27 April 2016

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

A record of Assemblies of Councillors since the last Ordinary Meeting of Council is provided below for consideration:

- Assembly of Councillors . Wednesday 6 April 2016 . Presentation of Draft Operating Budget and SFP.
- Assembly of Councillors . Wednesday 6 April 2016 . Audit and Risk Committee Chairman's Report
- Assembly of Councillors . Wednesday 6 April 2016 . Presentation of Draft Council Plan
- Assembly of Councillors . Wednesday 13 April 2016 . Update by Chair of Bacchus Marsh Racecourse and Recreation Reserve
- Assembly of Councillors . Wednesday 20 April 2016 . Meeting Procedures Local Law No. 9
- Assembly of Councillors . Wednesday 20 April 2016 . Draft Operating Budget 2016/17

Resolution:**Crs. Sullivan/Edwards*****That Council receives the record of Assemblies of Councillors as follows:***

- ***Assembly of Councillors – Wednesday 6 April 2016 – Presentation of Draft Operating Budget and SFP.***
- ***Assembly of Councillors – Wednesday 6 April 2016 – Audit and Risk Committee Chairman’s Report***
- ***Assembly of Councillors – Wednesday 6 April – Presentation of Draft Council Plan***
- ***Assembly of Councillors – Wednesday 13 April 2016 – Update by Chair of Bacchus Marsh Racecourse and Recreation Reserve***
- ***Assembly of Councillors – Wednesday 20 April 2016 – Meeting Procedures Local Law No. 9***
- ***Assembly of Councillors – Wednesday 20 April 2016 – Draft Operating Budget 2016/17***

CARRIED.

11.2 Section 86 - Delegated Committees of Council - Reports

Section 86 Delegated Committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989. The Council cannot delegate certain powers as specifically indicated in Section 86(4) of the Act.

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

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

Committee	Meeting Date	Council Representative
Development Assessment Committee <i>To download a copy of the minutes, go to the MSC website: www.moorabool.vic.gov.au/Your Council/Section86 Committees/S86 Development Assessment Committee</i>	10 September 2014 12 November 2014 20 May 2015 19 August 2015 21 October 2015 9 March 2016	Cr. Comrie, Cr. Dudzik, Cr. Edwards, Cr. Tatchell
Urban Growth Strategy <i>To download a copy of the minutes, go to the MSC website: www.moorabool.vic.gov.au/Your Council/Section86 Committees/S86 Urban Growth Strategy Committee</i>	26 August 2015	Cr. Comrie, Cr. Dudzik, Cr. Edwards, Cr. Spain
Bacchus Marsh Hall Committee of Management	10 March 2016	Cr. Spain
Lal Lal Soldiers Memorial Hall Committee of Management	5 April 2016	Cr. Toohey

The Development Assessment Committee meeting of 9 March 2016, included a report in Closed Session. The minutes for this meeting included on the website represent the items considered in Open Session only. A full set of minutes, including the report in Closed Session is included in Confidential Item 16.2 of this agenda.

Resolution:**Crs. Sullivan/Spain*****That Council receives the reports of the following Section 86 - Delegated Committees of Council:***

- ***Development Assessment Committee meeting of Wednesday, 10 September 2014, 12 November 2014, 20 May 2015, 19 August 2015, 21 October 2015, and 9 March 2016.***
- ***Urban Growth Strategy Committee meeting of Wednesday, 26 August 2015.***
- ***Bacchus Marsh Hall Committee of Management meeting of Thursday, 10 March 2016.***
- ***Lal Lal Soldiers Memorial Hall Committee of Management meeting of Tuesday, 5 April 2016.***

CARRIED.

11.3 Advisory Committees of Council - Reports

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.

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

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

Committee	Meeting Date	Council Representative
Place Making Committee	20 April 2016	Cr. Spain, Cr. Sullivan, Cr. Toohey

Resolution:

Crs. Toohey/Spain

That Council receives the report of the following Advisory Committee of Council, the Place Making Committee meeting of Wednesday 20 April 2016.

CARRIED.

12. NOTICES OF MOTION**12.1 Cr. Spain: N.O.M. No. 254 – Storage for Country Women’s Association Bacchus Marsh****Resolution:****Crs. Spain/Tatchell****That Council:**

- 1. Contact the Bacchus Marsh branch of the Country Women’s Association (CWA) and offer the CWA temporary storage space as specified below within the Council Vehicle Compound in Main Street Bacchus Marsh:**
 - a. Storage to be in the form of a watertight refurbished shipping container;**
 - b. Items will be stored at owner’s (CWA’s) risk and Moorabool Shire Council is not liable for any loss or damage;**
 - c. No liquids, fuels, gases or chemicals of any kind to be stored at any time;**
 - d. Access to the storage container will be by arrangements and conditions similar to those agreed with other community groups currently using the Vehicle Compound;**
 - e. The storage space to be provided to the CWA for a maximum of two years;**
- 2. Allocate a maximum of \$3,000 from the East Moorabool Ward Development Works Reserve for the immediate purchase and delivery of a watertight refurbished shipping container to provide storage space as described above.**

CARRIED.

12.2 Cr. Toohey: N.O.M. No. 255 – Upgrade to Kitchen at Gordon Recreation Reserve**Resolution:****Crs. Toohey/Sullivan*****That Council:***

- 1. Make available \$12,615.10 from the Woodlands Ward Recreation Reserve Fund to the Gordon Recreation Reserve to allow the upgrade of the kitchen to proceed.***
- 2. Write and thank all community groups for their generous donations to the project.***
- 3. Confirms in writing that the Gordon Recreation Reserve will facilitate the project, will sign a Terms and Conditions document, and will comply with all relevant conditions and permits as required.***
- 4. At the conclusion of the project provide Council with an acquittal of all funds spent on the project.***

CARRIED.

13. MAYOR'S REPORT

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

Cr. Allan Comrie – Mayor's Report	
<i>Date: 6 April, 2016</i>	
8 April	<ul style="list-style-type: none"> Youth Services Annual All Abilities, All Ages Community AFL Match
13 April	<ul style="list-style-type: none"> S86 Development Assessment Committee Meeting Assembly of Councillors . Update by Chair of Bacchus Marsh Racecourse and Recreation Reserve
15 April	<ul style="list-style-type: none"> Central Highlands Mayors & CEOs Forum
17 April	<ul style="list-style-type: none"> Bacchus Marsh R&SL Anzac Day Commemorative March and Wreath Laying Service
20 April	<ul style="list-style-type: none"> Assembly of Councillors . Meeting Procedures: Local Law Assembly of Councillors . Review Draft 2016/17 Operating Budget
25 April	<ul style="list-style-type: none"> Bacchus Marsh R&SL Anzac Day Dawn Service Ballan District Health & Care "We Remember WW1 Memorial Garden Dedication Ballan R&SL Anzac Day Service
26 April	<ul style="list-style-type: none"> Blacksmiths Cottage and Forge Special Committee Meeting
27 April	<ul style="list-style-type: none"> S86 Urban Growth Strategy Committee Meeting
28 April	<ul style="list-style-type: none"> MSC 2016 Youth Awards Presentation Ceremony
29 April	<ul style="list-style-type: none"> Peri Urban Group of Rural Councils . Tour of Moorabool Shire by Chair, Cr Jennifer Anderson
1 May	<ul style="list-style-type: none"> Moorabool Light Orchestra 'Great Classical Overtures' Concert, Bacchus Marsh
4 May	<ul style="list-style-type: none"> Ordinary Meeting of Council

Resolution:

Crs. Toohey/ Dudzik

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:

<i>Cr. Sullivan</i>	
<i>April/May 2016</i>	
<i>11 April</i>	<i>Elaine Recreation Reserve Committee of Management Report</i>
<i>April</i>	<i>Clarendon Recreation Reserve Report</i>

Resolution:

Crs. Sullivan/Edwards

That the Councillors' reports be received.

CARRIED.

15. URGENT BUSINESS**15.1 Department of Environment, Land, Water and Planning Committees of Management**

Resolution:

Crs. Toohey/Spain

That Council:

- 1. *writes to the Minister for Environment, Climate Change and Water, with copies to local members, seeking an explanation of the process used by the Department of Environment, Land, Water and Planning (DELWP) for the review, advertising and appointment of crown land committees of management following the recent inconsistent processes followed in the Moorabool Shire.; and***
- 2. *forwards a copy of this written correspondence to all local state and federal parliamentary members.***

CARRIED.

15.2 Water infrastructure irrigation system in Bacchus Marsh

Resolution:

Crs. Toohey/Spain

That Council writes to the Minister for Environment, Climate Change and Water and Minister for Regional Development congratulating the State Government on its 2016/17 budget initiatives in relation to the Bacchus Marsh Irrigation District and requesting that consideration be given:

- a) *to the water savings that will accrue from the modernisation of infrastructure being made available for local growing community needs based on a fair sharing method, and***
- b) *to the utilisation of redundant channel easements for walking and cycling paths to improve community health and well-being.***

CARRIED.

ADJOURNMENT OF MEETING – 8.42 PM

Crs. Spain/Edwards

That the meeting now stand adjourned for a period of 5 minutes.

CARRIED.

RESUMPTION OF MEETING – 8.47 pm

Crs. Spain/Toohey

That the meeting now be resumed.

CARRIED.

Cr. Tatchell returned to the meeting at 8.50pm

16. CLOSED SESSION OF THE MEETING TO THE PUBLIC

16.1 Confidential Report

16.2 Confidential Report

Resolution:

Crs. Sullivan/Spain

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 . 16.2 are confidential items
and therefore not included
as part of these Minutes.

17. MEETING CLOSURE

The meeting closed at 8.59 pm.

Confirmed.....Mayor.