

ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held at the Bungaree Community Facility,
279 Bungaree-Wallace Road, Bungaree on
Wednesday 1 June 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. 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. Robert Fillisch</i>	<i>Acting Manager Statutory Planning & Community Safety</i>
<i>Mr. Steve Ivelja</i>	<i>Manager Finance</i>
<i>Mr. Troy Scoble</i>	<i>Manager Recreation and Youth Development</i>
<i>Mr. John Whitfield</i>	<i>Governance Coordinator</i>
<i>Ms. Lace Daniel</i>	<i>Minute Taker</i>

4. APOLOGIES

<i>Cr. Paul Tatchell</i>	<i>Central Moorabool Ward</i>
<i>(Leave of Absence – Refer Item 10.1.1 of these Minutes)</i>	

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council – Wednesday 4 May 2016

Resolution:

Crs. Sullivan/Edwards

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 4 May 2016.

CARRIED.

5.2 Special Meeting of Council – Wednesday 25 May 2016

Resolution:

Crs. Sullivan/Edwards

That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 25 May 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.

Nil.

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.

Nil.

8. PETITIONS

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

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
-	-	-	-

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

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

Item No	Description	Name	Applicant/ Objector
-	-	-	-

10. OFFICER'S REPORTS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 Request for Leave of Absence – Cr. Paul Tatchell

Introduction

File No:

Author:

Rob Croxford
Chief Executive Officer

Background

On Thursday 12 May 2016, Cr. Paul Tatchell announced his intention to stand with the National Party of Australia as a candidate for the Federal Election to be held on Saturday 2 July 2016.

Cr. Tatchell has declared his intended candidacy to Council in writing as presented to Council as an attachment to this report. Cr. Tatchell has requested Council's approval to grant (him) a leave of absence from his role as Councillor of Central Moorabool Ward effective from and including Wednesday 1 June 2016 to Monday 4 July 2016.

In order to comply with the principles of councillor conduct as set out in section 76B of the *Local Government Act* 1989 (the Act), Cr. Tatchell has submitted his apologies for all meetings of Council inclusive of Special Committee meetings, Assemblies of Councillors and community meetings scheduled after the announcement made on 12 May 2016 to 1 June 2016.

Proposal

In relation to Council granting a leave of absence to a Councillor, section 66B of the Act provides that the Councillor;

- (a) may continue to be a Councillor but must not perform the duties or functions of a Councillor during the period of leave;
- (b) remains entitled to receive a Councillor allowance unless this Act otherwise provides;
- (c) is not entitled to be reimbursed for out-of-pocket expenses during the period of leave;
- (d) must return all Council equipment and materials to the Council for the period of leave if the Council requires.

As stated in Cr. Tatchell's correspondence, Cr. Tatchell has requested that his councillor allowance be ceased for the period commencing 12 May to 4 July 2016. This is provided for under section 74A(3) of the Act.

Cr. Tatchell will retain the mobile phone issued by Council and will reimburse Council for rental and usage costs for the period commencing 12 May to 4 July 2016.

In line with advice received from the Municipal Association of Victoria (MAV), Cr. Tatchell will not use any council resources (apart from the mobile phone use at his own expense as mentioned above), including staff, council equipment and facilities in relation to his candidacy.

In view of all statutory requirements as indicated above having been addressed, it is recommended that Cr. Paul Tatchell be granted a leave of absence from his role as Councillor of Central Moorabool Ward effective from and including Wednesday 1 June 2016 to Monday 4 July 2016.

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

Nil.

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

Council will issue a media release to notify the community of Council's decision and all staff will be duly notified and briefed.

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 - Chief Executive Officer

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

Conclusion

After announcing his intention to stand with the National Party of Australia as a candidate for the Federal Election to be held on Saturday 2 July 2016. Cr. Tatchell has declared his intended candidacy to Council in writing as presented to Council as an attachment to this report. Cr. Tatchell has requested Council's approval to grant (him) a leave of absence from his role as Councillor of Central Moorabool Ward effective from and including Wednesday 1 June 2016 to Monday 4 July 2016.

Resolution:


Crs. Sullivan/Edwards

That Council grants a leave of absence to Cr. Paul Tatchell from his role as Councillor of Central Moorabool Ward effective from and including Wednesday 1 June 2016 to Monday 4 July 2016.

CARRIED.

Report Authorisation

Authorised by:

Name: Rob Croxford 
Title: Chief Executive Officer
Date: Wednesday, 25 May 2016.

10.1.2 CEO – Annual Leave

Introduction

File No.: Personnel File
Author: Rob Croxford

Background

This report requests approval of the Council for the CEO to take leave in August, 2016, over the Christmas period 2016/2017, and to take leave in March/April 2017.

Proposal

It is requested that the Council approve annual leave for the periods:

- 19 August to 24 August, 2016 – 4 work days.
- 26 December, 2016 to 10 January, 2017 – 10 work days, inclusive of 3 public holidays.
- 27 March, 2017 to 21 April, 2017 – 20 work days, inclusive of 4 public holidays.

The Acting CEO for the period 19 August to 24 August, 2016 and the period 26 December, 2016 to 10 January, 2017 will be Phil Jeffrey, General Manager Infrastructure.

The Acting CEO for the period 27 March, 2017 to 21 April, 2017 will be Danny Colgan, General Manager Community Services.

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

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

Conclusion

That the CEO be granted annual leave and that Phil Jeffrey be appointed Acting CEO for the period 19 August to 24 August, 2016 and for the period 26 December, 2016 to 10 January, 2017.

That the CEO be granted annual leave and that Danny Colgan be appointed Acting CEO for the period 27 March, 2017 to 21 April, 2017.

Resolution:

Crs. Dudzik/Edwards


That:

1. ***The CEO, Robert Croxford be granted annual leave for the periods:***
 - a) ***19 August, 2016 to 24 August, 2016***
 - b) ***26 December, 2016 to 10 January, 2017***
 - c) ***27 March, 2017 to 21 April, 2017***
2. ***The Acting CEO for the period 19 August to 24 August, 2016 and the period 26 December, 2016 to 10 January, 2017 will be Phil Jeffrey, General Manager Infrastructure.***
3. ***The Acting CEO for the period 27 March, 2017 to 21 April, 2017 will be Danny Colgan, General Manager Community Services.***

CARRIED.

Report Authorisation

Authorised by:

Name: Rob Croxford 
Title: Chief Executive Officer
Date: Wednesday, 25 May 2016.

10.1.3 Service Reviews – 2016/2017 Program

Introduction

File No.: 02/03/013
Author: Rob Croxford
Chief Executive Officer: Rob Croxford

The purpose of this report is to recommend that the Council endorse the review of Aged and Disability; Parks and Gardens and School Crossing services.

Background

The Council at its meeting on the 6 April 2016, resolved to adopt a Service Review and Planning Policy and Framework.

The Service Review and Planning Policy and Framework sets out the Council's commitment to ongoing service reviews and planning to ensure that each service is aligned to the Council's strategic direction, valued by its communities, and delivered in the most responsible and sustainable manner.

A number of service reviews have been undertaken since 2011 including the Rural Library Service, Community Grants Program, Community Development Fund, Family Day Care, Leisure Services, Fleet Policy, Street Sweeping and Statutory Planning (Milner Review). To ensure a consistent approach to service reviews and planning, the service review and planning policy and framework have been developed.

Proposal

It is proposed that a review of Aged and Disability; Parks and Gardens and School Crossing services now be undertaken in accordance with the adopted Service Review and Planning Policy and Framework.

The reviews will address the following principles:

- Services will reflect current, future community needs and expectations balanced against the resource capacity of Council.
- Services will have regard to the strategic work of the Council to 2041.
- Services reviews will involve determining if Council is the most appropriate agency to deliver the service
- Service reviews will identify the most appropriate service model and levels of service
- In reviewing a service, the linkages between services, including internal support services, will also be considered.

The following provides a brief description of each service with further details contained in Attachment 10.1.3.

Aged and Disability Services

The Council's provides a comprehensive and flexible range of services to frail aged people, people with a disability and their carers. The overall objective is to deliver services which are responsive to the needs of the individual and which maximize independence and wellbeing.

The aged and disability services provided by Council are: assessment; access and support; allied health; domestic assistance; delivered and centre based meals; personal care; property and home maintenance; planned activity group/social support; re-ablement and wellness services: support to senior citizens centre and vulnerable clients; memory lane café; volunteer coordination; and disability respite services.

Parks and Gardens

Council is responsible for the management and maintenance of a variety of assets and seeks to provide clean, safe and attractive open space for residents and visitors of the Shire, whilst maintaining a level of service that retains the quality and condition of Council's assets.

The services provided by Council include the management and maintenance of active and passive open space (including public parks, gardens, playing surfaces, streetscapes and road reserves), cleaning of public facilities (including toilets and BBQs), as well as tree maintenance.

School Crossings

The Council provides a service to pedestrians, in particular children, before and after school. The overall objective is to protect children who are particularly vulnerable road user and assist them in crossing the road safely with their travel to and from school. Council provide a staff member in an appropriate uniform at each identified school crossing between the designated hours of 8:00am – 9:15am and 2:35pm - 4:00pm weekdays. School Crossing Supervisors are able to stop traffic, under the Road Rules Victoria legislation.

The School Crossing Supervision Program began in Victoria in 1974. School Crossing Supervisors are employed by each municipality, with the cost of the program, during this period a 50/50 split between the State Government and each Council. The review undertaken by MAV indicates that Council's state-wide are contributing 80 percent of the staffing costs, with the State Government providing a subsidy of only 20 percent.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Effective strategic and business planning for a growing community

Strategy Development of service plans that link service delivery, asset management and business excellence

The proposed Service Reviews are consistent with the Council's Service Review and Planning Policy and 2013-2017 Council Plan.

Financial Implications

The proposed service reviews will be undertaken using existing resources.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Environment and Community	Provision of services not in accordance with community need	Low	Application of policy and framework including identification of community needs
Financial	Rising cost of service provision making it possibly unsustainable	Moderate	Review of Services in accordance with the policy to determine future provision

Community Engagement Strategy

The Service Review will involve extensive community engagement consistent with Council's Community Engagement Policy and Framework. A Community Engagement Plan will be prepared for each service review.

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

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

Conclusion

The proposed Service Reviews demonstrate the Council's commitment to ensuring that each service is aligned to Council's strategic direction, valued by its communities, and delivered in the most responsible and sustainable manner.

Resolution:

Crs. Dudzik/Spain

That the Council endorse the review of Aged and Disability; Parks and Gardens and School Crossing Services.

CARRIED.

Report Authorisation

Authorised by:

Name: Rob Croxford 

Title: Chief Executive Officer

Date: Wednesday, 25 May 2016.

10.2 GROWTH AND DEVELOPMENT**10.2.1 Planning Application PA2015-107 - Two (2) Lot Subdivision (Boundary Realignment) - 814 Diggers Rest Road Coimadai, Lots 1 and 2 on PS 221537M**

Application Summary:	
Permit No:	PA2015-107
Lodgement Date:	25 May 2015
Planning Officer:	Victoria Mack
Address of the land:	814 Diggers Rest Road, Coimadai
Proposal:	Two (2) Lot Subdivision (Boundary Realignment)
Lot size:	34.43 hectares
Why is a permit required?	Subdivision – Farming Zone Subdivision – Environmental Significance Overlay Schedule 1 Subdivision – Road Zone Category 1 Subdivision - Clause 52.29 – Access to RDZ1
Public Consultation:	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of Objections:	Nil
Consultation meeting:	None held

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. <i>Manager – Rob Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Victoria Mack</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	Yes
Any issues raised in referral responses?	Western Water objected to the application under section 55 of the Planning and Environment Act
Preliminary Concerns?	Proclaimed water supply catchment
Any discussions with applicant regarding concerns	The applicant was asked to liaise with Western Water, about their objection, to see if their concerns could be resolved.

Any changes made to the application since being lodged?	No
VCAT history?	None
Previous applications for the site?	<p>PA2001-244 being for the Development and Use of a Dwelling issued on 18 September 2001.</p> <p>PA2005-200 being for Buildings and Works Associated with Additions to an Existing Dwelling within the Environmental Significance Overlay issued on 24 August 2005.</p>
General summary	<p>The application is to re-subdivide two lots to create one lot of 30.35ha containing an existing dwelling and equine infrastructure and a second lot of 4.45ha which would be vacant land.</p> <p>Western Water has objected to the application under Section 55 of the Planning and Environment Act 1987. Their objection relates to the impact of the subdivision on the Proclaimed Water Supply Catchment and related concerns.</p> <p>A Section 55 objection means that Council must refuse the application under Section 61(2) of the <i>Planning and Environment Act 1987</i>.</p> <p>However, should Western's Water's objection change, or a Review be lodged at VCAT by the applicant, it is considered that Council should also be given the opportunity to comment on the application.</p> <p>It is considered that the re-subdivision would not achieve a good planning outcome in relation to the objectives of the Farming Zone and State and Local Planning Policies which aim to protect agricultural land from residential encroachment.</p> <p>If this application was to be supported a 4.54ha lot would be created that may create a further opportunity in the future for the lot to be excised from the established horse enterprise and sold off for rural residential development. It is not considered that this potential outcome should be supported.</p>

Summary Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a **Refusal** to grant a planning permit for a Two (2) Lot Subdivision (Boundary Realignment) on land described as Lots 1 & 3 on PS 221537M, or otherwise known as 814 Diggers Rest Road, Coimadai based on grounds documented at the end of this report.

Public Notice

The application was notified to adjoining and surrounding landowners and occupiers and a sign was placed on the site for a minimum period of 14 days. No objections were received.

Proposal

The total land area is currently 35.738ha. The applicant seeks approval to re-subdivide two existing titles into two new lots as follows:

Current lot details	Proposed lot details
Lot 1: 34.84ha with existing dwelling and equine infrastructure and dam	Lot 1: 30.35ha with existing dwelling and equine infrastructure
Lot 3: 898sqm	Lot 2 – vacant land with existing dam – 4.45ha

The site currently has access from Diggers Rest Road. The proposed Lot 2 would require access from Gisborne Road, which is a category 1 road. No vegetation would be removed to create the re-subdivision.

Site Description

An aerial map of the site is shown below:



The subject site is described as Lots 1 & 3 on PS 221537M or otherwise known as 814 Diggers Rest Road, Coimadai 3340.

The total area of the subject land is 35.738ha and it is located on the eastern side of Gisborne Road at the corner of Diggers Rest Road. The site has a road frontage to the Gisborne Road of 290.9m and a road frontage to Diggers Rest Road of 837m.

The allotment is approximately rectangular in shape and generally flat. The land is used for horses and has horse related infrastructure including stables, horse yards, 2 arenas, a round yard and outbuildings as well as a dwelling approved by PA2001-244 issued on 18 September 2001.

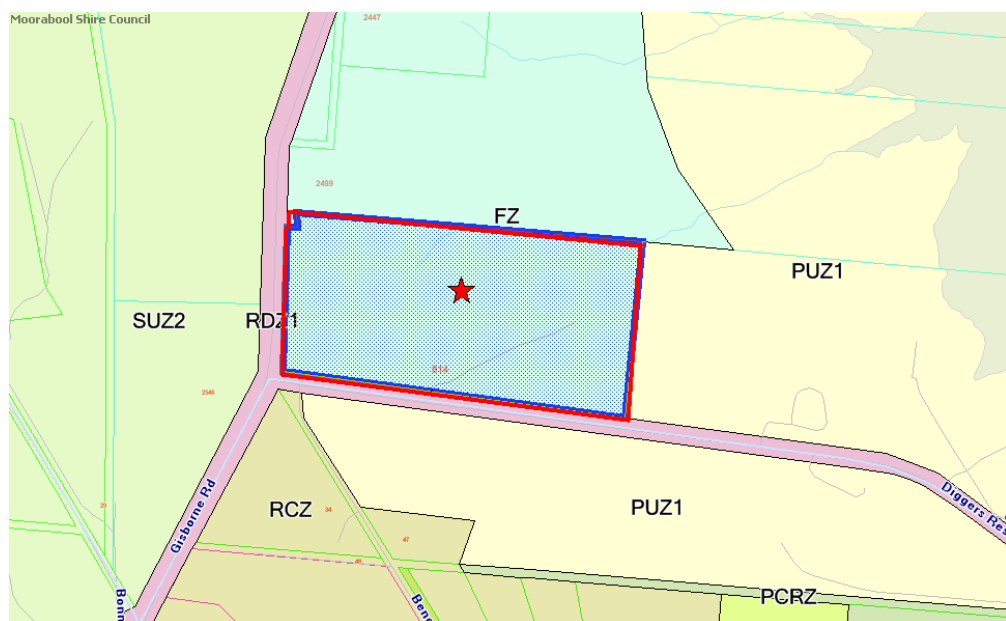
The land is approximately 6.5kms north of the centre of the township of Bacchus Marsh and 4.7kms north of the Western Freeway which provides access to Ballarat to the west and Melbourne to the east.

The Boral sand and gravel quarry is located directly across the Gisborne Road to the west. The Merrimu Reservoir is located approximately 850m to the east of the site. To the north are similar sized allotments in the Farming Zone most with dwellings and outbuildings. Land to the south and east is located within the Public Use Zone Schedule 1 – Service and Utility which is generally the zoning around the Merrimu Reservoir.

Locality Map

The subject site is in the Farming Zone. Land to the east and south is in the Public Use Zone with some land to the south also in the Rural Conservation Zone. Land to the west is in the Special Use Zone 2 – Earth and Energy Resources Industry.

A zone map of the subject land is shown below:



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:

11.05-2	Melbourne's hinterland areas
11.06	Central Highlands Water's regional growth strategy
11.06-7	Environmental assets
11.06-8	Agricultural productivity
14.01-1	Protection of agricultural land
14.02	Water
14.02-1	Catchment planning and management
14.02-2	Water quality
21.02	Natural Environment
21.02-3	Objective – Water and Catchment Management
21.03	Settlement and Housing
21.03-4	Objective – Landscape and neighbourhood character
21.04-2	Objective—Agriculture
22.02	Special Water Supply Catchments

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 14.02	Water	Western Water has objected to the application.
Clause 14.01-1	Protection of agricultural land	The application would create a small lot in the Farming Zone suitable for a rural lifestyle lot and not for any practical productive agricultural use.
Clause 14.02-1	Catchment planning and management	Western Water has objected to the application
LPPF		
Clause 21.02-3	Objective – Water and Catchment Management	Western Water has objected to the application
Clause 22.02	Special Water Supply Catchments	Western Water has objected to the application.

Clause 21.04-2	Objective—Agriculture	The application would create a small lot in the Farming Zone suitable for a rural lifestyle lot and not for any practical productive agricultural use.
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Farming Zone

The land is within the Farming Zone. The purpose of the Farming Zone is to:

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

In accordance with Clause 35.07-3 a permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone. A permit may be granted to create smaller lots if any of the following apply:

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

It is considered that the re-subdivision of the land to create a 4.45ha lot would not enhance the use of the land for agriculture.

Road Zone Category 1

The land is adjacent to a Road Zone Category 1. The application would seek to construct an access to the Road Zone. Pursuant to Clause 36.04-2 of the Road Zone Category 1 a permit is required to subdivide land.

Overlays

Environmental Significance Overlay – Schedule 1 (ESO1)
Proclaimed water supply catchment

Pursuant to Clause 42.01-2 of the ESO1 a permit is required to subdivide land.

Design and Development Overlay – Schedule 2 (DDO2)
Visual amenity and building design

Pursuant to Clause 43.02 of the DDO2 and schedule 2 of the DDO2 a permit is not required to subdivide land.

Relevant Policies

No specific policies relate to an application to re-subdivide rural land.

Particular Provisions

Clause 52.29 – Land adjacent to a road in a Road Zone Category 1

Pursuant to Clause 52.29 a permit is required to create or alter access to a road in a Road Zone, Category 1; and to subdivide land adjacent to a road in a Road Zone, Category 1.

The application seeks to construct a new access from the Gisborne Road which is a Road Zone Category 1.

General Provisions

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

Relevant Decision Guidelines include:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

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 Melbourne Water and Council departments were provided with an opportunity to make comment on the proposed development plan under Section 52 of the Planning and Environment Act 1987.

Authority	Response
Western Water Southern Rural Water VicRoads DEDJTR	Objection under Section 55 No comment No comment Consent no conditions
Melbourne Water Infrastructure Environmental Health	Consent with conditions Consent with conditions Consent with conditions

Discussion

In order to achieve a planning permit under the Environmental Significance Overlay Schedule 1 the proposal must demonstrate that the application meets the *Guidelines for Planning Permit applications in Open Potable Water Supply Catchment Areas November 2013*, specifically Guideline 1. An application must also provide acceptable outcomes in terms of State and Local Planning Policy and the decision guidelines of the Farming Zone and the environmental objectives contained within Schedule 1 of the Environmental Significance Overlay.

In this regard Western Water has determined that the proposal represents an unacceptable risk within an Open Potable Water Supply Catchment.

The grounds of objection submitted by Western Water are listed in the recommendation for refusal of the application at the end of this report.

The applicant was advised of the objection and given time to negotiate with the water authorities to determine if their concerns could be addressed. No such resolution of the issues was achieved and therefore it is considered that the application must be refused in accordance with Section 61(2) of the Planning and Environment Act 1987.

In addition to Western Water's grounds of objection to the application, the proposed re-subdivision would create a lot of 4.45ha. The reason that this application can be considered for a re-subdivision is that there is an existing lot is 898 square metres which is not usable. If this was a straight subdivision it could not even be considered as the land does not meet the minimum lot subdivision size in the farming zone.

The land is currently used for a horse business including horse agistment, training, handling and breaking services. It has considerable equine infrastructure constructed on the land for this use as well as an existing dwelling. While the applicant has stated that this proposal would enhance the use of the land for equine and related purposes and would facilitate the establishment and expansion of equine related land use in harmony with the surrounding area, it is not considered that the re-subdivision would change anything that is currently being undertaken on the land.

Rather, if this subdivision is approved it is more likely that the lot would be sold for rural residential purposes rather than equine and agricultural purposes.

The purpose of the Farming Zone is to protect agricultural land including to provide for the use of land for agriculture; encourage the retention of productive agricultural land; and ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. It is not considered that the application accords with the purpose of the Zone.

The Farming Zone also requires applications to be assessed against the Farming Zone Decision Guidelines. The relevant clauses relate to *Agricultural issues and the impacts from non-agricultural uses* including:

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

It is not considered that the creation of a 4.45ha lot in the Farming Zone would support or enhance agricultural production, and is more likely to remove land from agricultural uses.

The protection of agricultural land is also supported by State Planning policies including Clause 14.01 of the Moorabool Planning Scheme where it is stated that with applications to subdivide agricultural land that the following factors must be considered:

- The desirability and impacts of removing the land from primary production, given its agricultural productivity.
- The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
- The compatibility between the proposed or likely development and the existing uses of the surrounding land.
- Assessment of the land capability.

It is considered that the proposed re-subdivision would likely remove land from agricultural production, and in the context of this site remove land from use by the horse enterprise that currently operates on the land.

The protection of agricultural land is also supported by Local Planning policies such as Clause 21.04-2 of the Moorabool Planning Scheme relating to Agriculture which aims to:

- protect good quality agricultural land and support the productivity and sustainability of existing and future agricultural and horticultural activities;
- maintain productive farm sizes by discouraging fragmentation of land for non-rural use and development;
- direct rural residential and rural living developments to strategic growth areas where they will not impact on agricultural and horticultural production.
- maintain productive farm sizes by discouraging fragmentation of land for non-rural use and development.

It is considered that the proposed re-subdivision would likely result in rural residential development on the 4.45ha proposed, which is not a productive farm size nor would enhance agricultural production.

Overall the application does not accord with the purposes or decision guidelines of the Farming Zone, nor the objectives of the relevant State and Local planning policies.

Financial Implications

Western Water as a Determining Referral Authority has objected to the application in accordance with Section 55 of the Planning and Environment Act 1987. Accordingly the application must be refused by the responsible authority in accordance with Section 61(2) of the Planning and Environment Act 1987.

The applicant may apply to VCAT for Review of Western Water's decision. In the event that an application for Review was made it is considered that Council should have also considered the application.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

Council must refuse the application in accordance with Section 61(2) of the Planning and Environment Act 1987

Conclusion

Because Western Water has objected to the application Council must refuse it under Section 61(2) of the Planning and Environment Act 1987

However, should Western's Water's objection change, or a Review is lodged at VCAT, it is considered that Council should also be given the opportunity to consider the application.

It is considered that the re-subdivision would not achieve a good planning outcome. Supporting this application would facilitate a 4.45ha lot to be excised from the existing horse enterprise and in all probability sold.

The application does not accord with the purpose or decision guidelines of the Farming Zone which aim to provide for the use of land for agriculture; encourage the retention of productive agricultural land; and ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

The application does not accord with clauses within the SPPF or LPPF both of which aim to protect productive agricultural land from fragmentation, maintain productive farm sizes, and direct rural residential and rural living developments to strategic growth areas where they will not impact on agricultural and horticultural production.

The application is not supported by Clause 65.02 of the Moorabool Planning Scheme in relation to subdivision where existing use and possible future development of the land and nearby land.

It is not considered that this application should be supported.

Resolution:

Crs. Spain/Dudzik

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to grant a planning permit for PA2015-107 - a Two (2) Lot Subdivision (Boundary Realignment) described as Lots 1 & 3 on PS 221537M, or otherwise known as 814 Diggers Rest Road, Coimadai based on the following grounds submitted by Western Water:

- 1. The land is within the proclaimed catchment of the Merrimu Reservoir, which supplies drinking water to Melton and Bacchus Marsh townships.***
- 2. The proposal does not satisfy the 40 hectare minimum lot size recommended by Guideline 1 of Guidelines for Planning Permit Applications in Open, Potable Water Supply Catchment areas 2012.***
- 3. The proposal does not provide acceptable outcomes in terms of the State Planning Policy Framework in particular:***
 - Clause 14.02-1 – Catchment planning and management;***
 - Clause 14.02-2 – Water Quality.***
 - Clause 14.01-1 Protection of agricultural land***
- 4. The proposal does not provide acceptable outcomes in terms of the Local Planning Policy Framework in particular:***
 - Clause 22.02 – Special water supply catchments.***
 - Clause 21.04-2 – Objective agriculture***
- 5. The application does not meet the purpose of the Farming Zone and is contrary to the decision guidelines contained at Clause 35.07-6 of the Farming Zone.***
- 6. The application fails to achieve the environmental objectives contained within Schedule 1 to the Environmental Significance Overlay.***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: Thursday, 12 May 2016



10.2.2 Instrument of Appointment and Authorisation of Council Officers under Section 174(4) of the Planning and Environment Act 1987

Introduction

Author: John Whitfield
General Manager: Satwinder Sandhu

Under section 147(4) of the *Planning and Environment Act 1987* (the Act), Council must appoint authorised officers for the purposes and regulations made under the Act.

Background

Section 232 of the *Local Government Act 1989* authorises the relevant officers generally to institute proceedings for offences against the Acts and Regulations described within the proposed instrument of appointment and authorisation.

Proposal

In order to comply with the *Planning and Environment Act 1987* and the *Local Government Act 1989*, an Instrument of Appointment and Authorisation is now presented to Council requesting that the officers named in that Instrument be hereby appointed for the purposes of section 147(4) of the *Planning and Environment Act 1987* and the regulations made under that Act and section 232 of the *Local Government Act 1989* for the purpose generally to institute proceedings for offences against the Acts and regulations described in the instrument.

The change to this Instrument reflects the changes to staff assignments within the Planning and the Environmental Health service units.

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 preparation of this Instrument of Appointment and Authorisation of Council Officers under section 174(4) of the *Planning and Environment Act 1987* is consistent with the 2013-2017 Council Plan.

Financial Implications

No financial implications to Council.

Risk & Occupational Health & Safety Issues

No Risk and Occupational Health and Safety issues apply to Council unless the relevant Council officers do not receive the appropriate instrument of appointment and authorisation from Council.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – John Whitfield

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

Conclusion

Council is obliged to comply with section 147(4) of the *Planning and Environment Act* 1987 therefore the attached Instrument of Appointment and Authorisation is required to be approved under the Seal of Council.

Recommendation:

That Council approves under the common seal of Council, the attached Instrument of Appointment and Authorisation of Council officers under section 174(4) of the *Planning and Environment Act* 1987.

Resolution:

Crs. Sullivan/Toohey

That Item 10.2.2; Instrument of Appointment and Authorisation of Council Officers under Section 174(4) of the Planning and Environment Act 1987, be deferred to the next available Council meeting to allow for further amendments to the document.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: Thursday, 12 May 2016



10.2.3 New Tourism Grant Program

Introduction

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

Background

This report presents Council with an assessment of the application received during the third round of the New Tourism Event Grants Program and makes a recommendation for consideration.

The New Tourism Event Grants program supports new event organisers that are either in the process of developing and trialling an event concept or have recently trialled an event concept. It is specifically for tourism events with potential to develop into significant generators of visitation from outside the region.

The Program's key objectives are to:

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

The third round of the New Tourism Event Grants was open for applications and promoted from 1 to 28 April 2016 for the remaining pool of funds not fully expended in the first two application rounds.

Level of inquiry, applications, funding pool and funding requested

Five enquires were made during the application period with one lodging a funding application. All others were encouraged to apply with four of them receiving guidelines and application forms from council staff while the other reviewed the information via Council's website.

A total of \$10,000 (2 X \$5,000pa) was requested from the remaining 2015/16 and 2016/17 financial year's collective pool of \$24,800 (2 X \$12,400pa).

Assessment

Assessment was conducted via the same method as previous rounds. A panel of council officers supplemented by the former group manager of events at Tourism Victoria. The application was initially assessed as to its potential tourism capacity, focus and relevance to the grant program's intent and compliance with the mandatory requirements.

After being deemed eligible, the panel was convened and assessed the application. As the amounts requested did not exceed the total pool, a ranking system was not required.

Proposal

Based on the above process and panel deliberations, it is proposed that Council allocate \$3,114 of the remaining funds in the 2015/16 and 2016/17 New Tourism Event Grants fund to Bacchus Marsh Aquatic Community Consortium Inc. for the purpose of staging and promoting the 2016 and 2017 Bacchus Marsh Horticulture Shows, if Council so determine.

The amount recommended is less than the \$5,000 requested as it is a requirement of the guidelines that council funds be matched by event organisers on an actual dollar-for-dollar expenditure basis.

Event	Organisation	Description of Event	Amount Requested	Event Total Value
Bacchus Marsh Horticulture Show	Bacchus Marsh Aquatic Community Consortium Inc.	Two day Horticultural Show and Award competition	\$5,000	\$6,228
TOTAL			\$5,000	\$6,228

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

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

Financial Implications

A total of \$24,800 is available for allocation in round three for across the 2015/16 and 2016/17 financial year budgets (2 X \$12,400pa). The grant amount recommended for allocation in round three across the 2015/16 and 2016/17 financial years totals \$6,228 (2 X \$3,114pa).

If granted, the allocation applies to both the 2015/16 and 2016/17 financial years. This is contingent on the successful applicant providing council with an adequate post-event report and sufficient guidance prior to the 2017 event consistent with the grant application guideline requirements.

If granted, a total of \$18,572 across the 2015/16 and 2016/17 financial years remains unallocated (2 X \$9,286pa). It is recommended that the remaining unallocated funds in the current financial year be rolled-over to the 2016/17 financial year and a fourth round conduct of applications for a one-year allocation for the total remaining unallocated pool of \$18,572.

Risk & Occupational Health & Safety Issues

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

Community Engagement Strategy

Engagement	Stakeholder	Activities	Date	Outcome
Consultation	Community Groups	Meetings and discussions with applicants	Nov – Dec 2014 May 2015 April 2016	Applicants supported to submit applications

Communications and Consultation Strategy

The round three applicant for the New Tourism Event Grants Program will be advised in writing of the outcomes of their grant application in the week after Council determine the recipients and the minutes of that Ordinary Meeting of Council are 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 – Peter Forbes

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

Conclusion

One application was received and recommended for an allocation of \$3,114 in each of the 2015/16 and 2016/17 financial years in the third round of the New Tourism Event Grants program.

The recommended funding is because the event is considered of high potential to develop into a significant event on the shire's tourism calendar. Once developed, the event has potential to stimulate significant economic activity within the community it operates in.

By rolling-over unallocated funds to next year, a substantial pool of \$18,572 could be offered to new event organisers during the 2016/17 financial year.

Recommendation:

1. **That Council allocate a \$3,114 grant from the New Tourism Event Grants fund to the Bacchus Marsh Aquatic Centre Community Consortium Inc. in each of the 2015/16 and 2016/17 financial years.**
2. **That the applicant be notified in writing of the application outcome.**
3. **That the remaining unallocated grant funds for the 2015/16 financial year be rolled-over and added to the total pool for the 2016/17 financial year.**
4. **That a fourth round, one year allocation of the New Tourism Event Grants Program be held to distribute the remaining funds before the end of the 2016/17 financial year.**

Resolution:

Crs. Toohey/Dudzik

That item 10.2.3; New Tourism Grant Program be deferred and for Council to receive advice in relation to how this Program was advertised. If it is found that insufficient advertising was carried out that further advertising of the Program occur and for the item to be presented to the next available Council meeting.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: Thursday, 12 May 2016



10.3 COMMUNITY SERVICES

10.3.1 Sport and Recreation Victoria Community Sports Infrastructure Fund

Introduction

File No.: 02/14/001(1)
Author: Troy Scoble
General Manager: Danny Colgan

The purpose of the report is to recommend that the Council endorse the submission of projects for funding under the Victorian Government's Community Sports Infrastructure Fund Round 2.

Background

The Community Sports Infrastructure Fund is a Victorian Government funding program delivered by Sport and Recreation Victoria that helps provide high-quality, accessible community sport and recreation facilities across Victoria by encouraging:

- Increased sport and recreation participation for all Victorians
- Increased female and junior participation
- Increased access to sport and recreation opportunities
- Better planning of sport and recreation facilities
- Innovative sport and recreation facilities
- Environmentally sustainable facilities
- Universally designed facilities

The Community Sports Infrastructure Fund provides grants for planning, building new, and improving existing facilities where communities conduct, organise and participate in sport and recreation. Funding is available under the following categories:

- **Better Pools*** - Grants of up to \$3 million to build new or upgrade existing aquatic centres;
- **Major Facilities*** - Grants of up to \$650,000 to develop or upgrade major sport and recreation facilities;
- **Small Aquatic Project*** - Grants of up to \$200,000 to upgrade pools and aquatic leisure facilities;
- **Minor Facilities**** - Grants of up to \$100,000 to develop or upgrade local sport and recreation facilities;
- **Female Friendly Facilities**** - Grants of up to \$100,000 to build new or upgrade existing change rooms to prioritise female participation;
- **Cricket Facilities**** - Grants of up to \$100,000 to develop or upgrade cricket facilities;
- **Planning** - Grants of up to \$30,000 to fund initiatives that assess the future sport and recreation needs of local communities, and up to \$50,000 for regional planning initiatives.

Only one project can be submitted under the Better Pools, Major Facilities and Small Aquatic Projects categories. Councils may apply for the maximum grant amount for up to three (3) projects across the Minor Facilities, Cricket Facilities and Female Friendly Facilities categories with a maximum of two (2) applications from any single category.

Stage 1 Expressions of Interest for funding are due by 8 June 2016. For any successful EOI projects, a full project application is required by the end of August 2016.

Local government can apply directly to the Department of Health & Human Services for funding from this program. However, Community organisations can only access funds from the Minor Facilities, Cricket Facilities and Female Friendly Facilities categories by submitting an Expression of Interest form directly to Council for consideration. Council must then determine which applications it will submit for the grant funding.

2016/17 Capital Improvement Project projects

The current Draft Council 2016/2017 Capital Improvement Program contains 1 project that is linked to external funding and suitable for application to Round 2 of the Community Sports Infrastructure Fund. This project is:

The Bacchus Marsh Racecourse Reserve Sporting Facilities – Moorabool Regional Community Sports hub

Description: Implement stage one of the Moorabool Regional Community Sports hub consistent with The National Stronger Region Funds Round 3 application that is currently pending.

Funding Model:	<u>Project Budget</u>	\$7,450,000
	Council Contribution	\$3,025,000
	NSRF	\$3,725,000
	Community User Groups	\$50,000
	Required Grant Funding	\$650,000

This project is planned to be submitted to the Majors category of the grant program.

The Maddingley Park Changeroom Refurbishment Project is also listed and considered a project appropriate for this grant funding, however the Reserve Committee of Management and user groups have indicated they would prefer to partner Council to maximise the funds in the Draft budget to deliver the project immediately as opposed to apply and wait for potential grant monies for a further 12 to 18 months.

Sport and Recreation Victoria have advised that the Ballan Recreation Reserve Netball/Tennis Court Reconstruction Project currently listed in the Draft Capital plan should be referred to upcoming rounds of the Country Football Netball Grant Program for further consideration.

There are also two projects in the current 2015/16 Capital Improvement Program that were unsuccessful for Round 1 funding, that remain high priorities and with feedback provided by Sport and Recreation Victoria regarding the round 1 applications, still meet the funding conditions; are consistent with the strategic priorities of the Council's Recreation and Leisure Strategy in supporting Council meeting existing community demand for sport and recreation facilities. These project are:

Masons Lane Oval 1 Sportsground Lighting

Description: Install sportsground lighting at Masons Lane Oval 1 to provide increased usage opportunities to meet demands

Funding Model:	<u>Project Budget</u>	\$200,000
	Council Contribution (2015/16 CIP)	\$140,000
	Required Grant Funding	\$ 60,000

Whilst \$60,000 is required, Council can apply for \$100,000 to support this project. Since the adoption of the budget, further site investigations have identified an additional \$40,000 will be required to upgrade power on site to support the project.

Bacchus Marsh BMX Track Development Project (2015/16 Community Development Fund Project)

Description: Construction of BMX track at the BM Racecourse Recreation Reserve

Funding Model:	<u>Project Budget</u>	\$130,000
	Council Contribution (2015/16 CDF)	\$25,000
	BM BMX Club In-kind	\$55,000
	Required Grant Funding	\$50,000

Whilst no funding allocation for external grants is detailed in the Capital Improvement Plan budget for Community Development Fund projects, it is outlined in the program guidelines that external funds must be leveraged to support the development of Projects. Recent meeting with the BMX Club and track designers to modify the scope of the project has ensure that the BMX Track development project meets the criteria for Community Sport Infrastructure Fund Round 2.

Community Expression of Interest Projects

The funding guidelines outline that Community organisations can only access funds from the Minor Facilities, Cricket Facilities and Female Friendly Facilities categories by submitting an Expression of Interest form directly to Council for consideration. The following project proposals have been submitted to Council from community groups for consideration. The projects are:

Bacchus Marsh Lawn Tennis Club Three Court Conversion Project

Description: Upgrade 3 existing Grass Courts to synthetic surface to promote all year round usage and install lighting to extend playing hours

Funding Model:

<u>Project Budget</u>	<u>\$405,000</u>
Club contribution	\$180,000
Tennis Australia contribution (unconfirmed)	\$50,000
Community Development Fund (not applied for yet)	\$25,000
Council Contribution	\$50,000
(Budget allocation, not in Draft 16/17 CIP)	
Required Grant Funding	\$100,000

The project is advanced in its development with design and costs provided. Tennis Australia and Victoria are key partners in the development of the project. The Recreation and Leisure Strategy recommends that the Tennis Club evaluate the sustainability of the grass court provision and consider conversion of some of these if required to enable greater usage and access to the community all year round.

Darley Cricket Club – Extend practice nets and install lighting

Description: Extend the existing cricket net facility (3 nets) by adding 2 nets and at least 2 (ideally 4) light towers to handle the projected growth of the club to provide functional & safer facilities for members & community.

Funding Model:

<u>Project Budget</u>	<u>\$100,000</u>
Club contribution (inkind)	\$10,000
Council Contribution(none detailed)	\$0
Required Grant Funding	\$90,000

At this stage no design, scope of works is confirmed or provided. The project is broadly supported by the Recreation and Leisure Strategy 2015-2016 as it will support the growth of the Darley Cricket Club and provide increased amenity and access for cricket participation by the community. A masterplan process for Darley Park is about to commence and this will surely be a high priority recommendation.

Elaine Cricket Club – Install a bore at the Elaine Recreation Reserve

Description: Install a bore at the Elaine Recreation Reserve to support irrigation of playing surfaces.

Funding Model:

<u>Project Budget (unconfirmed)</u>	<u>\$13,650</u>
Council Contribution	\$3,325
Community Contribution	\$7,000
Required Grant Funding	\$3,325

The club submitted the Expression of Interest directly to Sport and Recreation Victoria. This project could be referred to the development of the Water Management Strategy with recommendations regarding future irrigation solutions being developed through that strategic work.

The Bacchus Marsh BMX also submitted an expression of interest for the development of the BMX track at the Bacchus Marsh Racecourse and Recreation reserve consistent with previous application. The track is currently being professionally designed.

In accordance with the program guidelines, all project proposals were provided to Sport and Recreation Victoria (SRV) to seek feedback as to how each meet the criteria of this funding program. Feedback provided by SRV was that projects need to be strategically supported and ready to proceed immediately with Council and Community endorsed plans, permits and confirmed funding contributions. Project specific feedback is detailed below:

- The Bacchus Marsh Racecourse Reserve Sporting Facilities – Moorabool Regional Community Sports hub: This project was not seen as a majors project given the majority of facilities within stage 1 do not meet regional guidelines. It was recommended to split the components up and apply for the development of 2 sportsgrounds plus lighting in the minors category of the grant program. Officers are having further discussions with Sport and Recreation Victoria.
- Masons Lane Sportsground Lighting Project: Supported in principle by SRV with minor changes to round 1 application and suitable for the minor's category of the grant program.
- Bacchus Marsh BMX Track Development: Supported in principle by SRV and recommended to be submitted under the Minors category.
- Bacchus Marsh Lawn Tennis Club Court Conversion. Need confirmation of the funding model including Council's commitment to the project. A good project for the next round.
- Darley Cricket Net Project: With no design or quotations provided, and the current funding model not meeting the grant program funding ratios, further preplanning is required prior to applying for this project.
- Elaine Cricket Club Bore installation: This project funding model does not meet the guidelines for this program. Was recommended to be referred to other more suitable funding options.

Proposal

Based on the alignment with the Recreation and Leisure Strategy 2015 -2016, Reserve Master Plans and the advice from Sport and Recreation Victoria (SRV) regarding the eligibility of the projects, it is recommended that the Council endorse the submission of the following projects for funding under the Victorian Government Community Sports Infrastructure Fund:

1. Masons Lane Sportsground Lighting Project
2. Bacchus Marsh BMX Development Project
3. Bacchus Marsh Racecourse Reserve Sporting Facilities – Moorabool Regional Community Sports Hub

Given the pressures and strategic need for future Indoor Sports Courts as outlined in Council's recreation and Leisure Strategy, the Bacchus Marsh Basketball Association whilst not submitting a formal Expression of Interest did enquire about doing a feasibility study to support future courts. When discussed with SRV it was mentioned there is going to be an Indoor Sports Funding Program with guidelines being developed, therefore it was recommended to apply through the planning category to undertake an Indoor Court Feasibility Study which would plan for future court growth and begin the process for applications to State Government in future years for increased indoor court provision.

Grants of up to \$30,000 are available at a ratio of \$2 SRV : \$1 Council so an allocation of up to \$15,000 would have to be made available. There is currently no monies allocated in the Draft 2016/17 budget for this project.

It is proposed that the projects not recommended for application in Round 2 of the Community Sport Infrastructure Fund be further developed for consideration in future funding rounds and the request for a Council contribution be referred to the 2017/2018 Capital budget process for consideration. All those that submitted an EOI will be provided with the feedback from SRV and Council Officers will continue to support the Committees and club in the development of the projects.

It is also proposed that subject to budget approval, Council endorse the submission of an application for the Ballan Netball Tennis reconstruction project to the next round of the Country Football grant Program.

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 proposal to submit applications for funding under the Victorian Government Community Sports Infrastructure Fund Round 2 is consistent with the 2013-2017 Council Plan.

Financial Implications

The Council has allocated funding in the 2015/2016 Capital Improvement Program for both the Masons Lane Sportsground Lighting Project, Bacchus Marsh BMX Track Development and the Moorabool Regional Community Sports Hub at the Bacchus Marsh Racecourse and Recreation Reserve projects. All funding models for these projects are linked to external funding being required. If funding is not received for the endorsed projects, further advice will be provided to the Council as part of the quarterly capital improvement program status reports.

Should Council wish to further apply for a planning grant to undertake an Indoor Court Feasibility Study, a further allocation of funds up to \$15,000 will be required.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Current Community needs will not be met if improvements are not implemented at these facilities	High	Future strategic planning for high priority recommendations identified in context of other community priorities
Financial	Funding required to progress future development of the facilities	Medium	Business cases will be prepared for consideration in future Council's budgets.

Communications and Consultation Strategy

Projects recommended and approved in the 2016/17 Capital Improvement Program are strategically based with community engagement undertaken to inform the approval of those projects.

The State Government in partnership with Sport Associations when launching the grant program encouraged community groups to complete an Expression of Interest form for community projects to be considered.

Outcomes of this report will be communicated to all community groups and key stakeholders and action plans for further development outlined.

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 Community Sports Infrastructure Fund Round 2 is a Victorian Government funding program delivered by Sport and Recreation Victoria that helps provide high-quality, accessible community sport and recreation facilities across Victoria.

Applications (Expressions of Interest) for funding under the Minor Facilities, Cricket Facilities, Female Friendly Facilities and Planning categories are due by June 8 2016.

It is recommended consistent with the adopted Capital Improvement Program for 2015/16 to apply for funding to support the Masons Lane Sportsground Lighting Project and the Bacchus Marsh BMX track Development and the Moorabool Regional Community Sports Hub at the Bacchus Marsh Racecourse and Recreation Reserve Projects.

Should Council wish to undertake an Indoor Court Feasibility Study to begin planning for future Indoor Courts in the Shire, a financial allocation up to \$15,000 would be required to secure up to \$30,000 of grant funding.

Officers will continue to work with the other projects submitted for consideration in this process to better position their projects for future funding opportunities.

Recommendation:

That Council:

1. **endorse the submission of the following projects for funding under the Victorian Government Community Sports Infrastructure Fund Round 2**
 - **Masons Lane Sportsground Lighting Project**
 - **Bacchus Marsh BMX Track Development Project**
 - **Bacchus Marsh Racecourse Reserve Sporting Facilities**
2. **endorse the submission of the Ballan Recreation Reserve Netball/ Tennis Court Reconstruction Project to the next round of the Country Football Netball Grant Program.**

Resolution:

Crs. Toohey/Edwards

That Council:

1. ***endorse the submission of the following projects for funding under the Victorian Government Community Sports Infrastructure Fund Round 2:***
 - ***Masons Lane Sportsground Lighting Project***
 - ***Bacchus Marsh BMX Track Development Project***
 - ***Bacchus Marsh Racecourse Reserve Sporting Facilities***

- **Moorabool Indoor Stadium Feasibility Study**
- 2. **forwards the Ballan Recreation Reserve Netball/ Tennis Court Reconstruction Project to the next round of the Country Football Netball Grant Program for consideration along with other submissions received.**
- 3. **approves \$15,000 of funding to be allocated toward the Moorabool Indoor Stadium Feasibility Study from the Capital Works Seed Funding Reserve.**

CARRIED.

Report Authorisation

Authorised by:

Name: Danny Colgan

Title: General Manager Community Services

Date: 23 May 2016



10.4 INFRASTRUCTURE SERVICES

10.4.1 Draft Urban Tree Management Policy

Introduction

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

This draft policy was presented to the Place Making Advisory Committee on 20 April 2016 and subsequently to Council on Wednesday 4 May 2016, where the following was resolved:

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.

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/Edwards

That Council:

- 1. adopts the Urban Tree Management Policy as attached.**
- 2. places a copy of the Policy on Moorabool Shire Council's web page.**

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday, 19 May 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 25 May 2016 – Confidential Matter

Resolution:

Crs. Edwards/Spain

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

- ***Assembly of Councillors – Wednesday 25 May 2016 – Confidential Matter***

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
Navigators Community Centre	10 February 2016	Community Members
Bacchus Marsh Racecourse and Recreation Reserve Committee of Management	8 March 2016 10 May 2016	Cr. Comrie
Maddingley Park Committee of Management	26 April 2016	Cr. Edwards
Development Assessment Committee	11 May 2016	Cr. Comrie, Cr. Dudzik, Cr. Edwards, Cr. Tatchell

Resolution:

Crs. Edwards/Spain

That Council receives the reports of the following Section 86 - Delegated Committees of Council:

- ***Navigators Committee Centre Committee meeting of Wednesday, 10 February 2016.***
- ***Bacchus Marsh Racecourse and Recreation Reserve Committee of Management meeting of Tuesday, 8 March 2016 and Tuesday, 10 May 2016***
- ***Maddingley Park Committee of Management meeting of Tuesday, 26 April 2016.***
- ***Development Assessment Committee meeting of Wednesday, 11 May 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
Audit and Risk Committee	18 November 2015 10 February 2016	Cr. Dudzik, Cr. Edwards Cr. Tatchell (proxy) Cr. Spain (alternate representative)
Social Development Committee	18 November 2015 16 March 2016	Cr Comrie Cr Dudzik Cr Edwards
Bacchus Marsh District Trails Advisory Committee	2 February	Cr Spain

Resolution:

Crs. Edwards/Sullivan

That Council receives the reports of the following Advisory Committees of Council:

- ***Audit and Risk Committee meetings of Wednesday, 18 November 2015 and Wednesday, 10 February 2016.***
- ***Social Development Committee meeting of Wednesday 18 November 2015 and Wednesday, 16 March 2016.***
- ***Bacchus Marsh District Trails Advisory Committee meeting of 2 February 2016.***

CARRIED.

12. NOTICES OF MOTION

12.1 Cr. Dudzik: N.O.M. No. 256 – Shade Sails and Structure at Masons Lane Reserve

Resolution:

Crs. Dudzik/Edwards.

That Item 12.1; Cr. Dudzik: N.O.M. No. 256 – Shade Sails and Structure at Masons Lane Reserve be deferred pending further advice from officers.

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	
Date: 1 June, 2016	
6 May	<ul style="list-style-type: none"> Ballan Hospital Auxiliary & Friends Mother's Day High Tea
10 May	<ul style="list-style-type: none"> MSC National Volunteer Week Thank You Event
11 May	<ul style="list-style-type: none"> Tour of Narmbool post Scotsburn Fire, Narmbool
12 May	<ul style="list-style-type: none"> Rural Councils Victoria Mayor & CEO Forum
13 May	<ul style="list-style-type: none"> Country Women's Association Opening of the Arts & Crafts Exhibition
18 May	<ul style="list-style-type: none"> Regional Investment Plan Launch
23 May	<ul style="list-style-type: none"> Australian Citizenship Ceremony
24 May	<ul style="list-style-type: none"> Blacksmith's Cottage and Forge Special Committee Meeting
25 May	<ul style="list-style-type: none"> Assembly of Councillors – Confidential Special Meeting of Council – Review of Draft Housing Strategy
1 June	<ul style="list-style-type: none"> Assembly of Councillors – Draft Councillor Code of Conduct Ordinary Meeting of Council

Resolution:

Crs. Toohey/Edwards

That the Mayor's report be received.

CARRIED.

14. COUNCILLORS' REPORTS

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

Cr. Sullivan	
<i>May 2016</i>	
<i>13 May</i>	<i>MAV State Council in Melbourne.</i>
<i>24 May</i>	<i>(Chair) Elaine Recreation Reserve Committee meeting</i>

Cr. Spain	
<i>May 2016</i>	
<i>10 May</i>	<i>Neighbours Place AGM</i>
<i>24 May</i>	<i>Moorabool Youth Art Awards</i>
<i>30 May</i>	<i>Housing for the Aged Presentation</i>

Resolution:

Crs. Sullivan/Edwards

That the Councillors' reports be received.

CARRIED.

15. URGENT BUSINESS**15.1 Bungaree Water Supply Protection Area**

Resolution:

Crs. Sullivan/Edwards

That:

- 1. the Chief Executive Officer write to the Minister for Environment, Climate Change & Water regarding a request from Southern Rural Water to abolish the Bungaree Water Supply Protection Area.***
- 2. the request to the Minister seek advice as to what the proposal changes will mean to Council and ground water users in the Bungaree WSPA.***
- 3. when a response is received, the Chief Executive Officer prepare a report to Council for consideration.***

CARRIED.

15.2 Masons Lane Advisory Committee

Resolution:

Crs. Dudzik/Edwards

That a report be provided to Council following the Masons Lane Advisory Committee meeting on Wednesday 1 June 2016, outlining any issues raised at that meeting.

CARRIED.

ADJOURNMENT OF MEETING – 5.40PM

Crs. Sullivan/Spain

That the meeting now stand adjourned for a period of 5 minutes.

CARRIED.

RESUMPTION OF MEETING – 5.50pm

Crs. Sullivan/Dudzik

That the meeting now be resumed.

CARRIED.

16. CLOSED SESSION OF THE MEETING TO THE PUBLIC**16.1 Confidential Report****16.2 Confidential Report****16.3 Confidential Report****Resolution:****Crs. Sullivan/Dudzik**

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

- (a) personnel matters;***
- (b) the personal hardship of any resident or ratepayer;***
- (c) industrial matters;***
- (d) contractual matters;***
- (e) proposed developments;***
- (f) legal advice;***
- (g) matters affecting the security of Council property;***
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;***
- (i) a resolution to close the meeting to members of the public***

CARRIED.

Items 16.1 – 16.3 are confidential items
and therefore not included
as part of these Minutes.

MOTION IN OPEN SESSION

Council resolved to release the resolution from Confidential Item 16.2 to the public section of the agenda as follows:

Resolution:

Crs. Spain/Dudzik

That Council:

- 1. Abandon the existing Social Infrastructure Contributions Policy.***
- 2. Amend any existing planning permits to remove the condition requiring payment of the Social Infrastructure Contribution.***
- 3. Discontinue the application of the condition requiring payment of the Social Infrastructure Contribution.***
- 4. Undertake an audit of the Social Infrastructure Contribution collected and refund where possible.***
- 5. Retain collected funds when the person who made the payment cannot be identified and provide a report on this in 12 months' time.***
- 6. Advise the Ombudsman of the Council's resolution in relation to Social Infrastructure Contributions.***
- 7. Allocate \$15,000 in the 2016/17 budget to undertake an initial report to work out the mechanics of implementing an Infrastructure Contribution Plan.***
- 8. Develop a further funding bid in the 2017/18 budget to be considered to undertake the required works to implement an Infrastructure Contribution Plan.***
- 9. Make the resolution available to the public section of the minutes.***
- 10. That a further report be presented to Council in open session, outlining a strategy to engage with Peri Urban Councils, State Government and the MAV in relation to a standardised Social Infrastructure Contributions Policy for Peri Urban Councils facing significant growth.***

CARRIED.

17. MEETING CLOSURE

The meeting closed at 6.22pm.

Confirmed.....Mayor.