

## ORDINARY MEETING OF COUNCIL

**Minutes** of the  
Ordinary Meeting of Council held at  
the James Young Room, Lerderberg Library,  
215 Main Street, Bacchus Marsh on  
Wednesday 3 April 2013,  
at 7:00 p.m.

### **Members:**

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

### **Officers:**

Mr. Rob Croxford	Chief Executive Officer
Mr. Shane Marr	General Manager Corporate Services
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Community Services

***Rob Croxford***  
***Chief Executive Officer***

## AGENDA

<b>1.</b>	<b>OPENING OF MEETING AND PRAYER .....</b>	<b>4</b>
<b>2.</b>	<b>PRESENT .....</b>	<b>4</b>
<b>3.</b>	<b>APOLOGIES .....</b>	<b>4</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>4</b>
4.1	<i>Ordinary Meeting of Council – Wednesday 20 March 2013.....</i>	<i>4</i>
<b>5.</b>	<b>DISCLOSURE OF CONFLICT OF INTEREST .....</b>	<b>5</b>
<b>6.</b>	<b>MAYOR’S REPORT.....</b>	<b>7</b>
<b>7.</b>	<b>COUNCILLORS’ REPORTS.....</b>	<b>9</b>
<b>8.</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>11</b>
<b>9.</b>	<b>PETITIONS .....</b>	<b>13</b>
<b>10.</b>	<b>PRESENTATIONS / DEPUTATIONS .....</b>	<b>14</b>
<b>11.</b>	<b>OFFICER’S REPORTS.....</b>	<b>15</b>
<b>11.1</b>	<b>CHIEF EXECUTIVE OFFICER.....</b>	<b>15</b>
11.1.1	<i>National General Assembly of Local Government – Call for Motions .....</i>	<i>15</i>
<b>11.2</b>	<b>GROWTH AND DEVELOPMENT .....</b>	<b>22</b>
<b>11.3</b>	<b>COMMUNITY SERVICES .....</b>	<b>23</b>
11.3.1	<i>Funding Cut to the School Focused Youth Service Program.....</i>	<i>23</i>
<b>11.4</b>	<b>INFRASTRUCTURE SERVICES .....</b>	<b>26</b>
<b>11.5</b>	<b>CORPORATE SERVICES .....</b>	<b>27</b>
11.5.1	<i>Review of Procurement Policy .....</i>	<i>27</i>
11.5.2	<i>Proposed Sale of Council Land situated at Crown Allotment, 3B Section 2A/PP3760, in the Township of Bungaree, Parish of Warrenheip, situated on the south west corner of Bungaree Wallace and Lesters Roads, Bungaree.</i>	<i>30</i>
<b>12.</b>	<b>OTHER REPORTS .....</b>	<b>35</b>
12.1	<i>Assembly of Councillors.....</i>	<i>35</i>
12.2	<i>Section 86 - Delegated Committees of Council - Reports.....</i>	<i>37</i>
<b>13.</b>	<b>NOTICES OF MOTION .....</b>	<b>38</b>
13.1	<i>Cr. Dudzik: N.O.M. No. 225 – Pool Consortium.....</i>	<i>38</i>
<b>14.</b>	<b>URGENT BUSINESS.....</b>	<b>39</b>
14.1	<i>Youth Space for Moorabool .....</i>	<i>39</i>
14.2	<i>Wind Farm Joint Working Group Issues Paper and proposed Planning Scheme Amendment Bill - Responsibility for Administering and Enforcing Wind Farm Permits .....</i>	<i>40</i>

**15. CLOSED SESSION OF THE MEETING TO THE PUBLIC .....44**  
**16. MEETING CLOSURE .....45**

**1. OPENING OF MEETING AND PRAYER**

*The Mayor, Cr. Toohey, opened the meeting with the Council Prayer at 7.00pm.*

**2. PRESENT**

Cr. Pat Toohey (Mayor)	Woodlands Ward
Cr. Paul Tatchell	Central Moorabool Ward
Cr. Allan Comrie	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. John Spain	East Moorabool Ward
Cr. Tom Sullivan	West Moorabool Ward
Mr. Rob Croxford	Chief Executive Officer
Mr. Shane Marr	General Manager Corporate Services
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Community Services
Ms. Deb Absolom	Minute Taker

**3. APOLOGIES**

*There were no apologies.*

**4. CONFIRMATION OF MINUTES****4.1 Ordinary Meeting of Council – Wednesday 20 March 2013**

**Resolution:**

**Crs. Comrie/Spain**

*That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 20 March 2013.*

**CARRIED.**

## 5. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

### Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

***Mr Phil Jeffrey advised Council of his association with the Bungaree Recreation Reserve as a Committee Member in relation to Item 11.5.2 – Proposed Sale of Council Land situated at Crown Allotment, 3B Section 2A/PP3760, in the Township of Bungaree, Parish of Warrenheip, situated on the south west corner of Bungaree Wallace and Lesters Roads, Bungaree.***

## 6. MAYOR'S REPORT

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

<b>Cr Pat Toohey – Mayor's Report</b>	
<b>March/April 2013</b>	
<b>22 March</b>	<ul style="list-style-type: none"> <li>• <b>Opening of 38th Ballan Annual Art Show, Ballan</b></li> <li>• <b>Talk at St. Brigid's Primary School, Ballan re: Laws and Rules</b></li> </ul>
<b>23 March</b>	<b>Opening of new BBQ facilities at Korweinguboorra Recreation Reserve, funded with support from Moorabool Shire Council</b>
<b>23 March</b>	<b>Opening of new BBQ facilities at Korweinguboorra Recreation Reserve, funded with support from Moorabool Shire Council</b>
<b>24 March</b>	<b>Ballan Autumn Festival</b>
<b>25 March</b>	<b>Meeting with Mr. Don Nardella, Member for Melton re: Bacchus Marsh Eastern Interchange</b>
<b>27 March</b>	<b>MSC Quarterly Staff Briefing, Darley and Ballan</b>
<b>28 March</b>	<b>Meeting with Central Highlands Water (Warren Jose and David Clements) to discuss Blackwood Sewerage Projects</b>
<b>30 March</b>	<b>Blackwood Easter Carnival Woodchop</b>
<b>3 April</b>	<ul style="list-style-type: none"> <li>• <b>Assembly of Council – Outcomes from Staff Satisfaction Survey</b></li> <li>• <b>Assembly of Council – Moratorium Requesting the Victorian State Government Ban all new On-Shore Coal and Unconventional Gas Operations</b></li> <li>• <b>Assembly of Council – Annual Budget including 2013/2014 New and Renewal Programs</b></li> <li>• <b>Ordinary Meeting of Council</b></li> </ul>

**Resolution:**

**Crs. Sullivan/Edwards**

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

**CARRIED.**



## 7. COUNCILLORS' REPORTS

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

<b>Cr. Sullivan</b>	
<b>March 2013</b>	
<b>25 March</b>	<b>Business Planning session of Central Highlands Regional Waste Management Group</b>
<b>27 March</b>	<b>AGM Clarendon Recreation Reserve</b>

<b>Cr. Dudzik</b>	
<b>March 2013</b>	
<b>21 March</b>	<b>Launch of Ballan Autumn Festival at Omnibus Art Gallery</b>
<b>22 March</b>	<b>Central Highlands Local Learning and Employment Network (CHLLEN)</b>
<b>22 March</b>	<b>Opening of Ballan Art Show</b>
<b>24 March</b>	<b>Launch of Ballan Autumn Festival</b>
<b>26 March</b>	<b>Gathering of New Indigenous Group in Bacchus Marsh</b>
<b>26 March</b>	<b>Moorabool Environment Group</b>
<b>28 March</b>	<b>Meeting with Michelle O'Brien of Community and Family Services</b>
<b>29 March</b>	<b>Bacchus Marsh Easter Egg Hunt</b>

<b>Cr. Comrie</b>	
<b>March 2013</b>	
<b>22 March</b>	<b>Ballan Art Show</b>

<b>Cr. Tatchell</b>	
<b>March/April 2013</b>	
<b>21 March</b>	<b>Omnibus Art Gallery in Ballan</b>
<b>22 March</b>	<b>Opening of Ballan Art Show</b>
<b>24 March</b>	<b>Ballan Autumn Festival</b>
<b>25 March</b>	<b>Consortium of Residents in Ballan to clean up town and provide memorial seating</b>
<b>26 March</b>	<b>Ballan Scouts</b>
<b>2 April</b>	<b>Ballan Caravan Park Committee</b>

<b>Cr. Spain</b>	
<b>March 2013</b>	
<b>22 March</b>	<b>Opening of Ballan Art Show</b>
<b>23 March</b>	<b>Opening of Korweinguboorra Recreation Reserve</b>

**Resolution:**

**Crs. Comrie/Sullivan**

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

**CARRIED.**

## 8. PUBLIC QUESTION TIME

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

Public Question Time is required to be conducted in accordance with the requirements contained within the **Public Question Time Protocols and Procedural Guidelines**.

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

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

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

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

### ***Procedural Guidelines – Public Question Time***

A maximum of two questions may be asked by any one person at any one time.

If a person has submitted 2 questions to a meeting, the second question: may, at the discretion of the Mayor, be deferred until all other persons who have asked a question have had their questions asked and answered; or may not be asked if the time allotted for public question time has expired.

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

The Mayor will nominate the appropriate person to respond to each question. In the event that the question is directed for response by a Council Officer, it shall be referred through the Chief Executive Officer.

The Mayor may disallow any question, which is considered:

To relate to a matter outside the duties, functions and powers of Council;

To be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or substance;

To be confidential in nature or of legal significance;

To deal with a subject matter already answered; To be aimed to embarrass any person;

To relate to personnel matters;

To relate to the personal hardship of any resident or ratepayer;

To relate to industrial matters;

To relate to contractual matters;

To relate to proposed developments;

To relate to legal advice;

To relate to matters affecting the security of Council property; or

To relate to any other matter which Council considers would prejudice the Council or any person.

The Mayor has the discretion to seek clarification of the question if deemed necessary but otherwise the person asking the question is not permitted to enter into debate with or directly question the Mayor or Chief Executive Officer.

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

***The following question was taken on notice by the Chair at the meeting:***

**Ms. Danielle Cooper - Darley & Ms. Carmen North – Darley – Youth Space at Hub.**

***Further investigations are to be undertaken in regard to this question and a written response will be provided in the next Council Minutes upon completion of the investigations.***

***The following question was responded to at the meeting:***

**Ms. Margaret Scarffe – Maddingley Park CoM - Promotion of the achievements of Maddingley Park in the upcoming edition of Moorabool Matters.**

**Mr. Godwin Aquilina – Maddingley - Conditions of a permit resolved at OMC of 20 March 2013.**

**Mr. Bruce Bullock – Maddingley - Request to be informed of outcome re: Love Close, Maddingley.**

**9. PETITIONS**

**Nil.**

## 10. 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:**

**Nil.**

**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.

**Nil.**

## **11. OFFICER'S REPORTS**

### **11.1 CHIEF EXECUTIVE OFFICER**

#### **11.1.1 National General Assembly of Local Government – Call for Motions**

##### **Introduction**

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

##### **Background**

The Annual National General Assembly (NGA) of Local Government provides an opportunity to contribute to the development of national local government policy and to receive updates on the top policy issues facing local government nationally.

##### **Proposal**

The NGA provides an opportunity for Councils to influence the national policy agenda by:

1. Identifying national priorities that Australian Local Government Association (ALGA) might be able to pursue at the national level; and
2. Identifying priorities that are shared by all Councils, regardless of State differences, particularly those that relate to Federal matters.

Motions presented at the 2013 NGA will propose credible ideas and policy initiatives strengthening local government's capacity to respond to social, economic and environmental changes that face Australia.

To be eligible for inclusion in the 2013 business papers, motions must:

- Fall under the NGA theme of "Foundations for the Future – Twenty 13;
- Be relevant to the work of local government nationally; and
- Complement or build on the policy objectives of State and Territory Associations.

It is proposed that the following motions be submitted to the Australian Local Government Association for review by the NGA Committee. The Committee will determine the eligibility of motions, and will consider the importance and relevance of the issue to local government.

## Motion 1

### Road Funding

That the ALGA calls on the Federal Government to re-instate the 80/20 split of funding for road projects of national significance immediately.

### National Objective

This matter is a national issue as the recent reduction of Federal funding to road projects from 80/20 to 50/50 means that a larger cost of construction falls upon the State Government. This in turn means that fewer funds will be available at the State level thus impacting on State/local government projects and funding pools.

### Summary of Key Arguments

Reduction in federal funding.  
Less infrastructure for communities.

## Motion 2

### Local Community Infrastructure Fund (LCIRF)

That the ALGA calls on the Federal government to work with local government to establish a new Local Community Infrastructure Fund (LCIRF) to support Councils in the more timely funding of renewal of assets effective from 1/7/2013.

### National Objective

This matter is a national issue as the infrastructure investment gap of all local governments is of such significance that local government cannot on its own raise enough revenues to invest in significantly reducing the gap. Those Councils that have invested in understanding their infrastructure gaps and devising a strategy will be rewarded whilst others will be encouraged to better understand the issue.

### Summary of Key Arguments

Infrastructure gap, funding streams for local governments and asset management.

## Motion 3

### FAG Funding Model

That the ALGA call on the Federal government to review the escalation methodology for FAG's from a mix of population growth and CPI to a new formula tailored more to local government cost movements.

### National Objective

This matter is a national issue as peri urban and rural Councils across the country have seen reduction in FAG payments passed on by State governments in excess of \$200,000 which is often greater than 1% of rate revenue. This shortfall will either be met by reduced services to the community, higher rates or increased debt. None of these impacts are desirable. A more equitable methodology must be used.



Summary of Key Arguments

Local government revenue sources.  
Service reduction.  
Financial sustainability.

**Motion 4**R2R Funding Programs

That the ALGA call on the Federal government to make funding for the highly successful R2R program permanent and that the program be adjusted annually using the ABS contribution cost index from 1/7/2013.

National Objective

This matter is a national issue as the continued threat of the ending of the program jeopardises long term planning and certainty for road infrastructure across the country. R2R has been very successful in providing critical infrastructure to growing local governments across the country.

Summary of Key Arguments

Infrastructure, funding, long term planning.

**Motion 5**RLCIP Funding Program

That the ALGA calls on the Federal government to re-introduce the highly successful regional local community infrastructure program (RLCIP) as part of the 2013/14 budget initiatives in order to assist smaller rural communities across the country that are unable to compete for RDAF or larger State funded programs.

National Objective

This matter is a national issue as many smaller communities have not been eligible for the past four rounds of RDAF due to the localised and smaller nature of the projects that are a priority in their local communities.

Summary of Key Arguments

Community development, funding streams, infrastructure.

**Policy Implications**

The 2009–2013 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and leadership of our community
<b>Objective</b>	Services and infrastructure that meets the Shire's existing and future needs
<b>Strategy</b>	Develop and maintain partnerships and advocate for improved service provision by government, the private sector and not-for-profit providers

The proposal is consistent with the 2009-2013 Council Plan.

### **Financial Implications**

There are potentially significant financial implications in policy and grant program changes as a consequence of the ALGA motions.

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

There are no risk or occupational health and safety issues identified with this report.

### **Communications and Consultation Strategy**

Consultation occurred with Councillors during a March Assembly of Council that sought advice on potential motions that could be put to the NGA. Community consultation is not considered necessary at this stage.

### **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**

There is opportunity to contribute to the development of national local government policy through the submission of motions to the 2013 National General Assembly, held in June in Canberra. Each motion conforms with the guidelines provided by the Australian Local Government Association, and is of national interest.

### **Recommendation:**

#### **That Council:**

- 1. Approves the submission of the following motions to the Australian Local Government Association for consideration at the National General Assembly being held in June, 2013:**

- a. That the ALGA calls on the Federal Government to reinstate the 80/20 split of funding for road projects of national significance immediately.
- b. That the ALGA calls on the Federal government to work with local government to establish a new Local Community Infrastructure Fund (LCIRF) to support Councils in the more timely funding of renewal works effective from 1/7/2013.
- c. That the ALGA call on the Federal government to review the escalation methodology for FAG's from a mix of population growth and CPI to a new formula tailored more to local government cost movements.
- d. That the ALGA call on the Federal government to make funding for the highly successful R2R program permanent and that the program be adjusted annually using the ABS contribution cost index from 1/7/2013.
- e. That the ALGA calls on the Federal government to reintroduce the highly successful regional local community infrastructure program (RLCIP) as part of the 2013/14 budget initiatives in order to assist smaller rural communities across the country that are unable to compete for RDAF or larger State funded programs.

**Resolution:**

**Crs. Dudzik/**

***That Council:***

1. ***Approves the submission of the following motions to the Australian Local Government Association for consideration at the National General Assembly being held in June, 2013:***
  - a. ***That the ALGA calls on the Federal Government to reinstate the 80/20 split of funding for road projects of national significance immediately.***
  - b. ***That the ALGA calls on the Federal government to work with local government to establish a new Local Community Infrastructure Fund (LCIRF) to support Councils in the more timely funding of renewal works effective from 1/7/2013.***
  - c. ***That the ALGA call on the Federal government to review the escalation methodology for FAG's from a mix of population growth and CPI to a new formula tailored more to local government cost movements.***

- d. ***That the ALGA call on the Federal government to make funding for the highly successful R2R program permanent and that the program be adjusted annually using the ABS contribution cost index from 1/7/2013.***
- e. ***That the ALGA calls on the Federal government to re-introduce the highly successful regional local community infrastructure program (RLCIP) as part of the 2013/14 budget initiatives in order to assist smaller rural communities across the country that are unable to compete for RDAF or larger State funded programs.***
- f. ***The Local Authorities Super Defined Benefits Plan (15% Federal contributions tax)***

#### ***National Objective***

***That the ALGA calls on the Federal government to work with local government to reduce the financial impact of the shortfall of funding for the Vision Super Unfunded Defined Benefits Superannuation scheme by eliminating the 15% Federal contributions tax payable by Local Councils. That the Federal Government review the requirement for this contributions tax.***

***Although this is a Victorian issue the affect experienced by Council's as a consequence of this shortfall is significant enough to elevate it to National level for attention. Councils will not be able to provide infrastructure and services as planned to the community. The influence on people's lives is significant as valuable community services may be cut, rates increased or more debt taken on to manage the issue.***

***The Motion lapsed for want of a seconder.***

#### **Resolution:**

**Crs. Sullivan/Edwards**

#### ***That Council:***

1. ***Approves the submission of the following motions to the Australian Local Government Association for consideration at the National General Assembly being held in June, 2013:***
  - a. ***That the ALGA calls on the Federal Government to re-instate the 80/20 split of funding for road projects of national significance immediately.***

- b. That the ALGA calls on the Federal government to work with local government to establish a new Local Community Infrastructure Fund (LCIRF) to support Councils in the more timely funding of renewal works effective from 1/7/2013.**
- c. That the ALGA call on the Federal government to review the escalation methodology for FAG's from a mix of population growth and CPI to a new formula tailored more to local government cost movements.**
- d. That the ALGA call on the Federal government to make funding for the highly successful R2R program permanent and that the program be adjusted annually using the ABS contribution cost index from 1/7/2013.**
- e. That the ALGA calls on the Federal government to re-introduce the highly successful regional local community infrastructure program (RLCIP) as part of the 2013/14 budget initiatives in order to assist smaller rural communities across the country that are unable to compete for RDAF or larger State funded programs.**

**CARRIED.**

---

#### **Report Authorisation**

**Authorised by:** 

**Name:** Rob Croxford  
**Title:** Chief Executive Officer  
**Date:** 3 April, 2013

## **11.2 GROWTH AND DEVELOPMENT**

*No reports for this meeting.*

## **11.3 COMMUNITY SERVICES**

### **11.3.1 Funding Cut to the School Focused Youth Service Program**

#### **Introduction**

File No: 12/12/007  
Author: Troy Scoble  
General Manager: Danny Colgan

#### **Background**

The purpose of this report is to advise the Council of the plans by the Victorian Government to discontinue the School Focused Youth Service program from the 30 June 2013 and the impact the removal of the program would have on the provision of youth programs, services and young people in the Shire.

The School Focused Youth Service program was established by the Victorian Government in 1997 as a joint initiative of the Department of Human Services and the then Department of Education. The program aims to strengthen the support to vulnerable children and young people aged between 10-18 years old by facilitating partnerships and coordination of services between schools and community service organisations at a local level. The program targets vulnerable children and young people at risk of poor learning, development, health and wellbeing outcomes.

The School Focused Youth Service (Highlands District- Grampians Region) is jointly operated by Ballarat Community Health and Child & Family Services and covers the Shire of Moorabool, Shire of Golden Plains, City of Ballarat and Shire of Hepburn.

The School Focused Youth Service assists schools directly and also provides brokerage funding to community agencies and Council to develop programs and support innovative, evidence based projects that meet the need of young people.

The Council has received support from the School Focused Youth Service in the past for activities and programs relating to support for young mums, transition from primary to secondary school and linking at risk young people to education.

The program has been a vital resource for Council and external agencies to respond to emerging youth related trends and issues especially those that can be characterised as 'of the day'. The program has promoted the development of local solutions to local needs.

Council's Youth Services team had planned to apply to the program for funding to support a regional 'Primary to Secondary Transition Expo' event being planned in partnership with the Golden Plains Shire.

## Proposal

It is proposed that the Council write to the Victorian Premier and Minister for Youth Affairs asking the Victorian Government to retain the School Focused Youth Services program. It is also proposed that a copy of the letters be sent to local members of the Victorian Parliament.

## Policy Implications

The 2009–2013 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Inclusive, responsive and accessible community services
<b>Strategy</b>	Support and develop youth programs and services

## Financial Implications

The discontinuation of the funding of the School Focused Youth Services Program would remove a potential funding source for the Council and other organisations in Moorabool.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
School Focus Youth Service Program Abolished	Impact on funding required to respond to emerging youth issues in the community	Medium	Advocate to the State Government for continued youth funding support.

## Communications and Consultation Strategy

It is recommended that representations be made to the Victorian Premier and Minister for Youth Affairs highlighting the importance of the School Focused Youth Services program to the communities of Moorabool. It is recommended that a copy of the letters be sent to local members of the Victorian Parliament.

## 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 Victorian Government plans to discontinue funding for the School Focused Youth Service program as at 30 June 2013. The program has been a vital resource for Council and other agencies in Moorabool to respond to emerging youth related trends and issues and has promoted the development of local solutions to local needs.

Council has been the recipient of past funding from the School Focused Youth Services program to provide young people of Moorabool with a range of programs and services.

### Resolution:

**Crs. Dudzik/Edwards**

***That Council:***

- 1. writes to the Municipal Association of Victoria (MAV) calling on them to advocate to the State Government for the retention of the School Focused Youth Services Program.***
- 2. writes to the Victorian Premier, the Hon. Denis Naphine and the Minister for Youth Affairs, the Hon. Ryan Smith calling on the Victorian Government to continue to fund the School Focused Youth Services Program.***
- 3. sends a copy of the letters to the Premier and Minister for Youth Affairs to local members of the Victorian Parliament.***

**CARRIED.**

---

### Report Authorisation

**Authorised by:**

**Name:**

**Title:**

**Date:**



Danny Colgan

General Manager Community Services

Wednesday 3 April, 2013

## **11.4 INFRASTRUCTURE SERVICES**

*No reports for this meeting*

## 11.5 CORPORATE SERVICES

### 11.5.1 Review of Procurement Policy

#### Introduction

File No.: 03/01/007  
Author: Jacinta Erdody  
General Manager: Shane Marr

#### Background

In accordance with section 186A(7) of the Local Government Act:

*“at least once in a financial year, a Council must review the current procurement policy and may, in accordance with this section, amend the procurement policy.”*

The existing Council Procurement Policy was first adopted 18 November 2009 and in accordance with legislative requirements has continued to be reviewed on an annual basis. The last formal review and adoption of the policy was 2 May 2012.

A review of the existing policy has been undertaken by the internal Procurement Steering Group (a cross functional committee that has been established to oversee all procurement related matters).

#### Proposal

As a result of the review, there are only a couple of minor adjustments being proposed, which will not affect the overall intent of the policy.

The revised policy is presented as an attachment to this report. The key change being proposed to the policy being the revised wording for the definition of “local content” in accordance with changes to the Procurement Procedures manual.

This policy will continue to be reviewed on an annual basis.

#### Policy Implications

The 2009–2013 Council Plan provides as follows:

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

### **Financial Implications**

The adoption of the revised Procurement Policy has no additional known financial implications to Council.

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

As the annual review of this policy is legislated, there is a risk of non-compliance with the Local Government Act if this policy is not reviewed annually.

### **Communications Strategy**

Once Council has adopted the revised Procurement Policy, the updated document will be communicated to all staff and will be placed on Council's website.

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

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

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

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

*General Manager – Shane Marr*

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

*Author – Jacinta Erdody*

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

### **Conclusion**

After considering the revised Procurement Policy, Council resolve to adopt the document.

### **Recommendation:**

**That Council adopts the revised Procurement Policy (CS009/Version 004).**

### **Resolution:**

**Crs. Dudzik/Spain**

***That consideration of the Procurement Policy be deferred and that officers report back on the inclusion of a reference to Social Procurement in the policy.***

**The motion was voted upon and was LOST.**

**Resolution:**

**Crs. Comrie/Sullivan**

***That Council adopts the revised Procurement Policy (CS009/Version 004).***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**



**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Wednesday 3 April, 2013

***Mr Phil Jeffrey advised Council of his association with the Bungaree Recreation Reserve as a Committee Member in relation to Item 11.5.2 – Proposed Sale of Council Land situated at Crown Allotment, 3B Section 2A/PP3760, in the Township of Bungaree, Parish of Warrenheip, situated on the south west corner of Bungaree Wallace and Lesters Roads, Bungaree.***

**11.5.2 Proposed Sale of Council Land situated at Crown Allotment, 3B Section 2A/PP3760, in the Township of Bungaree, Parish of Warrenheip, situated on the south west corner of Bungaree Wallace and Lesters Roads, Bungaree**

**Introduction**

File No.: 245250  
Author: Michelle Morrow  
General Manager: Shane Marr

**Background**

At the Ordinary Meeting of Council on Wednesday 21 March 2012, Council considered a report in relation to the funding of the Bungaree Community Facility Project and resolved the following in relation to land being Crown Allotment 3B, Section 2A/PP3760, Township of Bungaree, situated at the corner of Lesters Road and Bungaree-Wallace Road, Bungaree:

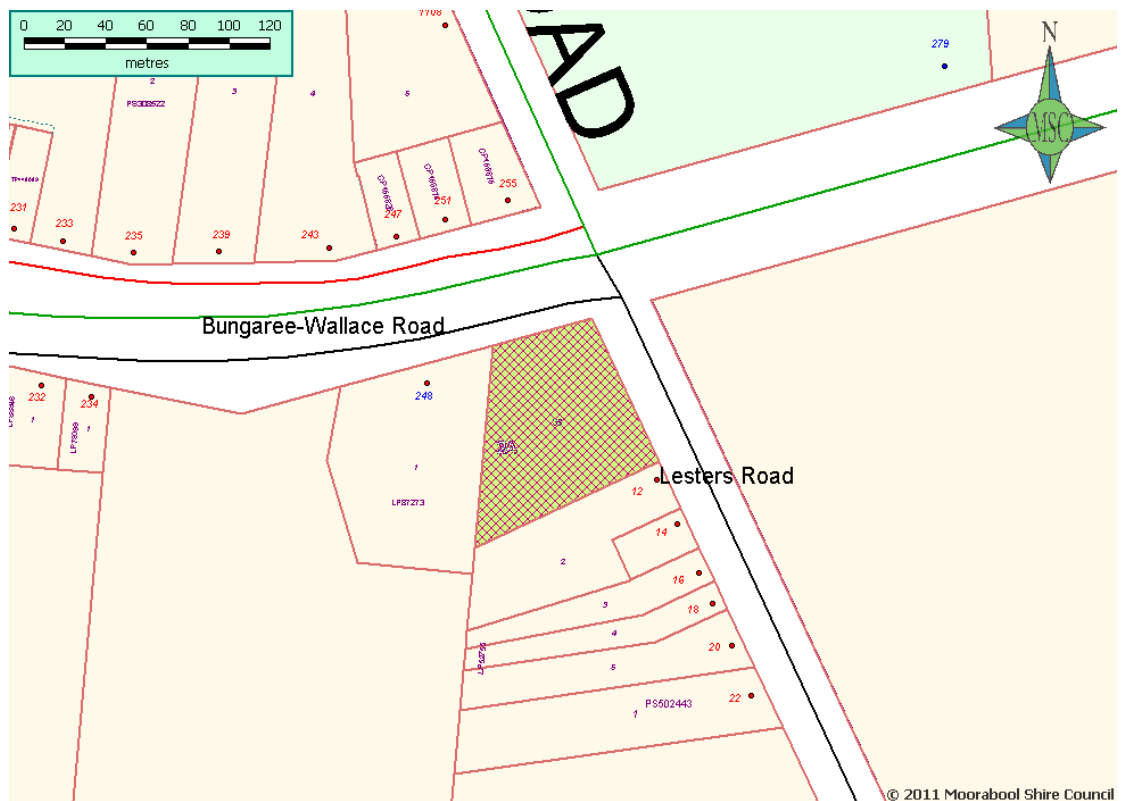
*That Council resolves*

- 1. to re-allocate \$600,000 of the Local Government Infrastructure Program funding to alternative Council funded projects in the Capital Improvement Program and allocate the \$600,000 Council funding to the Bungaree Community Facility Project;*
- 2. that the land being Crown Allotment 3B, Section 2A/PP3760, Parish of Warrenheip, Township of Bungaree, is surplus to Council's requirements;*
- 3. to commence statutory procedures under Section 189 of the Local Government Act 1989 to sell this land;*
- 4. that under Section 223 of the Local Government Act 1989 public notice be given in the local and/or regional newspapers, allowing any person to make a public submission in relation to the proposed sale of land within the Township of Bungaree and how submissions will be heard;*
- 5. that the potential funding shortfall of up to \$400,000 (subject to land sales above) be referred to the 2012/13 budget process; and*
- 6. that a further report be presented to Council after the expiration of the public submission process, considering any public submissions received.*

In accordance with the above resolution of Council, an advertisement appeared in the Moorabool News on Tuesday 22 May 2012 and in the Ballarat Courier on Saturday 26 May 2012, seeking, under section 223 of the Local Government Act 1989, public submissions within 28 days from the date of the advertisement in regard to the proposal to sell the land.

At the close of the 28 day period, viz. 22 June 2012, two submissions (as attached) were received however these submissions were not in opposition to the proposed sale of the land, but only to tender their interest in the sale.

Under section 189(2)(b) of the Local Government Act, officers engaged Council's valuers to provide a valuation of the land. This land, being 6,140sqm (approx) in size, zoned TZ – Township Zone under MSC Planning Scheme has now been valued.



## Proposal

Council officers have investigated the option of subdividing the land with a valid permit to potentially maximise a return on Council's investment. As part of this process, preliminary advice was sought from Council's Planning Unit and Environmental Health Unit in addition to Central Highlands Water. A Land Capability Study was also commissioned to consider the consequences of development on this particular site. The land would require a planning permit to subdivide with referrals required from Central Highlands Water, Southern Rural Water and VicRoads.

The findings from the preliminary advice sought has found that whilst the land appears of sufficient size to allow for up to 3 lots to accord with the neighbourhood character of the area, in the absence of an adopted Domestic Wastewater Management Plan, the water authorities would be

unlikely to support an application for subdivision. An additional limitation according to the Code of Practice for Onsite Wastewater Management, is that developments of individual lots and for subdivision proposals should not be seen as a minimum lot size but as a risk threshold, as lots smaller than 10,000m<sup>2</sup> may be unable to retain all domestic wastewater on site. These factors would possibly result in the application for subdivision either being refused or objected to.

After consideration of these findings and with two public submissions having been received that were unopposed to the sale of land, it is now recommended that Council resolve to confirm its decision made at the Ordinary Meeting of Council, held on Wednesday 21 March 2012, to sell a parcel of land known as Crown Allotment 3B, Section 2A/PP3760, Township of Bungaree, situated at the corner of Lesters Road and Bungaree-Wallace Road, Bungaree.

### **Policy Implications**

The 2009–2013 Council Plan provides as follows:

<b>Key Result Area</b>	Continuous Improvement in Council Services
<b>Objective</b>	Sound, long term financial management
<b>Strategy</b>	Actively pursue alternative sources of income for Council's assets and operations

The proposal to sell a parcel of land known as Crown Allotment 3B, Section 2A/PP3760, Township of Bungaree is consistent with the 2009-2013 Council Plan.

### **Financial Implications**

In accordance with Section 189 (2)(b) of the Local Government Act 1989, Council must before selling land obtain from a person who holds the qualifications or experience specified under section 13DA(1A) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale. That valuation has been received.

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

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

### **Communications and Consultation Strategy**

The community has been made aware of the proposal to sell this surplus land through the Council report considered by Council on Wednesday 21 March 2012 and also through the advertising process under sections 189 and 223 of the Local Government Act 1989.

In accordance with section 223 of the Local Government Act 1989 public submissions were sought within 28 days from the date of the advertisement in regard to the proposal to sell the land.



A further advertising process will be carried out through the Real Estate Agent at the appropriate time of selling the property.

Consultation has been held with Community Development, Planning, Assets and Environmental Health service units within 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 – Shane Marr*

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

*Author – Michelle Morrow*

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

### **Conclusion**

Council is required to fulfil the requirements of the Local Government Act 1989 prior to selling any land surplus to its requirements.

Having fulfilled the requirements under section 189 and section 223 of the Local Government Act 1989, this report recommends that as the two public submissions received were not opposed to the sale of the parcel of land Crown Allotment, 3B Section 2A/PP3760, in the Township of Bungaree, Parish of Warrenheip, situated on the south west corner of Lesters Road and Bungaree-Wallace Road, Bungaree, that Council now formally resolves to confirm its previous decision made at the Council Meeting held on Wednesday 21 March 2012, to sell the surplus parcel of land, as it is surplus to Council's requirements.

**Recommendation:**

***That Council, having complied with sections 189 and 223 of the Local Government Act 1989:***

- 1. confirms its decision made at the Council Meeting held on Wednesday 21 March 2012, to sell the surplus land known as part of Crown Allotment, 3B Section 2A/PP3760, in the Township of Bungaree, Parish of Warrenheip, situated on the south west corner of Bungaree-Wallace and Lesters Roads, Bungaree.***
- 2. resolves that the land be sold by public auction or failing public auction then by private treaty on terms and conditions as approved by the Chief Executive Officer.***

**Resolution:**

**Crs. Sullivan/Tatchell**

***That Council, defer any decision on the sale of the land known as part of Crown Allotment, 3B Section 2A/PP3760, in the Township of Bungaree, Parish of Warrenheip, situated on the south west corner of Bungaree-Wallace and Lesters Roads, Bungaree, until such time as a Domestic Wastewater Management Plan (DWMP) is adopted by Council and the following works are undertaken:***

- 1. Obtain a planning permit for two lot subdivision and dwellings on each of the proposed lots, or***
- 2. Failing to obtain subsection (1) as mentioned above, seek a planning permit for a dwelling house on the subject land prior to offering the land for sale.***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**



**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Wednesday 3 April, 2013

## 12. OTHER REPORTS

### 12.1 Assembly of Councillors

File No.: 02/01/002

Section 76(AA) of the Local Government Act 1989 defines the following to be Assemblies of Councillors; an advisory committee of the Council that includes at least one Councillor; a planned or scheduled meeting of at least half the Councillors and one member of council staff which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a Council function, power or duty by a person or committee acting under Council delegation.

It should be noted, an assembly of Councillors does not include an Ordinary Council meeting, a special committee of the Council, meetings of the Council's audit committee, a club, association, peak body or political party.

Council must ensure that the written record of an assembly of Councillors is, as soon as practicable –

- a) reported to the next ordinary meeting of the Council; and
- b) incorporated in the minutes of that council meeting. (s. 80A(2))

Council also records each Assembly of Councillors on its website at [www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au)

A record of Assemblies of Councillors since the last Ordinary Meeting of Council is provided below for consideration:

- Assembly of Councillors – Wednesday 20 March 2013 – Expense Policy
- Assembly of Councillors – Wednesday 20 March 2013 – Council Plan Priorities
- Assembly of Councillors – Wednesday 20 March 2013 – Call for Motions National General Assembly
- Assembly of Councillors – Wednesday 20 March 2013 – Bacchus Marsh Racecourse Reserve Governance Issues

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

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

- ***Assembly of Councillors – Wednesday 20 March 2013 – Expense Policy***
- ***Assembly of Councillors – Wednesday 20 March 2013 – Council Plan Priorities***
- ***Assembly of Councillors – Wednesday 20 March 2013 – Call for Motions National General Assembly***
- ***Assembly of Councillors – Wednesday 20 March 2013 – Bacchus Marsh Racecourse Reserve Governance Issues***

**CARRIED.**

## 12.2 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.

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Maddingley Park Committee of Management	30 October 2012	Community Members
Maddingley Park Committee of Management	29 January 2013	Community Members
Maddingley Park Committee of Management – Special Meeting	7 February 2013	Community Members
Maddingley Park Committee of Management	26 February 2013	Community Members
Navigators Community Centre Committee of Management	30 January 2013	Community Members

### **Resolution:**

**Crs. Comrie/Spain**

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

- ***Maddingley Park Committee of Management meeting of Tuesday 30 October 2012.***
- ***Maddingley Park Committee of Management meeting of Tuesday 29 January 2013.***
- ***Maddingley Park Committee of Management special meeting of Thursday 7 February 2013.***
- ***Maddingley Park Committee of Management meeting of 26 February 2013.***
- ***Navigators Community Centre Committee of Management meeting of 30 January 2013.***

**CARRIED.**

**13. NOTICES OF MOTION****SUSPENSION OF STANDING ORDERS 8.11 pm**

Resolution:

Crs. Dudzik / Sullivan

*That Standing Orders be suspended.*

**CARRIED.**

**RESUMPTION OF STANDING ORDERS 8.18 pm**

Resolution:

Crs. Dudzik / Sullivan

*That Standing Orders now be resumed to facilitate a return to the business of the Agenda.*

**CARRIED.**

*The business of the meeting then returned to the Agenda. Item 13.1 - Cr. Dudzik: N.O.M. No. 225 – Pool Consortium*

**13.1 Cr. Dudzik: N.O.M. No. 225 – Pool Consortium**

Resolution:

Crs. Dudzik/Edwards

*That an amount of \$500 be made available from the East Moorabool Recreation Reserve Fund to the Pool Consortium to fund expenditure on administrative and operational items required to operate the group. Council recognizes the importance of the Consortium's role in raising community funds for the Bacchus Marsh Indoor Aquatic Centre.*

**The motion was voted upon and was LOST.**

**14. URGENT BUSINESS****14.1 Youth Space for Moorabool****Resolution:****Crs. Dudzik/Spain**

*That Council Officers provide a report to Council on the proposed "Youth Space for Moorabool" identified by the MAST group and the youth issues and the needs it would address. That consideration be given to the community benefits of allowing this youth space to be established at the Darley Council Offices. That Council needs to consider in kind contributions of services and groups to get this facility operational and external grant opportunities for its establishment. That Council has an opportunity to improve delivery of youth services in Moorabool.*

**The motion was voted upon and was LOST.**

## 14.2 Wind Farm Joint Working Group Issues Paper and proposed Planning Scheme Amendment Bill - Responsibility for Administering and Enforcing Wind Farm Permits

### Introduction

File No.: 02/14/005  
Author: Natalie Robertson  
General Manager: Satwinder Sandhu

### Background

In April 2010 MAV provided the then Minister for Planning, Justin Madden MLC, with a Partnership Proposal which outlined a positive initiative for a partnership approach to the planning and development of wind energy facilities in Victoria which would be made up of representatives from affected Councils, MAV and DPCD and would be called the Wind Farm Joint Working Group (WFJWG). The Group is made up of Moorabool Shire, Golden Plains Shire, Hepburn Shire, Moyne Shire, Pyrenees Shire, Southern Grampians Shire and Surf Coast Shire.

The proposal was put to the Minister as the intent by MAV to improve support for Councils managing wind energy facility permits and improving compliance. The proposal was to address Councils' concerns around issues such as assessment criteria, responsibility and compliance and enforcement and access to expertise.

On 31 May 2012 the current Minister for Planning, Matthew Guy MLC, meet with the Councils that form the WFJWG and key issues were raised as matters of concern. At this meeting the Minister stated that the Governments position was supportive of wind energy and wanted to provide certainty to local government. The Minister made the following commitments to the WFJWG:

1. The department and MAV would meet within two weeks of the date and develop a work plan in order to find solutions;
2. The WFJWG would meet again with the Minister to discuss the work plan;
3. The priority issues for the work plan would include:
  - (a) Health impacts;
  - (b) Noise compliance monitoring
  - (c) Rates and fees
  - (d) Construction impacts on roads.

The WFJWG has not meet with MAV or the Minister since that date in May 2012. As a result and in order to drive some outcomes for those Shires affected by Wind Turbine Facilities the WFJWG Councils through Moorabool Shire have prepared an Issues Paper to highlight its concerns and seek a mechanism to highlight the unresolved and ongoing issues. A copy of the Wind Farm Issues Paper is attached to this report.



Correspondence was provided to MAV seeking to have the Groups Meetings reconvened and as a result Council has been informed that a meeting of MAV and WFJWG has now been scheduled for Monday 8 April 2012.

This date is timely as Councils on 27 March 2013 were informed that a Bill is to be debated before the Upper House in Parliament on 17 April 2013 which if passed, would see the amendment of the Planning and Environment Act 1987 to:

*'amend the Planning and Environment Act 1987 so that the person or body nominated in a planning scheme as the Responsible Authority becomes responsible for administering and enforcing any planning permit issued by the Minister for Planning at the end of a 'called in' proceeding. This change will shift responsibility of administering and enforcing wind farm permits to councils. The Minister will remain responsible for aspects where it states to the satisfaction of the Minister.'*

*Councils are encouraged to review wind farm permits over 30 megawatts 'called in' and determined by the Minister to understand the potential implications of the proposed change.'*

## **Key Issues**

### ***Issues Paper***

The intent of the Issues Paper is to highlight the ongoing issues and concerns of Councils involved. It is hoped that the Paper will provide the mechanism to seek support from MAV.

It is further hoped that by reconvening the meeting of MAV and the WFJWG that focus will be returned to driving outcomes for affected Councils.

### ***Bill for Amendment to the Planning and Environment Act 1987 to change administrative and enforcement responsibility***

The proposed amendment in itself presents questions that must be addressed at the 8 April meeting with MAV as it is not clear whether transitional arrangements will be included in the amendment for those permits already granted by the Minister.

Given that Council has three Ministerial permits the result, should the amendment be approved with no transitional arrangements would mean that Council would become the responsible authority for assessing any amendments, extension of time applications and also condition requirements. For example, where previously Council has informed the Wind Farm developer that it is not the responsible authority for the signing and enforcement of Section 173 Agreements between affected landowners, the developer and the Responsible Authority, it would now seem that Council would become that Responsible Authority.

### **Financial Implications**

No financial implications can be considered as part of this report to Council as it is merely a briefing report. Council will need to consider extra resourcing to address ongoing compliance issues.

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

The recommendation for Council to receive and acknowledge this report does not implicate any risk or OH & S issues to Council

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

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

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

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

*General Manager – Satwinder Sandhu*

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

*Author – Natalie Robertson*

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

### **Resolution:**

**Crs. Comrie/Spain**

#### ***That Council***

- ***accept the Wind Farm Issues Paper as the basis of concerns for the WFJWG Councils to be presented to MAV at its meeting on 8 April 2013.***
- ***write to the Minister to seek clarification of The Planning and Environment Amendment (Growth Areas Authority and Miscellaneous) Bill 2013 to be debated in the Upper House on Wednesday 17 April 2013.***

**CARRIED.**

**Report Authorisation**



**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Wednesday 3 April 2013

**15. CLOSED SESSION OF THE MEETING TO THE PUBLIC**

***Nil.***

**16. MEETING CLOSURE**

*The meeting closed at 8.55 pm.*

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