

## **ORDINARY MEETING OF COUNCIL**

**Minutes** of the  
Ordinary Meeting of Council held at  
the James Young Room, Lerderderg Library,  
215 Main Street, Bacchus Marsh on  
Wednesday 4 September 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***

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**1. OPENING OF MEETING AND PRAYER**

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

**2. PRESENT****Members:**

<i>Cr. Pat Toohey (Mayor)</i>	<i>Woodlands Ward</i>
<i>Cr. Allan Comrie</i>	<i>East Moorabool Ward</i>
<i>Cr. David Edwards</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. Paul Tatchell</i>	<i>Central Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>

**Officers:**

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Shane Marr</i>	<i>General Manager Corporate Services</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>Ms. Lace Daniel</i>	<i>Minute Taker</i>

**3. APOLOGIES**

**Nil.**

**4. CONFIRMATION OF MINUTES****4.1 Ordinary Meeting of Council – Wednesday 21 August 2013****Resolution:**

**Crs. Comrie/Spain**

*That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 21 August 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.

## 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>August/September 2013</b>	
<b>24 August</b>	<b>Lal Lal Photographic Exhibition</b>
<b>26 August</b>	<b>Meeting with Steve Vereker, DLP Ballarat Candidate</b>
<b>27 August</b>	<b>Central Highlands Water 2013 - 2014 Corporate Plan Presentation (The Hon Mr Peter Walsh, Minister for Water guest speaker)</b>
<b>28 August</b>	<b>Assembly of Councillors - VLGA Councillor Code of Conduct</b>
<b>29 August</b>	<b>Greendale Recreation Reserve AGM</b>
<b>2 September</b>	<b>Meeting with PremierPR re Central Highlands Mayors and CEOs Forum</b>
<b>4 September</b>	<b>Meeting with Brendan Roughead (Regional Director, Grampians) and Greg Leece (Program Manager Public Land), Department of Environment and Primary Industries</b> <b>Assembly of Council – Youth Strategy</b> <b>Assembly of Council – Domestic Animal Management Plan</b> <b>Assembly of Council – Update on Rabbit &amp; Weed Control Works</b> <b>Assembly of Council – Audit &amp; Risk Committee Presentation of Financials</b> <b>Ordinary Meeting of Council</b>

**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. Edwards</b>	
<b>September 2013</b>	
<b>2 September</b>	<b>Moorabool Landcare Advisory Committee Meeting</b>

<b>Cr. Tatchell</b>	
<b>August 2013</b>	
<b>28 August</b>	<b>Heritage Advisory Committee Meeting Ballan and District Health Fundraiser</b>

<b>Cr. Comrie</b>	
<b>August 2013</b>	
<b>27 August</b>	<b>Blacksmiths Cottage AGM</b>

<b>Cr. Dudzik</b>	
<b>August 2013</b>	
	<b>Cr. Dudzik respectfully acknowledged the recent passing of an Aboriginal Elder of the Kirrip Combined Aboriginal Group, of Melton.</b>
<b>22 August</b>	<b>Greens Party Food Plan Event</b>
<b>25 August</b>	<b>Lal Lal Photographic Exhibition</b>
<b>26 August</b>	<b>Central Highlands Local Learning and Employment Network AGM</b>
<b>27 August</b>	<b>Project Funding Announcement – Catherine King – Federal Member of Ballarat</b>
<b>28 August</b>	<b>Audit and Risk Committee</b>



<b>Cr. Spain</b>	
<b>August 2013</b>	
<b>18 August</b>	<b>Moorabool Light Orchestra Event</b>
<b>27 August</b>	<b>Launch of Digital Hub at The Laurels</b>

<b>Cr. Sullivan</b>	
<b>August 2013</b>	
<b>22 August</b>	<b>Navigators Community Centre AGM</b>
<b>26 August</b>	<b>Highlands Regional Waste Management Group Meeting</b>
<b>29 August</b>	<b>Grampians and Desert Fringe Waste Management Group Meeting</b>

**Resolution:**

**Crs. Sullivan/Comrie**

***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 responded to at the meeting:***

***Mr. Tony Ballett - Blackwood – Definition of ‘school’ within the Community Grants Program.***

***The following questions were taken on notice by the Chair at the meeting:***

***Ms. Danielle Cooper - Darley – Maintenance of grounds opposite Darley Neighbourhood House.***

***Ms. Ange Greenland - Bacchus Marsh – Requirement for permit for shipping container.***

***Mr. Cameron Milson - Maddingley – Condition of property proposed for 14 unit development in Maddingley.***

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

**QUESTION ON NOTICE**

Mr. Pat Griffin raised the following question at the Ordinary Meeting of Council on Wednesday 21 August, which was taken on notice by the Chair for further investigations to be undertaken:

*Query in relation to response from Council on resolutions from the Bacchus Marsh Aquatic Centre Minutes.*

**RESPONSE TO QUESTION**

In response to the question raised by Mr. Pat Griffin at the Ordinary Meeting of Council on Wednesday 21 August 2013, Council's General Manager, Community Services has advised the following:

*A written response is currently being prepared for Mr. Pat Griffin.*

**QUESTION ON NOTICE**

Mr. David Stewart raised the following question at the Ordinary Meeting of Council on Wednesday 21 August, which was taken on notice by the Chair for further investigations to be undertaken:

*Query in relation to a list of pools designed by architect.*

**RESPONSE TO QUESTION**

In response to the question raised by Mr. David Stewart at the Ordinary Meeting of Council on Wednesday 21 August 2013, Council's General Manager, Community Services has advised the following:

*A written response is currently being prepared for Mr. David Stewart.*

**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:

Item No	Description	Name	Position
11.3.2	<i>Community Grants Program Review and Draft Policy</i>	Michael Tudball	Objector
11.3.2	<i>Community Grants Program Review and Draft Policy</i>	Pat Griffin	Objector
11.3.2	<i>Community Grants Program Review and Draft Policy</i>	Margaret Scarffe (Not in attendance)	Objector
11.3.2	<i>Community Grants Program Review and Draft Policy</i>	Bill Robson	Objector

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

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

**Nil.**

## 11. OFFICER'S REPORTS

### 11.1 CHIEF EXECUTIVE OFFICER

#### 11.1.1 S86 Rural Advisory Committee – Appointment of Membership and Terms of Reference

##### Introduction

File No.: 02/01/011  
Chief Executive Officer Rob Croxford

##### Background

The 2013 - 2017 Council Plan states that ~~the~~ representing and leading our community, Council seeks to gain an understanding of community needs. We will listen and recognise the differing expectations and priorities across Moorabool, whether in urban centres, small towns and hamlets, or rural areas.

Throughout 2012 /13 several meetings were held by the farming community that resulted in a public meeting in Ballan in July 2013 to discuss issues affecting the rural community including rating levels, land valuation methodology, council services, state and federal government fiscal and monetary policy.

The Council on 3 July 2013 resolved to review its rating strategy including the formation of a rural advisory committee.

It is important to ensure that the Rural Advisory Committee represents a broad geographic area of the Shire and the various sectors of agriculture including cropping, horticulture, viticulture, dairy, livestock and lifestyle/part time farming. The committee would have a Terms of Reference under which to operate and would be adequately resourced to be able to advise Council on rural issues. It is considered that the committee's considerations need to be broader than rating issues alone.

##### Proposal

In order to establish an advisory committee under S86 of the Local Government Act 1989, officers have prepared the attached Terms of Reference for Council's consideration and have publically invited nominations from interested community members.

Council placed advertisements in the Ballarat Courier on Saturday 17 August and the Moorabool News (Council media page) on Tuesday 20 and 27 August with a closing date of 5.00pm on Thursday 29 August 2013.

At the close of nominations, five were received and are listed below for Council's consideration:



<b>Name</b>	<b>Township</b>	<b>Sector</b>
Stephen Conroy	Gordon	Mixed Grazing/Cropping
James Molesworth	Ballark	Mixed Farming Agriculture
Scott Young	Fiskville	Mixed Grazing/Cropping
Kate Sharkey	Balliang East	Broad acre cropping
Chris Sharkey	Balliang East	Broad acre cropping

Any nominations received after the closing date of Thursday 29 August 2013 will be advised to Council at the Ordinary Meeting.

Community Members will be appointed to the Rural Advisory Committee for a term of one year, or part thereof if appointed to the Advisory Committee mid-term.

The Terms of Reference also state that the advisory committee shall appoint its own Chairperson. A Councillor will be appointed by the Council to the Committee in an ex-officio capacity.

The Rural Advisory Committee will report to Council by:

- providing copies of minutes to Council as soon as practicable following ordinary, special or annual committee meetings,
- through submissions on Council strategy, budget and rating policy development, and
- through an annual report from the Chairperson as at 30 June each year.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and Leadership of our Community
<b>Objective</b>	Leadership through best practice community engagement
<b>Strategy</b>	Pursue strategic alliances, stakeholder forums and advisory committees that assist Council in policy development and service planning

The proposal to establish the S86 Rural Advisory Committee is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

Advertising costs and Council officer time in the administration process.

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

There are no risk and occupational health and safety issues.

### **Communications Strategy**

The Moorabool community have been advised of the formulation of this Advisory Committee through Council's Minutes and through media reports and advertisements in both regional and local newspapers.

### **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.

### **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.

*Chief Executive Officer – Rob Croxford*

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

### **Conclusion**

The appointment of community members from a broad geographic area of the Shire and the various sectors of agriculture to an advisory committee appointed under S86 of the Local Government Act 1989, with an adopted Terms of Reference, will provide beneficial advice to Council on issues affecting its rural communities.

### **Recommendation:**

#### **That Council:**

- 1) Appoints the following community representatives to the S86 Rural Advisory Committee**

*(To be appointed)*

- 2) Appoints Councillor *(to be nominated)* to the S86 Rural Advisory Committee in an ex- officio capacity and Councillor *(to be nominated)* as their Proxy.**

- 3) **Adopts the Terms of Reference for the Rural Advisory Committee as attached to this report.**

**Resolution:**

**Crs. Sullivan/Tatchell**

***That Council:***

- 1) ***Appoints the following community representatives to the S86 Rural Advisory Committee***

<b>Name</b>	<b>Township</b>	<b>Sector</b>
<b>Stephen Conroy</b>	<b>Gordon</b>	<b>Mixed Grazing/Cropping</b>
<b>James Molesworth</b>	<b>Ballark</b>	<b>Mixed Farming Agriculture</b>
<b>Scott Young</b>	<b>Fiskville</b>	<b>Mixed Grazing/Cropping</b>
<b>Kate Sharkey</b>	<b>Balliang East</b>	<b>Broad acre cropping</b>
<b>Chris Sharkey</b>	<b>Balliang East</b>	<b>Broad acre cropping</b>

- 2) ***Appoints Councillor Tatchell to the S86 Rural Advisory Committee in an ex-officio capacity.***
- 3) ***Adopts the Terms of Reference for the Rural Advisory Committee as attached to this report.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:** 

**Name:** Rob Croxford  
**Title:** Chief Executive Officer  
**Date:** Thursday 29 August 2013

## **11.2 GROWTH AND DEVELOPMENT**

*No reports for this meeting.*

## 11.3 COMMUNITY SERVICES

### 11.3.1 Police Numbers in Ballan

#### Introduction

File No.: 12/13/001  
Author: Danny Colgan  
General Manager: Danny Colgan

#### Background

At the Ordinary Meeting of Council held on the 1 May 2013, the Council resolved:

That a report be prepared on the current police numbers in the district which includes an audited report on police numbers being compatible with community numbers in Ballan, to ensure a safe and vibrant community.

A key factor in understanding actual police numbers in Victoria is that they are not determined by Victoria Police but by the government of the day. The allocation of police members to local areas is the responsibility of the Victoria Police.

In March 2011, the former Victorian Minister for Police and Emergency Services, the Hon. Peter Ryan announced 600 more police officers would be allocated across the state by June 30, 2011. The allocation of more police across 46 Police Service Areas by June 30 was to be the first stage of the State Government's commitment to deliver 1,700 more police over four years to November 2014.

According to the Victoria Police Annual Report 2011-2012, Victoria Police allocated 400 new operational general duties, specialist support and supervisor positions across the state during that financial year.

The Victoria Police Annual Report also noted that to facilitate the process of deploying additional police to areas of greatest need, Victoria Police has developed and implemented a Demand Allocation Model. It is understood that the demand-based model considers factors such as population, the crime to population ratio and the level of road accidents to population ratio. The model forms part of Victoria Police's Building Operational Capacity strategy.

The Shire of Moorabool is part of the Moorabool Police Service Area (PSA) in the Western Region, Division WD3 which also incorporates the Shires of Golden Plains and Hepburn.

In preparing the report, contact was made with the Local Area Command for the Moorabool Police Service Area. The Local Area Command welcomed the Council's position on seeking a safe and vibrant community. Local Area Command advised that the Victoria Police is constantly monitoring the growth corridors throughout Victoria including increases in population and building approvals. Victoria Police Executive Command armed with these figures and crime statistics then allocate additional police resources to various PSAs. Victoria Police is aware that Moorabool and Golden Plains Shires are growing at a rate greater than the state averages. Every Police Service Area experiencing growth increases compete for resource allocations provided in the Victorian State Budget.

### **Crime and Safety Statistics Moorabool**

Crime statistics are produced annually by Victoria Police. Comparisons between areas cannot be made using the number of offences, because areas with larger populations are likely to experience higher volumes of crime. The rate of offences per 100,000 population allows comparisons to be made across different geographical areas and across time, because the population size is taken into account in the calculation. Crime rates also show the likelihood of experiencing a crime in a given area. The Statistics are produced at a municipal level and not publically available at a local level.

In Moorabool, there were 619 recorded crimes against the person per 100,000 population in 2011-12 compared to 1250 in the Grampians Region and the Victorian State average of 984.

In Moorabool, there were 3,486 recorded crimes against property per 100,000 population in 2011-12, compared to 4,960 in the Grampians Region and the Victorian State average of 4,797.

Family Violence remains a significant issue and of concern to Victoria Police. Data in a report prepared by Women's Health Grampians and released in July indicated the number of family violence incidents in the Moorabool Shire had consistently increased between 2006-07 and 2011-12. The average number of family violence incidents a year in Moorabool for the six-year period was 176.8 while the ratio of incidents for females was about four to five times greater than for males in Moorabool.

Perceptions of Safety were measured in the 2011 VicHealth Indicators Survey. Respondents were asked to rate how safe they felt when walking alone in their local area during the day and at night.

When walking alone in their local area during the day 98.3 per cent of persons in Moorabool felt safe or very safe, compared to 97.9 per cent in the Grampians Region and the Victorian State average of 97 per cent.

When walking alone at night 79.6 per cent of persons in Moorabool felt safe or very safe, compared to 74.7 per cent in the Grampians Region and the Victorian State average of 70.3 per cent.

Respondents who stated that they were never alone in the particular situation were not asked to give their perception of how safe they might feel in the situation, and are excluded from the calculation of the proportions.

According to the 2011 Census, the population of Ballan is 2,745 and is forecast to grow to 3,679 by 2041, an annual average growth rate of 1.7 per cent.

### **Proposal**

The Ballan community is serviced by a police station constructed in 2000 that has four police officers. Trentham is served by a police station with three members who may also serve the north western edge of the municipality with Gordon having one police officer posted to its station.

Ballan has an operational capacity of a 16 hour service with after-hours availability arrangements across both the response zone and Police Service Area. Service delivery demands are constantly monitored across both the PSA and division in consultation with the Divisional Commander.

As with the comparison of offences, one method of comparing the number of police officers in different localities is to calculate the number of police officers per 100,000 population. The figures below however should be read with caution as the number of police officers in any given locality is also influenced by other factors such as population, the crime to population ratio and the level of road accidents to population ratio. Given these factors the number of police allocated to Moorabool and particular localities is going to be different. Police resources are unlikely to be allocated equally across all localities due to the above factors.

In 2011, there were 220 sworn Police Officers per 100,000 population in Victoria. Based on the 2011 population of Ballan and number of stationed police officers, the comparative figure is 145 sworn Police Officers per 100,000 population. For Bacchus Marsh, the figure is 174 sworn Police Officers per 100,000 population. Based on these figures, it appears that Ballan and Bacchus Marsh have a lower number of sworn police officers compared to the Victorian average.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	A Safe Community
<b>Strategy</b>	Support Police and other community safety programs and initiatives

The report on Police numbers in Ballan is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

The report on police numbers in Ballan has been prepared through existing resources and has no financial implications for 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 – Danny Colgan*

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

#### *Author – Danny Colgan*

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

### **Conclusion**

A key factor in understanding actual police numbers in Victoria is that they are not determined by Victoria Police but rather by the government of the day. The allocation of police members to local areas is the responsibility of the Victoria Police.

The Victoria Police is very aware of the projected growth of the Shire and policing needs and will continue to support our community.

### **Resolution:**

#### **Crs. Tatchell/Edwards**

***That the Council write to the Victorian Minister for Police and Emergency Services and Victoria Police seeking the allocation of additional police resources to the Shire and in particular Ballan and Bacchus Marsh given the current and forecast growth in the population.***

**CARRIED.**

---

### **Report Authorisation**

**Authorised by:**

**Name:**

**Title:**

**Date:**



Danny Colgan

General Manager Community Services

Thursday 29 August, 2013



## 11.3.2 Community Grants Program Review and Draft Policy

### Introduction

File No.: 06/03/004  
Author: Kate Diamond-Keith  
General Manager: Danny Colgan

### Background

The Council previously considered this item at the Ordinary Meeting of Council on Wednesday 21 August 2013 where it was resolved to lay the Community Grants Program Policy and Guidelines on the table for further consideration at the next meeting of Council.

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

In accordance with the protocol, feedback was sought on the draft policy and guidelines from the Moorabool community. Feedback has been received raising concerns about the proposed community grants eligibility criteria that would make Emergency Services, Schools, Churches and Political Parties ineligible to apply for community grants.

In the 2013/2014 budget, the Council has allocated \$140,000 for the Community Grants Program to help support and enhance innovative community activities, projects and events. The program is delivered over two separate funding rounds offering \$70,000 in each, under three categories: Community Strengthening; Community Arts and Culture; and Community Events.

At the Ordinary Meeting of Council on the 19 May 2010, the Council adopted the Community Grants Guidelines. The Guidelines included the following:

“Council will review the performance of the Community Grant Program every 3 years to ensure that the Grant Program is both achieving its objectives and meeting community needs.”

To ensure the program continually evolves to meet the changing needs of the communities of Moorabool, a review of the Community Grants Program has been conducted.

The aims of the Community Grants Program Review were to:

- Update the guidelines to align it with the Council Plan objectives;
- Engage the community, including past applicants, in providing feedback to improve the program;
- Improve the accessibility and understanding of the grant program in the community;
- Review the objectives of the program to ensure the outcomes are meeting current community needs;
- Improve community group understanding of guidelines and application forms;
- Increase number and range of funded projects, including number of first time applicants; and
- Develop a Community Grants Policy.

The review of the Community Grants Program focussed on the following issues: objectives of the program; eligibility and clearer definitions; funding amounts and in kind contributions; and assessment criteria and process.

A Community Grants Policy has also been developed. The Policy includes the following: background information about the grant program; objectives of the grant program; and principles of the program.

In accordance with the resolution of Council on Wednesday 21 August 2013, the Community Grants Policy and Guidelines are now presented to Council for adoption.

### **Proposal**

The Community Grants Policy comprises a statement of the objectives of the Community Grants Program as well as the guiding principles for the implementation of the program. The Grants Policy is contained in **Attachment 11.3.2(a)**.

The revised Community Grants Program Guidelines comprises information about how the program will be implemented in the community. The revised Community Grants Program Guidelines are contained in **Attachment 11.3.2(b)**. The guidelines have been revised based on community engagement outcomes and the recommendations from the review.

### **Guidelines:**

Major changes to the Guidelines are:

- Applicants required to provide matching funding (\$1:\$1) for projects
- The amount of funding for Small Community Strengthening Projects reduced from \$1,500 to \$1,000.
- Community group members who have a conflict of interest for the project must declare this conflict when submitting the application
- A clearer definition of eligible community groups
- A clearer definition of %auspicing+ and the legal responsibilities of auspicing organisations
- A requirement for proof that the project has been endorsed by the committee/group

- Clearer assessment criteria
- Each round applicant groups are given a score out of 100. It is proposed that if a group receives a score below 65 that the project be considered not to merit being funded. Groups that fall into this category will be supported to improve their application and submit it the next round of grants. If this results in surplus funds in a round, then these funds will be re-allocated to the next round of Community Grants.

Feedback has been received raising concerns about the proposed change to the eligibility criteria that would make Emergency Services, Schools, Churches and Political Parties ineligible to apply for community grants.

In considering the feedback, the Council may want to remove the proposed eligibility criteria that make the above groups ineligible and replace it with: funding should be for projects and initiatives that directly support and promote local volunteers and as such applications for funding that are deemed the responsibility of State and Federal Government will not be given priority.

It is also proposed that Council commence the Winter 2013 round of grants on the 9 September 2013 and close on the 4 October 2013, following Council adoption of the revised Community Grants Program Guidelines. The Guidelines specify that the Winter round of Grants will usually open on the 1st August and close on the 31st August, but due to the review process the next program will commence in September this year.

A report will be provided to the Council on the outcomes of each Community Grant round every six months following the completion of the projects from the previous round.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Community Self Reliance
<b>Strategy</b>	Provide community development support and partnership projects.

The proposal Community Grants Program Policy and Guidelines is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

Council allocates the following funding for the grant programs: \$100,000 annually to the Community Strengthening Grants; \$20,000 annually to Community Arts Grants; and \$20,000 annually to Community Events Grants.

The Community Grants Program requires resources primarily from the Community Development Unit. Communication Officer resources are required to implement enhanced promotional activities for the grant program.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Program review	Program review not implemented	Medium	Review program every three years

### Communications and Consultation Strategy

The following community engagement was undertaken, in accordance with Council's Community Engagement Policy and Framework

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community Grant recipients	Phone interview	Various	May 2013	10 interviews
Consult	Community members	Survey . Have your say Moorabool	Various	June 2013	48 visits to the site.
Collaborate	Internal Staff	Workshop	Bacchus Marsh	May 2013	9 staff attended
Consult	Community Members	Council website and newspaper advertisement		August 2013	

An advertisement was placed in the Moorabool News during the week of the 26 August inviting community feedback on the draft policy and guidelines that had been laid on the table at the Ordinary Meeting of Council on the 21 August.

The Community Grants Guidelines and Community Grants Policy will be promoted to community groups. The Communication plan will involve: advertisements in newspapers; letters to community groups advising of changes to program; website information; and promotion of the revised grant program by Officers.

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Kate Diamond-Keith*

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

### **Conclusion**

Council's Community Grant Programs provide significant support to community groups in the Shire of Moorabool. Following an extensive review of the program, revised Community Grants Program Guidelines have been developed as well as a Community Grants Policy. The Policy and the revised Guidelines will improve the capacity of the grant program to provide benefits to the community.

Feedback has been received raising concerns about the proposed change to the community grants eligibility criteria that would make Emergency Services, Schools, Churches and Political Parties ineligible to apply for community grants.

In considering the feedback, the Council may want to remove the following criteria in the revised community grants guidelines that states:

- Primary and Secondary Schools; Emergency Services including CFA, SES; Church groups; and Political Parties are ineligible to apply for a Community Grant+

and replace it with:

- Funding should be for projects and initiatives that directly support and promote local volunteers and as such applications for funding that are deemed the responsibility of State and Federal Government will not be given priority+

Having resolved on the 21 August 2013 that the policy lay on the table for further consideration and adoption at the next Ordinary Meeting of Council, the Community Grants Policy and Guidelines are now placed before the Council for adoption.

**Consideration of Deputations – Community Grants Program Review and Draft Policy**

**Mr. Michael Tudball addressed Council in relation to the Community Grants Program Review and Draft Policy.**

**Mr. Pat Griffin addressed Council in relation to the Community Grants Program Review and Draft Policy.**

**Mr. Bill Robson addressed Council in relation to the Community Grants Program Review and Draft Policy.**

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

**Recommendation:**

**That Council:**

- 1. in accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, now adopts the Community Grants Policy and Guidelines.**
- 2. commences the Winter 2013 Community Grants Program round on the 9 September 2013.**

**Resolution:**

**Crs. Edwards/Comrie**

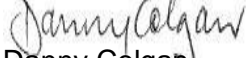
**That the Council:**

- 1. remove the following criteria in the revised community grants guidelines that states: “Primary and Secondary Schools; Emergency Services including CFA, SES; Church groups; and Political Parties are ineligible to apply for a Community Grant” and replace it with: “funding should be for projects and initiatives that directly support and promote local volunteers and as such applications for funding that are deemed the responsibility of State and Federal Government will not be given priority”;**
- 2. in accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, now adopts the Community Grants Policy and Guidelines; and**
- 3. commences the Winter 2013 Community Grants Program round on the 9 September 2013.**

**CARRIED.**

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**Report Authorisation**

**Authorised by:**   
**Name:** Danny Colgan  
**Title:** General Manager Community Services  
**Date:** Thursday 29 August, 2013

## **11.4 INFRASTRUCTURE SERVICES**

### **11.4.1 Renaming of Southern End of Cartons Road**

#### **Introduction**

File No.: 22/07/001  
Author: Hamoodi Tarshouby  
General Manager: Phil Jeffrey

#### **Background**

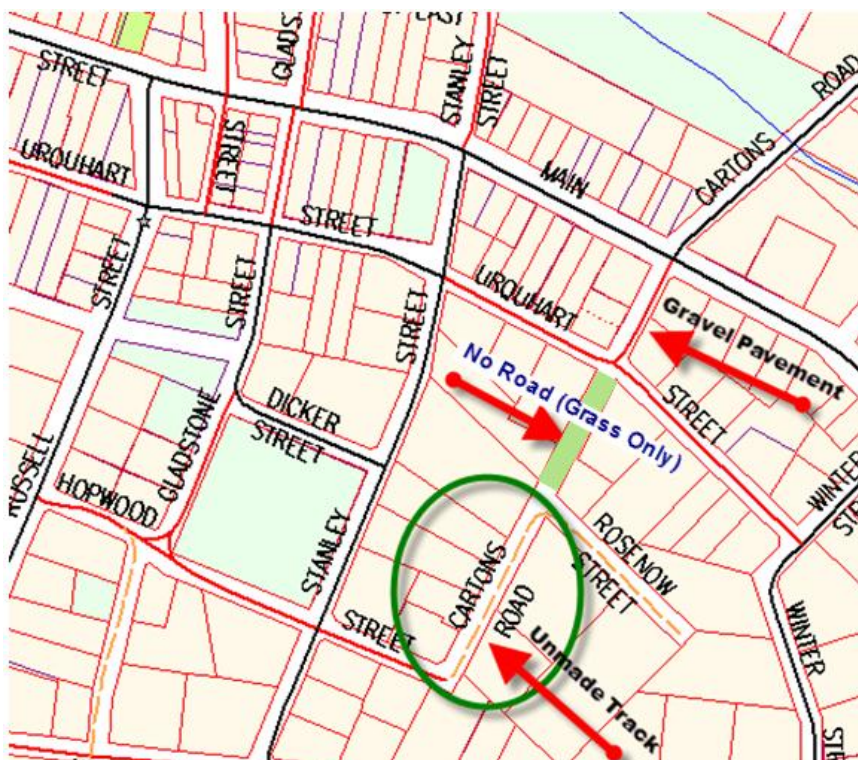
Council received a request from a resident who had purchased land at the southern end of Cartons Road Gordon, for a street address.

The renumbering request created an issue due to the fact that no allowance had been made in the past for the extra street numbers now made possible by subdivision. The resident initially proposed that the section of Cartons Road between Hopwood and Rosenow Streets be renamed Cartons Road South. The option of renaming the street addressed the problem, however, north+south names are no longer allowed to be allocated under the rules.

The case for renaming of the southern end of Cartons Road arises from the fact that there is no continuous path of travel along Cartons Road from north to south. The constructed portion of Cartons Road ends at Urquhart Street. Between Urquhart Street and Rosenow Road is a natural grassed surface. There is no current plan to construct a road in this location, and likely future subdivision proposals will seek to avoid the necessity of paying for this road construction.

Government guidelines and Australian Standards on street naming provide that situations which create major uncertainty for the emergency services must be corrected. The break in Cartons Road results in such a situation.

Street naming rules no longer permit solutions such as Cartons Road South, nor do they allow similar names such as Cartons Place in the same locality.



On 11 June Council wrote to the two affected property owners proposing two options and seeking feedback.

1. Rename the southern end of Cartons Road to Rosenow Street;
2. Rename the road the road with one of the following three names from the Anzac Commemorative Naming Project for Moorabool.
  - **Johansen Street**
  - **Barrett Street.**
  - **King Street**

One of the two affected property owners advised verbally he had no strong preference. No response was received from the other.

At the Ordinary Meeting of Council on Wednesday 7 August 2013, the matter was considered and the following was resolved:

*Resolution:*

*Crs. Comrie/Dudzik*

*That item 11.4.1 Renaming of Southern End of Cartons Road, Gordon, be deferred and officers provide further advice on alternative names that reflect local names from the Gordon area from the available list.*

**CARRIED.**

## **Proposal**

In line with the Council resolution, a list of names has been collated with an affinity to the Gordon area.



Table 1 lists known names of soldiers who died in WWI and whose place of birth on their enlistment papers was Gordon. A further 49 names are available of Gordon born servicemen who served in WWI and survived the war. This data comes from the book *Gordon Cemetery Records and History 1878-2010q* by J Donegan and M Davenport.

**Table 1: Australian Army Personnel, Born in Gordon, Who Died in WWI**

Surname	First Name	Father	Mother	Place of Birth	Born	Died	Place of Death	Existing Roads with Name	Distance of Road from Gordon	Name Suitable for Gordon
GROSE	Jos Donald	Wm Ambrose	Mary Anne Allan	Gordon	1891	1915	Gallipoli			OK
HARROP	Chas Herbt	Chas	Hetta Herring	Gordon	1894	1916	France			OK
LAWLESS	Richard	Martin	Julia Brennan	Gordon	1882	1919	France			OK
NORTHEY	Saml Harold	Jno Hy	Mahalah J'nita Hodges	Gordon	1894	1917	Belgium			OK
ODWYER	Thos	Mathew	May Wade	Gordon?	1887?	1919	Vic			OK
STEPHENS	George Edwd	Thomas	Georgina Margt Edwards	Gordon	1882	1917	France			OK
CUNNINGHAM	John Andrew	William	Sarah Venville	Gordon	1887	1918	Palestine	Darley	30km	Note 1
BOURKE	Daniel Patk	John	Jane Taffe	Gordon	1886	1917	Belgium	Darley	30km	Note 1
MCAHON aka Carey	Horace Jos	Fran Jos	Margt Maher	Gordon	1894	1915	Gallipoli	Darley	30km	Note 1
O'BRIEN	Wm Patrick	Cornelius	Annie Williams	Gordon	1894	1918	France	Greendale	20km	Note 1
MILLS	Gordon	John (foster-parent)	Julia Gleeson (foster-parent)	Gordon?	1896	1917	Belgium	Gordon		NO
MILLS	Patrick Jos	John	Julia Gleeson	Gordon	1889	1916	France	Gordon		NO
GLEESON	John Bernard	John	Ellen Kennedy	Gordon	1887	1915	Gallipoli	Gordon		NO
MCHUGH	Patrick	Patrick	Elizabeth Lee	Gordon	1883	1915	Vic	Gordon		NO

Note 1: The State street naming guidelines prefer not to repeat names in rural areas within a 30KM radius.

Jos Donald Grose was the only soldier from Gordon who died in Gallipoli and whose name fully meets the State Naming Guidelines.

In the absence of strong preference by the two affected residents, it is proposed that the southern end of Cartons Road be given the name of Grose Road, and to renumber the two existing properties accordingly.

Joseph Donald Grose, after whom the road is proposed to be named, was born at Gordon, VIC, in 1891. Lance Corporal Grose, 8th Battalion (Infantry), died in action on 1 May 1915 on the Gallipoli Peninsula, Turkey, at the age of 24.

### Policy Implications

The 2013. 2017 Council Plan provides as follows:

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

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

## Financial Implications

There are no financial implications associated with the recommendation within this report.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Emergency services vehicle gets lost trying to find address	The current split in Cartons Road could lead to an emergency services vehicle wasting critical time trying to get to an address.	Medium	Implement the proposed street renaming.

## Communications and Consultation Strategy

Advertise intention to rename the southern end of Cartons Road in the Moorabool Leader newspaper and/or other relevant publications.

Notify the following authorities of the name change.

Spatial Information Infrastructure	Southern Rural Water
Australia Post Bacchus Marsh delivery centre	RACV . Bacchus Marsh
Address Post Victoria	RACV . Ballarat
Victoria Police	Telstra
Ambulance Victoria	Elgas Ltd
Ambulance Station . Bacchus Marsh	TRU Energy
Country Fire Authority . Mount Waverley	SP Ausnet
Bacchus Marsh Fire Brigade	Origin Energy
Country Fire Authority Region 15	Melways Publishing
Victoria SES . Bacchus Marsh	Pocket Books
Victoria SES . Ballarat	Universal Publishers
Western Water	Ballarat Taxi Company
Central Highlands Water	Australian Electoral Commission
	Australian Bureau of Statistics

## 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

*General Manager – Phil Jeffrey*

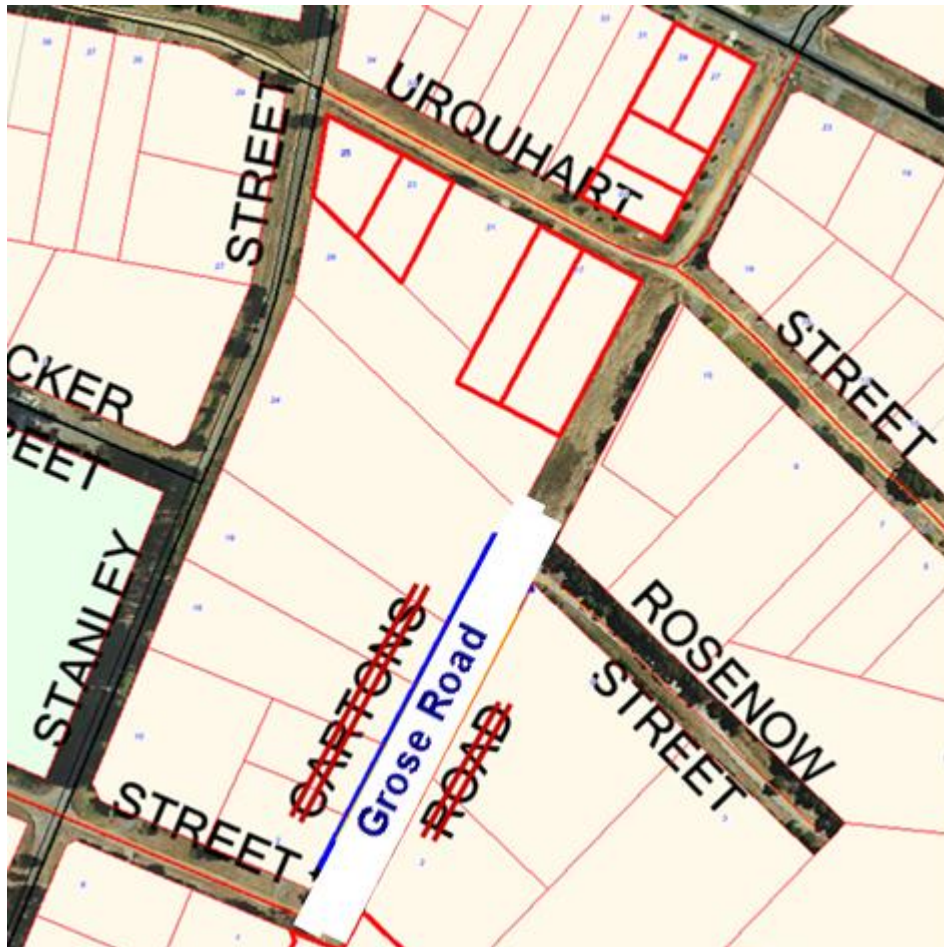
In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

*Author – Hamoodi Tarshoubi*

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

### Conclusion

The proposal is that the southern end of Cartons Road be renamed Grose Road, as shown on the map below.



**Resolution:**

**Crs. Sullivan/Edwards**

***That Council:***

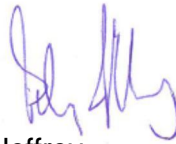
- 1. Approves the renaming of the southern end of Cartons Road, Gordon, to Grose Road in order to provide for current and future residences.***
- 2. Implements the name change, following notification to relevant authorities and affected land owners.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**



**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Thursday 22 August 2013

## 11.5 CORPORATE SERVICES

### 11.5.1 Instrument of Delegation from Council to Chief Executive Officer

#### Introduction

File No.: 02/06/002  
Author: Michelle Morrow  
General Manager: Shane Marr

#### Background

The Instruments of Delegation are part of the Governance framework at Moorabool Shire. Under the Governance framework, the Council sets the policy and the Officers are then delegated the power to implement the policy. This allows for efficient Council operations and frees up time for further policy development by both Councillors and Officers.

In accordance with section 98(1) of the Local Government Act 1989 a Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than .

- (a) this power of delegation; and
- (b) the power to declare a rate or charge; and
- (c) the power to borrow money; and
- (d) the power to approve any expenditure not contained in a budget approved by Council; and
- (e) any power, duty or function of the Council under section 223; and
- (f) any prescribed power.

This Instrument of Delegation is the delegation that Council gives to its Chief Executive Officer by resolution of Council. The previous Instrument of Delegation given to the Chief Executive Officer was adopted by Council on 22 July 2009.

Section 98(6) of the Local Government Act 1989 requires that a Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council

#### Proposal

Through the Delegations and Authorisations Service provided to Council by Maddocks Lawyers an update to the Instrument of Delegation from Council to the Chief Executive Officer has been received and incorporated into this Instrument. The reference noting the declarations of impartiality by valuers has been removed from the conditions and limitations due to section 13DH(3) of the Valuation of Land Act 1960 no longer being in force and, as such, councils are no longer required to note such declarations in their minutes of council meetings.

It is now proposed under section 98(1) of the Local Government Act 1989 for Council to grant by a new Instrument of Delegation to its Chief Executive Officer the following:-

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

The delegate must not determine the issue, take the action or do the act or thing

4. if the issue, action, act or thing is an issue, action, act or thing which involves,
  - 4.1 awarding a contract exceeding the value of \$500,000.00;
  - 4.2 making a local law under Part 5 of the Act;
  - 4.3 approval of the Council Plan under section 125 of the Act;
  - 4.4 adoption of the Strategic Resource Plan under section 126 of the Act;
  - 4.5 preparation or adoption of the Budget or a Revised budget under Part 6 of the Act;
  - 4.6 adoption of the Auditor's Report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 4.7 determining pursuant to section 37 of the Act that an extraordinary vacancy on Council not be filled;
  - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under section 81 of the Act;
  - 4.9 appointment of Councillor or community delegates or representatives to external organisations; or
  - 4.10 the return of the general valuation and any supplementary valuations.
5. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
6. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
  - 6.1 policy; or
  - 6.2 strategyadopted by Council; or

7. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
8. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff;
9. full details of any contract awarded exceeding \$100,000 is to be reported to Council within 14 days of the contract being awarded through the current Councillor Information Bulletin.

It is now proposed to place before Council the Instrument of Delegation which forms an attachment to this report for the approval and adoption by Council.

### Policy Implications

The 2013 . 2017 Council Plan provides as follows:

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

The proposal to grant by Instrument of Delegation from Council to its Chief Executive Officer is consistent with the 2013-2017 Council Plan.

### Financial Implications

There are no financial implications.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Public Liability	Professional indemnity	High	Insurance cover for staff

### Communications Strategy

The Instrument of Delegation has been the subject of Council management staff involvement and 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.

#### *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**

This report brings to Council an Instrument of Delegation to the Council Chief Executive Officer granting delegated powers for and on behalf of Council under section 98(1) of the Local Government Act 1989 as set out in the Instrument of Delegation.

It is recommended that Council approve and adopt the Instrument of Delegation to the Chief Executive Officer.

#### **Resolution:**

##### **Crs. Sullivan/Dudzik**

***In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation, Council resolves that:***

- 1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.***
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.***
- 3. On the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked.***



4. ***The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***
5. ***It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Shane Marr

**Title:** General Manager Corporate Services

**Date:** Thursday 22 August 2013



## **11.5.2 Instrument of Delegation from Council to Members of Council Staff (other than the CEO)**

### **Introduction**

File No.: 02/06/002  
Author: Michelle Morrow  
General Manager: Shane Marr

### **Background**

Instruments of Delegation are part of the Governance framework of Moorabool Shire. Under the Governance framework, the Council sets the policy and the officers are then delegated the power to implement the policy. This allows for efficient Council operations and frees up time for further policy development by both Councillors and officers.

In accordance with section 98(1) of the Local Government Act 1989, a Council may by Instrument of Delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than .

- (g) this power of delegation; and
- (h) the power to declare a rate or charge; and
- (i) the power to borrow money; and
- (j) the power to approve any expenditure not contained in a budget approved by Council; and
- (k) any power, duty or function of the Council under section 223; and
- (l) any prescribed power.

The Instrument of Delegation is apart from the delegated power that Council has given to its Chief Executive Officer by resolution of Council and the Instrument of Delegation that the Chief Executive Officer has given to members of the Council staff under section 98(2) and (3) of the Local Government Act 1989.

Through the Delegations and Authorisations Service provided to Council by Maddocks Lawyers two updates have been received as at December 2012 followed by a first update for 2013 in May which affects Councilsqpowers, functions and duties. In addition, there have been a number of title changes as a result of the organisational restructure in June 2013..

On Wednesday 21 August 2013, Council reviewed each update at an Assembly of Council prior to the Instrument of Delegation to Members of Council staff being presented to Council.

## Proposal

It is now proposed under section 98(1) of the Local Government Act 1989 for Council to grant by instrument of delegation to members of its staff any power, duty or function of the Council under the following Acts and Regulations of Parliament:

- Cemeteries and Crematoria Act 2003;
- Cemeteries and Crematoria Regulations 2005;
- Domestic Animals Act 1994;
- Environment Protection Act 1970;
- Food Act 1984;
- Heritage Act 1995;
- Planning and Environment Act 1987;
- Planning and Environment Regulations 2005;
- Planning and Environment (Fees) Regulations 2013;
- Rail Safety Act 2006;
- Residential Tenancies Act 1997;
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010;
- Road Management Act 2004;
- Road Management (General) Regulations 2005; and
- Road Management (Works and Infrastructure) Regulations 2005.

During the course of the preparation of this Instrument of Delegation from Council to Members of Council Staff all relevant Council departmental managers were involved in reviewing the relevant Acts of Parliament obligations associated with their daily tasks and submitted for inclusion into the Instrument of Delegation document.

## Consideration

It is proposed that the Instrument of Delegation be granted to the positions of members of Council staff rather than to the individual staff members. This means that the delegation will still apply to the incumbent of the position should there be a change in personnel. It is imperative that Council staff have the correct Instrument of Delegation for dealing with matters under the various Acts and Regulations of Parliament.

### Cemeteries and Crematoria Act 2003 and Regulations 2005:

The provisions of this Act apply to councils appointed as a cemetery trust under section 5 of this Act and also apply to councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53).

### Domestic Animals Act 1994

This legislation makes provision for the power and duties to declare a dog to be a menacing dog and the current provisions are deemed adequate.

### Environment Protection Act 1970

This section of the legislation is regarding Septic Tank permits. The current provision is that Council must ratify any decision to refuse a permit before it takes effect and this is still considered to be adequate.

#### Food Act 1984

This section delegates powers regarding Food Safety and Registration of Food Premises. The current instrument of delegation is adequate.

#### Planning and Environment Act 1987 and Planning and Environment Regulations 2013

The Planning and Environment Amendment (General) Act 2013 amends the Planning and Environment Act 1987 to implement Government election commitments and to introduce process improvements and red tape reductions to Victoria's planning system.

The key planning reforms in the General Act are to:

- abolish Development Assessment Committees
- provide for a Planning Application Committee to work with councils to deliver better local planning decisions
- provide for two types of referral authority that will be set out in planning schemes
- improve the exchange of information between responsible authorities, referral authorities and applicants
- provide for reporting to the Minister by planning authorities, responsible authorities and referral authorities to improve the transparency of the planning system
- improve the processes for amending planning schemes and assessing planning permit applications by reducing delays and speeding up information exchange
- streamline the decision-making process at the Victorian Civil and Administrative Tribunal
- improve the operation of planning agreements by expanding the options for amending and ending agreements
- make miscellaneous changes to improve the operation of the Planning and Environment Act 1987.

The General Act also amends the Subdivision Act 1988 in relation to public open space and includes consequential minor changes to the Subdivision Act 1988 and Local Government Act 1989.

The General Act will be implemented in two stages:

Stage 1 . Amendments that can be implemented without the need for further action or consultation.

Stage 2 . Amendments that need further actions before they can become operational. This stage will be implemented by 28 October 2013.

#### Rail Safety Act 2006

Where Council is the relevant road manager this section relates to the duty to identify and assess risks to safety in accordance with sections within the Act, to seek to enter into a safety interface agreements with rail infrastructure manager and comply with directions from rail safety director. The current provisions are adequate.

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 1999:

This section relates to the registration and maintenance and standards of caravan parks and the current provisions are adequate.

Road Management Act 2004

The delegations under the Road Management Act 2004 include provisions relating to the declaration and naming of a road, the discontinuance of a road, management of a road including carrying out of inspections, placing of advertising signs on roads, the appointment of Authorised Officers, access to roads and the carrying out of works on a road. These delegations are considered adequate.

Road Management (General) Regulations 2005

This section delegates powers relating to the Road Management Plan and the protection of roads and property and is considered adequate.

Road Management (Works and Infrastructure) Regulations 2005.

The only authority delegated here is that the coordinating road authority may give exemption from requirement to give notice of completion of works.

It is also to be noted that certain powers of delegation have not been granted under the following Acts and Regulations.

- Cemeteries and Crematoria Regulations 2005
- Heritage Act 1995,
- Planning and Environment Act 1987,
- Residential Tenancies Act 1997
- Road Management Act 2004 and
- Road Management (Works and Infrastructure) Regulations 2005.

In each of these cases, Council resolves accordingly as and when required. Where powers of delegation have not been delegated, the Instrument under column 3 will reflect as such.

It is now proposed to place before Council the Instrument of Delegation for the approval and adoption by Council under Seal.

**Policy Implications**

The 2013 . 2017 Council Plan provides as follows:

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

The proposal to grant by Instrument of Delegation from Council to members of Council staff is consistent with the 2013-2017 Council Plan.

### Financial Implications

The only financial implications to Council are officer's administrative time in preparing this report and the Instrument of Delegation for adoption by Council.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Public Liability	Professional indemnity	High	Insurance cover for staff

### Communications Strategy

The Instrument of Delegation has been the subject of Council management staff involvement and workshops.

### 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 Author, 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

This report brings to Council an Instrument of Delegation from Council to Members of Council Staff as nominated within the Instrument of Delegation granting delegated powers for and on behalf of Council under various Acts and Regulations of Parliament as set out in the Instrument of Delegation.

The Instrument of Delegation will assist in the provision of excellent customer service in all areas dealing with the community through procedures and policies that are transparent and accountable.

In accordance with section 98(6) of the Local Government Act 1989, and updates received through the Delegations and Authorisations Service, Council will review this Instrument of Delegation within 12 months.

**Resolution:**

**Crs. Comrie/Edwards**

***In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation, Council resolves that:***

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to Members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.***
- 3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**



**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Thursday 22 August 2013

### **11.5.3 Instrument of Appointment and Authorisation of Council Officers under section 174(4) of the Planning and Environment Act 1987**

#### **Introduction**

File No.: 02/06/002  
Author: Michelle Morrow  
General Manager: Shane Marr

#### **Background**

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

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.

Changes to this Instrument reflect a recent amendment to the title of Neighbourhood Safety Officers to Community Safety Officers and the introduction of a new Environmental Health (Maternity position).

The officers named in the Instrument of Appointment and Authorisation are as follows:

" Robert Fillisch  
" Natalie Maree Robertson  
" Victoria Mack  
" Roger Cooper  
" Debbie Anne Frappa  
" John Harold Edwards  
" Tom Tonkin  
" Sarah Monique Annells  
" Allan Leslie May  
" Rose Longley  
" Andrew Tomlins  
" Glenn Burns  
" Lisa Handley  
" Jacqueline Reid  
" Gavin Rodney Alford



- " Lisa Gervasoni
- " Justin Horne

### **Policy Implications**

The 2013 . 2017 Council Plan provides as follows:

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

The 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.

### **Communications Strategy**

Advice has been sought from the two relevant Council Business Units, namely Statutory Planning and Environmental Health, for their input into this report.

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

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

### Officer's Declaration of Conflict of Interests

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

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

### Resolution:

**Crs. Sullivan/Dudzik**

***That Council, approves under the common seal of Council, the Instrument of Appointment and Authorisation of Council officers under section 174(4) of the Planning and Environment Act 1987 as of Wednesday 4 September 2013.***

**CARRIED.**

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### Report Authorisation

Authorised by:



**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Thursday 22 August 2013

#### **11.5.4 Adoption “in principle” of the 2012/13 Financial Statements, Standard Statements and Performance Statement for submission to the Victorian Auditor-General for certification**

##### **Introduction**

File No.: 02/02/002  
Author: Steven Ivelja  
General Manager: Shane Marr

##### **Background**

The following report presents the 2012/13 Financial Statements, Standard Statements and Performance Statement for adoption ~~in~~ **in principle** by Council for submission to the Auditor-General for certification.

The Local Government Act 1989 requires that Council complete the following at the end of each financial year with respect to producing an Annual Report and Performance Statement:

##### **S. 131 Annual Report**

- (1) A Council must, in respect of each financial year, prepare an annual report containing -
  - (b) audited standard statements for the financial year;
  - (c) audited financial statements for the financial year;
  - (d) a copy of the performance statement prepared under section 132; and
  - (e) a copy of the report on the performance statement prepared under section 133.
- (2) The standard statements in the annual report and the financial statements must -
  - (a) be prepared in the manner and form prescribed by the regulations;
  - (b) be submitted in their finalised form to the auditor for auditing as soon as possible after the end of the financial year; and
  - (c) be certified in the manner prescribed.
- (3) The Council must not submit the standard statements or the financial statements to its auditor or the Minister unless it has passed a resolution giving its approval ~~in~~ **in principle** to the standard statements and the financial statements.
- (4) The Council must authorise two Councillors to certify the standard statements and the financial statements in their final form after any changes recommended, or agreed to, by the auditor have been made.

**S. 132 Performance Statement**

- (1) As soon as is reasonably practicable after the end of each financial year, a Council must prepare a performance statement.
- (2) The performance statement must include -
  - (a) the Key Strategic Activities and performance targets and measures specified in the budget under section 127 for that financial year; and
  - (b) the actual results achieved for that financial year having regard to those performance targets and measures.
- (3) The statement must .
  - (a) be in the form; and
  - (b) contain the details - required by the regulations.
- (4) The Council must submit the statement to its auditor as soon as possible after the statement has been prepared.
- (5) The Council must not submit the statement to its auditor or the Minister unless the Council has passed a resolution giving its approval ~~to~~ principle+to the statement.
- (6) The Council must authorise two Councillors to approve the statement in its final form after any changes recommended, or agreed to, by the auditor have been made.

**S. 133 Audit report on the performance statement**

The auditor must -

- (a) prepare a report on the performance statement prepared by a Council under section 132 in the form and containing the details required by the Minister, and
- (b) submit a copy of that report to the Minister and the Council as soon as is reasonably practicable after the report has been prepared.

## Proposal

The 2012/13 Financial Statements, 2012/13 Standard Statements and 2012/13 Performance Statement have been prepared in accordance with the requirements of the Local Government Act, various Australian Accounting Standards and regulations.

In accordance with Council's Governance protocols, the reports will be presented to Council's Audit Committee for review and recommendation to Council for adoption ~~on~~ principle+ and authorisation of two Councillors, being the Councillor members of the Audit Committee, to sign the audited statements.

In summary, the statements indicate the following results for 2012/13:

1. Financial Statements: reflect the comparative performance to the previous financial year.
  - Comprehensive Income Statement . The result reflects a total comprehensive result of \$209.580 million. Included within this result are the following significant items:
    - \$211.382 million in net asset revaluation increments as a result of the revaluation of major infrastructure asset classes namely Roads and Bridges.
    - \$3.713 million reduction in Operating grants relating to reduced levels of Natural Disaster Relief funding received for asset restoration works to repair damage incurred during the flood events. Also contributing to the reduction in Operating grants are timing issues related to the early receipt of VGC funding in 2011/12 resulting in higher revenue levels in 2011/12.
    - Materials and services \$2.071 million increase which relates to the completion of flood recovery projects for which grants were received in the prior year. Also contributing to the increase are expenditures undertaken as part of the Capital Works program which have been deemed as Operating in nature, and as such have been expensed in accordance with accounting standards.
    - \$0.261 million reduction in depreciation expense as a result of the asset revaluation. Contributing to the favourable reduction is the result of condition assessments which have indicated that Council assets are in a better condition to that which was previously assessed resulting in lower depreciation charges.
    - Net gain (loss) on disposal of property, infrastructure, plant and equipment and investment properties compares unfavourably to 2011/12 mainly due a large amount of infrastructure assets written off as a result flood recovery works and or assets disposed of as a result of reconstruction.

- Balance Sheet . The movement in net assets reflects the total surplus of \$209.582 million. Included within this result are the following significant items:
    - An increase in Property, Infrastructure, Plant and Equipment mainly due to revaluation increments in Roads and Bridges \$211.026 million.
    - \$2.395 million reduction in defined benefits liability related to the early payout of Moorabool's share of the 2011/12 defined benefits shortfall. The liability was paid out in full in 2012/13 using Council cash reserves. It is anticipated that the early payout will be eventually covered by a loan which will be taken out in the 2013/14 year.
  - Cash Flow Statement . The movement in cash held at the end of the year reflects a decrease in cash of \$2.568 million. Included within this result are the following significant items:
    - Net cash flows from operations decreased by \$5.486 million from last year to \$11.224 million. This mainly reflects the payout of the defined benefits liability in 2012/13 in addition to reduced levels of flood recovery grants and timing issues related to VGC payments.
    - Net cash used in investing activities has decreased by \$3.150 million to \$11.403 million. This mainly reflects the decrease in capital expenditure as compared to 2011/12.
    - Net cash used in finance activities was \$2.389 million. In 2011/12 the net cash provided for finance activities was \$1.497 million reflecting loans taken up in 2011/12. As at balance date, the defined benefits shortfall payout of \$2.395 million was not taken up as a loan and was settled in cash. Due to the comparatively high level of cash holdings at balance date, the loan will be taken up at a later stage in 2013/14 when required.
2. Standard Statements . reflect comparative performance to the 2012/13 Annual Budget adopted by Council.
- Total operating revenue of \$37.950 million was \$0.986 million (2.67%) above budget reflecting increased:
    - Other revenue of \$0.442 million which was mainly driven by a \$104K in receipts related to the new recycling contract, \$140K in additional cost recoveries as part of the debt collection contract (offset by an equivalent increase in debt collection costs) in addition to a number of other minor or miscellaneous payments and reimbursements received.
    - Interest received of \$0.259 million, Operating grants \$0.149M.

- Total operating expenses of \$43.650 million was \$3.373 million (8.38%) above budget reflecting increased:
    - Contract Payments, Materials and Services of \$4.050 million, due to a large amount of Capital Works being expensed as they relate to Non-Council Assets and significant expenses not deemed to be capital in nature (2.668 million). There was also expenditure of \$1.29 million relating to the completion of One Off Projects and Flood Recovery projects for which funding was received in prior financial years.
  - Depreciation expense was \$1.207 million lower than budget due to the impact of the revaluation of infrastructure assets in 2012/13. The condition assessments have indicated that Council infrastructure assets are in generally better condition that previously indicated thus resulting in a reduction in depreciation charges.
  - The net gain (loss) on disposal of property was unfavourable to Budget due to a significant amount of infrastructure assets disposed of as a result of the flood recovery works in addition to assets disposals resulting from renewal and reconstruction works.
  - Cash position was \$11.272 million, \$7.126 million better than budget. This has occurred mainly due to receiving grants in advance in relation to asset restoration works and half of the 2013/14 grants commission allocation in June 2013. Additionally, \$5.408 million in net expenditure has been identified as requiring to be carried forward into the 2013/14 year as a result of 12/13 projects not being completed as at the 30<sup>th</sup> June.
  - Capital works - \$12.599 million program was completed during the year. Most projects were completed during the year. However, there were several projects that were incomplete and will be carried forward into 2013/14. In total, \$3.899 million in net Capital carry over expenditure has been identified as requiring carry forward into 2013/14.
3. The 2012/13 Performance Statement was prepared in accordance with the requirements of the Local Government Act 1989. In setting the targets an optimistic approach was taken with the organisation wanting to improve in all areas.
- Nine of the criteria were based on the Community Satisfaction Survey and the results of the survey showed that in four of the areas the measure was met. Areas that need improvement according to the survey include Council's performance in lobbying on behalf of the community, Council performance in community consultation and engagement, satisfaction with elderly support services and satisfaction with family support services.

- There were seven measures of the financial performance of Council included and of these, Council was successful in achieving four of the targets.
- A summary per Key Result Area (KRA) is:

<b>KRA</b>	<b>Number of Measures</b>	<b>Number of Measures met</b>
1	2	0
2	6	2
3	6	6
4	6	2
<b>Total</b>	<b>19</b>	<b>10</b>

### **Policy Implications**

The 2013. 2017 Council Plan provides as follows:

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

The financial statements, performance statement and standard statements are consistent with the 2013-2017 Council Plan.

### **Financial Implications**

The financial statements detail Council's financial performance and position for 2012/13. They demonstrate that over time Council has steadily improved its cash position, but indicates that there are still numerous financial challenges that lay ahead which will require responsible fiscal stewardship.

### **Communications Strategy**

The Annual Financial, Standard and Performance Statements are reported to Council to adopt the principle for submission to the Auditor-General for certification. Audited Statements are then incorporated into Council's Annual Report, which is completed by Council by 30 September each year.



## **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 – Steven Ivelja*

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

### **Conclusion**

The attached Financial, Standard and Performance Statements for 2012/13 have been prepared in accordance with the requirements of the Local Government Act. Council's Audit Committee have reviewed the statements and recommended that Council adopt the statements ~~in principle~~. The Statements will then be submitted to the Auditor-General for certification. Council is also required to authorise two Councillors to sign the statements on behalf of Council, as required under the Local Government Act.

It is practice for the Councillor members of the Audit Committee to sign the certified statements on behalf of Council.

### **Recommendation:**

#### **That Council:**

- 1. In accordance with S. 131 of the Local Government Act (1989):**
  - (a) adopt in principle and submit the 2012/13 Standard Statements and Financial Statements to the Auditor-General for certification; and**
  - (b) authorise the Council's Audit Committee Representatives, Cr. Dudzik and Cr. Spain, to certify the 2012/13 Standard Statements and Financial Statements in their final form, after any changes recommended, or agreed to by the Auditor, have been made.**

2. In accordance with S. 132 of the Local Government Act (1989):
- (a) submit the 2012/13 Performance Statement to the Auditor-General for certification; and
  - (b) authorise the Council's Audit Committee Representatives, Cr. Dudzik and Cr. Spain, to certify the 2012/13 Performance Statement in its final form, after any changes recommended, or agreed to by the Auditor, have been made.

**Resolution:**

**Crs. Spain/Dudzik**

*That consideration of this item be deferred to the Ordinary Council Meeting on 18 September 2013.*

**CARRIED.**

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**Report Authorisation**

**Authorised by:**



**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Thursday 23 August 2013

## 11.5.5 Annual Community Satisfaction Survey 2013

### Introduction

File No.: 18/02/001  
Author: Shane Marr  
Chief Executive: Rob Croxford

### Background

Council has received the final Research Report for the 2013 Community Satisfaction Survey commissioned by the Victorian State Government and coordinated by the Department of Planning and Community Development on behalf of the 71 out of 79 Victorian councils who participated.

The Community Satisfaction Survey is optional and participating councils have a range of choices as to the content of the questionnaire and the sample size to be surveyed, depending on their individual strategic, financial and other considerations.

The main objectives of the survey are to assess the performance of Moorabool Shire Council, classified as a Large Rural Shire Council, across a range of measures and to seek insight into ways to provide improved or more effective service delivery.

Approximately 400 Moorabool residents completed survey interviews via telephone between 1 February and 24 March this year.

As a result of extensive consultation with councils in 2012 there were significant changes to the methodology and content of the survey which included:

- The survey is now conducted as a representative random probability survey of residents aged 18 years or over in local Councils, whereas previously it was conducted as a head of household survey;
- Results are now weighted post survey to the known population distribution of Moorabool Shire Council according to the most recently available ABS population estimates. Previously results were not weighted; and
- The service responsibility area performance measures have changed significantly and the rating scale used to assess performance has also changed.

As a result of these factors, the results of the 2012 Community Satisfaction Survey should be considered as a benchmark. Comparisons against results from 2011 and prior should not be considered due to these methodological and sampling changes.

### **Summary of Results for 2013**

Moorabool Shire Council results in the 2013 Community Satisfaction Survey show an improvement in two key measures compared to the 2012 results. The Overall Performance Score of 58 this year eclipses the 2012 result of 57 and the score for Overall Council Direction of 51 was two points up on the 2012 score of 49.

Council Customer Service repeated its 2012 score of 68 in the 2013 survey, by far the Shire's highest index score for both years over all the categories measured.

The survey also indicated that the community's view of Council's advocacy (52) and community consultation (51) decreased in the 2013 survey compared to their scores of 54 for both categories in the 2012 survey. With the exception of community consultation which was four index points lower, the 2013 results were on a par against other comparative local government associations across the state in these same main survey categories (large rural shires)

### **Key areas for improvement**

Four areas for improvement have been identified:

- Community consultation
- Advocacy
- Appearance of public areas
- Recreational facilities

Council will work with the community to plan and deliver services and facilities that are appropriate and affordable, reflecting the size, location and diversity of our communities.

Council will work with other levels of government and non-government organisations to increase their investment in services and facilities across the municipality.

### **Proposal**

This report is to inform Council and the community on the result of the 2013 Community Satisfaction Survey. A report summary is attached as an appendix.

A full copy of the Survey is available for public perusal at each of Council's offices located at 15 Stead Street, Ballan, 182 Halletts Way, Darley and at the Lerderberg Library, 215 Main Street, Bacchus Marsh and place it on Council's website.

### **Policy Implications**

The 2013-2017 Council Plan provides as follows;

<b>Key Result Area</b>	Representation and Leadership of our Community
------------------------	--

**Objective** Leadership through best practice community engagement

**Strategy** To make well informed decisions based on input from the community and other key stakeholders through effective community engagement

The proposal to inform Council and the community of the Community Satisfaction Survey results is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

There are no direct financial implications however outcomes of the survey will continue to influence budgetary decision making and project prioritisation.

### **Communications Strategy**

An advertisement will be placed on Council's media page in the Moorabool News advising that the Customer Satisfaction Survey is available for the general public at all Council offices and 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.

#### *Chief Executive Offer – Rob Croxford*

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

#### *Author – Shane Marr*

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

### **Conclusion**

The results of the Annual Community Satisfaction Survey 2013 have shown an increase in Council overall performance and direction when compared with the 2012 results.

With the introduction of the new method of surveying it is hopeful that over time this Community Satisfaction Survey looking forward may become a useful tool to track community attitudes towards Council.

These surveys will gain relevance over the longer term as the year to year variances are tracked to determine any definitive trend. For now, the 2013 survey provides a snapshot into the community's view of our performance and indicates the relative importance the community places on a range of our daily activities which will be useful for organisation planning.

**Resolution:**

**Crs. Edwards/Sullivan**

***That Council:***

- 1. *receives the Annual Community Satisfaction Survey 2013.***
- 2. *makes a copy of the Survey available for public perusal at each of Council's offices located at 15 Stead Street, Ballan, 182 Halletts Way, Darley and at the Lerderderg Library, 215 Main Street, Bacchus Marsh and place it on Council's website.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:**

  
Shane Marr

**Title:**

General Manager Corporate Services

**Date:**

Wednesday 28 August 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 14 August 2013 . Anzac Centenary Proposed Projects
- Assembly of Councillors . Wednesday 14 August 2013 . S86 Rural Advisory Committee
- Assembly of Councillors . Thursday 15 August 2013 . Bacchus Marsh Indoor Aquatic Centre
- Assembly of Councillors . Thursday 15 August 2013 . Community Grants
- Assembly of Councillors . Wednesday 21 August 2013 . Draft Health and Wellbeing Plan
- Assembly of Councillors . Wednesday 21 August 2013 - Economic Development & Tourism (including Economic Development Policy and Parwan Industrial Employment Zone)
- Assembly of Councillors . Wednesday 21 August 2013 . Instrument of Delegations
- Assembly of Councillors . Wednesday 21 August 2013 . Community Satisfaction Survey
- Assembly of Councillors . Wednesday 28 August 2013 . VLGA Councillor Code of Conduct

**Resolution:****Crs. Dudzik/Comrie**

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

- ***Assembly of Councillors – Wednesday 14 August 2013 – Anzac Centenary Proposed Projects***
- ***Assembly of Councillors – Wednesday 14 August 2013 – S86 Rural Advisory Committee***
- ***Assembly of Councillors – Thursday 15 August 2013 – Bacchus Marsh Indoor Aquatic Centre***
- ***Assembly of Councillors – Thursday 15 August 2013 – Community Grants***
- ***Assembly of Councillors – Wednesday 21 August 2013 – Draft Health and Wellbeing Plan***
- ***Assembly of Councillors – Wednesday 21 August 2013 - Economic Development & Tourism (including Economic Development Policy and Parwan Industrial Employment Zone)***
- ***Assembly of Councillors – Wednesday 21 August 2013 – Instrument of Delegations***
- ***Assembly of Councillors – Wednesday 21 August 2013 – Community Satisfaction Survey***
- ***Assembly of Councillors – Wednesday 28 August 2013 – VLGA Councillor Code of Conduct***

**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>
Masons Lane Recreation Reserve Committee of Management	11 June 2013	Community Members
Masons Lane Recreation Reserve Committee of Management	9 July 2013	Community Members

### **Resolution:**

#### **Crs. Sullivan/Spain**

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

- ***Masons Lane Recreation Reserve Committee of Management meeting of Tuesday 11 June 2013.***
- ***Masons Lane Recreation Reserve Committee of Management meeting of Tuesday 9 July 2013.***

**CARRIED.**

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

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

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

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

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

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Heritage Advisory Committee	18 June 2013	Cr. Tatchell

**Resolution:**

**Crs. Tatchell/Edwards**

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

- ***Heritage Advisory Committee meeting of Tuesday 18 June 2013.***

**CARRIED.**

**13. NOTICES OF MOTION****13.1 Cr Toohey/Cr Dudzik: N.O.M. No. 233 – Mediation Outcomes between Cr Toohey and Cr Dudzik.****Resolution:****Crs. Dudzik/Edwards**

- 1. Cr Toohey and Cr Dudzik wish to jointly advise that in relation to the past Notice of Motion 230 Respect for the Premier and Other Levels of Government, that neither party intended to cause disrespect to Council, the Premier or any level of Government. Neither Councillors actions or words were meant in any way show disrespect to those involved.***

***Cr Toohey and Cr Dudzik recognise that a communication problem between parties resulted in a regrettable process being followed. We will learn from our mistakes and improve processes so that they cannot be repeated.***

- 2. To Improve Councillor relationships and governance Council will review the process and procedures and provide training to Councillors to enable us to work as a cohesive group working towards positive outcomes for our community.***

**CARRIED.**

**14. URGENT BUSINESS****14.1 Community Hub in Main Street Bacchus Marsh****Resolution:****Crs. Dudzik/**

- 1. That Council Officers re-commence a process to develop a Master Plan for an integrated, multi-user and multi-purpose Community Hub in Main Street Bacchus Marsh. The Master Plan will identify options that include the development and future uses of the Council-owned land, including and adjoining to 197 Main Street Bacchus Marsh. The Master Plan will give consideration to the community use of, and interactions between, existing buildings at this location including the Public Hall & Supper Room, Soldiers Memorial Hall & RSL Clubrooms and the Lerderderg Library. Traffic Management issues and the demand for the provision of car parking spaces at this location will be included in the Master Plan. A Community Engagement Plan will be a mandatory part of the process, given the high level of community interest in this precinct.**
- 2. Until the Masterplan is completed and agreed to by the community, Council endorses the use by the RSL of the old Library site and flag poles for ANZAC Day services and Great War Centenary events and will permit, subject to an agreement being reached with the RSL, the installation of some commemorative artifacts on this site for the purpose of enhancing Great War Centenary events that will be held during the period from 2014 to 2018.**
- 3. That Council officers assist the Bacchus Marsh RSL to complete a grant application in the Australian Government's ANZAC Centenary Local Grants Program. That Council officers also investigate other grant opportunities such as Saluting Their Service Grants from Veterans Affairs to assist in funding this project. The application to identify the following components:**
  - Portable cross which can be used for ANZAC & other commemorative services.**
  - A time capsule created and dedicated to the Centenary of the Anzacs.**
  - Memorial plaques recognizing each war and conflict.**
  - Sandblasting, mounting and fixed secure display of the RSL cannon.**
  - Security lighting.**
  - Official opening event organized by the Great War Centenary Committee.**

***The Motion lapsed due to the want of a Seconder.***

**Resolution:**

**Crs. Dudzik/**

**1. That Council officers assist the Bacchus Marsh RSL to complete a grant application in the Australian Government's ANZAC Centenary Local Grants Program. That Council officers also investigate other grant opportunities such as Saluting Their Service Grants from Veterans Affairs to assist in funding this project. The application to identify the following components:**

- **Portable cross which can be used for ANZAC & other commemorative services.**
- **A time capsule created and dedicated to the Centenary of the Anzacs.**
- **Memorial plaques recognizing each war and conflict.**
- **Sandblasting, mounting and fixed secure display of the RSL cannon.**
- **Security lighting.**
- **Official opening event organized by the Great War Centenary Committee.**

***The Motion lapsed due to the want of a Seconder.***

**15. CLOSED SESSION OF THE MEETING TO THE PUBLIC****15.1 Confidential Report****ADJOURNMENT OF MEETING 8.21PM**

Crs. Sullivan/Comrie

*That the meeting now stand adjourned for a period of 9 minutes.*

**CARRIED.**

**RESUMPTION OF MEETING 8.30PM**

Crs. Comrie/Sullivan

*That the meeting now be resumed.*

**CARRIED.**

**CLOSURE OF THE MEETING TO THE PUBLIC – 8.31PM**

Resolution:

Crs. Edwards/Tatchell

*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.**

Item 15.1 is a confidential item and therefore not included as part of these Minutes.

**16. MEETING CLOSURE**

*The meeting closed at 8.46pm.*

*Confirmed.....Mayor.*