

## 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 6 February 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**

<i>Cr. Pat Toohey (Mayor)</i>	<i>Woodlands Ward</i>
<i>Cr. Paul Tatchell</i>	<i>Central Moorabool Ward</i>
<i>Cr. Allan Comrie</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. John Spain</i>	<i>East Moorabool Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>
<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. Samantha Romaszko</i>	<i>Manager Engineering Services</i>
<i>Ms. Lace Gadd</i>	<i>Minute Taker</i>

**3. APOLOGIES**

*There were no apologies.*

**4. CONFIRMATION OF MINUTES****4.1 Ordinary Meeting of Council – Wednesday 19 December 2012**

**Resolution:**

**Crs. Comrie/Dudzik**

*That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 19 December 2012.*

**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.

**Nil.**

**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>January/February, 2013</b>	
<b>26 January</b>	<b>Australia Day celebrations – Community Breakfast, Australia Day Ceremony and Citizenship Ceremony</b>
<b>29 January</b>	<b>Ministerial Announcement – Bacchus Marsh Town Centre Revitalisation Project</b> <b>Urban Growth Strategy S86 Committee Meeting</b>
<b>30 January</b>	<b>Assembly of Council – Central Highlands Regional Growth Plan</b> <b>Assembly of Council – Bacchus Marsh Freeway Eastern Interchange</b> <b>Assembly of Council – Underbank Proposal</b>
<b>31 January</b>	<b>Joint Wind Farm Working Group Meeting</b> <b>Official Opening of the first section of the Western Highway Project – Section 1A</b> <b>Meeting with Ballarat City Council CEO</b>
<b>1 February</b>	<b>Central Highlands Mayors &amp; CEOs Forum</b>
<b>6 February</b>	<b>Assembly of Council – Council Plan</b> <b>Assembly of Council - Hike and Bike Strategy</b> <b>Ordinary Meeting of Council</b>

**Resolution:**

**Crs. Sullivan/Spain**

***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. Dudzik</b>	
<b>January 2013</b>	
<b>11 January, 2013</b>	<b>Central Highlands Mayor's and CEO's Forum</b>
<b>26 January, 2013</b>	<b>Australia Day celebrations – Community Breakfast, Australia Day Ceremony and Citizenship Ceremony</b>
<b>29 January, 2013</b>	<b>Ministerial Announcement – Bacchus Marsh Town Centre Revitalisation</b>  <b>Urban Growth Strategy S86 Committee Meeting</b>

<b>Cr. Comrie</b>	
<b>February 2013</b>	
<b>4 February, 2013</b>	<b>Meeting with Gavin Clancy Western Water</b>

<b>Cr. Edwards</b>	
<b>January/February 2013</b>	
<b>26 January, 2013</b>	<b>Australia Day celebrations – Community Breakfast, Australia Day Ceremony and Citizenship Ceremony</b>
<b>29 January, 2013</b>	<b>Urban Growth Strategy S86 Committee Meeting</b>
<b>4 February, 2013</b>	<b>Moorabool Landcare Advisory Committee Meeting</b>  <b>Moorabool Landcare Network Meeting</b>



<b>Cr. Tatchell</b>	
<b>January/February 2013</b>	
<b>19 January, 2013</b>	<b>Wombat Arts Society Meeting</b>
<b>26 January, 2013</b>	<b>Australia Day celebrations – Community Breakfast, Australia Day Ceremony and Citizenship Ceremony</b>  <b>Balliang Action Group Meeting</b>
<b>29 January, 2013</b>	<b>Moving Towards Justice Meeting</b>
<b>1 February, 2013</b>	<b>Arts Group Meeting 'Trading Suitcases'</b>
<b>5 February, 2013</b>	<b>Municipal Fire Management Planning Committee (MFMP)</b>  <b>Municipal Emergency Management Planning Committee (MEMPC)</b>  <b>Ballan Eco Village Group Meeting</b>

**Resolution:**

**Crs. Comrie/Sullivan**

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

**CARRIED.**

## 8. PUBLIC QUESTION TIME

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

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

The person asking the question is to stand and identify themselves before asking the question.

All questions are to be directed to the Mayor, 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 one question is to be asked by any one person at any one time.

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 beyond the power or duties of Council;

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

To be confidential in nature or of legal significance;

To be repetitive of a question already answered (whether at the same or any earlier meeting);

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 matters affecting the security of Council property;

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

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

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

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

***Ms. Margaret Scarff – Maddingley – NBN Rollout in Bacchus Marsh***

***Mr. David Stewart – Merrimu – Speed Limit on Lerderderg Park Road***

***Mr. Graham Hooper – Bacchus Marsh – Commercial Signage on Bacchus Marsh Road Reserves***

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

***Ms. Danielle Cooper – Darley – Flying of Aboriginal Flag***

## 9. PETITIONS

### 9.1 Petition regarding roads in and around Barkstead

Council has received a petition containing 36 signatures pertaining to a request for Council to inspect and repair roads in the Barkstead locality.

***Consideration of Deputation - Petition regarding roads in and around Barkstead***

***Mr. Michael Coll addressed Council as the Petition Convenor to the Petition – Regarding roads in and around Barkstead***

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

**Recommendation:**

**That the petition containing 36 signatures pertaining to a request for Council to inspect and repair roads in the Barkstead locality be received by Council and that a report be prepared by officers for Council's consideration.**

**Resolution:**

**Crs. Sullivan/Spain**

***That the petition containing 36 signatures pertaining to a request for Council to inspect and repair roads in the Barkstead locality be received by Council and that a report be prepared by officers for Council's consideration including an overview of the ownership of the roads in the Barkstead area.***

**CARRIED.**

## 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
9.1	Petition regarding roads in and around Barkstead	Mr Michael Coll	Petition Convenor
13.1	Cr. Spain: N.O.M. No. 223 – Notice Of Motion – Terms of Reference Bacchus Marsh Aquatic Centre	Jocelyn Williams	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 Officer's report on the planning item.

**Nil.**

## 11. OFFICER'S REPORTS

### 11.1 CHIEF EXECUTIVE OFFICER

#### 11.1.1 Quarterly Financial Report December 2012

##### Introduction

File No.: 07/01/004  
Author: Aaron Light  
General Manager: Shane Marr

This Quarterly Report covers the period of 1 July 2012 to 31 December 2012. The report outlines the year to date financial position of Council and forecast projections for the full year results.

The forecast cash balance is a decrease of \$0.925 million. The forecast result at the end of the financial year is a decrease in the surplus by \$3.943m. This is primarily due to the reduction in Grant Commission payments and carried forward projects from previous years. Please refer to the attached report for a detailed review of the financials.

##### Background

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

##### Proposal

That Council receives the Quarterly Report – December 2012.

##### Policy Implications

The adoption of the Quarterly Report – December 2012 meets Council's statutory obligations under section 138 – Quarterly Statements of the Local Government Act (1989).

The 2009-2013 Council Plan provides as follows:

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

## Annual Budget

The attached Quarterly Financial Report, **Attachment 1**, provides an explanation of the Income Statement, Balance Sheet, Cash Flow Statement and Capital Works Statement with the year-to-date actuals compared to the year-to-date budget, and the annual budgets compared to the annual forecasts.

### *Income Statement*

The main changes within the Income Statement are as follows:

- Decrease in "Operating Grants" due to the early payment of part of the 2012/13 Grants Commission allocation (\$2.894m);
- Increased "Capital Grants" associated with flood restoration works (\$1.741m, originally budget was \$2.100m);
- Increased "Employee Costs" due to carry forward grant funded positions (\$0.267m);
- Increased "Materials and Consumables" expenditure of \$1.450m associated with flood restoration works that are not capital in nature;
- Increased "Materials and Consumables" expenditure of \$0.848m due to the carry forward of incomplete projects;

The net effect of these changes and other minor variances causes the total surplus for the year to decrease by \$3.943m to \$3.087m.

### *Cash*

The forecasted cash balance at 30 June 2013 has decreased by \$0.925m to \$3.222m in comparison to the adopted budget. This is mainly due to carry forward of incomplete projects (both capital and operating).

## Capital Improvement Program (CIP)

The total cash expenditure forecast for CIP has increased by \$6.244m, from the adopted Budget of \$11.428m to \$17.672m. This is due to the following forecast changes:

• 2011/12 CIP Projects – Carry Forward	\$2.334m
• 2011/12 Flood Recovery – Net Carry Forward	\$4.203m
• New Funding in 2012/13	
○ Avenue of Honour Walking Trail	\$0.030m
○ Elaine Recreation Reserve Tennis Courts	\$0.010m
○ DDA Retrofit Program	\$0.007m
• Other adjustments	
○ Maddingley Park Tennis Courts	\$0.060m
○ Rotary Club Shed - Scout Hall	\$0.030m
○ Maddingley Park Netball Change/Toilet	\$0.030m
○ Capital Works Deferred	(\$0.547m)
○ Other Minor Adjustments	\$0.087m
	<b>\$6.244m</b>

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

There are no identified risks associated with this process.

## **Communications Strategy**

To Council, through the Ordinary Meeting of Council on 6 February 2013, and to the Audit Committee meeting on 27 February 2013.

## **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 – Aaron Light*

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

## **Conclusion**

The Quarterly Report – December 2012 has been prepared in accordance with Section 138 – Quarterly Statements of the Local Government Act (1989) for review and receiving by Council.

### **Resolution:**

**Crs. Dudzik/Spain**

***That Council receives the Quarterly Report – December 2012.***

**CARRIED.**

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## **Report Authorisation**

**Authorised by:**



**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Tuesday 22 January 2013



## 11.1.2 December Quarterly Report – 2012/13 Council Plan Actions

### Introduction

File No.: 02/02/002  
Author: Shane Marr  
Chief Executive Officer: Rob Croxford

### Background

The 2009-2013 Council Plan was developed and adopted by Council in June 2009. As part of the development of the framework of the Council Plan, Council determines appropriate actions which will support the framework, delivering agreed outcomes for the Community. The Council Plan is reviewed annually.

All Council activities can be linked back to the Council Plan and at the Ordinary Meeting of Council on Wednesday 14 June 2012 Council identified 19 new actions which are indicative of its success in achieving the strategic direction of the Council Plan.

### Discussion

The following table indicates each of the actions and the progress comments for the 2012/13 Financial Year

ACTION	PROGRESS
Conduct of Council Election October 2012.	The Victorian Electoral Commission (VEC) conducted the election on behalf of Council on 27 October 2012. <b>COMPLETE</b>
Conduct Induction of New Councillors.	Councillor Induction program was undertaken by the new Council during November/December 2013.  The development of a survey to collate responses pertaining to the election and induction process is currently underway and due for release early January. <b>COMPLETE</b>
Review of the following policies in line with Council's Policy Framework:  - Investment Attraction Policy;  - Risk Management Policy  - Film Policy	These policies will be reviewed and presented to Council during the first half of 2013.
Provide support to volunteer groups, organisations and individuals.	Ongoing support is provided to Section 86 Committees representatives around the implementation of the Appointments and Delegations Policy. One on one meetings arranged upon request.  Community Training and Skills Development Program delivered from June to October 2012. A total of 8 training sessions were offered to the community in Ballan and Bacchus Marsh. Sessions included Grant Writing, Fundraising, Social Media and Community Planning. Officers are collecting feedback from attendees, community groups and organisations to identify needs for the 2013 program.  A Community Group Conference is planned for delivery on 20 <sup>th</sup> April 2013.

ACTION	PROGRESS
Implement Mobile Library Strategy.	<p>A total of 802 visits were recorded for the service in October and 747 visits recorded for November. Issue/Loads rates have remained steady with 1378 for October and 1381 recorded for November. Approximately 95% of attendance and borrowings are being experienced by the Ballan Library.</p> <p>Ongoing advertising and marketing is in place to continue to promote and raise awareness of the Rural Library Services.</p>
Preparation of the 2013-2017 Public Health and Wellbeing Plan.	A project plan has been developed. Scope and Methodology were presented to Council on 19 December 2012. Officers developing Community Engagement Plan for implementation late January 2013. Central Highlands Primary Care Partnership has agreed to provide support to Council around the development of the Public and Health and Wellbeing Plan.
Establish Bacchus Marsh Racecourse Reserve Committee of Management.	<p>Recreation Development Unit providing ongoing support and governance assistance as per Appointment and Delegation Policy.</p> <p>License agreements for users being finalised for sign off in partnership with the Department of Sustainability and Environment (DSE), the Reserve Committee of Management (CoM) and users.</p>
Develop Bacchus Marsh Traffic Study.	Confirmation of VicRoads commitment to fund 50% of the project has been received. A draft brief for the engagement of a consultant is in progress, along with a community engagement strategy. The project will not be procured until the Woolpack Road/eastern interchange issue is resolved, as it will have a major bearing on the outcomes of the study.

<p>Comply with 2010 Standards for tree clearances near power lines.</p>	<p>Although there continues to be ongoing negotiations between the Municipal Association of Victoria (MAV) and Energy Safe Victoria (ESV) in relation to Electric Line Clearance, Moorabool has completed an electrical Line Clearance Management Plan that conforms with the 2010 Regulations and completed clearance works in the declared area of Bacchus Marsh in 2011/12 to the 2010 Regulations, making council compliant with those Regulations. A new contract for Electric Line Clearance is currently being developed and is scheduled to be in place by December 2012. In addition, ongoing discussions are occurring between officers and Powercor in relation to the impacts of Ballan and other small towns.</p> <p>A new 3 year Electrical Line Clearance tender/contract report and recommendation is with the CEO for signature.</p> <p>Powercor are responsible for the clearance of trees under electrical conductors in non-declared areas of our municipality. They propose a 3 year clearance cycle which will have devastating effects on the amenity of some of our street trees.</p> <p>Discussions are continuing with Powercor representatives in relation to the impact on street trees within Ballan and other small towns.</p>
<p>Rural Zones Review.</p>	<p>The Rural Zones Review was finalised as at 5 September 2012, and has been included as part of the Moorabool 2041 initiative. <b>COMPLETED</b></p>
<p>Develop a long term Urban Growth Strategy.</p>	<p>Work on the Urban Growth Strategy and Rural Strategy is also underway as part of Moorabool 2041.</p>
<p>Develop a Rural Strategy.</p>	<p>Moorabool 2041 Phase 1 is complete and Phase 2 is underway.</p> <p>Section 86 Committee Meeting set down for end January 2013.</p>

Develop Recreation and Social Infrastructure Planning.	<p>Framework for Social and Community Infrastructure Needs Analysis developed and agreed.</p> <p>Working Group established.</p> <p>Literature Review completed.</p> <p>Community Infrastructure Planning Principles developed and agreed.</p> <p>Audit of current Social and Community Infrastructure completed.</p> <p>Audit of existing community services currently being undertaken.</p> <p>Demographic trends and profiling drafted.</p>
Implementation of Asset Management System.	<p>The implementation of the new Asset Management System will occur over the period 2012-2014. The initial phase of procuring an asset system was completed in September 2012. The purchase of a Maintenance Management System was deferred pending further investigation. The next phase involves loading of road, bridge and footpath data into the system which is scheduled for completion by June 2013. Other asset classes will be loaded progressively for mid 2013 to end 2014.</p>
Implement Council's Business Excellence Program.	<p>Business Excellence implementation plan developed. Training and coaching regarding principles, process and tools of Business Excellence Framework. Gantt chart with dates and times for delivery prepared. Activities, evaluations and outcomes calendered for Business Excellence Continuous Improvement.</p> <p>Draft version of Systems View at Level 1 (Organisation) and Level 2 (Directorate) drafted.</p> <p>Template for Service Unit Systems View (Operational Plan) created. Level 3 (Service Unit) Systems View being developed. Systems View of Risk Management and Fire completed.</p> <p>Promapp purchased to simplify the creation and development of processes across the organisation, and to maintain a central repository of all processes, policies and documents.</p> <p>PDSA 9 step improvement process training developed to commence in third quarter. Organisational culture also being addressed as part of Business Excellence implementation.</p>

Implement Council's Information Systems Strategy.	An annual implementation plan for the IT Strategy is being developed by the IT Steering Committee which was finalised at the November meeting. Projects such as the Desktop replacement and Asset Management System are already underway for completion in 2012/13.
Implement Council's Service Delivery Model, including implementation of online opportunities available through the National Broadband Network (NBN)	Council is still waiting on the outcome of the Department of Broadband, Communications and the Digital Economy Digital Local Government Program grant funding. Once this funding is finalised the program will be implemented, which will include video conferencing, providing information spatially to the community and updates to Council's website.
Review of Council's Customer Service Strategy.	An implementation plan has been developed and presented to leadership for Council's Customer Service Strategy and policy which includes customer focussed organisation, benchmarking, review of Council's customer service charter, communications and training.
Development of 2013-17 Council Plan.	Preparation of a framework for the development of the 2013/17 Council Plan is in progress. A planning meeting will be held on 23 January.

## **Proposal**

This report is to inform Council and the community on the progress of key Council Plan actions for 2012/13

## **Policy Implications**

The 2009–2013 Council Plan provides as follows:

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

## **Financial Implications**

There are no financial implications from this report. All projects being delivered have been allocated a budget.

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

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

## **Communications Strategy**

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

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

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

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

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

*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.

*Author – Shane Marr*

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

**Conclusion**

Council continues to make progress in all areas of the Council Plan. Three of the 19 actions considered within this report are now complete, with the remaining actions progressing as expected.

**Resolution:**

**Crs. Sullivan/Comrie**

***That Council receives the 2012/13 Council Plan Actions Second Quarter Progress Report.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**



**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Friday 25 January 2013



### 11.1.3 Capital Improvement Program Quarterly Report - December 2012

#### Introduction

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

#### Background

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

#### Proposal

This quarterly report provides Council with an overview of the progress of Council's 2012/2013 Capital Improvement Program to 31 December 2012.

#### Implementation of the 2012/2013 Capital Improvement Program

The 2012/2013 Capital Improvement Program currently consists of 86 projects. This list incorporates projects from various sources including but not limited to the following:

- Projects carried forward from 2011/2012 program
- 2012/2013 Council budgeted projects
- Grant funded projects

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

The Engineering Services Unit nominates 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status. The table below summarises the overall program status as at 31 December 2012:

CIP Program Delivery Stage	Actual as of 31 December 2012	
	No. of Projects	%
Not Commenced	21	24.4
Documentation/Design Preparation	11	12.8
Tender/Quote Stage	6	7.0
Project Awarded – Waiting Commencement	14	16.3
In Progress/Under Construction	21	24.4
Complete	13	15.1
<b>TOTAL</b>	<b>86</b>	<b>100.00</b>

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

#### Program Status

At this stage of the financial year the program is generally tracking well. 13% of the program is complete with a majority of projects in the 'documentation/design preparation' and 'project awarded' phases. Of the 21 projects that have not yet commenced, 9 are subject to external funding and cannot commence until successful matching grants most likely due in 2013. These are listed below;

Project Name	Project Description
Elaine Public Hall	Upgrade to kitchen facilities
Baptist Church, Holts Lane	Community Arts Garden
Yendon Recreation Reserve Development	Shelter, playground facilities and lighting
Mt. Egerton Hall and Recreation Reserve	Play equipment, shade structure and walking trail
Myrniong Recreation Reserve	Walking and cycling trail
Ballan Men's Shed	Construction of new facility
Darley Park Recreation Reserve	Lighting to existing tennis/netball courts
Navigators Public Hall	Construction of new rotunda and BBQ (advice of successful funding received since end of quarter).
Avenue of Honour, Bacchus Marsh	Walking trail feasibility study

Further to the advice provided in the September quarterly report regarding Lal Lal Clarendon Road path, further assessment of the removal of native vegetation has taken place. A planning permit is required for its removal and offsets will be required. The exact dollar figure of offsets is currently being scrutinised and there is currently a risk that a reduced scope of work will be required along with delays associated with planning approval. There should be a better understanding of these components by end of February.

The Eyrie Court, Hopetoun Park footpath project is also facing potential difficulties associated with ground conditions, drainage and native vegetation that could impact the delivery of the project. These issues are currently being investigated and further time is required to assess the impact on timelines and possible budget implication if the scope requires modification.

With the exception of Clarendon-Lal Lal Road, Eyrie Court and the externally funded projects, the successful delivery of all other projects is progressing as expected.

### **Policy Implications**

The 2009–2013 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Natural and Built Environment
<b>Objective</b>	Long Term Asset Management
<b>Strategy</b>	Develop long term strategic asset management plan for all Council Assets to manage current and future asset needs.

The Capital Improvement Program reporting is consistent with the 2009-2013 Council Plan.

### **Financial Implications**

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

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

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

### **Communications Strategy**

The Capital Improvement Program report is currently presented quarterly to Council. Specific projects are communicated to the community and affected residents as required through a range of methods including but not limited to advertisements, mail outs and letter drops. In addition to this, the progress of significant projects is reported monthly in the Councillor Information Bulletin.

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

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

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

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

*General Manager – Phil Jeffrey*

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

*Author – Sam Romaszko*

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

### **Conclusion**

This report provides a summary of the progress of the Capital Improvement Program for the second quarter of the 2012/2013 period for the information of Councillors.

#### **Resolution:**

**Crs. Sullivan/Edwards**

***That Council receives the Capital Improvement Program quarterly report to 31 December 2012.***

**CARRIED.**

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#### **Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Thursday 24 January 2013



## **11.2 GROWTH AND DEVELOPMENT**

*No reports for this meeting*

### **11.3 COMMUNITY SERVICES**

*No reports for this meeting*

## **11.4 INFRASTRUCTURE SERVICES**

### **11.4.1 Flood Recovery Program Quarterly Report - December 2012**

#### **Introduction**

File No.: 02/13/023  
Author: Sam Romaszko  
General Manager: Phil Jeffrey

#### **Background**

During 2010 and early 2011 various severe weather events were experienced across the Shire resulting in widespread flood damage to Council's infrastructure including roads, drains, bridges, walking trails, recreation reserves and buildings. The most dangerous and necessary damaged assets were attended to by Council's Works Department and Contractors during or shortly after the events for public safety and amenity.

Subsequently a series of significant tasks on multiple occasions were undertaken to inspect, assess and estimate costs for flood damage on all Council's roads and other infrastructure across the Shire. Each event has triggered submission of damage estimates to the Department of Treasury and Finance for Natural Disaster Financial Assistance now totalling approximately \$19.7 million. Council is currently in the process of delivering the works associated with those grants.

#### **Proposal**

This quarterly report provides Council with an overview of the progress of the Flood Recovery Works Program to 31 December 2012.

#### **Implementation of the Flood Recovery Program**

The number of individual projects in the Flood Recovery Program is currently 720. Significant emergency repairs were implemented at the time of each event and Council officers have grouped remaining like projects and simplified the list for reporting purposes. As a result the reportable number of projects associated with the Flood Recovery Program consists of 46 projects.

To be consistent with the capital program reporting, the Engineering Services Unit has used the 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status. The table below summarises the overall program status as at 31 December 2012:

Flood Recovery Works Program Delivery Stage	Actual as at 31 December 2012	
	No. of Projects	%
Not Commenced	0	0.0
Documentation/Design Preparation	14	30.4
Tender/Quote Stage	2	4.3
Project Awarded – Waiting Commencement	2	4.3
In Progress/Under Construction	4	8.7
Complete	24	52.2
<b>TOTAL</b>	<b>46</b>	<b>100.0</b>

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

#### Significant Projects

There has been significant progress to date with approximately \$14.35M worth of works committed, in progress or complete. Recent large projects underway include;

- Gargans Road, Meredith - bridge replacement is now complete and open to traffic.
- Connor Street, Bacchus Marsh - drainage outfall rectification is now complete.
- Ballan-Meredith Road, Morrisons – road reconstruction is now complete.
- Sealed road repairs throughout the shire – major patching contracts almost complete.
- Golden Point Road, Blackwood – major culvert replacement works commenced in November 2012 and scheduled for completion in February 2013.

Further to the list above, a number of significant projects have been procured and awaiting commencement.

- Egerton-Ballark Road, Morrisons (stages 1 & 2) – reconstruction works are scheduled to commence in January 2013.
- Mount Wallace-Ballark Road, Mount Wallace - reconstruction works are scheduled to commence in March 2013.
- Elaine-Egerton Road / Elaine-Morrison Road intersection reconstruction scheduled to commence in February 2013.
- Purcells Lane, Myrning reconstruction works scheduled to commence in March 2013.



### Contractor Issue

Council has been advised that liquidators have been appointed as the liquidators for one of its contractors. This has an effect on two projects and alternate arrangements for completion are currently being investigated.

### Estimated damage and timing of repairs

Council's current damage estimates submitted to the Department of Treasury and Finance (DTF) for Natural Disaster Financial Assistance total \$19.7 million. This will be adjusted and reimbursement for actual costs will inform the final damage amount.

All works and acquittal of expenditure related to flood recovery works are due for completion by June 2013. A request for extension of time has been submitted to DTF for a further year, with the Flood Recovery program proposed to conclude in June 2014. To date, no response has been received. Completion of some projects may be at risk if this extension is not granted, including the restoration of walking tracks due to complexities around river water levels and authority requirements associated with relocation. Urgent meetings with Melbourne Water are being scheduled to try to expedite the approval process.

All other major projects identified for delivery are currently in the preplanning or procurement phase, with all major projects scheduled for completion by June 2013.

A final inspection of Council's assets is in progress to document any further works that may have been missed previously due to the volume of information that has been gathered.

### **Policy Implications**

The 2009–2013 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Natural and Built Environment
<b>Objective</b>	Effective and safe transport networks
<b>Strategy</b>	Maintain and develop roads, bridges and footpaths at appropriate standards.

The proposed Flood Recovery Works is consistent with the 2009-2013 Council Plan.

### **Financial Implications**

Reporting of the Flood Recovery Program has been resourced as part of the financial assistance claims from state government; accordingly there are no additional financial implications. At this point in time, the program is within overall budget parameters although Council will be reimbursed for actual expenditure.

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

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

### **Communications Strategy**

Progress on the Flood Recovery program will be reported in the following formats:

- Infrastructure Update Weekly
- Councillor Information Bulletin Monthly
- Moorabool Matters Bi Monthly
- Moorabool News Updates on Significant Progress
- Capital Improvement Program Quarterly

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

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

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

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

*General Manager – Phil Jeffrey*

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

*Author – Sam Romaszko*

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

### **Conclusion**

This report provides a summary of the progress of the Flood Recovery Program for the second quarter of the 2012/2013 period for the information of Councillors.

**Resolution:**

**Crs. Comrie/Spain**

***That Council receive the Flood Recovery Program Quarterly Report to 31 December 2012.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Thursday 24 January 2013



## **11.5 CORPORATE SERVICES**

*No reports for this meeting*

## 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 12 December 2012 – Bacchus Marsh Freeway Link Options
- Assembly of Councillors – Wednesday 12 December 2012 – Bushfire Management Overlay
- Assembly of Councillors – Wednesday 19 December 2012 – Statutory Planning Review
- Assembly of Councillors – Wednesday 19 December 2012 – Ballan Structure Plans
- Assembly of Councillors – Wednesday 19 December 2012 – Water Act Review and Potable Water Guidelines
- Assembly of Councillors – Wednesday 19 December 2012 – Bacchus Marsh Freeway Link Options
- Assembly of Councillors – Wednesday 30 January 2013 – Central Highlands Regional Growth Plan
- Assembly of Councillors – Wednesday 30 January 2013 – Bacchus Marsh Freeway Link Options
- Assembly of Councillors – Wednesday 30 January 2013 – Underbank Proposal

**Resolution:**

**Crs. Sullivan/Dudzik**

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

- ***Assembly of Councillors – Wednesday 12 December 2012 – Bacchus Marsh Freeway Link Options***
- ***Assembly of Councillors – Wednesday 12 December 2012 – Bushfire Management Overlay***
- ***Assembly of Councillors – Wednesday 19 December 2012 – Statutory Planning Review***
- ***Assembly of Councillors – Wednesday 19 December 2012 – Ballan Structure Plans***
- ***Assembly of Councillors – Wednesday 19 December 2012 – Water Act Review and Potable Water Guidelines***
- ***Assembly of Councillors – Wednesday 19 December 2012 – Bacchus Marsh Freeway Link Options***
- ***Assembly of Councillors – Wednesday 30 January 2013 – Central Highlands Regional Growth Plan***
- ***Assembly of Councillors – Wednesday 30 January 2013 – Bacchus Marsh Freeway Link Options***
- ***Assembly of Councillors – Wednesday 30 January 2013 – Underbank Proposal***

**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>
Greendale Recreation Reserve Committee of Management	Thursday 13 December 2012	Cr. Toohey
Bacchus Marsh Hall Committee of Management	Thursday 30 August 2012	Cr. Spain
Bacchus Marsh Hall Committee of Management	Wednesday 5 September 2012	Cr. Spain
Bacchus Marsh Hall Committee of Management	Wednesday 12 September 2012	Cr. Spain
Bacchus Marsh Hall Committee of Management	Wednesday 10 October 2012	Cr. Spain
Bacchus Marsh Hall Committee of Management	Wednesday 24 November 2012	Cr. Spain

**Resolution:**

**Crs. Spain/Edwards**

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

- ***Greendale Recreation Reserve Committee of Management meeting of Thursday 13 December 2012.***
- ***Bacchus Marsh Hall Committee of Management meeting of Thursday 30 August 2012***
- ***Bacchus Marsh Hall Committee of Management meeting of Wednesday 5 September 2012***
- ***Bacchus Marsh Hall Committee of Management meeting of Wednesday 12 September 2012***
- ***Bacchus Marsh Hall Committee of Management meeting of Wednesday 10 October 2012***
- ***Bacchus Marsh Hall Committee of Management meeting of Wednesday 24 November 2012***

**CARRIED.**



## 13. NOTICES OF MOTION

### 13.1 Cr. Spain: N.O.M. No. 223 – Notice Of Motion – Terms of Reference Bacchus Marsh Aquatic Centre

#### **Motion**

That Council:

1. adopt the attached updated Terms of Reference for the Bacchus Marsh Indoor Aquatic Centre Community Reference Group established by Council resolution on 19 December 2012
2. henceforth refer to the proposed facility by the name “Bacchus Marsh Indoor Aquatic & Leisure Centre” and the Community Reference Group by the name “Bacchus Marsh Indoor Aquatic & Leisure Centre Community Reference Group”.

#### **Preamble**

The Terms of Reference for the Bacchus Marsh Indoor Aquatic Centre Community Reference Group have been updated for the purpose of clarifying the purpose of the Reference Group and specifying clearly any roles and responsibilities that are excluded from the activities of the Reference Group.

The name changes reflect the fact that Council is currently proposing to build more than an indoor aquatic facility. There are significant dry area facilities included in the design.

#### ***Consideration of Deputation - Cr. Spain: N.O.M. No. 223 – Notice Of Motion – Terms of Reference Bacchus Marsh Aquatic Centre***

***Ms. Jocelyn Williams addressed Council as an objector to the Notice Of Motion – Terms of Reference Bacchus Marsh Aquatic Centre***

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

**Resolution:**

**Crs. Spain/Edwards**

**That Council:**

1. *adopt the attached updated Terms of Reference for the Bacchus Marsh Indoor Aquatic Centre Community Reference Group established by Council resolution on 19 December 2012*
2. *henceforth refer to the proposed facility by the name "Bacchus Marsh Indoor Aquatic & Leisure Centre" and the Community Reference Group by the name "Bacchus Marsh Indoor Aquatic & Leisure Centre Community Reference Group".*

*The Motion was voted upon and was LOST.*

**14. URGENT BUSINESS**

**14.1 Bacchus Marsh Indoor Aquatic Centre**

**Resolution:**

**Crs. Comrie/Tatchell**

***That the Council:***

- 1. take no further action on the establishment of a Bacchus Marsh Indoor Aquatic Centre Community Reference Group***
- 2. endorse the design and construct plans for the Bacchus Marsh Indoor Aquatic Centre for the purposes of community engagement commencing February 2013 for a period of six weeks***
- 3. receive a further report on the adoption of the design and construct plans for the Bacchus Marsh Indoor Aquatic Centre at the conclusion of the design consultation phase***
- 4. nominate a Councillor to join the Bacchus Marsh Community Consortium established by the Rotary Club of Bacchus Marsh to support the establishment of the Indoor Aquatic Centre***
- 5. encourage the Bacchus Marsh Community Consortium to pursue fundraising initiatives for funds toward the construction of the Bacchus Marsh Indoor Aquatic Centre***
- 6. recognises the Bacchus Marsh Community Consortium will provide input into the community engagement on the draft design and construct plans as part of an overall community engagement plan***

**CARRIED.**

**COUNCIL REPRESENTATIVE**

**Crs. Dudzik/Edwards**

**That Cr. Spain be nominated to join the Bacchus Marsh Indoor Aquatic Centre Community Consortium.**

**Cr. Spain declined the nomination and a subsequent motion was put forward.**

**SUBSEQUENT MOTION**

**Crs. Spain / Sullivan**

***That Cr. Comrie be nominated to join the Bacchus Marsh Indoor Aquatic Centre Community Consortium.***

**CARRIED.**

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

**Nil.**

**16. MEETING CLOSURE**

*The meeting closed at 8.45pm.*

*Confirmed.....Mayor.*