

ORDINARY MEETING OF COUNCIL

Minutes of the
Ordinary Meeting of Council to be held at
Council Chambers, 15 Stead Street, Ballan on
Wednesday 17 July 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:**

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
Ms. Sam Romaszko	Manager Engineering Services
Ms. Melissa Hollitt	Minute Taker

3. APOLOGIES

Nil.

4. CONFIRMATION OF MINUTES**4.1 Ordinary Meeting of Council – Wednesday 3 July 2013****Resolution:**

Crs. Sullivan/Edwards

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 3 July 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.

5.1 Disclosure of Conflict of Interest – Mr. Phil Jeffrey

Mr. Phil Jeffrey declared an Indirect Conflict of Interest in relation to Item 11.1.1 – The nature of the Conflict of Interest is due to Mr. Phil Jeffrey being a member of the Bungaree Recreation Reserve Committee of Management.

6. MAYOR'S REPORT

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

Cr Pat Toohey – Mayor's Report	
July 2013	
7 July	NAIDOC Week Flag Raising Ceremony
9 July	Ballan District Health & Care – tour of facilities and advocacy for upgrade; The Hon Catherine King, Minister for Road Services, Minister for Regional Services, Local Communities and Territories in attendance
10 July	Assembly of Council – Bacchus Marsh Indoor Aquatic Centre Assembly of Council – RDAF Round 5 Projects and Advocacy
17 July	Assembly of Council – Presentation to Council by Maree McPherson, President, VLGA Assembly of Council – MSC Flood Emergency Plan Assembly of Council – Draft Social Infrastructure Plan Ordinary Meeting of Council

Resolution:

Crs. Comrie/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:

Cr. Sullivan	
<i>July 2013</i>	
<i>12 July</i>	<i>Timbertowns Victoria, Meeting Melbourne</i>

Cr. Edwards	
<i>July 2013</i>	
<i>4 – 5 July</i>	<i>MAV Regional Planning Conference, Creswick</i>
<i>12 July</i>	<i>Department of Transport Planning and Local Infrastructure</i>
<i>12 July</i>	<i>RSL meeting Bacchus Marsh</i>
<i>13 July</i>	<i>Avenue Bowls Club – Opening of New Green</i>

Cr. Tatchell	
<i>July 2013</i>	
<i>8 July</i>	<i>Mt Wallace Hall Committee AGM</i>
<i>13 July</i>	<i>NAIDOC Flag Raising Ceremony, Bacchus Marsh</i>
<i>16 July</i>	<i>Chamber of Commerce Dinner, Ballan</i>

Cr. Spain	
<i>July 2013</i>	
<i>16 July</i>	<i>Bacchus Marsh Pool Consortium – Mossvale Indoor Aquatic Centre trip</i>

Resolution:

Crs. Sullivan/Edwards

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 questions were responded to at the meeting:

Mr. Dean Cowan – President - Bacchus Marsh West Golf Club – Bacchus Marsh Golf Club Lease, Development of Sporting Reserve, Financial Support for Golf Club.

Mr Bruce Fordyce – Secretary - Bacchus Marsh West Golf Club - Will Bacchus Marsh Racecourse and Bacchus Marsh West Golf Club Reserves be considered in RDAF Item?

Ms. Gail Fiander – Ballan – Ballan Population clarification.

9. PETITIONS

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

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
-	-	-	-

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

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

Item No	Description	Name	Applicant/ Objector
-	-	-	-

11. OFFICER'S REPORTS

11.1 CHIEF EXECUTIVE OFFICER

11.1.1 Regional Development Australia Fund (RDAF) - Round 5 Applications

Mr. Phil Jeffrey declared an Indirect Conflict of Interest in relation to Item 11.1.1 – The nature of the Conflict of Interest is due to Mr. Phil Jeffrey being a member of the Bungaree Recreation Reserve Committee of Management.

Introduction

File No.:
Author: Sam Romaszko
General Manager: Rob Croxford

Background

The Regional Development Australia Fund (RDAF) is a Federal Government initiative that aims to support the infrastructure needs of regional Australia. Nearly \$550 million worth of projects has been funded to date over four rounds. The program funds capital infrastructure projects which are identified as priorities by local communities. To date, Moorabool Shire has not been successful for this program.

Round 5 of the RDAF has opened and will provide a further \$150 million in community infrastructure funding for projects. Every municipality across Australia will benefit from this funding, with Moorabool Shire Council nominally allocated of \$379,314 towards community infrastructure projects.

This report outlines a proposal for potential funding of a package of projects that fit the criteria under this program.

Proposal

Officers have reviewed projects eligible for funding using the capital program, RDA grant list and advocacy document and have developed a recommended scenario for consideration that could be progressed further for funding through the RDAF Round 5 program.

It may be possible to leverage the RDAF funds of \$379,714 at a 1:1 to 3:1 ratio through the Putting Locals First (PLF) program. This is presently being pursued by Council officers. Further to the PLF program, it will be necessary to pursue funds for the sports projects through state government using leverage from Council budgeted projects and the RDAF grant.

The projects proposed for funding are detailed in the table below. For all projects to be funded, it will require successful grant applications to the PLF program and introduction of a Council budgeted project (Mason's Lane) to leverage possible grants.

Project Name	Description	Estimated Cost
East Moorabool		
Maddingley Park Pavilion Improvements	Refurbishment of existing pavilion, upgrade of existing grandstand and construction of a further viewing area.	\$200,000
Main Street, Bacchus Marsh Streetscape Stage 4	Undergrounding of existing overhead power between Gisborne Rd and Gell St and continuation of streetscape works on north side.	\$718,570
Masons Lane Redevelopment Stage 2	Extension of existing soccer pavilion, formalisation and construction of carpark and installation of irrigation system.	\$277,500
Central Moorabool		
Ballan Recreation Reserve Entrance Track	Upgrade and sealing of reserve entrance track, formalisation of parking areas and drainage improvements.	\$140,000
West Moorabool		
Wallace Pavilion Extension	Extension of covered area of existing pavilion as a stage 2 of the project completed at the reserve in 2011.	\$70,000
Bungaree Oval Irrigation	Installation of an automated irrigation system connected to existing bore and pump system.	\$80,000
Woodlands		
Gordon Tennis Court Upgrade	Reconstruction of two tennis courts with inclusion of additional linemarking and rings to incorporate basketball as a multi-purpose facility.	\$140,000
Total		\$1,626,070

To achieve all the projects listed above will require the following funding mix (or a close variant) allocated across multiple projects:

Council	\$177,500	(budgeted in 2013/14 for one project. Would need to reallocate to multiple projects)
RDAF	\$379,714	
PLF	\$958,856	
SRV	\$110,000	

In some cases, the state grants may take up to 12 months to receive however it is noted that projects under RDAF funding are required to be completed by end of 2016.

Policy Implications

The 2013-2017 Council Plan provides as follows:

Key Result Area Enhanced Infrastructure and Natural and Built Environment

Objective Ensure current and future infrastructure meets the needs of the community.

Strategy Construct physical infrastructure to appropriate standards.

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

Financial Implications

In terms of Council's adopted budget, there is no impact. The proposed grants that could be received via the proposed funding mix amount to \$1,448,570. It is noted however that some projects are not on Council owned reserves and would therefore be expensed and impact Council's operating statement.

Communications and Consultation Strategy

Due to the short time frame between announcement of the funding and the associated closing date, it has not been possible to fully engage each impacted reserve or management representatives regarding the scope of each project. This will need to occur following Council resolution.

After funding has been secured, a community engagement strategy for each project will need to be developed in accordance with the adopted framework.

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 – Robert Croxford

The General Manager Infrastructure declared a Direct Conflict of Interest as a result of being a member of the Bungaree Recreation Reserve Committee of Management and as a consequence was not involved in any preparation or deliberations of this report for Council's consideration. The report was therefore delegated to another officer.

In providing this advice to Council as the Chief Executive Officer, 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

Council officers have attempted to maximise the nominal \$379,714 RDAF allocation to a potential \$1,626,070 package of works via leveraging of other grant opportunities.

Expressions of Interest for funding under RDAF Round 5 are currently open and required to be submitted by 22 July 2013. Moorabool Shire has a suite of projects that fit within the criteria of funding available. These are listed below.

- Maddingley Park Pavilion Improvements
- Main St Bacchus Marsh Streetscape Stage 4
- Masons Lane Redevelopment Stage 2
- Ballan Recreation Reserve Improvements
- Wallace Pavilion Extension
- Bungaree Recreation Reserve oval irrigation
- Gordon Tennis Court Upgrade

It is therefore recommended that an Expression of Interest for RDAF Round 5 be submitted for the identified projects.

For these projects to be completed, funds from other sources including the State Putting Locals First Program will be required to be leveraged. Should this not eventuate, the package of works may need to be altered accordingly via a further report to Council.

Mr. Phil Jeffrey adjourned from the meeting at 7.23pm.

Recommendation:

That Council:

1. **Submits an application to the RDAF Round 5 program for the following suite of projects:**
 - a. **Maddingley Park Pavilion Improvements**
 - b. **Main St Bacchus Marsh Streetscape Stage 4**
 - c. **Masons Lane Redevelopment Stage 2**
 - d. **Ballan Recreation Reserve Improvements**
 - e. **Wallace Pavilion Extension**
 - f. **Bungaree Recreation Reserve Oval Irrigation**
 - g. **Gordon Tennis Court Upgrade**
2. **Pursues Putting Local's First funds for the above projects through the State Government to leverage the RDAF grant.**
3. **Reallocates \$177,500 budgeted for Masons Lane Redevelopment in 2013/14 to projects listed above without compromising the scope of the original Masons Lane project.**
4. **Requests officers to provide a further report to Council in the event that State Government funds towards the list of projects is not successful.**

Resolution:**Crs. Sullivan/Edwards****That Council:**

1. ***Submits an application to the RDAF Round 5 program for the following suite of projects:***
 - a. ***Maddingley Park Improvements***
 - b. ***Masons Lane Redevelopment Stage 2***
 - c. ***Ballan Recreation Reserve Improvements***
 - d. ***Wallace Pavilion Extension***
 - e. ***Bungaree Recreation Reserve Oval Irrigation***
 - f. ***Gordon Tennis Court Upgrade***
2. ***Pursues Putting Local's First funds for the above projects through the State Government to leverage the RDAF grant.***
3. ***Reallocates \$177,500 budgeted for Masons Lane Redevelopment in 2013/14 to projects listed above without compromising the scope of the original Masons Lane project.***
4. ***Requests officers to provide a further report to Council in the event that State Government funds towards the list of projects is not successful.***

CARRIED.***Mr. Phil Jeffrey returned to the meeting at 7.24pm.***

Report Authorisation**Authorised by:**

Name: Rob Croxford
Title: Chief Executive Officer
Date: Tuesday 16 July 2013



11.1.2 Proposed Victorian Electoral Boundaries 2013

Introduction

File No.: 01/02/003
Author: Rob Croxford

Background

This report puts forward a suggested formal Council submission to the review of state electoral boundaries.

The Victorian Electoral Boundaries Commission has commenced a process of reviewing the boundaries of Victoria's 88 Legislative Assembly electoral districts and 8 Legislative Council electoral regions as a result of significant changes to population within existing boundaries.

Proposal

Submission Timeframes

As part of the review process the public, including Council, can make a formal submission to the Commission suggesting changes or objecting to proposals. Further, there is an opportunity to make a formal verbal presentation after the close of consultation on 29 July 2013.

Factors the Commission will consider as Submissions

Section 9 (1) and (2) of the Electoral Boundaries Commission Act 1982 provides that in making any division of electors and in determining the number of electors to be allocated to a region or district the commissioners shall give due consideration to .

Section 9 (1)

- (a) area and physical features of terrain
- (b) means of travel, traffic arteries, and communications and any special difficulties in connection therewith;
- (c) community or diversity of interests
- (d) the likelihood of changes in the number of electors in the various localities

Section 9 (2)

The electoral regions or districts are to be of approximately equal enrolment where the enrolment for each region or district does not vary by more than 10% from the average enrolment of regions or districts.

It is also understood that the commission takes account as relevant considerations+

- what weight to place on existing boundaries
- the degree to which boundaries should be identifiable.

The commission does not consider the political effects of electoral boundaries.

The Exhibited Proposal from the Commission:

Legislative Assembly

Ballarat West and Ballarat East

The Commission's proposal is to make the former Ballarat West district more urban and incorporate the whole of central Ballarat district and to rename the electorate %Ballarat+.

It is also proposed to expand the former Ballarat further east to take in the bulk of Moorabool and Golden Plains Shire and to rename it %Buninyong+.

Melton

The current Melton district includes widespread rural and semi . rural areas. The Commission's proposal is to strip back as far as possible to its Melton . Bacchus Marsh core, shedding Diggers Rest to Sunbury, Rockbank to Kororoit, Blackwood and Toolern Vale to Macedon, and Myrniong and most of Balliang to Buninyong.

Macedon

To address significant population growth Sunbury has been removed from the electorate and has added Daylesford and the eastern half of the Hepburn Shire, the eastern end of Mount Alexander Shire and the hilly northern fringes of Moorabool and Melton.

Legislative Council

Western Victoria

The Commission's proposal is that the region includes the same area of the 11 districts as at present (with Ballarat and Buninyong replacing Ballarat West and East as outlined above). It is also noted that the Lara district loses part of Werribee making the proposed area more regional in nature.

Detailed Review of Proposed Buninyong Electoral District:

Reference to the attached Map (I22) (a) and (b) provides a greater opportunity to look spatially at the proposed changes as set out above to the Melton, Macedon, Ballarat and Buninyong districts.

It is immediately apparent that the large West Maddingley subdivision off Griffith Street and properties east of the line of Osborne Street and the Korkuperrimul Creek will be included along with the bulk of Bacchus Marsh and Darley in the Melton District.

Further, areas of Coimadai, Blackwood, Bullarto South and Korweinguboora that were previously included as part of the Moorabool municipal boundary now, in the proposal, go to the Macedon District.

It is also evident that some of the most western regions of Moorabool will go to the new district of Ballarat.

A review of the projected enrolment figures put forward by the Commission shows that on average the Commission is aiming to achieve districts with 45,670 electors.

In the discussion points below it is noted that the total numbers of electors in 2010 in the Bacchus Marsh, Bacchus Marsh Central and Darley areas numbered 7,200. (source VEC results by voting centre)

In any suggested scenario for the whole of Bacchus Marsh to be retained in one electorate the Commission would need to be aware of the fact that an increase of 7,200 voters would push out the average by approximately 13% for Buninyong but reduce the variance to less than 1 % for Melton.

Key Aspects of a Submission to the Commission

Using the framework provided in 9 (1) and (2) the following submission points are proposed:

- There is no strong community of interest for Bacchus Marsh residents to Melton.
- There is a strong community of interest for Moorabool residents west to Ballarat. The Shire is currently part of the Grampians Region.
- There is a strong community of interest as a peri urban locality between Bacchus Marsh and the Macedon district. The unique requirements of Peri urban municipalities are recognised by the state government.
- The variation in electors in the Melton district is projected to be + 14.79% by 2018 and the variation in electors in Buninyong is project to be . 2.41% and Macedon . 1.62%. As such it is contended that removing Bacchus Marsh electors from Melton would preclude the need for a further review of voter numbers in the short term.
- The splitting of West Maddingley from Bacchus Marsh is effectively splitting a suburb. Whilst localities are named separately. Bacchus Marsh is generally comprised of the Bacchus Marsh Central, West Maddingley, Maddingley, and Darley.
- The western freeway could be seen as a %traffic artery+ and as such there could be a synergy in splitting Darley and the area north of the western freeway to Macedon and the areas south to Buninyong.
- Not separating the northern localities of Moorabool that were clearly previously associated with the existing municipal boundary should be given greater weight.
- As the Moorabool council boundary makes up a significant portion of the proposed Buninyong district and the Moorabool River is a central feature of the proposed district it is suggested that the new district be named %Moorabool+. There is precedence here in that Ballarat and Melton have been named after the municipal areas.

Political Context

Whilst the Commission does not take into account the political implications of any boundary review it is interesting to review the results of the 2010 election to check the trend in representation of future seats.

The seat of Melton was won by Labour with a margin of 26%
The seat of Ballarat East was won by Labour with a margin of 2.8%
The seat of Ballarat West was won by Labour with a margin of 2.1%
The seat of Macedon was won by Labour with a margin of 2.5%.

There is some risk in trying to extrapolate results into revised boundaries some three years later, however it is contended that Melton is likely to remain a safe seat for Labour and the others will remain marginal for some time.

Policy Implications

The proposal is not specifically provided for in the 2013 - 2017 Council Plan but is relevant to the KRA of Representation and Leadership of our Community.

Financial Implications

There are no direct financial implications for Council of the boundary review.

Risk & Occupational Health & Safety Issues

Nil.

Communications and Consultation Strategy

The Council's view will be made publicly known via press releases and a formal verbal presentation to the commission if granted.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Author – Rob Croxford

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

Conclusion

That based on the key points covered in this report it is put forward that:

- The least preferred option of the Moorabool Shire Council is for any part of Bacchus Marsh, Darley, Parwan, Long Forest, Hopetoun Park or West Maddingley localities to be included in the Melton district. It is contended that the projected variation in voter numbers by 2018 indicates that the removal of the above localities would assist in reducing the variation of numbers.
- The second least preferred option of the Moorabool Shire Council is for all areas to the north of the Western Freeway to be included in the Macedon District and the areas south of the Freeway to be included in the Buninyong District.
- The preferred option is for the whole of the municipal district of Moorabool being included in Buninyong. This will enable voters to readily identify with the current municipal boundary and provide a community of interest to the west of the region.
- Consideration be given to renaming the district from ~~%Buninyong+~~ to ~~%Moorabool+~~ based on the fact that the large geographic and residential portion of the suggested revised boundary is now part of Moorabool and that the Moorabool River is a readily identifiable central feature of the proposed district.

Recommendation:

That the CEO be authorised to make a formal written submission and the Mayor to make verbal presentation to the Electoral Commission review of state electoral boundaries (July 2013) that puts forward the suggestion of the Moorabool Shire Council that :

- **The preferred option is for the whole of the municipal district of Moorabool being included in Buninyong. This will enable voters to readily identify with the current boundary and provide a community of interest to the west of the region.**
- **Consideration be given to renaming the district from “Buninyong” to “Moorabool” based on the fact that the large geographic and residential portion of the suggested revised boundary is now part of Moorabool and that the Moorabool River is a readily identifiable central feature of the proposed district.**

Resolution:**Crs. Spain/Edwards**

That the CEO be authorised to make a formal written submission and the Mayor to make verbal presentation to the Electoral Commission review of state electoral boundaries (July 2013) that puts forward the suggestions of the Moorabool Shire Council that:

- ***Voters in the municipality of Moorabool have less of a community of interest with voters in the Melton electoral district and much stronger communities of interest with voters in the proposed Buninyong electoral district and, to an appreciable extent, with voters in the Macedon electoral district.***
- ***The preferred option is that all of the municipality of Moorabool be included in the proposed Buninyong electoral district except for those Moorabool locations stated below. Moorabool Shire promotes a "semi-rural" image more in keeping with the nature of the proposed Buninyong electoral district than the urban nature of Melton.***
- ***Moorabool locations including Darley that are located to the east of the Korkuperrimul Creek and to the north of the Western Freeway be included in the Macedon electoral district. The Western Freeway is a strong identifiable local boundary. These exceptions ensure firstly that the proposed Buninyong electoral district is not pushed by the addition of nearly 5,000 electors in Darley beyond a 10 per cent variation from the preferred electoral district size and, secondly, that the community of interest between the peri-urban shires of Moorabool and Macedon Ranges is reinforced.***
- ***Consideration is given to renaming the district from "Buninyong" to "Moorabool" based on the fact that a large geographic and residential portion of the suggested Buninyong district is now part of Moorabool Shire and that the Moorabool River is a readily identifiable central feature of the proposed electoral district.***

CARRIED.

Report Authorisation**Authorised by:**

Name: Rob Croxford
Title: Chief Executive Officer
Date: Friday 5 July 2013



11.2 GROWTH AND DEVELOPMENT

No reports for this meeting.

11.3 COMMUNITY SERVICES

11.3.1 Bacchus Marsh Indoor Aquatic Facility

Introduction

File No: 17/17/002
Author: Rob Croxford

This report enables the Council to:

- Consider the community feedback on the draft design plans for Stages 1 and 2 of the Bacchus Marsh Indoor Aquatic Centre;
- Adopt the schematic design plans;
- Endorse a funding model that includes application for State and Federal funding and a special charge for residents on a geographic area to fund additional capital costs;
- Commit to maintaining the existing ageing outdoor pool in the event that construction of the new facility does not proceed as planned; and
- Request officers to bring forward a further report to re-consider the aquatic project as number one priority in the event that the Council is unsuccessful in securing funding leading up to the 2013 Federal election.

Background

1.0 Community Consultation

1.1 Council

At its Ordinary Meeting on the 6 February 2013, the Council resolved to endorse the design plans for the Bacchus Marsh Indoor Aquatic Centre for the purposes of community engagement and receive a further report on the adoption of the design plans for the Bacchus Marsh Indoor Aquatic Centre at the conclusion of the design consultation phase.

In accordance with the Resolution of the Council, the draft design plans were made available for community comment for a six week period from 18 February . 29 March.

To facilitate the community engagement process, 1000 information and feedback sheets were circulated across the municipality; the draft design and construct plans were printed in A1 size and exhibited at the Lerderderg Library, Ballan Civic Centre, Bacchus Marsh Civic & Community Hub, Bacchus Marsh Outdoor Pool, Bacchus Marsh Leisure Centre, Ballan Outdoor Pool.

An electronic questionnaire was made available on Have Your Say . Council's online Engagement Portal along with copies of the information sheets and draft design and construct plans. Information was made available on Council's Home Page with the opportunity to comment advertised in the Moorabool News every week during the engagement period. The information and feedback sheet were mailed directly to 360 community groups and organisations across the municipality.

A Speak Out was also held at the Bacchus Marsh Outdoor Pool on 5 March, 2013 where members of the community were able to view the draft design and construct plans; discuss the plans with Councillors and Council staff that were in attendance. Approximately ten people participated in the Speak Out.

Council staff attended the Harvest Festival (Bacchus Marsh), Autumn Festival (Ballan) and Myrniong Music Festival and sought comments from attendees.

Regular contact is being maintained with members of the Bacchus Marsh Community Consortium to seek the views of the consortium on the draft design plans. The Consortium also facilitated community comment on the proposed construction of the Bacchus Marsh Indoor Aquatic Centre. The results of the engagement process undertaken by the Consortium are also contained in this report.

In summary, 52 feedback sheets were received by the Council at the conclusion of the community engagement process. The feedback sheets were completed in hard copy (22 responses) and on line through Have Your Say (30 responses).

At the Speak Out held at the Bacchus Marsh Outdoor Pool, 10 people discussed the draft schematic design with Councillors and Council staff. Written feedback was also provided by the Bacchus Marsh Community Consortium.

The feedback sheet used to elicit feedback sought comments on the design of the new facility; the size of the proposed facility; the parking arrangements; and the type of services to be provided. The feedback sheet also sought responses as to whether people would use the facilities to be provided in the proposed centre; how often they would use the facility; how they would get to the facility; did they think the facility should include any of the following: leisure play pool (children's pool); hydrotherapy pool; and environmentally sustainable design features; and would they be prepared to pay a special charge for a ten year period as a contribution towards the costs of the Indoor pool. General comments were also invited.

A majority of the respondents (69%) believed the design was satisfactory to excellent although 31% thought the design was poor; a majority of responses (85%) rated the size of the proposed facility as satisfactory to excellent.

The parking arrangements at the proposed site were thought to be positive (93%); the proposed services were rated satisfactory to excellent in 77% of the responses; 84% of responses indicated they would use the facilities to be provided at the centre; most respondents indicated they would use the 25 metre eight lane indoor heated pool; gymnasium and car parking.

Most respondents thought the facility should include a Leisure Play Pool (Children's pool), environmentally sustainable design features and hydrotherapy pool. Most respondents indicated that they would use the facility at least once a week. In relation to accessing the facility, most respondents indicated they would use a car to get to the facility followed by walking.

The respondents were equally split about their preparedness to pay a special charge for a ten year period as a contribution towards the costs of the Indoor pool.

In terms of the demographic characteristics of the respondents, the majority were female (70%), people aged between 35-49 years (50%) with most residing in Bacchus Marsh, Darley and Ballan. Small numbers of respondents came from Maddingley, Rowsley, Pentland Hills, Dales Creek, Balliang East, Bungal, Blackwood and Coimadai.

There were a total of 109 general comments received. The comments included a number of suggested improvements to the design of the new facility included provision of a children's pool, disabled access including ramps and hoists and retention of the outdoor pool. Suggested improvements to the size of the facility included construction of a 50 metre pool, retention of the outdoor pool and increasing the width of the pool concourse. In relation to the parking arrangement there was mixed feedback including concerns about exacerbating current traffic concerns on Grant Street, improving public transport to the site and encouraging people to use alternative modes of transport (cycling and walking). In rating the proposed services to be provided from the site, the general feedback was that the services were more than what the community needed.

The verbatim comments that were received as part of our community engagement are enclosed (Attachment 11.3.1(a)).

1.2 Bacchus Marsh Community Consortium

The Bacchus Marsh Community Consortium also undertook consultation with the community on the proposal to construct the Bacchus Marsh Indoor Aquatic Centre. The consortium provided feedback to the Council in two forms.

The initial feedback was provided on 1 March, 2013 and contained suggestions on the key elements that should be included in the design of the facility. An assessment of the advice showed that Council's draft design plans largely included the key features sought by the Consortium. The Consortium suggested that the toddlers pool be included in Stage 2 (currently it is Stage 3). The other feedback was provided in the form of a detailed report dated 1 May 2013.

The purpose of the report prepared by the Consortium was to provide community feedback from consultations by the Consortium and adds to survey information gathered by the Moorabool Shire. The report provides feedback in two forms: advice from potential users of the facility . issues raised related to use, design, importance and functions and design features of an aquatic-leisure centre rated according to community priorities.

In terms of ranking the features, all those shown in the Mantric Design were endorsed by the community except for the gymnasium where the results were evenly spread across all available categories. The only clear result for a feature not endorsed was the steam room.

The report from the Consortium contains two recommendations for consideration by the Council:

- That the Shire Council's position on the Mantric design be made clear to the community, outlining a process regarding construction, budgeting, timeline; and
- That community feedback in this report is taken into account in the Council's decision making.

A copy of the advice received from the Consortium in March and copy of the report prepared by the Consortium in May are enclosed (Attachments 11.3.1 (b) and 11.3.1(c)).

1.3 Feedback Summary

The feedback provided through the consultation undertaken by Council and the Community Consortium generally supports the current Mantric design plans.

In summary:

- There was support for:
 - the inclusion of Leisure Play Pool (Children's Pool) in the initial stage of construction (Stages 1 and 2);
 - disabled access;
 - environmentally sensitive design features;
 - the inclusion of a hydro therapy pool; and
 - the retention of the outdoor pool.
- There was concern over:
 - the potential increase in traffic congestion;
 - the costs of the project;
 - the need for a gymnasium;
 - the inclusion of a steam room;
 - increased traffic levels; and
 - the cost of the facility.

- There was also an equal split on support for proposal for the introduction of a special charge to recoup capital and operating costs.

1.4 Response to the Feedback

Leisure Play Pool

An estimate of approximately \$500,000 has recently been made by officers for an outdoor zero depth Leisure Play area (Children's area). Pricing in the construction industry is currently favourable for larger projects so it is proposed that the construction be included as an option in the tender for Stages One and Two combined. It is pointed out that the pool will be seasonal and not enclosed in the Stage 2 building footprint.

If the tender price cannot accommodate the additional pool then it will need to form part of a Stage 3 development as originally planned.

Disabled Access, Environmental Design, Hydro Therapy Pool, Gymnasium

The proposed design provides for disabled access and environmentally sensitive design features. The inclusion of a gymnasium is considered essential for the overall financial operation of the facility.

The draft plans for Stage three make provision for a hot water program pool (hydrotherapy pool), spa, sauna and amenities.

Retention of the Existing Outdoor Pool

The current outdoor pool is ageing and requires increasing levels of maintenance for each summer season of 16 weeks.

A significant leak has also been detected and initial investigations show the need for significant pool shell repairs to be undertaken. In the event that patching and sealing is not successful then a liner option will need to be considered. This will be at a cost that has not been budgeted for in the 2013/14 or subsequent years. Officers will provide a further report when investigations are complete.

In any scenario if the new pool does not proceed as planned then a contingency plan will need to be developed to ensure the outdoor pool continues to service the community in the longer term.

Traffic Congestion

A traffic study is currently being undertaken in Bacchus Marsh and the potential impacts of increased patronage of the pool will be taken into account by officers in planning for future traffic flows and solutions.

Significant Costs of the Project

The pool will be the largest project undertaken in the Bacchus Marsh and surrounding community. Included in this report is a financial model that addresses the capital and recurrent costs of the project.

Response to Consortium Questions

In relation to the request that the Council make its position clear to the community in relation to construction, budgeting and timeline it is believed that this report and the final Council Resolution will cover the request.

In relation to the second question, the Council, through the process of considering this report will be taking account of the community's feedback.

2.0 Financial Issues

The Council on 5 December, 2012 resolved to proceed with an application to Round 4 RDAF based on a capital project of \$19.80 mil, of which \$18.07 mil was cash.

Further, the resolution limited the Council's acceptance of any grant funding to the Council's contribution not exceeding \$1mil in borrowings plus design costs of up to \$340,000 on any scenario.

Any gap in funding of any scenarios will need to be raised via a special charge scheme or differential rate over a ten year term less any community fundraising achieved.

Discussions at the time reinforced the significant increase in costs in operating a facility without a %dry+area contribution and as such the Council has pursued the option of constructing Stages 1 and 2 combined.

A copy of the Financial Model for the operation of the Centre (SGL July 2013) is enclosed (Attachment 11.3.1(d))

It is pointed out that the SGL model does not address the capital funding, interest costs or depreciation

Set out below is the capital and recurrent funding scenario for Stages 1 and 2 including financing costs as put forward previously and updated as at July 2013.

	Stage 1 and 2 (Option 2)
Capital Funding	
Council Loan (SFP)	\$1.0 mil
Council Loan (recouped special rate)*	\$2.5 mil
Council design (cash cost)	\$0.34 mil
Community contribution	\$1.0 mil
Special Rate	\$0.67 mil
Better Pools . State Govt	\$3.0 mil
RDAF Round 6	\$9.90 mil
In kind Council Land contribution	\$0.84 mil
In kind Council Project Manage	\$0.55 mil
Total Capital Project	\$19.80 mil
Total Cash cost to Council	\$18.07 mil
Recurrent Funding	
Net avg op costs (SGL p. 7)	\$0.44 mil
Less current pool costs	(\$0.09 mil)
Less current Leisure centre costs	(\$0.20 mil)
Net Operating cost to council	\$0.15 mil
Financing Costs	Stage 1 and 2
\$3.17 mil financed over 10 years and recouped.	\$0.41 mil

Notes to above table:

In order to fund the total project the Council will be required to borrow a further \$2.5 mil for a ten year term above the \$1 mil that is already provided for in the strategic financial plan (SFP).

Further, the funding gap of \$0.67 mil is also proposed to be borrowed and funded by a special charge.

As set out in the December report the net operation cost to Council of \$0.15 mil is considered to be a reasonable ongoing contribution by the Council. This has been provided for in the SFP.

In summary a special rate to recoup \$2.5 mil + \$0.67 mil = \$3.17 mil will be required for the ten year period of the loan. The financing costs of \$0.41 mil will be offset by the revenues generated by the special rate.

The in-kind costs of project management is a cost to Council in that officers will not be able to manage other capital projects whilst focussing on the Pool project. This is not a cost that funding agencies recognise as a cash cost.

Depreciation has not been factored into the above table. As it is not a cash item it is not going to affect the financing decision for the project as set out above. It will, however, have an impact on the Council's overall operating statement and may increase the current depreciation of \$9.5 mil by another \$600,000 to \$750,000.

3.0 Potential Sources of Funding

3.1 Better Pools Funding – Community Facilities Funding Program – Victorian Government

The Community Facility Funding Program (CFFP) provides grants for planning, building new and improving existing facilities where communities meet, interact and participate in sport and recreation. A category of the CFFP is the Better Pools Program that provides funding for high-quality aquatic leisure facilities through new or redeveloped aquatic leisure centres on a \$1:\$1 basis with a maximum grant of \$3 million.

The 2014/2015 CFFP involves a two-stage application process that involves the development of project proposals (expressions of interest) and if invited full applications. An Expression of Interest for Better Pools funding of \$3 million was lodged on the 5 June. On the 3 July, Council was invited to proceed with the preparation and lodgement of a full application for funding. The full application is due on 21 August 2013. Funding announcements are then planned to occur from October 2013.

3.2 Regional Development Australia Fund – Australian Government

On the 21 June, the Federal Government announced the details of Round 5 of the Regional Development Australia Fund Grants Fund. The round of grants will provide a total of \$150 million to eligible local governments.

Funding is being allocated among States and Territories. The Moorabool Shire has notionally been allocated \$379,314. Applications for RDAF Round Five close on the 22 July 2013.

The funding arrangements in Round 5 are not suited to a project of the scale of the proposed Bacchus Marsh Indoor Aquatic Centre.

It is understood that \$250 million of RDAF funding may be allocated to Round 6 of the program ahead of the Federal Election. It is proposed that if the funding parameters fit, that the Council submit an application for \$9.90 million for the construction of Stages 1 and 2 of the Bacchus Marsh Indoor Aquatic Centre.

3.3 Special Rate

A special rate scheme would be established to repay a loan of \$3.170m. The costs of servicing the loan would be approximately \$410k per annum.

The special rate would be based on a geographic area covering the localities of Bacchus Marsh, Ballan, Balliang, Balliang East, Beremboke, Coimadai, Darley, Fiskville, Glenmore, Hopetoun Park, Ingliston, Korobeit, Lerderderg, Long Forest, Maddingley, Merrimu, Mount Wallace, Myrniong, Parwan, Pentland Hills, Rowsley.

Based on a property with a CIV of \$330,000 the cost of the special rate would be approximately \$40 per annum and for a property with a CIV of \$500,000 the special rate would be approximately \$60 per annum.

A similar scenario of including all properties within a 25km radius of Bacchus Marsh would yield a similar result.

There is concern that higher valued properties such as farms would be charged a higher amount based on valuation that would be inequitable. Officers will model the impact of setting a minimum and maximum rate. It is envisaged that a lower end of \$50 and upper end of \$150 is likely to be more palatable to the community.

The next step in the process would be to present a report to Council on the process of establishing a special rate scheme. This should be done once Council has secured other funding sources for the project.

Before Council can implement the special rate it would have to comply with the requirements of section 163 of the Local Government Act. Under section 163A of the Local Government Act the public will have the right to make a submission in relation to the special rate and can seek a review of the special rate at VCAT.

The special rate would likely commence in the 2015/16 financial year.

The level of the special rate is based on the assumption that the other sources of revenue including fundraising by the community are achieved.

4.0 Joint Use Agreement

The Council currently operates a gymnasium at the Secondary College under contract to a leisure services provider at a net cost of \$202,000 per annum.

There have been some issues historically with the Council wanting to exit the agreement and receive compensation for the equity it has in the building on the site.

For the purposes of this report it has been assumed that the gymnasium and fitness aspects of the current school site operation would transfer to the new indoor aquatic centre. Ball sports such as basketball that currently operate at the school site would continue under a new arrangement which may include the use of current associations and volunteers.

5.0 Project Readiness

The design has now progressed to the stage that the project can be tendered within a reasonable timeframe. There is some further work to incorporate the children's pool and to consider whether it is a design and construct procurement process or traditional tenders based on full design and documentation.

The facility planning has been informed by the previous design explorations, specialist consultant advice, existing site and conditions constraints, and importantly carparking requirements. A staged construction approach has been used to ensure elements constructed in early stages fit with and future proof future stages. The stages generally include the following:

Stage 1

- 25m pool
- Learn to swim pool
- Entry and kiosk
- Administration and staff area
- Accessible facility
- Wet/dry change
- Pool and mechanical plant

Stage 2

- Expand entry lobby and canopy
- Expand administration
- Expand wet/dry change
- Group change
- Crèche
- Spin room
- Gym
- Program Room
- Lift and stairwell to level 1

Stage 3

- Leisure pool
- Zero depth splash pools
- Major water feature
- Spa and sauna
- Hot water program pool

External spaces

- Carparking
- Entry interface between entry and carpark
- Secure external terrace at entry/café lobby
- Pool hall breakout space
- External breakout for crèche

Significant schedules and costing information supports the attached plans from Mantric Architects . May 2012 P4 (Attachment 11.3.1(e)). The summary of cost plans based on quantity surveyor reports for each stage are as follows:

- Stage 1: \$10.01M
- Stage 2: \$8.73M
- Stage 3: \$9.59M
- Stage 1 & 2 together: \$18.07M

In addition to the architectural plans presented, there has been significant other work associated with the design to help inform the final outcome. These include:

- Schematic Design Report
- Building Services Sketch Design Report . covering service supply connections, building code compliance, mechanical services, electrical services, hydraulic services
- Building Services ESD Report
- Pool Engineering Design Report
- Preliminary Services and Structural Drawings
- Geotechnical Site Analysis Report
- Cultural Heritage Management Plan
- Landscape Masterplan
- Carpark requirement analysis and functional layout
- Quantity Surveyor Cost Plans

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment.
Objective	Ensure current and future infrastructure meets the needs of the community.
Strategy	the Indoor Aquatic facility has been the highest advocacy priority for several years of the Council.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Tender Price	Final tender may be higher than estimated.	Low	Expert architectural and quantity surveying. Industry benchmarks used.
Funding Mix	Better Pools or RDAF or community contribution may not	High	Project will not proceed.

	eventuate or presents cash flow issues for Council.		
Operating Costs	Operating costs may be higher or lower than estimated impacting on Council finances or special rates raised.	Medium	Industry benchmarks used.
Exit from joint use agreement or contractual obligations	It has been assumed that the current gymnasium operations will cease at the school and transfer under a Stage 2 scenario.	Low	Sound understanding of current arrangement.
Special Rate	Special rates may be challenged and overturned at VCAT.	High	The process is well defined in the Act however no specific controls are in place.

Communications and Consultation Strategy

The results of the community engagement on the Mantric design plus the funding model and requirement for a special rate will be communicated to the Moorabool community through a media release, information on Council's website and Have your Say, Council's online Community Engagement Portal and through direct mail to respondents that asked to be kept informed following the community engagement process.

It is also important that the Council's commitment to maintaining the existing outdoor pool if the proposed project does not proceed is communicated.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Author – Rob Croxford

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

Conclusion

This report has provided Council with details of the:

- Community consultation and feedback;
- Recommends the inclusion of a toddlers pool in Stage 1 and 2 combined if it can be accommodated in the tender price;
- Sets out an updated capital and recurrent funding model;
- Sets out initial details for the development of a special rate to partially fund the project;
- Authorises the submission of a Round 6 RDAF application; and
- Requires further reports from officers on the development of a special rate, and options if the project is not successful in gaining funding by the 2013 election.

SUSPENSION OF STANDING ORDERS 7.28pm

Resolution:

Crs. Spain/Comrie

That Standing Orders be suspended to facilitate a discussion on Item 11.3.1.

CARRIED.

RESUMPTION OF STANDING ORDERS 7.40pm

Resolution:

Crs. Edwards /Sullivan

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

CARRIED.

The business of the meeting then returned to the Agenda. Item 11.3.1 - Bacchus Marsh Indoor Aquatic Facility.

Recommendation:

It is recommended:

1. **That the Council, having considered the results of the community engagement undertaken on the draft design plans for the Bacchus Marsh Indoor Aquatic Centre:**

- a. **Authorises the inclusion of a Leisure Play (Children's Pool) as an option in the tender for Stages One and Two within the total project budget.**
 - b. **Adopts the design plans for the Bacchus Marsh Indoor Aquatic Centre by Mantric Architects (May 2012, P4).**
 - c. **Thank in writing the Bacchus Marsh Community Consortium for its work in providing and facilitating community feedback.**
2. **Endorse the operating financial model prepared by SGL and enclosed with this report (Moorabool Indoor Aquatic Centre – July 2013).**
 3. **Adopt the following capital and recurrent funding model for Stages 1 and 2 combined:**

	Stage 1 and 2 (Option 2)
Capital Funding	
Council Loan (SFP)	\$1.0 mil
Council Loan (recouped special rate)*	\$2.5 mil
Council design (cash cost)	\$0.34 mil
Community contribution	\$1.0 mil
Special Rate	\$0.67 mil
Better Pools . State Government	\$3.0 mil
RDAF Round 6	\$9.90 mil
In kind Council Land contribution	\$0.84 mil
In kind Council Project Manage	\$0.55 mil
Total Capital Project	\$19.80 mil
Total Cash Cost to Council	\$18.07 mil

Recurrent Funding	
Net average operating costs (SGL p. 7)	\$0.44 mil
Less current pool costs	(\$0.09 mil)
Less current Leisure Centre costs	(\$0.20 mil)
Net Operating Cost to Council	\$0.15 mil

4. **That the CEO be authorised to submit an application for funding of \$9.90 million under the next round of the Regional Development Australia Fund (RDAF) for the construction of Stages 1 and 2 of the Bacchus Marsh Indoor Aquatic Centre.**
5. **That officers present a report to Council on the establishment of a special rate scheme once other sources of funding have been secured.**

6. Advise the community of the progress of the indoor Aquatic Centre project, its funding model and next steps in the process.
7. That officers prepare a further report on options, management models and timeframes for the relocation of gymnasium and fitness services from the secondary college to the Aquatic Centre.

Resolution:

Crs. Edwards/Spain

It is recommended:

1. ***That the Council, having considered the results of the community engagement undertaken on the draft design plans for the Bacchus Marsh Indoor Aquatic Centre:***
 - a. ***Authorises the inclusion of a Leisure Play (Children's Pool) as an option in the tender for Stages One and Two within the total project budget.***
 - b. ***Adopts the design plans for the Bacchus Marsh Indoor Aquatic Centre by Mantric Architects (May 2012, P4).***
 - c. ***Thank in writing the Bacchus Marsh Community Consortium for its work in providing and facilitating community feedback.***
2. ***Endorse the operating financial model prepared by SGL and enclosed with this report (Moorabool Indoor Aquatic Centre – July 2013).***
3. ***Adopt the following capital and recurrent funding model for Stages 1 and 2 combined:***

	Stage 1 and 2 (Option 2)
Capital Funding	
Council Loan (SFP)	\$1.0 mil
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Council design (cash cost)	\$0.34 mil
Community contribution	\$1.0 mil
Special Rate	\$0.67 mil
Better Pools – State Government	\$3.0 mil
RDAF Round 6	\$9.90 mil
In kind Council Land contribution	\$0.84 mil
In kind Council Project Manage	\$0.55 mil
Total Capital Project	\$19.80 mil
Total Cash Cost to Council	\$18.07 mil

Recurrent Funding	
<i>Net average operating costs (SGL p. 7)</i>	<i>\$0.44 mil</i>
<i>Less current pool costs</i>	<i>(\$0.09 mil)</i>
<i>Less current Leisure Centre costs</i>	<i>(\$0.20 mil)</i>
<i>Net Operating Cost to Council</i>	<i>\$0.15 mil</i>

4. ***That the CEO be authorised to submit an application for funding of \$9.90 million under the next round of the Regional Development Australia Fund (RDAF) for the construction of Stages 1 and 2 of the Bacchus Marsh Indoor Aquatic Centre.***
5. ***That officers present a report to Council on the establishment of a special rate scheme once other sources of funding have been secured.***
6. ***Advise the community of the progress of the indoor Aquatic Centre project, its funding model and next steps in the process.***
7. ***That officers prepare a further report on options, management models and timeframes for the relocation of gymnasium and fitness services from the secondary college to the Aquatic Centre.***
8. ***In the event that the community contribution exceeds one million dollars that these funds be redirected to reduce the council pool loan and special rates scheme.***

CARRIED.

Report Authorisation

Authorised by:

Name: Rob Croxford
Title: Chief Executive Officer
Date: Friday 12 July 2013



11.4 INFRASTRUCTURE SERVICES

No reports for this meeting.

11.5 CORPORATE SERVICES

11.5.1 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.

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

- Robert Fillisch . Coordinator Statutory Planning
- Natalie Maree Robertson . Senior Statutory Planner
- Victoria Mack . Statutory Planner
- Tom Tonkin . Statutory Planner
- Roger Cooper . Statutory Planning Officer
- Debbie Anne Frappa . Planning Enforcement Officer
- John Harold Edwards - Planning Enforcement Officer
- Sarah Monique Annells . Coordinator Community Safety/EHO
- Allan Leslie May . Environmental Health Technical Officer
- Rose Longley . Senior Environmental Health Officer
- Glenn Burns . Senior Neighbourhood Safety Officer
- Lisa Handley . Neighbourhood Safety Officer
- Jacqueline Reid . Neighbourhood Safety Officer
- Gavin Rodney Alford . Manager Strategic and Sustainable Development

- Lisa Gervasoni . Coordinator Strategic Planning
- Justin Horne . Coordinator Environmental Planning

The Instrument of Appointment and Authorisation, as attached to this report, is now presented to Council for approval under the Seal of Council.

Policy Implications

The 2013 . 2017 Council Plan provides as follows:

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

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

Financial Implications

No financial implications to Council.

Risk & Occupational Health & Safety Issues

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

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. Comrie/Dudzik**

That Council, approves under Seal, the Instrument of Appointment and Authorisation of Council Officers under section 174(4) of the Planning and Environment Act 1987.

CARRIED.

Report Authorisation**Authorised by:**

Name: Shane Marr
Title: General Manager Corporate Services
Date: Tuesday 3 July 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

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

- Assembly of Councillors . Wednesday 3 July 2013 . Proposed Electoral Boundaries
- Assembly of Councillors . Wednesday 3 July 2013 . Municipal Health and Wellbeing Plan
- Assembly of Councillors . Wednesday 3 July 2013 . Statutory Planning Review (Milner Report)
- Assembly of Councillors . Wednesday 10 July 2013 - Proposed Bacchus Marsh Indoor Aquatic Centre
- Assembly of Councillors . Wednesday 10 July 2013 - RDAF Round 5/6 Potential Projects and Advocacy issues

Resolution:**Crs. Sullivan/Edwards**

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

- ***Assembly of Councillors – Wednesday 3 July 2013 – Proposed Electoral Boundaries***
- ***Assembly of Councillors – Wednesday 3 July 2013 – Municipal Health and Wellbeing Plan***
- ***Assembly of Councillors – Wednesday 3 July 2013 – Statutory Planning Review (Milner Report)***
- ***Assembly of Councillors – Wednesday 10 July 2013 - Proposed Bacchus Marsh Indoor Aquatic Centre***
- ***Assembly of Councillors – Wednesday 10 July 2013 - RDAF Round 5/6 Potential Projects and Advocacy issues.***

CARRIED.

13. NOTICES OF MOTION

No notices of motion have been received for consideration as part of this Agenda.

14. URGENT BUSINESS

Nil.

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

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**

16. MEETING CLOSURE

The meeting closed at 7.45 pm.

Confirmed.....Mayor.