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| **AGENDA**  **Ordinary Council Meeting**  **Wednesday, 2 September 2020**  **In accordance with s. 395 of the COVID-19 Omnibus (Emergency Measures) Bill 2020, this meeting will not be available for public attendance, however will be streamed live via accessing the Council Internet site** | |
| **I hereby give notice that an Ordinary Meeting of Council will be held on:** | |
| **Date:** | **Wednesday, 2 September 2020** |
| **Time:** | **6.00pm** |
| **Location:** | **Online** |
| **Derek Madden**  **Chief Executive Officer** | |

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1 Opening of Meeting and Prayer

Almighty God be with us as we work for the people of the Shire of Moorabool. Grant us wisdom that we may care for the Shire as true stewards of your creation. May we be aware of the great responsibilities placed upon us. Help us to be just in all our dealings and may our work prosper for the good of all. Amen.

2 Acknowledgement of Country

We respectfully acknowledge the traditional owners of this land, their spirits and ancestors.

3 Recording of Meeting

In accordance with Moorabool Shire Council’s Meeting Procedure Local Law, the Council will be recording this meeting. The following organisations have also been granted permission to make an audio recording:

* The Moorabool News; and
* The Star Weekly

4 Present

5 Apologies

6 Confirmation of Minutes

Ordinary Council Meeting - Wednesday 5 August 2020

Special Council Meeting - Wednesday 26 August 2020

7 Disclosure of Conflicts of Interest

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

Definitions of the class of the interest are:

* A direct interest (section 77A, 77B)
* An indirect interest (see below)
* indirect interest by close association (section 78)
* indirect financial interest (section 78A)
* indirect interest because of conflicting duty (section 78B)
* indirect interest because of receipt of gift(s) (section 78C)
* indirect interest through civil proceedings (section 78D)
* indirect interest because of impact on residential amenity (section 78E)

**Time for Disclosure of Conflicts of Interest**

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

Section 79(6) of the Act states:

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

1. Leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
2. 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.

8 Public Question Time

The aim of Public Question Time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Public Question Time is conducted in accordance with Section 6.9 of the Council’s Meeting Procedure Local Law No. 9.

Questions must be in writing on the form provided by the Council and submitted by 5.00pm on the day before the meeting. Members of the public can contact a Councillor and raise a question which the Councillor will submit on their behalf.

A question will only be read to the meeting if the Chairperson or other person authorised for this purpose by the Chairperson has determined that:

* + 1. the person directing the question is present in the gallery;
    2. the question does not relate to a matter of the type described in section 89(2) of the Act (for confidential matters);
    3. the question does not relate to a matter in respect of which Council has no power to act;
    4. the question is not defamatory, indecent, abusive or objectionable in language or substance;
    5. the question is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and
    6. the question is not asked to embarrass a Councillor, member of Council staff or member of the public.

A Councillor or Council officer may:

* + 1. immediately answer the question asked; or
    2. elect to have the question taken on notice until the next Ordinary meeting of Council; at which time the question must be answered and incorporated in the Agenda of the meeting under Public Question Time; or
    3. elect to submit a written answer to the person asking the question within 10 working days.

Responses to public questions answered at the meeting, will be general in nature, provided in good faith and should not exceed two minutes. These responses will be summarised in the minutes of the meeting.

Public Question Time does not substitute for other forms of communication with or other formal business procedures of the Council.

9 Petitions

Nil

10 Presentations/Deputations

The Council has made provision in the business of the Ordinary Meetings of the Council for the making of presentations or deputations to Council in relation to matters presented on the agenda for Council consideration.

Presentations or deputations are required to be conducted in accordance with the requirements contained within the **Presentation/Deputations Protocols and Procedural Guidelines**.

Persons wishing to make a presentation or deputation to Council on a matter included in the agenda shall inform Council prior to the meeting by contacting the Chief Executive Officer’s office and registering their name and agenda item being spoken to.

At the meeting the Mayor will invite the persons wishing to make a presentation or delegation to address the Council on the agenda item.

The person making the presentation or deputation is to stand and address Council on the item.

No debate on the item is permitted between the person making the presentation or delegation and the Council.

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

Councillors, through the Mayor, may ask the person making the presentation or delegation for clarification of matters presented.

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

11 Chief Executive Officer Reports

Nil

12 Community Planning and Economic Development Reports

Nil

13 Community Strengthening Reports

Nil

14 Customer Care and Advocacy Reports

14.1 Adoption "in principle" of the 2019/20 Financial Statements for Submission to the Victorian Auditor-General for Certification

**Author: Aaron Light, Senior Accountant**

**Authoriser: Caroline Buisson, General Manager Customer Care & Advocacy**

**Attachments: 1. 2019/20 Financial Statements**  **(under separate cover)**

Purpose

To present the 2019/20 Financial Statements to Council for adoption “in principle” and authorisation of two Councillors, being the Councillor members of the Audit Committee, to sign the audited statements, before being submitted to the Auditor-General for certification.

Executive Summary

The following report presents the 2019/20 Financial Statements for adoption “in principle” by Council for submission to the Auditor-General for certification.

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| Recommendation  **That Council: In accordance with S. 132 of the *Local Government Act (1989)*:**  **1. Adopts in principle and submit the 2019/20 Financial Statements to the Auditor-General for certification; and**  **2. Authorise the Council’s Audit Committee Representatives, Cr. Dudzik and Cr. Keogh and, to certify the 2019/20 Financial Statements in their final form, after any changes recommended, or agreed to by the Auditor, have been made.** |

Background

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

**S. 131 Annual report**

(1) A Council must prepare an annual report in respect of each financial year.

(2) An annual report must contain the following, in respect of the financial year reported on—

(a) a report of operations of the Council;

(b) an audited performance statement;

(c) audited financial statements;

(d) a copy of the auditor's report on the performance statement, prepared under section 132;

(e) a copy of the auditor's report on the financial statements under Part 3 of the Audit Act 1994;

(f) any other matter required by the regulations.

(3) The financial statements in the annual report must—

(a) include any other information required by the regulations; and

(b) be prepared in accordance with the regulations.

**S. 132 Annual Report - Preparation**

(1) A Council must submit the performance statement and financial statements in their finalised form to the auditor for auditing as soon as possible after the end of the financial year.

(2) The Council, after passing a resolution giving its approval in principle to the performance statement and financial statements, must submit the statements to the auditor for reporting on the audit.

(3) The auditor must prepare a report on the performance statement.

Note: The auditor is required under Part 3 of the Audit Act 1994 to prepare a report on the financial statements.

(4) The auditor must not sign a report under subsection (3) or under Part 3 of the Audit Act 1994 unless the performance statement or the financial statements (as applicable) have been certified under subsection (5).

(5) The Council must ensure that the performance statement and financial statements, in their final form after any changes recommended or agreed by the auditor have been made, are certified in accordance with the regulations by—

(a) two Councillors authorised by the Council for the purposes of this subsection; and

(b) any other prescribed persons.

(6) The auditor must provide the Minister and the Council with a copy of the report on the performance statement as soon as is reasonably practicable.

Proposal

The 2019/20 Financial Statements have been prepared in accordance with the requirements of the Local Government Act, Local Government (Planning and Reporting) Regulations 2014 and Australian Accounting Standards.

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

In summary, the statements indicate the following results for 2019/20:

1. Financial Statements: reflect the comparative performance to the previous financial year.

 Comprehensive Income Statement – The result reflects a total comprehensive gain of $21.403 million. Included within this result are the following significant items:

 $2.763 million increase in ‘Materials and services’ mainly due to the one-off project for the LED Street Lighting upgrade and also rehabilitation works for Flood Recovery.

 $2.434 million increase in ‘Rates and charges’ mainly due to significant growth in rating assessments during the 2019/20 financial year.

 $1.482 million increase in ‘Contributions - Non-Monetary’ due a substantial amount of development throughout the Shire. Assets constructed by developers and handed over to Council total $11.924 million in 2019/20.

 $1.245 million increase in ‘Grants - capital’ due to a number of new non-recurrent grants being received.

 Balance Sheet – The movement in net assets reflects the total operating gain of $21.403 million. Included within this result are the following significant items:

 $4.818 million increase in Current Assets mainly attributed to higher overall levels of cash and term deposits as at the 30th June 2020. Whilst Cash and cash equivalents was $3.262 million less than the prior year, Council held an additional $7.000m in term deposits and money market investments as compared to the prior year.

 $22.939 million increase in ‘Property, Infrastructure, Plant and Equipment’ mainly due to the Capital Improvement Program and Assets Gifted from Subdivision.

 A net $7.488 million increase in ‘Interest-Bearing Loans and Borrowings’ which reflects new borrowings in 2019/20, and principal repayments.

 Cash Flow Statement – The movement in cash held at the end of the year is a decrease of $3.262 million. Included within this result are the following significant items:

 Net cash flows from operating activities decreased by $3.334 million from last year to $19.257 million. This is mainly due to an increase in ‘Materials and services’.

 Net cash used in investing activities has increased by $7.068 million to $29.244 million. This is due to the 2019/20 financial year containing a significantly larger Capital Improvement Program.

 Net cash flows from financing activities has increased overall by $8.428 million to $6.725 million mainly due to new borrowings taken up during the 2019/20 financial year.

 Statement of Capital Works – In comparison to the 2018/19 financial year, overall capital expenditure for 2019/20 is $7.386 million more than the previous year, made up of the following items;

 Capital expenditure on ‘Roads’ in 2019/20 was $2.863 million more than 2018/19 mainly due to substantial works on Old Melbourne Road, Dunnstown and McCormack’s Road, Maddingley.

 Expenditure on ‘Recreational, Leisure and Community Facilities’ was $2.684 million more than 2018/19, mainly due to the continuation of works at Bacchus Marsh Racecourse and Recreation Reserve.

 ‘Plant, machinery and equipment’ was $1.202 million greater than last year due to some significant items being deferred from 2018/19.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1C: Our Business and Systems**

The 2019/20 financial statements are consistent with the 2017-2021 Council Plan.

Financial Implications

The financial statements detail Council’s financial performance and position for 2019/20. They demonstrate that over time Council has steadily improved its financial position but indicates that there are still numerous financial challenges that lay ahead which will require responsible fiscal stewardship.

Risk & Occupational Health & Safety Issues

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

Communications & Consultation Strategy

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

Victorian Charter of Human Rights & 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 – Caroline Buisson*

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

*Author – Steve Ivelja*

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

Conclusion

The attached Financial Statements for 2019/20 have been prepared in accordance with the requirements of the Local Government Act. Council’s Audit Committee have reviewed the statements and recommended that Council adopt the statements “in principle”. The Statements will then be submitted to the Auditor-General for certification. Council is also required to authorise two Councillors to sign the statements on behalf of Council, as required under the Local Government Act.

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

14.2 Adoption “in principle” of the 2019/20 Performance Statement for submission to the Victorian Auditor-General for certification

**Author: Yvonne Hansen, Manager Governance, Risk & Corporate Planning**

**Authoriser: Caroline Buisson, General Manager Customer Care & Advocacy**

**Attachments: 1. 2019/2020 Performance Statement (under separate cover)**

Purpose

The purpose of this report is to present to Council the 2019/20 Performance Statement for “in principle” adoption and submission to the Auditor-General for certification.

Executive Summary

* The 2019/20 Performance Statement has been prepared to meet the requirements of the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.

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| Recommendation  **That Council, in accordance with section 132 of the *Local Government Act 1989*:**   1. **Adopts ‘in principle’ the 2019/20 Performance Statement and submits the Performance Statement, subject to no material change, to the Victorian Auditor General for certification.**   **2. Authorises Council’s Audit and Risk Advisory Committee representatives, Cr. Dudzik and Cr. Keogh, to certify the 2019/20 Performance Statement in its final form, after any changes recommended, or agreed to by the Auditor, have been made.** |

Background

Since 2014, Councils have been required to report on their performance through their Annual Report to their community.

Pursuant to Section 131(4) of the *Local Government Act 1989*, the Performance Statement in the Annual Report must –

a) Contain the following:

i) for the services funded in the budget for the financial year reported on, the prescribed indicators of service performance required by the regulations to be reported against in the performance statement and the prescribed measures relating to those indicators;

ii) the prescribed indicators of financial performance and the prescribed measures relating to those indicators;

iii) the prescribed indicators of sustainable capacity performance and the prescribed measures relating to those indicators;

iv) results achieved for that financial year in relation to those performance indicators and measures referred to in subparagraphs (i), (ii) and (iii);

v) any other information required by the regulations; and

b) Be prepared in accordance with the regulations.

Proposal

In accordance with Council’s governance practices, the Performance Statement as attached to this report, will have been presented to Council’s Audit and Risk Advisory Committee on Wednesday 2 September 2020 for review and recommendation to Council for “in principle” adoption and authorisation by two Audit and Risk Advisory Committee Councillor members, and the Chief Executive Officer to sign the audited statements.

The Performance Statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results for the 2019/20 year.

Overall there are 28 performance indicators that have been mandated for an independent audit. Of these indicators seven (7) relate to sustainable capacity, ten (10) relate to service performance and eleven (11) relate to financial performance.

The *Local Government (Planning and Reporting) Regulations 2014* requires explanation of any material variations in the results contained in the Performance Statement. The performance indicator results for 2019/20 will be compared to the results for the previous three financial years.

The forecast figures included in the Performance Statement are those adopted by Council in its Strategic Resource Plan at an Ordinary Meeting of Council on 15 July 2020 and which forms part of the 2020/21 Annual Budget and the Council Plan 2017-2021. The Strategic Resource Plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1C: Our Business and Systems**

The proposal to present the 2019/20 Performance Statement to Council is consistent with the Council Plan 2017-2021.

Financial Implications

There are no financial implications from this report. The preparation and presentation of the 2019/20 Performance Statement has been performed within the allocated budget.

Risk & Occupational Health & Safety Issues

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| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| Inadequate performance by Council | Inability to meet attainable levels of performance | Medium | Systems, processes and measures to provide comprehensive performance information that meets the needs of a number of audiences |

Communications & Consultation Strategy

The Performance Statement will be presented to the Victorian Auditor General’s Office for review and certification. The Performance Statement will form part of the Council’s Annual Report which will be lodged with the Minister for Local Government prior to 30 September 2020. The Annual Report will be made publicly available on Council’s website and at all office locations early in October 2020.

Victorian Charter of Human Rights & 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 – Caroline Buisson*

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

*Author – Yvonne Hansen*

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

Conclusion

The 2019/20 Performance Statement has been prepared to meet the requirements of the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014 for adoption “in principle” by Council for submission to the Auditor-General for certification.

At the time of printing this document, Council’s Performance Statement was included on the Agenda for consideration at the Audit and Risk Advisory Committee Meeting on Wednesday 2 September 2020, with a recommendation that the Audit and Risk Committee recommend that Council adopts the statement “in principle”.

Following a resolution, the Performance Statement will then be submitted to the Auditor General for certification. Council is also required to authorise two Councillors to sign the Performance Statement on behalf of Council, as required under the *Local Government Act 1989*.

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

14.3 2019/20 Governance & Management Checklist

**Author: Yvonne Hansen, Manager Governance, Risk & Corporate Planning**

**Authoriser: Caroline Buisson, General Manager Customer Care & Advocacy**

**Attachments: 1. 2019/20 Governance & Management Checklist (under separate cover)**

Purpose

The purpose of this report is to present the 2019/20 Governance and Management Checklist (Checklist) for Council adoption.

Executive Summary

 The Governance and Management Checklist is a component of the Local Government Performance Reporting Framework (LGPRF) and is a requirement of Section 131(3) of the *Local Government Act 1989* (the Act) and Regulation 12 of the Local Government (Planning and Reporting) Regulations 2014.

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| Recommendation  **That Council adopts the 2019/20 Governance and Management Checklist for submission to the 2019/20 Annual Report and submission to Local Government Victoria for publication on the “Know Your Council” website.** |

Background

Section 131(3)(ii) of the Act provides that Council must contain in its report of operations the results, in the prescribed form, of the Council’s assessment against the prescribed governance and management checklist and indicators. The checklist is then certified by the Mayor and Chief Executive Officer.

Proposal

The Governance and Management Checklist contains 24 items relating to Council plans, policies, strategies, frameworks and reporting. This checklist is reviewed by the Chief Executive Officer and presented to both the Audit and Risk Committee and Council for adoption prior to its incorporation into Council’s 2019/20 Annual Report and submission to Local Government Victoria and published on the ‘Know your Council’ website.

Overall, from the 24 listed items on the Checklist, 24 items are established and in operation.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1C: Our Business and Systems**

The proposal 2019/20 Governance & Management Checklist is consistent with the Council Plan 2017 – 2021.

Financial Implications

There are no financial implications relating to the 2019/20 Governance and Management Checklist.

Risk & Occupational Health & Safety Issues

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

Communications & Consultation Strategy

The Governance and Management Checklist will be published in Council’s Annual Report and available for review on the Local Government Victoria “*Know Your Council*” website.Victorian Charter of Human Rights & 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 – Caroline Buisson*

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

*Author – Yvonne Hansen*

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

Conclusion

The Governance and Management Checklist has been prepared and certified by the Mayor and Chief Executive Officer in accordance with *Local Government Act 1989*.

Council’s Audit and Risk Committee has reviewed the Checklist and recommends that Council adopts the Governance and Management Checklist, prior to its submission to the 2019/20 Annual Report and submission to Local Government Victoria for publication on the “Know Your Council” website.

14.4 2017-2021 Moorabool Shire Council Plan - Year 3 Final Report

**Author: Yvonne Hansen, Manager Governance, Risk & Corporate Planning**

**Authoriser: Caroline Buisson, General Manager Customer Care & Advocacy**

**Attachments: 1. Summary of Outcomes of 2017-2021 Council Plan (2019 Review) (under separate cover)**

**2. Council Plan Actions Progress Report for Year 3 (under separate cover)**

Purpose

The 2017 – 2021 Moorabool Shire Council Plan (“Council Plan”) sits within the Council’s planning framework and identifies the main priorities and expectations over a four-year period.

Executive Summary

 57 Strategic Actions for Year 3 were identified for completion by 30 June 2020.

 Of these 57 Strategic Actions, 43 have been completed with 14 remaining ‘In Progress’.

 Impacts of COVID-19 pandemic since March 2020 have seen projects requiring community engagement heavily affected by social distancing requirements, hence in some instances community engagement has been delayed and/or extended to ensure appropriate and meaningful engagement can be undertaken.

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| Recommendation  **That Council receives the 2017-2021 Moorabool Shire Council Plan – Year 3 Final Report.** |

Background

The four strategic objectives outlined in the Council Plan that guide new initiatives and continuing services are:

1. Providing Good Governance and Leadership

2. Minimising Environmental Impact

3. Stimulating Economic Development

4. Improving Social Outcomes

Each Strategic Objective has a set of contexts, or desired outcomes, which sets out strategic actions to be undertaken over the planned four years to achieve the objectives.

A summary providing an overview of the outcomes and achievements of the 2019-2020 Strategic Actions as contained in the Council Plan (2019 Review) has been provided in **Attachment 1**. These actions are considered the Year 3 actions of the overall 2017-2021 Council Plan. A full report including commentary against of these actions is also provided in **Attachment 2** of this report.

Proposal

In setting the Strategic Actions for Year 3, 57 Actions were identified for completion by 30 June 2020.

Of those 57 Strategic Actions, 43 have been completed with 14 remaining ‘In Progress’. These actions have been deferred to the current financial year for completion. A summary of all Year 3 Actions is provided in Table 1.

**Impacts of COVID-19**

Various actions remaining ‘In Progress’ can be attributed to the impacts of the COVID-19 pandemic. Since March 2020, Council officers have been required to re-prioritise activities, particularly those activities directly associated with community contact and the need to modify or restrict Council services and operations to meet social distancing requirements. This has resulted in significant increase in workload due to the unexpected and shifting impacts of COVID-19.

Communications in terms of engagement have needed to be reviewed, including the transition from face to face engagement to digital platforms. Importantly, those projects requiring community engagement have been heavily affected by social distancing requirements, hence in some instances community engagement has been delayed and/or extended to ensure appropriate and meaningful engagement can be undertaken.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1C: Our Business and Systems**

The proposal is consistent with the Council Plan 2017 – 2021.

Financial Implications

There are no financial implications from this report.

Risk & Occupational Health & Safety Issues

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

Communications & Consultation Strategy

Specific projects are the subject of their own communications strategy, nevertheless this report will be displayed on Council’s website and the end of year progress will be reported in Council’s Annual Report.

Victorian Charter of Human Rights & 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 – Caroline Buisson*

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

*Author – Yvonne Hansen*

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

Conclusion

Overall, Year 3 of the Council Plan 2017 – 2021 has seen 57 Strategic Actions reported on with 43 actions having been completed and 14 remaining in progress. These 14 remaining actions have been deferred to the current financial year for completion.

14.5 Section 86 - Delegated Committees of Council - Reports

**Author: Michelle Morrow, Co-ordinator Governance**

**Authoriser: Caroline Buisson, General Manager Customer Care & Advocacy**

**Attachments: Nil**

**Purpose**

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.

**Executive Summary**

Councillors, as representatives of the following section 86 – Delegated Committee of Council, present the report of the Committee Meetings for Council consideration.

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| Committee | Meeting Date | Council Representative |
| s.86 Development Assessment Committee Meeting - [Minutes](https://www.moorabool.vic.gov.au/sites/default/files/DAC%20Minutes%20150720_0.DOCX) | 15 July 2020 | All Councillors |

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| **Recommendation**  **That Council receive the section 86 Development Assessment Committee Meeting Minutes from 15 July 2020.** |

15 Community Assets & Infrastructure Reports

15.1 Landscape Design manual

**Author: Joe Morgan-Payler, Urban Designer**

**Authoriser: Phil Jeffrey, General Manager Community Assets & Infrastructure**

**Attachments: 1. Attachment 01 - Moorabool Landscape Design Guidelines - Final (under separate cover)**

**2. Attachment 02 - Consultation Feedback (under separate cover)**

Purpose

The objective of this report is to have the Landscape Design Manual adopted by Council.

Executive Summary

 The Landscape Design Manual (LDM) documents minimum acceptable standards for the design and construction of landscape elements for development (greenfield and infill) and Council capital works programs.

 It is a guide to specifying, installing and maintaining all landscape assets within Moorabool.

 The LDM sets out all the landscaping requirements for newly developed residential subdivisions, and landscape works on Moorabool Shire Council owned and managed land and will lead to a higher quality of landscape infrastructure.

 The Landscape Design Manual is to be read in conjunction with Moorabool Shire Council’s Infrastructure Design Manual (IDM).

 The LDM has been on public consultation for a period of 60 days resulting in minor changes to the reference documents listed in the introduction section.

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| Recommendation  **That Council adopts the Landscape Design Manual and approves its use within new developments and projects.** |

Background

Currently for larger developments and capital works programs, landscape plans are required, however Council does not currently have minimum construction standards for landscape works. This leads to issues such as inconsistency of treatments and variation in quality.

The LDM has been developed to enable staff to provide guidance to developers and contractors to ensure consistency of public realm assets (e.g garden beds, lawn areas) that are delivered in new developments and capital works programs, thus reducing variations in quality and enable improved processes relating to inspection of works.

The Landscape Design Manual is to be read in conjunction with Moorabool Shire Council’s Infrastructure Design Manual (IDM). The LDM is an adjunct to the IDM and specifically focuses on landscape design and standards which are not addressed in the IDM.

The development of the LDM was identified as a key action in the 2019/20 service plan for the Environmental Management team.

Landscape Design Manual

The Landscape Design Manual (LDM) documents minimum acceptable standards for the design and construction of landscape elements. The manual will be used to guide developers, contractors and internal staff on specifications that Council are willing to accept and or approve at handover. The Manual has been developed based on similar documents developed by Wyndham, Melton and Ballarat Councils, and adapted to suit Moorabool’s requirements based on resourcing and local climate and conditions.

The LDM has been developed as a guide to specifying, installing and maintaining all landscape within the Shire. The LDM sets out all the landscaping requirements for newly developed residential subdivisions, and landscape works on Moorabool Shire Council owned and managed land. The primary objectives of the LDM are to:

 To clearly document Council’s requirements for the design and development of Landscape elements that is or will become Council’s Infrastructure.

 To standardise development submissions as much as possible and thus to expedite Council’s approval process.

 To ensure that minimum criteria are met regarding the design and construction of landscape infrastructure for projects being delivered by Council or through development.

 Enable improved inspection and enforcement of public realm landscape elements during the construction and handover process.

The LDM does not take the place of a design suite and or a design style guide but rather it guides material and construction quality of individual finishes, objects and elements.

The manual is to be used by landscape design consultants during the preparation of landscape plans, as a reference tool by Council when assessing permit applications, and by landscape contractors, site representatives and council representatives in the field during the landscape construction and maintenance periods.

The LDM is a device for Council to ensure that the quality and workmanship of landscape works undertaken within the municipality are of a standard that is in accordance with accepted industry standards, and sound horticultural and conservation practices.

The assessment of proposed works against this LDM should be undertaken with a degree of flexibility and acknowledgement that alternative, and equally appropriate approaches, can be considered.

All landscape works must be documented and endorsed by Council within the detailed landscape plans forming part of the approved planning permit. This may include the requirement for the following documents to be to be read in conjunction with the Landscape Plan:

 Moorabool Shire Infrastructure Design Manual (IDM).

 Moorabool Shire Open Space Framework

 Moorabool Street tree Strategy

Internal service units interfacing with and/or receiving responsibility for elements built under the LDM have provided input to ensure that the standards set out in the manual are suitable, achievable and acceptable for Council across these departments.

Landscape Design: Fees

As part of the adopted 2020/2021 budget, fees will be charged for the review of drawings and supervision of construction works relating to Landscape elements as per the regulations referenced within the *Subdivision Act 1988*.

The ‘Subdivision (Fees) Regulations 2016’ outlines two fees that are applicable:

1. Fee for checking engineering drawings. This fee should not exceed 0.75% of the estimated cost of construction works; and

2. Fee for supervision of works. This fee may be up to 2.5% of the estimated cost of construction works.

These two fees allow for a total of 3.25% of the estimated cost of construction works to be charged to cover the internal costs incurred during the review and supervision of Landscape elements within new developments.

Proposal

It is proposed that Council considers the Landscape Design Manual for adoption and approve its use within new developments and projects.

Council Plan

The proposal is not provided for in the Council Plan 2017-2021 and can be actioned by utilising existing resources.

Financial Implications

There are no immediate financial implications associated with the adoption of the Landscape Design manual.

Risk & Occupational Health & Safety Issues

In absence of an LDM, Council will lack consistent guidance surrounding the design and construction of Landscape infrastructure. This may result in the provision of landscape elements that do not meet the requirements of Council and or may increase maintenance costs, not meet performance standards or require remediation works at Councils cost.

Communications & Consultation Strategy

During the development of the Landscape Design Guidelines, Council staff involved and consulted the following internal stakeholders:

 Parks and Gardens

 Capital Works

 Assets

 Strategic Planning

 Environment

 Urban Design

Council staff also consulted directly with staff from both Wyndham and Ballarat city councils to identify where their LDM’s had been successful, and on the lessons learned from implementing the document.

As a result of the May 2020 Ordinary meeting of Council, the Draft LDM was placed on pubic exhibition on Moorabool’s have Your Say website for a period of 60 days with Facebook posts also alerting the public to the consultation.

Design consultants currently active in Moorabool were made aware of the document’s exhibition during this period along with the Victorian Planning Authority (VPA).

There were 409 total views of the have your say page with 74 of those downloading the Landscape Design manual document itself.

During this consultation, 4 individual submitters formally raised 11 comments. The full list of comments and the actions taken as part of them is detailed in attachment 02.

Victorian Charter of Human Rights & 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 – Joe Morgan-Payler – Coordinator Urban Designer and Landscape*

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

Conclusion

Currently Moorabool Shire Council does not have a document guiding minimum acceptable standards for Landscape construction works.

It is intended that the LDM will lead to a higher quality of landscape infrastructure being inherited by council and as a result a better quality of landscape, open space and public realm for residents and the wider community.

The LDM has been developed based on successfully implemented LDM documents from adjoining Councils. Moorabool’s draft LDM has strong support from the internal departments that inherit responsibility for built landscape works and the document is seen as long needed and welcome addition to Council’s existing guidelines.

16 Other Reports

Nil

17 Notices of Motion

17.1 Notice of Motion - Continuation of Live Streaming Council Meetings

**Attachments: Nil**

I, Councillor Jarrod Bingham give notice that at the next Ordinary Meeting of Council to be held on 2 September 2020, I intend to move the following motion:

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| Motion  **That Council:**  **1. Continues the current scope of live streaming activities at the following Council Meetings:**  **(a) Ordinary Meeting of Council**  **(b) Special Meeting of Council**  **(c) S86 Development Assessment Committee** |

Rationale

Streaming of Council Meetings make Council more accessible in today’s busy environment. This enables more people to see why decisions are being made which will lift the profile of Council. Our audience and reach has also grown significantly.

It is noted that live streaming is due to end after the crisis and I wish Council to continue live streaming beyond this crisis and well into the future.

I commend this Notice of Motion to Council.

18 Mayor’s Report

18.1 Mayor's Report

**Author: Dianne Elshaug, Co-ordinator CEOs Office**

**Authoriser: Derek Madden, Chief Executive Officer**

**Attachments: Nil**

Purpose

To provide details to the community on the meetings and events attended by the Mayor since the last Ordinary Meeting of Council.

Executive Summary

 That the Mayor’s Report be tabled for consideration at the Ordinary Meeting of Council.

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| Recommendation  **That Council resolves to receive the Mayor’s Report.** |

19 Councillors’ Reports

20 Urgent Business

21 Closed Session of the Meeting to the Public

Nil

22 Meeting Closure