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| **AGENDA**    **Ordinary Council Meeting**  **Wednesday, 2 December 2020**  **In accordance with s.395 of the *Local Government Act 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 December 2020** |
| **Time:** | **6.00pm** |
| **Location:** | **The Pavilion Room, Darley Civic Hub** |
| **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.

1. Acknowledgement of Country

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

1. Recording of Meeting

In accordance with Moorabool Shire Council’s Governance Rules, the meeting will be livestreamed.

1. Present
2. Apologies
3. Confirmation of Minutes

6.1 Ordinary Council Meeting - Wednesday 2 September 2020

6.2 Special Council Meeting - Wednesday 16 September 2020

6.3 Statutory Meeting of Council – Monday 23 November 2020

1. Disclosure of Conflicts of Interest

Conflict of interest laws are prescribed under the *Local Government Act 2020* (the Act) and in the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations). Managing conflicts of interest is about ensuring the integrity and transparency of decision-making.

The conflict of interest provisions under the Act have been simplified so that they are more easily understood and more easily applied. The new conflict of interest provisions are designed to ensure relevant persons proactively consider a broader range of interests and consider those interests from the viewpoint of an impartial, fair-minded person.

Section 126 of the Act states that a Councillor has a conflict of interest if they have a general conflict of interest or a material conflict of interest. These are explained below:

* A Councillor has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the member’s private interests could result in them acting in a manner that is contrary to their public duty as a Councillor.
* A Councillor has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A relevant person with a conflict of interest must disclose the interest in accordance with Council’s Governance Rules and not participate in the decision-making process on the matter. This means the relevant person must exclude themselves from any discussion or vote on the matter at any Council meeting, delegated committee meeting, community asset committee meeting or, if a councillor, any other meeting conducted under the auspices of the council. The relevant person must also exclude themselves from any action in relation to the matter, including an action taken to implement a council decision, for example, issuing a planning permit.

1. 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 3.7.1 of the Council’s Governance Rules.

* 1. Question time will take place during the Council Meeting as provided for in the agenda.
  2. Questions in writing in the form prescribed by the Chief Executive Officer will be accepted up to 5pm on the day before the Meeting.
  3. A person must not submit more than two (2) individual questions at a meeting, inclusive of all parts and variants as interpreted by the Chairperson or other person authorised for this purpose by the Chairperson.
  4. 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 the:
     1. person directing the question is present in the gallery;
     2. question does not relate to a confidential matter;
     3. question does not relate to a matter in respect of which Council has no power to act;
     4. question is not defamatory, indecent, abusive or objectionable in language or substance;
     5. question is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and
     6. question is not asked to embarrass a Councillor, member of Council staff or member of the public.
  5. Persons submitting questions must be present in the public gallery. If they are not present in the Gallery, the question will be held over to the next meeting only.
  6. The Chief Executive Officer will read out each question and the Chairperson shall decide who will answer each question.

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.

1. Petitions

Nil.

1. 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.

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.

1. Chief Executive Officer Reports

Nil.

1. Community Planning and Economic Development Reports
   1. Taverner Street Development Plan

**Author: Liam Prescott, Strategic Planner**

**Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Economic Development**

**Attachments: 1. Taverner Street Development Plan (under separate cover)**

**2. Taverner Street Development Plan Requirement Assessment Table (under separate cover)**

Purpose

This report considers the submitted Taverner Street Development Plan. The Development Plan provides for residential development, including residential lots, wetlands, open space reserves and a super-lot, on a site located on the boundary between Bacchus Marsh township and the Bacchus Marsh Irrigation District. The Development Plan has been assessed against the requirements of the Development Plan Overlay 4.

Executive Summary

 Development Plan Overlay Schedule 4 applies to the greenfield residential growth are in Bacchus Marsh located south of the Werribee River, between Fisken Street, Taverner Street and Boyes Close. The Development Plan Overlay requires the approval of a Development Plan to guide orderly development, prior to the approval of any planning permit for the land.

 Approval of this Development plan will support the development of approximately 140 dwellings, a super-lot with a potential development for childcare or medium density residential use, along with a ‘heritage park’ interfacing with Council owned land to the south, and the extension of shared paths within the open space corridor along the Werribee River.

 It is considered that the Taverner Street Development Plan complies with the relevant provisions of the Planning Scheme, including Development Plan Overlay Schedule 4 and should be approved.

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| Recommendation  **That Council approves the Taverner Street Development Plan in accordance with Attachment 1.** |

Background

The subject land is located south of the Werribee River, between Fisken Street to the east, Taverner Street to the south and Boyes Close to the west. It is a somewhat rectangular 10.55ha site consisting of five land holdings, three of which are owned by the applicant. The land has previously been used for irrigated farming, and three dwellings and several sheds remain on the site. The site is well located in relation to transport and services, and its proximity to the Bacchus marsh train station and Werribee River open space are key features of the Development Plan. Figure 1 shows the sites relationship to the surrounding area. Notably the site also interfaces with an agricultural business and the Bacchus Marsh Irrigation District to the east. Topography is generally flat, with a slight fall to the south-east, and steep banks along the Werribee River flattening towards Fisken Street is a Road Zone Category 2 managed by Council.



*Figure 1:* Development Plan Area outlined in red, showing its relationship to the surrounding area.

**Development Plan Overlay Background**

The Minister for Planning gazetted Planning Scheme Amendment C51 on 23 June 2016, which rezoned the land referenced therein as ‘Taverner Street’ from Farming Zone to GRZ1 and also applied a Development Plan Overlay Schedule 4 (DPO4), Design and Development Overlay Schedule 13 (DDO13) and an Environmental Audit Overlay (EAO) on the land. Amendment C51 implemented the recommendations of the Bacchus Marsh Activity Centre Structure Plan 2011.

A Development Plan Overlay specifies objectives to be achieved by a Development Plan applying to the land covered by the overlay. A Development Plan for the land must be approved prior to any planning permits being granted for the land. Any planning permits granted must be generally in accordance with the Development Plan, and include any conditions or requirements specified in the schedule of the overlay.

Proposal

**The Taverner Street Development Plan**

The Taverner Street Development Plan proposes:

 Approximately 140 residential lots ranging in approximate size from 180sqm to 480sqm, with frontages of between 8.5m and 15m. These will include double fronted and front loaded lots.

 A super-lot overlooking the Werribee River of approximately 2,800sqm with a potential development of childcare or residential use.

 Access roads providing ingress/egress from the site onto Fisken Street and Boyes Close.

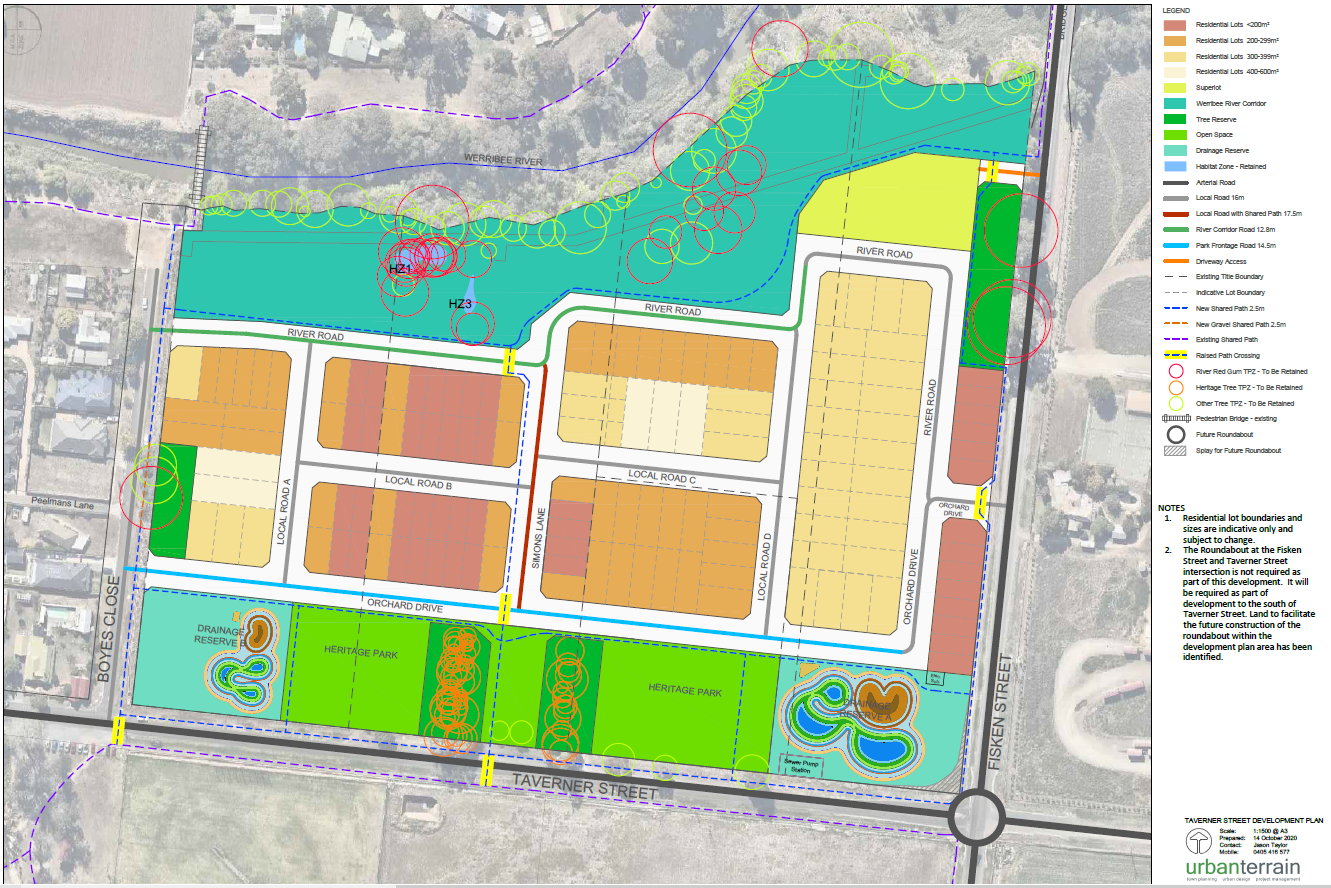
 A park of approximately 1.2ha incorporating a 50m long avenue and windbreak of Osage Orange trees planted prior to 1876, and of local heritage significance, which will face Taverner Street.

 Two drainage reserves of approximately 0.37ha and 0.46ha, on either side of the park, incorporating landscaping, and a sewerage pump station.

 Extension of the existing Werribee River walking trail along the southern riverbank through to Fisken Street.

 A significant number of shared paths and raised road crossings around the edges of, and through the site, connecting Maddingley Park to the Werribee River.

Figure 2 below taken from the Development Plan shows the proposed urban structure of the site and illustrates the features above.



*Figure 2:* Plan 2 from the Development Plan detailing the proposed urban structure

**Key Site Constraints and Features**

The Development Plan has been required to address a significant number of site constraints, some of which were foreseen in the DPO4, others of which emerged during the preparation of the Development Plan. The applicant has successfully incorporated these into the Development Plan including as features contributing to the overall site design.

**Werribee River Corridor**

The Werribee River runs to the north of the site. A key requirement of the DPO4 is that the river is incorporated into the site design, including with a road following the river alignment. Melbourne Water is responsible for management of the Werribee River, and requires a 50m setback for development from the top of bank in order to enhance environmental values and preserve water quality. The ‘River Road’ included in the Development Plan is set 50m from the top of the bank, with several minor incursions within this approved by Melbourne Water. Within the 50m setback, the southern 10m is developed as a vegetated buffer, where usable passive open space such as walking trails and seating can be provided. The ‘River Road’ separates from the river to intersect with Fisken Street to the south, in order to preserve two existing large old growth river red gums, and the Development Plan utilises this space between the “River Road’ and river to locate a super-lot with childcare or medium density residential potential.

**Heritage Osage Orange Avenue and Windbreak**

Heritage Overlay HO170 applies to 22 Taverner Street, with the citation referencing the Osage Orange Avenue and Windbreak as being of regional historical significance as a landscaping practice and of local significance due to their aesthetic appearance and function as a local landmark, documented in postcards and photographs of early Bacchus Marsh. The plantings of Osage Oranges originally bounded small paddocks, with the plantings encompassing all the properties included in the Development Plan (20-26 Taverner Street). Remnants of the boundary plantings remain along the Werribee River boundary, along the northern corner of the site on Fisken Street, and particularly on 22 Taverner Street. The most visually striking and complete plantings are known as the Avenue and Windbreak and are clearly visible from Taverner Street and the surrounding area. The earliest reference to the trees was in the Melbourne Leader (1876) making them at least 144 years old (and potentially 155 years old according to other accounts).

*…One of the neatest and most compact little farms I have met with anywhere in the Colony is situated close to the township and belongs to Mr. A.C. Symons (sic). It contains in all twenty six acres and is divided into seven fields by strong osage orange hedges.*

The use of hedges, and in particular Osage Orange hedges for fencing on Australian farms, was a short-lived practice (c.1860s), connected with English concepts of farm management and aesthetics, and rapidly replaced by post and wire fencing.

The Development Plan ensures the retention and improvement of the most visually striking remaining plantings within a heritage park, with interpretative signage and landscaping.

**Flood and inundation issues**

The property is subject to flooding from Werribee River. The applicable 1% Annual Exceedance Probability (AEP) flood level is 100.64m to Australian Height Datum (AHD) at south western property boundary down to 97.5m to AHD at the south eastern property boundary. Figure 3 shows the extent of potential flooding to the site in a 1 in 100 year flood event, as identified in C91 Planning Scheme Amendment which seeks to introduce a Land Subject to Inundation Overlay. It is noted that a portion of the flood area extends well into 22 Taverner Street. This area varies from the surrounding surface level by 0.25m in the southern end to 1.1m in the northern end. This will be addressed with earthworks following detailed engineering design.



*Figure 3. Areas of Development Plan Area subject to inundation with annotation showing 22 Taverner St*

The Development Plan addresses all requirements of Melbourne Water to mitigate flood risk to dwellings and infrastructure, including that dwellings be constructed 600mm or greater above flood level, and all flood water storage capacity of the site be maintained in order to limit impact on downstream properties. The location of the wetlands and heritage park along the Taverner Street frontage in an inundation area assists in maintaining the flood water storage capacity.

**Site Contamination**

The site is encumbered by an Environmental Audit Overlay, as contamination was suspected as a result of its past agricultural uses. A Preliminary Site Investigation has been conducted, with a detailed remediation plan developed to remove sources or hotspots of soil contamination. This includes pesticides, hydrocarbons, septic tanks, asbestos fragments and buried waste across numerous properties. The requirements within DPO4 for the identification of contamination and proposed treatment have been met. In order to satisfy the requirements of the Environmental Audit Overlay and allow the site to be developed, the works detailed in the Remediation Action Plan are required to be completed before works or development associated with a sensitive use.

**Dwelling Density**

The Development Plan shows residential densities approaching 24 dwellings per hectare (net). Inclusion of the open space and wetlands included on the site results in a figure of approximately 13 dwellings per hectare (gross) which better represents the experience of built form at human scale.

It is acknowledged that the lots represented are smaller than the average lot size within other greenfield development areas within Bacchus Marsh. In the case of Taverner Street, the sizes are considered acceptable for the reasons following:

 Location in relationship to services, employment and daily needs is excellent with all sites located:

 Adjacent to existing recreation facilities at Maddingley Park;

 Adjacent to the Werribee River open space corridor;

 Adjacent to a proposed Bacchus Marsh Indoor Sports and Aquatic Centre.;

 350m walking distance from the Bacchus Marsh Railway Station;

 570m walking distance to Bacchus Marsh Secondary College;

 900m walking distance to Main Street;

 1,000m walking distance to Bacchus Marsh Hospital Precinct;

 200m walking distance from the Park Street Industrial Estate; and

 Connected to these locations by off-street open space networks and footpaths that have plenty of safe pedestrian crossing opportunities.

 The Development Plan has the potential to support a ’20 minute neighbourhood’ as envisioned in Plan Melbourne – where residents have the ability to meet most of their everyday needs within a 20-minute walk, cycle or local public transport trip of their home.

 The Bacchus Marsh Housing Strategy considered the site well located but encumbered by flooding issues. It stated that dwelling intensification would be appropriate but would need to be considered on a site by site basis. The Development Plan has addressed the requirements of Melbourne Water to mitigate flood risk and therefore increased densities should be supported. It should be noted that had the site not been subject to flood risk, the Housing Strategy assessment would have supported an increased Residential Growth Designation, rather than the Natural Residential Growth which was applied.

 The Bacchus Marsh Housing Strategy analysed expected future housing demand, as well as current supply. Projections show that lone person and couples without dependents will make up more than 50% of the area’s growth from 2016 to 2041. Together with the ageing population, smaller, affordable and low-maintenance dwellings may see increasing demand. Of the 6,840 (Sept 2015) residential dwellings within Bacchus marsh, the majority (58%) are on lots between 500sqm to 1,000sqm, with a further 22% on lots greater than 1,000sqm. 18% of dwellings are on lots less than 500sqm which indicates there is limited diversity in the existing housing stock. Guiding Principle 3 of the Strategy, “Housing for everyone’ supports Council’s facilitation of smaller dwellings (villa units/townhouses) across the established urban area. The Development Plan Area is a significant site from this respect, due to its access to the existing road network, limited impact on existing neighbourhoods, and centralised location.

**Active Transport Network**

The Development Plan illustrates a significant number of shared paths providing a walking and cycling friendly neighbourhood, while extending existing shared paths along the Werribee River. The Boyes Close path is a missing link between the Werribee river footbridge and Maddingley Park which was identified as a priority path in the Moorabool Hike and Bike Strategy (2014). Any future development of the Provenzano property south of Main Street would also be required to include a ‘Greenway’ extending to this path along Boyes Close and would function as a safe pedestrian and cycle route between the Town Centre and Railway Station.

**Southern Rural Water Irrigation Infrastructure**

An above ground open irrigation channel runs north-south along the east side of Boyes Close along the site boundary. Dependent on the future requirements of Southern Rural Water, the Boyes Close irrigation channel can be removed or piped underground in order to allow site access and shared path construction. It is likely that a Council development of the proposed Indoor Sports and Aquatic Centre site would also require removal of the irrigation infrastructure on that site to the south, in which case a new pipeline alignment alongside Fisken Street would be logical to continue to service Southern Rural Water customers. The existing easement and underground pipeline following the Werribee River alignment across the top of the site will remain in place undisturbed.

**Development Plan Assessment**

The following has been taken into account when assessing the Development Plan:

 The submitted information including the Development Plan – Taverner Street (Urban Terrain; October 2020) and associated technical reports, as follows:

 Site Features and Levels Survey (Benchmark Land Surveyors)

 Geotechnical – Feasibility Assessment (Ground Science)

 Arboricultural Assessments (Homewood Consulting and ENSPEC)

 Flora and Fauna Assessment, Native Vegetation Impact Assessment and Management Plan (Practical Ecology)

 Preliminary Site Investigation (Atma Environmental)

 Remediation Action Plan (Atma Environmental)

 Civil Engineering Servicing Report (Cardno)

 Traffic and Transport Assessment (Cardno)

 Stormwater Management Plan (LDEng)

 Cultural Heritage Management Plan (Benchmark Heritage);

 responses received from Council Departments and government agencies, including Melbourne Water and Southern Rural Water;

 Council commissioned Arboricultural and Heritage assessments of the Osage Orange trees located on 22 Taverner Street;

 compliance with the requirements included in DPO4; and

 any other relevant planning policies and controls.

**Planning Controls**

The subject site is located in the General Residential Zone (GRZ) Schedule 2.

The site is affected by DPO4 which states that:

 the Taverner Residential Development Area has an opportunity to provide housing choices within a five minute walk to the Bacchus Marsh Railway Station.

 The overall design of the site needs to incorporate the important site features including the locally significant Osage Orange Avenue and Windbreak, and the Werribee River.

The site is affected by DDO13.

The purpose of application of a Design and Development Overlay is to identify areas which are affected by specific requirements relating to the design and build form of new development.

The specific objectives of the DDO13 are:

 To encourage a new mixed density residential neighbourhood that responds to the characteristics and context of the locality and is respectful to the historic Osage Orange Avenue and Windbreak.

 To encourage high quality, innovative and sustainable development that is contextually relevant and responds to the ‘country town’ character and protects the Osage Orange Avenue and Windbreak which is of historical significance for its association with orcharding in the Bacchus Marsh area.

 To ensure new residential development is oriented towards the Werribee River corridor to promote public safety in the public and private realm.

 To ensure residential development abutting Fisken Street is set back so as to provide a buffer from nearby horticultural activities.

 To encourage increased density development oriented towards Boyes Close.

 To design an internal street network that provides permeable, accessible and safe neighbourhood system for pedestrians, cyclists and motor vehicles.

The site is also affected by:

 Heritage Overlay HO170 which applies tree controls to 22 Taverner Street.

 An Environmental Audit Overlay requiring an environmental audit to be completed before a sensitive use commences, or before construction or works in association with a sensitive use commence.

 Environmental Significance Overlay Schedule 2 relating to proclaimed waterway catchments including the Werribee River.

 Environmental Significance Overlay Schedule 8 relating to River Red Gums in the Bacchus Marsh valley.

 The proposed Land Subject to Inundation Overlay advertised as part of Amendment C91.

The Development Plan has been prepared to address these planning controls and their requirements, and approval of the Development Plan will not conflict with these. Any future permit application for subdivision and development will also be assessed against applicable planning controls as listed above. Where appropriate or possible, the Development Plan has directly addressed requirements of these planning controls through a design response and detailed guidance and requirements for development contained within the Development Plan.

**Development Plan Overly Schedule 4 Assessment**

An assessment has been conducted against the requirements outlined in the DPO4 (Attachment 2). It is noted that several of the specific requirements of the DPO4 will need to be addressed at the permit application stage, given the desired practical and flexible nature of Development Plans. The Development Plan does not prevent or otherwise limit the ability to meet these requirements at a planning permit application stage.

Based on the attached assessment of the Development Plan it is current and entire form it is considered that the Development Plan (Attachment 1) meets the requirements of DPO4 and the Moorabool Planning Scheme more broadly and is considered satisfactory. Importantly, it includes an appropriate level of detail to inform future planning decisions.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 3: Stimulating Economic Development**

**Context 3A: Land Use Planning**

The proposal is consistent with the Council Plan goal to guide the amenity of our communities. The proposal to approve the Taverner Street Development Plan is consistent with the Council Plan 2017-2021.

Financial Implications

The Development Plan identifies land at the intersection of Fisken Street and Taverner Street, which may be required for the future construction of a roundabout. This land may be provided to Council as part of a future permit process, subject to discussion. The roundabout is not a traffic management requirement specifically arising from the development proposed within this Development Plan, however has been identified as a likely future need based on existing traffic volumes and the likely future traffic volumes associated with the proposed Bacchus Marsh Indoor Sports and Aquatic Centre.

The Development Plan indicates an increased area of open space which will be the ultimate responsibility of Council to maintain and manage. This includes land along the Werribee River Corridor, River Red Gum tree reserves on the east and west sides and the heritage park and wetlands which includes a significant number of mature Osage Orange trees of heritage significance. The requirements of the Development Plan and any subsequent permits granted will require areas to be developed to Council standard to minimise any immediate maintenance costs, prior to handover to Council.

Risk & Occupational Health & Safety Issues

There are no identified risks associated with approving the Taverner Street Development Plan.

Communications & Consultation Strategy

There is no requirement for exhibition of Development Plans under the *Planning and Environment Act 1987*, and a permit for subdivision is exempt from public notification if in accordance with an approved Development Plan. Prior to the application of the existing DPO4 and DDO13 planning scheme overlays, the community, neighbours and landowners were consulted as part of the C51 Bacchus Marsh Activity Centre planning scheme amendment process, where the community had the opportunity to suggest changes to the Development Plan Overlay requirements which the current application has been reviewed against. Submissions to the independent planning panel were received relating to the ‘Taverner Street Development Area’ from the EPA and Southern Rural Water. Two submissions were also received from landowners, with one in support of the rezoning, and one relating to a separate heritage planning scheme amendment (C6 Part 2) which has already been completed and which was unable to be considered. The submissions from the EPA and Southern Rural Water were resolved through the panel process.

Noting that the applicant only owns three of the five properties included in the Development Plan, landowners of all five properties subject to the DPO4 were mailed a copy of the draft Development Plan prepared by Urban Terrain in March 2020, to advise them of the application. Two meetings were held with a planner representing the owners of 20 Taverner Street (not the applicant landowner). The owners of this property expressed concerns relating to the area allocated to wetlands, large sizing of the lots, extent of roads, staging and the impacts of indicated infrastructure and layout on total developable area on their property. They indicated an intention to develop their site in the future. Urban Terrain has responded to several of these concerns through reducing the area of the drainage reserves and noting within the Development Plan that 20 Taverner Street can be developed independently of other properties, at any stage. The general layout of roads and reserves across 20 Taverner Street in the Development Plan is considered to represent an appropriate response to the numerous site constraints, and requirements of Melbourne Water. The owners of 20 Taverner Street are able to submit a revision to the Development Plan to Council for approval at a later stage if they desire.

Melbourne Water have provided ongoing feedback to Council and the applicant, and the Development Plan has been prepared in accordance with their guidance with relation to the Werribee River corridor, and inundation management across the site.

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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Henry Bezuidenhout*

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

*Author – Liam Prescott*

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

Conclusion

Council has received an application for the approval of the Taverner Street Development Plan. Approval of this Development Plan will support a subdivision development of approximately 140 dwellings, a super-lot for future childcare or residential, along with a ‘heritage park’ interfacing with Council owned land to the south, and the extension of shared paths within the riparian corridor along the Werribee River. The land will be developed in a manner responsive to the surrounding land uses and site constraints and incorporates the Werribee River and Osage Orange Avenue and Windbreak in accordance with the DPO4 requirements.

In conclusion, the Taverner Street Development Plan is considered to comply with the DPO4 in the Moorabool Planning Scheme and satisfies the other relevant requirements of the planning scheme.

12.2 Appointment of members to the Local Business Advisory Committee

**Author: Andy Waugh, Co-ordinator Economic Development & Activation**

**Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Economic Development**

**Attachments: 1. Local Business Advisory Committee Terms of Reference (under separate cover)**

Purpose

The purpose of the report is to recommend that Council appoints members to the Local Business Advisory Committee, as nominated in the officer’s recommendation.

Executive Summary

 The Local Business Advisory Committee is a new committee passed by Council Resolution on 1 July 2020.

 The Terms of Reference **(Attachment)** were adopted by Council on 1 July 2020.

 Establishing a Local Business Advisory Committee will use the knowledge and experience of local residents and industry leaders to advise on economic related matters.

 Community member positions were advertised, for which nine applications were received for eight positions. One application was ruled invalid due to not meeting the selection criteria of residing within the Shire.

 After completing an evaluation process, the eight eligible applicants are recommended for inclusion on the committee.

 The Terms of Reference also provide for professional based membership as a committee member. Two professional based positions were offered and accepted by the current President of the Ballan and District Chamber of Commerce (or nominated person) and the current President of Bizconnect (or nominated person).

|  |
| --- |
| Recommendation  **That Council:**  **1. Appoints the following nominees as members of the Local Business Advisory Committee:**  **(a) Stephen Marett**  **(b) Rebecca Treadwell**  **(c) Antoinette Grace**  **(d) Darren Rix**  **(e) Kim Porter**  **(f) Susanna McPherson**  **(g) Peter Johnson**  **(h) John McCann**  **(i) The President of the Ballan and District Chamber of Commerce (or nominated person)**  **(j) The President of BizConnect (or nominated person)**  **2. Writes to the newly appointed members and unsuccessful nominee, advising of Council’s**  **decision.** |

Background

The Local Business Advisory Committee is a new committee passed by Council Resolution on 1 July 2020 with the purpose of providing advice to Council in relation to the growth of the Moorabool Shire economy and the generation of local employment opportunities through increased levels of investment and business development.

Nominations were invited through public advertising during August and September 2020. The opportunity was promoted through the Moorabool News, email and on Council’s webpage and Facebook platforms. At the completion of the advertising period, a total of nine nominations were received of which one was ruled invalid due to not meeting the selection criteria of residing within the Shire.

The Terms of Reference provide for professional based membership to be included as a committee member. Two professional based positions were offered and accepted by the current President of the Ballan and District Chamber of Commerce (or nominated person) and the current President of Bizconnect (or nominated person). The nomination is offered to the position of President of each of these organisations as opposed to the person incumbent in the position. Therefore, any changes to the person who holds the post within the respective organisation will be reflected in representation on the Local Business Advisory Committee.

The Terms of Reference provide for Councillor inclusion on the committee. Councillor members shall be appointed each year at the Statutory Meeting of Council.

Applicant review

Officers undertook an evaluation process to determine suitability of the applicants matching their skills and experience against the purpose of the committee. Selection criteria included;

 Primary industry sector majority of experience is in and the value of this;

 Participation in other advisory groups, committees or boards;

 Why time and experience are being contributed towards the objectives of the committee;

 Professional networks and the value they can bring to the committee;

 Providing a game changing opportunity that could propel business, investment and job creation; and

 Summary of knowledge and experience.

At the completion of the process, the eight eligible applicants have all been recommended for inclusion on the committee. The period of appointment shall be for the duration of the existing Council term.

The eight eligible applicants provide both a wealth of experience and diversity. They reside across the Shire in the following locations;

 Bacchus Marsh (2)

 Ballan

 Bungaree

 Darley

 Maddingley

 Millbrook

 Myrniong

There is an even gender split providing equal levels of representation. The eligible applicants offer a range of expertise across industry types as shown in **Figure 1**.

|  |  |  |
| --- | --- | --- |
| **Applicant** | **Current role** | **Dominant industry** |
| 1 | Self-employed – Director | Extractive industry/Industrial services |
| 2 | Business owner-operator | Service/Retail – vehicle maintenance and service |
| 3 | Self-employed | ICT/Wholesale trade/ Tourism/ Local and State Government – human resources |
| 4 | Business owner-operator | Auto/Service – vehicle rental |
| 5 | Director | Education/Professional services – Department of Education and private industry |
| 6 | Team leader/Business owner | Finance/Retail – Certified Public Accountant |
| 7 | General Manager | Agriculture – asset management of cropping properties |
| 8 | Business owner-operator | Hospitality - restaurants |

**Figure 1:** Local Business Advisory Committee eligible applicants

Role and functioning of the committee

The Local Business Advisory Committee will provide advice to Council in relation to the growth of the Moorabool Shire economy and the generation of local employment opportunities through increased levels of investment and business development. This will provide an opportunity for informed discussion on issues impacting upon business and the economy through collaboration and consultation. The Local Business Advisory Committee will assist in shaping and creating a strong local economy by utilising the knowledge and experience of local residents and industry leaders with the objective to;

 Review and provide input in terms of the development and implementation of strategies and policies, such as the Economic Development Strategy;

 Identify issues impacting on the business community within Moorabool Shire;

 Discuss and inform Council decisions on key business strategies, projects and programs;

 Assist in understanding the challenges facing business both locally and within a regional context;

 Provide an opportunity for creative ideas, positive contributions and solutions to business issues impacting upon the economy;

 Participate in business events and training; and

 Contribute to discussions and activities within meetings.

The Local Business Advisory Committee has no budgetary responsibilities, decision-making powers or delegated authority but serves to make recommendations for Council’s consideration. A Councillor or senior officer of Council staff appointed to support the Committee will Chair the meetings. A minimum of five meetings will be conducted over the period February – November. Times and dates of meetings of shall be at the discretion of the Chairperson, after seeking the views of members of the Committee. It is proposed that the first meeting takes place in February 2021.

Proposal

The proposal is to appoint eight community members nominated through a public advertising process and two members through professional membership to the Local Business Advisory Committee.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 3: Stimulating Economic Development**

**Context 3B: Investment & Employment**

The proposal to establish a Local Business Advisory Committee is consistent with the Council Plan 2017 – 2021.

Financial Implications

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

Risk & Occupational Health & Safety Issues

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| No Business Advisory Committee | Lost opportunity to use the knowledge and experience available within the community | Low | Establish Committee and appointment members |
| Breach of confidentiality | Breach of confidentiality by Committee members | Medium | Each Committee member to undertake an induction program that includes signing a pledge of confidentiality agreement |

Communications & Consultation Strategy

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Communication of nomination process | Community | To call for nominations for members | Moorabool News, email, Council’s webpage and Facebook platforms | August -September 2020 | Nominations were received |

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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*Executive Manager – Henry Bezuidenhout*

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

*Author – Andy Waugh*

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

Conclusion

The Local Business Advisory Committee is a new committee passed by Council Resolution on 1 July 2020. The Local Business Advisory Committee will provide advice to Council in relation to the growth of the Moorabool Shire economy and the generation of local employment opportunities through increased levels of investment and business development. Eight community-based nominations and two professional based nominations have been recommended for inclusion on the committee.

13. Community Strengthening Reports

13.1 Cat Curfew

**Author: Andy Gaze, Co-ordinator Community Health & Safety**

**Authoriser: Sally Jones, General Manager Community Strengthening**

**Attachments: 1. Short Statistical Analysis of the 2020 Community Consultation (under separate cover)**

**2. Cat Control Order 2021 (under separate cover)**

Purpose

One of the key actions from the Council’s Domestic Animal Management Plan (DAMP) is to consider and report back upon the feasibility of the introduction of a cat curfew within the Shire. Public consultation through the ‘Have Your Say’ portal was undertaken in 2019 on the concept of a cat curfew and in 2020 a further consultation was undertaken on a specific proposal to have a sunset to sunrise curfew. This report details the findings of these consultations and seeks Council’s direction on the way forward.

Executive Summary

 Key action from the Domestic Animal Management Plan

 Extensive consultation has been undertaken through the Have Your Say portal

 Budget will have to be allocated if the curfew is to be implemented.

|  |
| --- |
| Recommendation  **That Council resolves to:**  **1. Make an order under Section 25 of the *Domestic Animal Act 1994* for a sunset to sunrise cat curfew, with this curfew commencing on 1 July 2021.**  **2. Adopt the Council Cat Control Order 2021 (attachment 2).**  **3. Publish the order in the Government Gazette and in a newspaper circulating in the municipal district.** |

Background

The following is the background to the proposed Council Report on this issue.

Under Council’s Domestic Animal Management Plan (DAMP) one of the key actions for 2019/20 was to:

*undertake a feasibility study for the introduction of a cat confinement/curfew order*

A feasibility study has been undertaken and this report provides options for Council to consider.

Under section 25 Domestic Animals Act 1994, Council may by resolution make an order stating times (if appropriate or all day) that restricts cats from being at large outside:

*(1) If a cat is found at large outside the premises of the owner or not securely confined to the owner's premises, in a municipal district or a specified part of a municipal district in respect of which an order under this section has been made, during the hours specified in the order, the owner is guilty of an offence and liable to a penalty of not more than 1 penalty unit for a first offence and 3 penalty units for a second or subsequent offence.*

Once an order has come into force a cat owner found to not be complying with the requirements is guilty of an offence and liable to a penalty of not more than one (1) penalty unit for a first offence and three (3) penalty units for a second or subsequent offence. A penalty unit is currently $165.22.

There is considerable evidence that cats are a major threat to native wildlife and are also at significant danger at night due to traffic. Contrary to popular belief, cats do not have to roam. Providing their basic needs are met, cats can enjoy longer and healthier lives when safely contained within the property.

A survey through the ‘Have Your Say’ portal was undertaken in 2019 to assess public opinion on this issue. Council received over 300 responses. In summary, of the people who responded, over 41% were cat owners and of these, 74% currently allow their cats outside. The majority of respondents (78%) were in favour of a cat curfew and 64% of those were in favour of a 24 hour curfew. Interestingly however, 75% of the cat owners said they would be unlikely to comply with a 24 hour curfew and 39% a night time curfew. Those who responded supported a curfew principally to protect native wildlife.

The results show there is considerable desire for a cat curfew however cat owners are unlikely to comply with it (especially a 24 hour curfew) at all times.

The second survey in 2020 received 351 responses. In summary, of the 351 responses, 45% (158) owned a cat, 80% (281) supported a sunset to sunrise curfew, however 34 % of all cat owners (53 out of 158) said they would not comply with a curfew (a more comprehensive breakdown of statistics can be seen in Attachment 1). The majority of neighbouring Councils currently do not have a cat curfew in place. The exceptions to this are Ballarat City Council which currently has a sunset to sunrise curfew in place and Macedon Ranges Shire which also commenced a sunset to sunrise curfew on 1 July 2020.

Officers have held discussions with several Councils that have curfews in place with the majority in support of the initiative as it promotes positive animal ownership whilst protecting native wildlife. The majority of Councils with curfews however do not actively enforce the curfew during the night and use it as an educative tool and have continued their programs of responding to complaints and cat trapping programs. Most Councils have confirmed that after an initial rise in complaints due to the high-profile nature of such an initiative, complaints often reduce over time.

If Moorabool Shire Council undertakes to introduce a cat curfew, a number of areas would require upgrades to respond to any increase in complaints and animal impoundments. Budget implications have been considered which may include the purchase of additional cat traps, an increase in vet fees due to the potential increase in cat impound numbers and the introduction of an education campaign across the Shire. These costs may be offset by increased registration numbers and infringement revenue, however on discussion with other Councils it seems that many cats which are trapped are not reclaimed (due to lack of microchipping or registration) and as such these animals need to join adoption and re-homing programs.

Council specifically consulted on a sunset to sunrise curfew. Feedback from consultation included 10% of respondents who suggested that a 24 hour curfew would be preferable. If a 24 hour curfew is to be introduced rather than a sunset to sunrise curfew, it is likely that cat owners would incur additional costs as many may see the need to construct a cat run or erect cat proof fencing so their cats could continue to spend time outside. These potential additional costs for cat owners should be considered as part of the overall decision.

Proposal

That Council consider the community consultation outcomes and the contents of this report. If Councillors propose that Council should make an order under Section 25 Domestic Animal Act 1994 it is recommended that:

 a sunset to sunrise curfew is endorsed

 any curfew not be implemented until at least 1 July 2021 to allow cat owners to undertake additional works and

 budget is allocated to meet the potential future costs as specified within this report.

A proposed order under section 25 Domestic Animals Act 1994 can be seen in attachment 2.

Council Plan

The proposal is not provided for in the Council Plan 2017-2021 and can be actioned by meeting our obligations under the Moorabool Domestic Animal Management Plan.

Financial Implications

The introduction of a cat curfew will incur financial implications. A financial allocation has not been made in the 2020/21 budget for a curfew. Additional financial allocation will be required to resource the provision of a level of service that would support the curfew and meet the community’s expectations. It is considered the allocation of additional funds for the implementation would include:

 a six month education program to provide advice and guidance to cat owners prior to the introduction of the curfew and may also support additional enforcement and trapping activities post the introduction of the curfew;

 capital improvement at the pound site to increase the number of available cat pens from six to 16; and

 Purchase of additional 10 cat traps taking available traps to 20.

|  |  |
| --- | --- |
| **Item** | **Cost estimated $** |
| 6-month Education and Advice Program provided by Community Safety Officer | $42,000 |
| Capital improvement at the pound | $50,000 |
| Additional cat traps and associated equipment | $ 2,500 |
| TOTAL: | $94,500 |

Risk & Occupational Health & Safety Issues

This is not considered to be a Risk or Occupational Health and Safety issue.

Communications & Consultation Strategy

Comprehensive surveys through Council’s ‘Have Your Say’ portal were undertaken in May 2019 and May and June 2020. An analysis of the results from the 2020 survey are shown in Attachment 1. If it is decided that a cat curfew is the preferred outcome, Council will further engage and communicate with community on the curfew and provide appropriate time for cat owners to become aware of the concepts and compliance requirements.

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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Sally Jones*

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

*Author – Andy Gaze*

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

Conclusion

The consideration of a cat curfew is an action from the Moorabool Domestic Animal Management Plan. There are a number of options available for Council to consider.

While there was some community support for a 24 hour curfew as an outcome of the initial survey in 2019, the feedback also included data which suggested a high number of cat owners would not comply with such a curfew. This indicates a 24 hour curfew may not be a viable option.

It is recommended that Council continue with the introduction of a sunset to sunrise curfew.

It is further recommended that the sunset to sunrise curfew should not come into place before the end of the 2020/2021 financial year to allow cat owners time to prepare suitable enclosures or fencing if they choose to install such items. This will also ensure Council is in a position to undertake a community education program and provide advice and guidance on compliance with the requirements.

14. Customer Care and Advocacy Reports

14.1 2019/20 Moorabool Shire Council Annual Report

**Author: Tom Laurie, Manager Communication, Advocacy & Government Relations**

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

**Attachments: 1. Moorabool Shire Council Annual Report 2019/20 (under separate cover)**

Purpose

The purpose of this report is to present the Annual Report to Councillors at the Ordinary Meeting of Council.

Executive SummarY

 Under the Local Government Act 1989 Council is required to prepare an Annual Report.

 Council is required to hold a meeting to consider the report.

|  |
| --- |
| Recommendation  **That Council resolves to receive the 2019/20 Annual Report in accordance with section 134 of the *Local Government Act 1989*.** |

Background

Under Section 134 of the *Local Government Act 1989,* Council is required to prepare an Annual Report and submit it to the Minister for Local Government within three months after the end of the financial year reported on. The Moorabool Shire Council Annual Report 2019/20 was submitted to the Minister for Local Government on Friday 18 September 2020.

Under Clause 17 of the Local Government (Finance and Reporting) Regulations 2004 No. 30 of the Act, Council must hold a meeting to consider the Annual Report within one month of providing the Annual Report to the Minister pursuant to section 131(6) of the Act. This was delayed due to caretaker period and Council elections. There are no penalties to Council resulting from this delay.

Council is also required to advertise that the Annual Report will be presented to Council for consideration.

Public notice was given via the Moorabool News on 6 October 2020 that the Annual Report was completed and available for inspection on our website.

A further advertisement has been scheduled to appear in the Moorabool News (8 December 2020) stating that the report has been received by Council.

Proposal

In accordance with requirements of the Local Government Act (1989), the 2019/20 Annual Report has been advertised and is presented to Council to consider and receive the report.

Hard copies of the Annual Report are available at Council offices for inspection and can be supplied upon request. The public can download a copy of the Annual Report from the Council website.

The Annual Report distributed with this Agenda has been produced to meet the requirements of the *Local Government Act 1989*.

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 consider the 2019/20 Annual Report is consistent with the Council Plan 2017 – 2021.

Financial Implications

There are no financial implications in relation to this report.

Risk & Occupational Health & Safety Issues

There are no risk or occupational health and safety issues to consider in relation to this report.

Communications & Consultation Strategy

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Consult | Community | Newspaper advertising/  Website | Various | November/ December | Community is aware that the Annual Report is being presented to Council. |

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 130 of the *Local Government Act 2020*, 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 – Tom Laurie*

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

Conclusion

The 2019/20 Annual Report is now a public document that is on our website and can either be distributed to stakeholders or made available for inspection on request. In line with Local Government requirements, we ask Council to receive the 2019/20 Annual Report.

14.2 September 2020 Quarterly Financial Report

**Author: Aaron Light, Senior Accountant**

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

**Attachments: 1. September 2020 Quarterly Financial Report (under separate cover)**

Purpose

The purpose of this report is to inform Council of the financial performance for the first quarter ending 30 September 2020, in accordance with Section 97 of the Local Government Act 2020.

Executive Summary

This Quarterly Report provided in Attachment 1 outlines the year to date financial position of Council for the period from 1 July 2020 to 30 September 2020.

The Income Statement reports the year to date adjusted underlying result is a surplus of $28.114 million that is a $0.320 million favourable when compared to the amended budget (adopted budget plus carryover adjustments). The Adjusted underlying result extracts the impact of the non-recurrent capital income items, including one-off capital grants, donated assets from subdivisions, and developer contributions. It also excludes the impact of the ‘Working for Victoria’ initiative. The main reason for the favourable variance is an increase in Grants – Operating ($0.089 million), and a timing variance in Materials and Services ($0.215 million).

The Statement of Capital Works reports year to date expenditure of $2.790 million that is a $1.057 million less than the amended budget (adopted budget plus carryover). The variance primarily relates to the timing of payments for Roads.

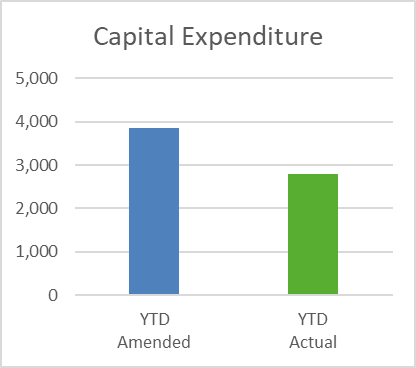
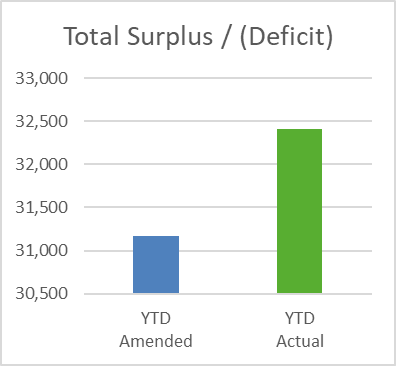
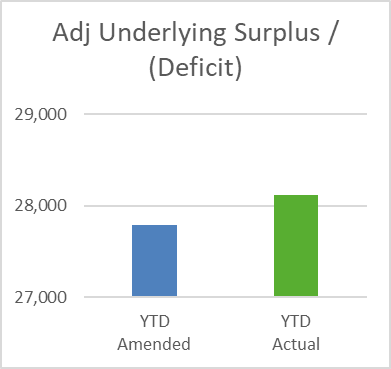
Council cash as at 30 September 2020 was $25.390 million, which was $3.553 million favourable compared to year to date budget. This is mainly due to an increase in Grants – Operating and an underspend on Property, Plant and Equipment, Infrastructure. The year to date rates collection was $5.244 million, which was $0.343 million lower compared to same time last year.

Council’s overall financial position at the end of September 2020 is considered sound and continues to be closely monitored to ensure the achievement of budgeted outcomes whilst closely monitoring the impact of the COVID-19 pandemic.

|  |
| --- |
| Recommendation  **That Council receives the Quarterly Financial Report – September 2020.** |

Background

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





*Income Statement*

The main changes within the Income Statement are as follows:

 Operating Income - $0.049 million favourable

 Favourable in “Grants - operating” ($0.089m) due to new funding received since the adoption of the budget.

 Operating Expenses - $0.270 million favourable

 Favourable in “Materials and services” ($0.215m). This is mainly due to the timing of payments made to contractors relating to various Council services and one-off projects.

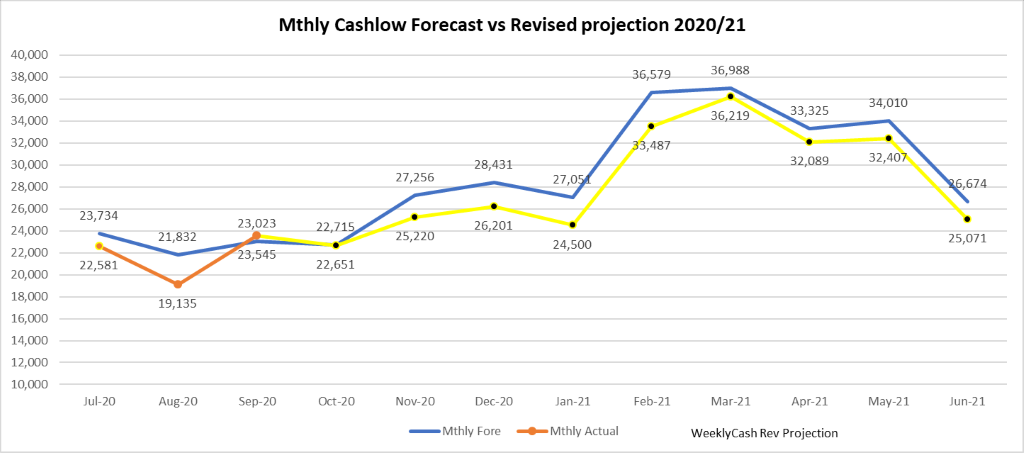
*Balance Sheet and Cashflow Statement*

The Balance Sheet reflects Council’s financial position as at 30 September 2020 and is prepared in compliance with the Australia Accounting Standards. The Cashflow Statement captures Council’s cash movement for the period.

Council is showing a cash position of $25.390 million, which is $3.553 million more than the year to date Amended Budget.

Council’s year to date rates debtor collection was $5.244 million, which was $0.343 million lower than same time last year. Current rate debtor balance is $34.6 million. The 2020/21 Budget was adopted on 15 July 2020, compared to 3 July 2019 for 2019/20 Budget. This contributed to 2020/21 rates notices being delivered around 3.5 weeks late than 2019/20 timeframe. As a result, rates collection was less than same time last year, compounded by 2019/20 4th instalment deferral concession and payment plan applications due to COVID-19 impact.

Council’s Balance Sheet continues to show a strong net position. This is represented by $651.779 million of assets which is largely made up of Council Property, Infrastructure, Plant and Equipment. Council’s total liabilities are $28.368 million, which results in net assets of $623.411 million.



\*graph is prepared on a weekly basis and not a fixed month end

*Capital Improvement Program (CIP)*

Total capital expenditure at the end of September 2020 is $2.790 million, which is $1.057 million less than the year-to-date budget. This is mainly due to timing variances with Road works. The major items of expenditure so far are; Bacchus Marsh Racecourse and Recreation Reserve, Preplanning for Bacchus Marsh Indoor Recreation Facility, Grey Street Kerb and Channel, and Plant Replacement.

Proposal

That Council receives the Quarterly Report – September 2020.

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 adopt the Quarterly Report – September 2020 is consistent with the Council Plan 2017 - 2021.

Risk & Occupational Health & Safety Issues

There are no identified risks associated with this process.

Communications & Consultation Strategy

To Council, through the Ordinary Meeting of Council on 2 December 2020, and to the Audit and Risk Committee meeting on 9 December 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 130 of the Local Government Act 2020, 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.

*Manager – Steve Ivelja*

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

Conclusion

That Council’s overall financial position at the end of September 2020 is considered sound and Council note the September Quarterly Report.

14.3 2017-2021 Council Plan First Quarter Progress for July - September 2020

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

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

**Attachments: 1. Quarterly Council Plan Action Report July - Sept 2020 (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

 Overall there are 47 actions to be achieved this financial year.

 Progress is being made on all actions of the 2017 - 2021 Council Plan

|  |
| --- |
| Recommendation  **That Council resolve to receive the 2017-2021 Moorabool Shire Council Plan – First Quarter Progress Report for July - September 2020.** |

Background

The Four Strategic Objectives outlined in the Council Plan and that guides 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.

Quarterly performance reporting allows Council to effectively measure, monitor, review and report on its performance, while providing open and transparent reporting to the community. This report presents the first quarter progress performance against the actions set for the   
2020/21 financial year.

Proposal

The 2017 – 2021 Moorabool Shire Council Plan – First Quarter Progress Report July – September 2020 is provided as Attachment 1.

Overall there are 47 actions to be achieved this financial year.

Of these actions for the first quarter period, 41 actions have reached 90% or greater of their target for the period, 3 actions have achieved between 60% and 90% of their target and 2 actions are at less than 60% of their target. One action is due to commence in the next quarter.

The following table summarises the status of those actions set to be achieved in the 2020/21 financial year:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Strategic Objective** | **Completed** | **In Progress** | **Deferred** | **Not Started** | **Total** |
| Providing Good Governance and Leadership | - | 15 | - | 3 | 18 |
| Minimising Environmental Impact | - | 7 | - | - | 7 |
| Stimulating Economic Development | - | 8 | - | 1 | 9 |
| Improving Social Outcomes | - | 11 | - | 2 | 13 |
| Totals | - | 41 | 0 | 6 | 47 |

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 annual 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 130 of the *Local Government Act 2020*, 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, there are 47 actions being reported on for 2020/21. Progress is being made on all actions of the Council Plan for the first quarter of the 2020/21 financial year.

14.4 Delegated Committees of Council - Reports

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

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

**Attachments: Nil**

**Purpose**

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* and now, *Local Government Act 2020*. The Council could not delegate certain powers as specifically indicated in Section 86(4) of the *Local Government Act 1989* and cannot delegate those powers identified in section 11(2) of the *Local Government Act 2020*.

Delegated Committees are required to report to Council at intervals determined by the Council.

**Executive Summary**

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

|  |  |  |
| --- | --- | --- |
| Committee | Meeting Date | Council Representative |
| Development Assessment Committee Meeting - [Minutes](https://www.moorabool.vic.gov.au/sites/default/files/largefiles/DAC%20Minutes%20Final.DOCX) | 19 August 2020 | All Councillors |
| Development Assessment Committee Meeting - [Minutes](https://www.moorabool.vic.gov.au/sites/default/files/DAC%20Minutes%20160920.DOCX) | 16 September 2020 | All Councillors |
| Moorabool Growth Management Committee Meeting - [Minutes](https://www.moorabool.vic.gov.au/sites/default/files/MGM%20Minutes%20020920.docx) | 2 September 2020 | All Councillors |

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| **Recommendation**  **That Council receive the minutes from the following Delegated Committees of Council:**  **1. Development Assessment Committee Meetings 19 August 2020 and 16 September 2020**  **2. Moorabool Growth Management Committee Meeting 2 September 2020.** |

14.5 Advisory Committees of Council - Reports

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

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

**Attachments: 1. Minutes - Audit and Risk Advisory Committee Meeting - 13 May 2020 (under separate cover)**

**2. Minutes - Heritage Advisory Committee Meeting - 17 June 2020 (under separate cover)**

**3. MInutes - Heritage Advisory Committee Meeting - 19 August 2020 (under separate cover)**

**Purpose**

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

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

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

**Executive Summary**

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

|  |  |  |
| --- | --- | --- |
| Committee | Meeting Date | Council Representatives |
| Audit and Risk Advisory Committee Meeting | 13 May 2020 | Cr. Dudzik, Cr. Keogh |
| Heritage Advisory Committee Meeting | 17 June 2020 | Cr. Tatchell |
| Heritage Advisory Committee Meeting | 19 August 2020 | Cr. Tatchell |

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| **Recommendation**  **That Council receive the following Advisory Committee reports:**  **1. Audit and Risk Advisory Committee Meeting Minutes 13 May 2020; and**  **2. Heritage Advisory Committee Meeting Minutes 17 June 2020 and 19 August 2020.** |

14.6 Instrument of Appointment and Authorisation of Council Officers under Section 147(4) of the Planning and Environment Act 1987

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

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

**Attachments: 1. Instrument of Appointment and Authorisation (Planning and Environment Act 1987) (under separate cover)**

Purpose

The purpose of this report is to update appointments and authorisations of Council officers.

Executive Summary

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

 Only Council can appoint and revoke the appointment of authorised officers under the *Planning and Environment Act 1987*.

|  |
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| Recommendation  **That Council:**  **1. Approves under the common seal of Council, the attached Instrument of Appointment and Authorisation of Council officers under section 147(4) of the *Planning and Environment Act 1987*.**  **2. Revokes the previous Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987,* which was approved by Council on 6 May 2020, with such revocation to take effect immediately upon execution of the Instrument of Appointment and Authorisation referred to in point 1, above.** |

Background

Section 313 of the *Local Government Act* *2020* authorises the relevant officers either generally or in a particular case 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 2020*, an Instrument of Appointment and Authorisation is now presented to Council, as attached, 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 313 of the *Local Government Act* *2020* for the purpose either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in the instrument.

The attached Instrument of Appointment and Authorisation reflects the following changes:

 Commencement of the following staff:

 Jyoti Makan, Senior Statutory Planner

 Patrick Armstrong, Major Developments Advisor

 Peter Falland, Coordinator Planning and Building Administration Services

 Stewart Steele, Team Leader Community Safety

 Victoria Trembath, Senior Environmental Health Officer

 Removal of the following staff:

 Anne Wilson, Senior Strategic Planner

 Brenton Hann, Statutory Planner

 The commencement of the *Local Government Act 2020.*

 Changes to staff titles.

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 preparation of this Instrument of Appointment and Authorisation of Council Officers under section 147(4) of the *Planning and Environment Act 1987* is consistent with the 2017 - 2021 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 appointment and authorisation from Council.

Communications & Consultation Strategy

No communication & consultation strategy is required as this is an internal process only.

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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager Customer Care and Advocacy – 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

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

14.7 Appointments to Community Asset Committees of Council

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

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

**Attachments: Nil**

**Purpose**

The purpose of this report is to formally appoint Councillor representatives and committee members to Councils Community Asset Committees (formerly known as Section 86 Special Committees or Committees of Management) for the 2020/21 year.

**Executive Summary**

 Council’s Committees of Management are currently established as special committees under section 86 of the Local Government Act 1989. However, the provisions relating to section 86 special committees contained in the *Local Government Act 1989* have been replaced with provisions relating to a new type of committee known as Community Asset Committees, as part of the recent introduction of the *Local Government Act 2020*.

 Community Asset Committees support the operation of Council, assist with Council’s decision-making processes, expand stakeholder and community engagement and provide a framework for Council to receive community feedback and external advice.

 This report recommends the appointment of Councillor representatives to the Bacchus Marsh Public Hall, Blacksmiths Cottage & Forge and Greendale Recreation Reserve Community Asset Committees; and the appointment of committee members to all Community Asset Committees as indicated.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Recommendation**  **That Council:**  **1. Pursuant to section 65 of the *Local Government Act 2020* retains the following Committees of Management as Community Asset Committees, to assist the Council in performing its functions and duties in the manner as currently prescribed in the Instruments of Delegation approved by the Chief Executive Officer and appoints the following Councillor representatives and Committee members to the Community Asset Committees as set out below:**   |  |  | | --- | --- | | **Community Asset Committee** | **Councillor Representative and Committee Members 2020/21** | | **Bacchus Marsh Public Hall** | **Cr Dudzik**  **Committee Members:**  **David Childs**  **Keith Currie**  **Eric Daws**  **Stuart Deagan**  **John Faulkner**  **John Ginnane**  **Gary John Treloar** | | | **Blacksmith’s Cottage and Forge** | **Cr Edwards**  **Committee Members:**  **Betty Charge**  **Alan Comrie**  **Lynette Egan**  **Simon Fisher**  **Ron Geurts**  **Heather Robson**  **Margaret Simpson**  **Chrissy Stancliffe**  **Geoff Stancliffe**  **Helen Whitely** | | | **Dunnstown Recreation Reserve** | **Committee Members:**  **Jaye Cahir**  **Sam Leneghan**  **Chris Leonard**  **Kellie Leonard**  **Pat Leonard**  **Greg Murphy**  **Joel Murphy**  **Shane Murphy**  **Fran Peterkin**  **Barry Sheehan**  **Trish White** | | | **Gordon Public Hall** | **Committee Members:**  **Beryl Forster**  **Frank Higgins**  **Kate Galloway**  **Lin Lawson**  **Maree Brooks**  **Sandra Baker**  **Sandra Jarrett** | | | **Greendale Recreation Reserve** | **Cr Munari**  **Committee Members:**  **Sarah Duncanson**  **Nick Myrianthis**  **Philip O’Keefe**  **Eddie Salwe**  **John Speed** | | | **Lal Lal Soldiers’ Memorial Hall** | **Committee Members:**  **Ann Crick**  **John Crick**  **Graeme Diamond-Keith**  **Ursula Diamond-Keith**  **Geoff Hewitt**  **Kristina Kitchingman**  **Engels Leoncini**  **John McAuliff**  **Peter Witherspoon**  **Susanne Witherspoon** | | | **Maddingley Park** | **Cr Berry**    **Committee Members:**  **Nigel Bullen**  **Heather Chambers**  **Steven J Crowe**  **Dorothy Hazell**  **Russell Hendry**  **Nadine Homewood**  **David Kraljik** | | | **Millbrook Community Centre** | **Committee Members:**  **Lindsay Wilfred Grey**  **Amanda Labbett**  **Mark Labbett**  **Michelle O’Brien**  **Georgina Reynolds**  **Luke Reynolds**  **Yovanka Reynolds**  **Andrea Weigall**  **Mark Weigall** | | | **Navigators Community Centre** | **Committee Members:**  **Wayne Austin**  **Michael Clark**  **Tarsha Gore**  **Ole Kelderman**  **Paul Mullane**  **David Reyne**  **Alan Rogers**  **Kenneth Turner** | | | **Wallace Public Hall** | **Committee Members:**  **Josie Donegan**  **Leanne O’Neil**  **Darren Quinlan**  **Alan Tiley**  **Karen Tiley** | | | **Wallace Recreation Reserve** | **Committee Members:**  **Jason Carey**  **Maurice Mahar**  **Paul Mahar**  **Leanne O’Neil**  **Jacob White**  **Kenneth Williams** | |   **2. Notifies each Community Asset Committee of their respective appointments.**  **3. Authorises the Chief Executive Officer to approve the appointment of new members to the Community Asset Committees where extraordinary vacancies and new nominations occur throughout the year.**  **4. Dissolve the following Committees due to not achieving the number of member nominations required to transition to Community Advisory Committees:**  **(a) Bacchus Marsh Racecourse and Recreation Reserve**  **(b) Bungaree Hall**  **(c) Elaine Recreation Reserve Committees of Management.**  **5. Resume the day to day administration and management of the Bacchus Marsh Racecourse and Recreation Reserve, Bungaree Hall and Elaine Recreation Reserve.** |

**Background**

The Committees of Management were originally established as special committees under section 86 of the Local Government Act 1989. However, the provisions relating to section 86 special committees which were contained in the *Local Government Act 1989*, have been recently repealed due to the introduction of the *Local Government Act 202*0 (the Act).

Section 65 of the Act contains provisions which relate to a new type of committee known as Community Asset Committees, to manage Council assets. In order to facilitate the transition from Section 86 Committees to Community Asset Committees, Council needs to make the required appointments of Councillor Representatives and Committee members.

These committees assist Council by executing specific functions or duties in accordance with their instrument of delegation. Under that Act, the Chief Executive Officer may delegate to the committees such functions and powers of the Council that are deemed appropriate for the management and operations of a community asset in the municipal district.

**Proposal**

The Community Asset Committees act as an agent of Council (not as an independent entity) in managing the Council assets entrusted in the Committee’s care by:

 Undertaking the management of the facilities on Council’s behalf;

 Undertaking improvements to the facilities subject to the Council’s approval;

 Ensuring the facilities are available for public use;

 Collecting rentals and charges from the users of the facilities for casual hire;

 Expending funds on maintaining and improving the facilities for the better use and enjoyment by the community and public; and

 Consulting and collaborating with Council on all major works and capital works development to ensure compliance with legislative requirements.

Therefore, it is appropriate for the Councillor representatives and nominated Committee members to the Community Asset Committees.

The committees of Management where Councillor representatives were previously appointed are listed in the following table:

|  |  |
| --- | --- |
| **Committees of Management** | **Council Representative** |
| Bacchus Marsh Public Hall | Cr. Bingham |
| Blacksmith’s Cottage and Forge | Cr. Edwards |
| Greendale Recreation Reserves | Vacant |

Nominations have been sought from the members of Councils former Section 86 Committees, to confirm their willingness to transition to the Community Asset Committee. Those committee members that have nominated, have been recommended for appointment.

The following committees did not receive sufficient nominations to transition to Community Asset Committees, therefore it is recommended these Committees be formally dissolved and that the day to day management and booking of these facilities is resumed by Council Officers:

 Bacchus Marsh Racecourse and Recreation Reserve

 Bungaree Hall

 Elaine Recreation Reserve Committees of Management.

Accordingly, all assets held on behalf of Council by the former committees will be required to be returned to Council.

**Council Plan**

The Council Plan 2017-2021 provides as follows:

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

**Context 1B: Our People**

Our people are our Councillors, staff, contractors and volunteers and are key to the planning and delivery of valued services to our communities and to the organisation.

The appointment of Councillors and volunteers to the various Committees Council has in place assist in achieving stated objectives and future visions as set out in the Council Plan.

**Financial Implications**

There are no financial implications as a result of presenting this report.

**Risk & Occupational Health & Safety Issues**

There are no identified Risks or OH&S implications as a result of presenting this report.

**Victorian Charter of Human Rights & Responsibilities Act 2006**

The model associated with hall and recreation reserve Committees of Management fosters community cohesion and encourages active participation in civic life.

**Officer’s Declaration of Conflict of Interests**

Under section 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*Chief Executive Officer – Derek Madden*

In providing this advice to Council as the Chief Executive Officer, 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 appointment of Councillor Representatives and Committee members to the Community Asset Committees ensures that Councils facilities such as its community halls and reserves are being managed in the best interests of the entire Moorabool Community.

14.8 Appointment of Councillors to Advisory Committees of Council

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

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

**Attachments: Nil**

Purpose

The purpose of this report is to allow Council to formally elect representatives to Advisory Committees for the 2020 year.

Executive Summary

 The appointment of Councillors as representatives on advisory committees plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the Moorabool community.

 The provisions of the new Local Government Act 2020 relating to the Audit and Risk Committee were proclaimed on 1 May 2020 and required Council to prepare and approve a new Audit and Risk Committee Charter. At its meeting held 26 August 2020, Council adopted the Charter and appointed Independent Members of the Committee.

 This report seeks to consolidate all Councillor appointments; therefore, the Australia Day Award Selection Panel has been incorporated. It is recommended that Council appoint members to this Panel in preparation for this year’s assessment, but also retains these appointments for the 2021 Panel given these appointments are required prior to the presentation of this report next year.

|  |
| --- |
| Recommendation  **That Council:**  **1. Appoints representatives to the following Advisory Committees of the Council to assist the Council in performing its functions and duties in the manner as currently prescribed and as provided for in the terms of reference authorised by Council:**  **a) Audit and Risk Advisory Committee**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub)**  **b) Australia Day Award  Selection Panel (for years 2020 and 2021)**  **Mayor, Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **c) Bacchus Marsh District Trails Advisory Committee**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub)**  **d) Bacchus Marsh Leisure Centre Joint Use Management Agreement Advisory Committee**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub)**  **e) Economic Development Taskforce Advisory Committee: All Councillors**  **f) Heritage Advisory Committee**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub)**  **g) Lal Lal Falls Reserve Advisory Committee of Management**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub)**  **h) Local Business Advisory Committee**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub)**  **i) Moorabool Environment & Sustainability Advisory Committee**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub)**  **j) Moorabool Health and Wellbeing Advisory Committee**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub)**  **k) Positive Ageing Advisory Committee**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub)**  **2. Notify the Committees of the appointment arrangements.** |

Background

Council has the ability to create a committee by resolution as an Advisory Committee.

These types of Committees have no specific delegated powers to act on behalf of Council or commit Council to any expenditure unless resolved explicitly by Council following recommendation from the Committee. Their function provides substantial expertise to the Council’s planning by way of advisory recommendations.

The performance of specified statutory obligations of the Council are not placed upon these Committees. However, Council has the legislative ability to delegate authority and amend the operations and/or charter of individual Committees should circumstances warrant.

PROPOSAL

The following Advisory Committees have been established by Council.

1. Audit and Risk Committee

The *Local Government Act 2020* provides for Council to establish an Audit and Risk Committee.

The purpose of the Audit and Risk Committee is to support Council by providing oversight of its financial and performance reporting, risk management, fraud prevention systems and control, internal control environment, internal and external audit and Council’s performance with regard to compliance with its policies and legislative and regulatory requirements.

The 2020 representatives for this committee were Cr. Dudzik and Cr. Keogh.

2. Australia Day Award Selection Panel

Each year, Moorabool Shire Council hosts Australia Day Awards in recognition of individuals and community groups who have made an outstanding contribution to Moorabool Shire, or given outstanding service to the local community.

The purpose of the Australia Day Award Selection Panel is to determine the annual award recipients for Australia Day; the panel meets once per year (usually in late November of each year) to consider nominations and to form recommendations for Council endorsement (usually in December of each year).

As the Awards include a Mayoral Award it is recommended that the Mayor be an appointed panel member.

The 2019 representatives for this Panel were Cr. Tatchell, Cr Bingham and Cr. Keogh.

3. Bacchus Marsh District Trails Advisory Committee

The District Trails Advisory Committee comprises interested community members to advise Council on the development and integration of the community trails in the Bacchus Marsh district.

The 2020 representative for this committee was Cr. Bingham.

4. Bacchus Marsh Leisure Centre Joint Use Management Agreement Advisory Committee

Established in 2003, this Committee was convened for the purpose of regulating the ongoing shared school and community use of the facility and to ensure the effective management and operation of the facility.

The 2020 representative for this committee was Cr. Edwards.

5. Economic Development Taskforce Advisory Committee

The Economic Development Taskforce Advisory Committee was established in April 2018. The role of the Committee is to provide an oversight of economic development objectives and to provide advice on the development, promotion and implementation of strategies and initiatives. This includes the identification and development of investment opportunities.

All Councillors are representatives on this Committee.

6. Heritage Advisory Committee

The Heritage Advisory Committee was established to advise Council on the conservation, promotion and education of heritage matters within the Shire.

The 2020 representatives for this committee was Cr. Tatchell and Cr Keogh (sub).

7. Lal Lal Falls Reserve Advisory Committee of Management

The Lal Lal Falls Reserve Advisory Committee was created to provide advice on the development and management of this significant natural reserve.

The 2020 representative for this committee was Cr. Sullivan.

8. Local Business Advisory Committee

The purpose of the Local Business Advisory Committee is to provide advice to Council in relation to the growth of the Moorabool Shire economy and the generation of local employment opportunities through increased levels of investment and business development.

This Committee was established in July 2020.

9. Moorabool Environment & Sustainability Advisory Committee

The Moorabool Environment & Sustainability Advisory Committee comprises members of the community with land care experience or interest to advise Council on matters of land care policy, planning and development.

The 2020 representative for this committee was Cr. Keogh.

10. Moorabool Health and Wellbeing Advisory Committee

The Moorabool Health and Wellbeing Advisory Committee comprises community members to assist in the development of Council’s Health and Wellbeing Strategy and Plan.

The following organisations and groups are nominated for the 2020 term:

 Djerriwarrh Health Services

 Department of Justice – Grampians Region

 Victoria Police – Bacchus Marsh

 Central Highlands Primary Care Partnership

 Women’s Health Grampians

 Darley Neighbourhood House and Early Learning Centre

 Ballan and District Community House and Adult Education Centre

 Highlands Local Learning and Employment Network

 Sports Central

 Department of Health and Human Services

 North West Melbourne Primary Health Network

The 2020 representative for this committee was Cr. Dudzik.

11. Positive Ageing Advisory Committee

The Positive Ageing Advisory Committee was established by Council on Wednesday   
7 November 2018.

This Committee provides an opportunity for informed discussion on issues impacting upon older members of the Shire and increases community awareness of the particular needs and aspirations of older members of the community through collaboration and consultation.

The 2020 representatives for this committee was Cr. Tatchell and Cr Keogh (sub).

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 4: Improve Social Outcomes**

**Context 1B: Our People**

Our people are our Councillors, staff, contractors and volunteers and are key to the planning and delivery of valued services to our communities and to the organisation.

The appointment of Councillors to the various Advisory Committees of Council assists in achieving stated objectives and future visions as set out in the Council Plan.

Financial Implications

There are no financial implications as a result of presenting this report.

Risk & Occupational Health & Safety Issues

There are no identified Risks or OH&S implications as a result of presenting this 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager Community Care & Advocacy – Caroline Buisson*

In providing this advice to Council as the General Manager Community Care & Advocacy, 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

It is considered that in the interest of the whole community, the appointment of Councillors to Advisory Committees will ensure a coordinated focus on high level strategic projects, decision making and proposed initiatives.

14.9 Appointment of Councillor Representatives to Delegated Committees

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

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

**Attachments: Nil**

Purpose

The purpose of this report is to allow Council to review and formally make appointments to its Delegated Committees for the 2021 year.

Executive Summary

 In accordance with s.63 of the *Local Government Act 2020*, Council may establish one or more Delegated Committees consisting of at least two Councillors and may include any other persons.

 At its meeting held on 26 August 2020, Council resolved to establish the delegated committees of Council known as the Development Assessment Committee and the Moorabool Growth Management Committee, appointing all Councillors as members of both committees until the end of that electoral term.

|  |
| --- |
| Recommendation  **That Council:**  **1. Appoint the following as members of its delegated committees for the 2021 year as indicated:**  **a) Development Assessment Committee: All Councillors.**  **b) Moorabool Growth Management Committee: All Councillors.** |

Background

Council may establish one or more Delegated Committees of the Council, which must include at least two Councillors and may include any other persons appointed to the delegated committee by the Council who are entitled to vote. These Committees have been established by Council under section 63 of the *Local Government Act 2020*.

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 2020*.

Proposal

**a) Development Assessment Committee**

The Development Assessment Committee is a Delegated Committee established under section 63 of the Local Government Act 2020 to act as a delegate of Council in determining planning applications made under the Planning and Environment Act 1987

The Committee also provides advice to Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through the Committee’s assessment of applications under the Act.

The Committee comprised all Councillors in 2019/20 year, it is recommended to appoint all Councillors as members for the 2021 year.

**b) Moorabool Growth Management Committee**

The Moorabool Growth Management Committee guides urban and rural growth planning within all settlements and related infrastructure across the Shire in accordance with Moorabool 2041.

The Committee comprised all Councillors in 2019/20 year, it is recommended to appoint all Councillors as members for the 2021 year.

Council Plan

The Council Plan 2017-2021 provides as follows:

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

**Context 1B: Our People**

Our people are our Councillors, staff, contractors and volunteers and are key to the planning and delivery of valued services to our communities and to the organisation.

Financial Implications

There are no financial implications as a result of presenting this report.

Risk & Occupational Health & Safety Issues

There are no identified Risks or OH&S implications as a result of presenting this 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 130 of the *Local Government Act 2020*, 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

It is considered that in the interest of the whole community, the Councillor appointment to Delegated Committees of Council will ensure a coordinated focus on high level decision making and proposed initiatives.

14.10  Council Appointments to Working Groups, Industry Bodies and Forums

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

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

**Attachments: Nil**

**Purpose**

The purpose of this report is to allow Council to formally elect representatives to Working Groups, Industry Bodies and Forums for the 2021 year.

**Executive Summary**

 The appointment of Councillors as representatives on Working Groups, Industry Bodies and Forums plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the Moorabool community.

|  |
| --- |
| **Recommendation**  **That Council:**  **1. Endorses its participation on the following Working Groups, Industry Bodies and Forums and appoints its representatives as follows:**  **a) Bacchus Marsh Aerodrome Management Committee:**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Executive Manager Community Planning & Economic Development**  **b) Ballarat Rail Action Committee:**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Chief Executive Officer**  **c) Central Highlands Community Road Safety Council:**  **General Manager Community Assets and Infrastructure**  **d) Central Highlands Councils Victoria:**  **Mayor and Chief Executive Officer**  **e) Central Highlands Local Learning and Employment Network (CHLLEN):**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **f) Corangamite Catchment Management Authority Salinity Management Overlay Development Steering Committee CCMA SMO):**  **Executive Manager Community Planning and Economic Development**  **g) Grow West Implementation Committee:**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub) and Manager Environment & Waste Education**  **h) Local Government Waste Forum – Grampians Central West Waste and Resource Recovery Region:**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub) and General Manager Community Assets and Infrastructure.**  **i) Municipal Association of Victoria:**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub).**  **j) MAV Emergency Management Committee: Chief Emergency Management Officer**  **l) Municipal Emergency Management Planning Committee (MEMPC):**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub)**  **m) Municipal Fire Management Planning Committee (MFMPC):**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **n) National Timber Councils Taskforce:**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **o) Peri Urban Group of Rural Councils:**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sub), Chief Executive Officer and Executive Manager Community Planning and Economic Development**  **p) Rural Councils Victoria:**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **q) Timber Towns:**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **r) Victorian Local Governance Association (VLGA) :**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **s) Western Highway Action Committee:**  **Cr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and General Manager Community Assets and Infrastructure**  **2. That Council notify these Working Groups, Industry Bodies and Forums of the reappointment arrangements.** |

**Background**

In order for Moorabool Shire Council to pursue its role of advocacy and represent the interests of the community, Council seeks to be represented on a variety of committees and organisations which are established not only within Moorabool Shire, but more broadly within the region and also within industry representative associations. Involvement in these areas provides the Council with a broader perspective in undertaking its policy deliberation role.

**Proposal**

The 2020 representatives for each working group, industry bodies and forums are listed below:

|  |  |
| --- | --- |
| **Working Groups, Industry Bodies and Forums** | **Council Representative 2020** |
| Bacchus Marsh Aerodrome Management Committee | Executive Manager Community Planning & Economic Development |
| Ballarat Rail Action Committee (BRAC) | Mayor; CEO |
| Central Highlands Community Road Safety Council | General Manager Community Assets and Infrastructure |
| Central Highlands Councils Victoria | Mayor; CEO |
| Central Highlands Local Learning and Employment Network (CHLLEN) | Cr. Borgelt |
| Corangamite Catchment Management Authority Salinity Management Overlay Development Steering Committee | Executive Manager Community Planning and Economic Development |
| Grow West Implementation Committee | Cr. Keogh;  Cr. Bingham (sub); and Manager Environment & Waste Education |

|  |  |
| --- | --- |
| Local Government Waste Forum – Grampians Central West Waste and Resource Recovery Region | Cr. Sullivan  Cr. Keogh (sub) and General Manager Community Assets and Infrastructure |
| MAV Emergency Management Committee | Chief Emergency Management Officer |
| (MAV) Municipal Association of Victoria | Cr. Sullivan |
| Municipal Emergency Management Planning Committee (MEMPC) | Cr. Keogh |
| Municipal Emergency Management Planning Committee (MEMPC) | Cr. Keogh |
| Municipal Fire Management Planning Committee (MFMPC) | Cr. Keogh |
| National Timber Councils Task Force | Cr. Sullivan |
| Peri Urban Councils | Mayor, Cr Keogh (sub), Chief Executive Officer and Executive Manager Community Planning and Economic Development |
| Rural Councils Victoria | Cr. Sullivan |
| Timber Towns | Cr. Sullivan |
| Victorian Local Governance Association (VLGA) | Mayor |
| Western Highway Action Committee | Cr Keogh and General Manager Community Assets and Infrastructure |

**Council Plan**

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 4: Improve Social Outcomes**

**Context 4B: Community Connectedness and Capacity**

A primary role of Council is to advocate on behalf of the interests of the local community to other communities and governments to ensure Council is promoting proposals which are in the best interests of the community.

The appointment of Councillors to the various external bodies and working groups assists in achieving stated objectives and future visions as set out in the Council Plan.

**Financial Implications**

There are no financial implications as a result of presenting this report.

**Risk & Occupational Health & Safety Issues**

There are no identified Risks or OH&S implications as a result of presenting this 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager Customer Care & Advocacy - Caroline Buisson*

In providing this advice to Council as the General Manager Customer Care & Advocacy, 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**

It is considered that in the interest of the whole community, the appointment of Councillors to external bodies and workings groups will ensure a coordinated focus on high level strategic projects, decision making and proposed initiatives.

14.11 Council Meeting Framework and Meeting Schedule

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

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

**Attachments: Nil**

**Purpose**

The purpose of this report is to allow Council to formally consider and determine its meeting schedule for the 2021 year.

**Executive Summary**

 The adoption of a meeting schedule provides greater certainty and advance notice for the residents of Moorabool of its Council meeting cycle.

|  |
| --- |
| **RECOMMENDATION**  **That Council:**  **1. Adopt the following meeting framework to be convened and undertaken in accordance with the provisions of the *Local Government Act 2020* and Council’s Governances Rules:**  **a) Ordinary Council Meetings to commence in February 2021 and held thereafter on the first Wednesday of each calendar month, commencing at 6.00pm, with meetings to be held in the Council Chambers, Ballan as follows:**  **3 February, 3 March, 7 April, 5 May, 2 June, 7 July, 4 August, 1 September, 6 October,  3 November and 1 December 2021.**  **b) Development Assessment Committee (Delegated Committee of Council) meetings to commence in February 2021 and held thereafter on the third Wednesday of each calendar month, commencing at 6.00pm with the meetings to be held at the Darley Civic and Community Hub as follows:**  **17 February, 17 March, 21 April, 19 May, 16 June, 21 July, 18 August, 15 September, 20 October, 17 November and 15 December 2021.**  **c) Moorabool Growth Management Committee (Delegated Committee of Council) meetings to commence in March 2021 and held thereafter on the first Wednesday of every third calendar month, commencing at 4.00pm with the meetings to be held in the Council Chambers, Ballan as follows:**  **3 March, 2 June, 1 September and 1 December 2021.**  **d) A Statutory Meeting of Council to be held in November 2021.**  **2. That the Council provides public notice, as required by Council’s Governance Rules, indicating the time, date and venue for convening Council Meetings and Council Committee Meetings, which shall be open to the public.**  **3. Authorise the Chief Executive Officer to amend the 2021 Meeting Schedule as required and advertise any meeting date changes in the local newspapers and on Council’s website in accordance with Council’s Governance Rules.** |

Background

The primary activity of the elected Council is to make decisions on policy matters and set strategic direction, whilst leaving the administrative arm of Council to implement policy and strategic direction, providing accountability and reporting back to the Council and its community.

Integral to good decision making is the provision of community consultation which acts as a guide to the decision-making processes of the elected Council. Thus, it is important that the conduct of the business of Council is open to the public and conducted in a transparent manner and providing a platform for community input.

**Proposal**

The following framework has been developed to provide for the efficient and effective conduct of the business of Council, in a manner which enables a transparent and interactive decision-making process involving Moorabool Shire Council and the community, leading to effective decision-making protocols.

1. Council Meetings

One Council Meeting to be held each calendar month, on the first Wednesday, commencing at 6.00pm with meetings to be held in the Council Chambers, Ballan.

The Council Meeting generally considers matters listed under the services areas of Governance, Assets & Infrastructure, Community Strengthening and Customer Care & Advocacy relating to policy and statutory obligations in addition to statutory planning and strategic land use planning.

2. Council Delegated Committees

(a) Development Assessment Committee

One Development Assessment Committee to be held each calendar month, on the third Wednesday, commencing at 6.00pm with meetings to be held at the Darley Civic and Community Hub.

The Development Assessment Committee generally considers matters, within certain delegation, associated with planning applications made under the *Planning and Environment Act 1987.*

(b) Moorabool Growth Management Committee

The Moorabool Growth Management Committee will convene four times a year, on the first Wednesday of every third month commencing March 2021 and meeting at 4.00pm. These meetings will be held in the Council Chambers, Ballan, as indicated in the attached schedule.

The purpose of the Moorabool Growth Management Committee is to guide urban and rural growth planning within all settlements and related infrastructure across the Shire in accordance with Moorabool 2041.

3. Statutory Meeting of Council

At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.

The election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the term as determined by Council as is reasonably practicable.

Together with electing a Mayor, it is also general practice to present to an annual meeting matters associated with the term of a Mayor, electing a Deputy Mayor (should Council wish to do so).

**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 financial implications as a result of presenting this report.

**Risk & Occupational Health & Safety Issues**

There are no identified Risks or OH&S implications as a result of presenting this 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 130 of the *Local Government Act 2020*, 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**

It is proposed that the 2021 meeting schedule will meet Council’s business requirements and therefore is recommended for Council endorsement.

15. Community Assets & Infrastructure Reports

15.1 Capital Improvement Quarterly Report - September 2020

**Author: Ewen Nevett, Manager Engineering Services**

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

**Attachments: 1. 2020-2021 CIP - Project Updates - Sept 2020 (under separate cover)**

Purpose

To provide Council with an overview of the progress of Council’s 2020-2021 Capital Improvement Program to 30 September 2020.

Executive Summary

The delivery of the 2020-2021 Capital Improvement Program is on schedule with 38% of the projects are either underway, soon to commence or soon to be awarded.

|  |
| --- |
| Recommendation  **That Council resolves to receive the Capital Improvement Program quarterly report to 30 September 2020.** |

Background

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

Proposal

This quarterly report provides Council with an overview of the progress of Council’s 2020-2021 Capital Improvement Program to 30 September 2020.

Implementation of the 2020/2021 Capital Improvement Program

The 2020-2021 Capital Improvement Program currently consists of 73 projects. This number may be adjusted throughout the year as other projects become active.

This list incorporates projects from various sources including but not limited to the following:

 Projects carried forward from 2019-2020 program;

 2020-2021 Council budgeted projects;

 Grant funded projects.

The Community Assets & Infrastructure Directorate nominates 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status.

The table below summarises the overall program status as at 30 September 2020:

|  |  |  |
| --- | --- | --- |
| **CIP Program Delivery Stage** | **Actual as of**  **30 September 2020** | |
| **No. of Projects** | **%** |
| Not Commenced (inactive/on hold) | 5 | 7 |
| Not Commenced | 8 | 11 |
| Documentation/Design Preparation | 32 | 44 |
| Tender/Quote Stage | 4 | 5 |
| Project Awarded – Waiting Commencement | 11 | 15 |
| In Progress/Under Construction | 13 | 18 |
| Complete | 0 | 0 |
| **TOTAL** | 73 | 100 |

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

Program Status

At this stage of the financial year the program is generally on schedule. Five projects are “On Hold” due to unsuccessful grant funding applications, while 38% of the projects are either underway, soon to commence or soon to be awarded, with a further 44% at document preparation stage.

Only four of the 73 projects are behind program at this stage. One due to readvertising towards the end of 2019-2020 (Masons Lane Pavilion); one due to delays in gaining rail access permit approval (Woolpack Road Rail Bridge works); one due to contractor slow progress (Werribee Vale Road); and, one due to work load constraints (Griffith Street design) which will be addressed in October. In saying this, these projects are still all scheduled for completion this financial year.

Council Plan

The Council Plan 2017-2021 provides as follows:

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

**Context 1A: Our Assets and Infrastructure**

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

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications & Consultation Strategy

Progress on the Capital Improvement Program will be reported in the following formats:

 Infrastructure update on active projects Weekly

 Update on major projects Monthly

 Moorabool Matters Quarterly

 Moorabool News As required

 Report to Council Quarterly

Specific projects are communicated to the community and affected residents as required through a range of methods including but not limited to advertisements, mail outs and letter drops.

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 130 of the *Local Government Act 2020*, 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 – Ewen Nevett*

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

Conclusion

This report provides a summary of the progress of the Capital Improvement Program for the first quarter of the 2020-2021 period for the information of Councillors.

15.2 Bacchus Marsh Sports Precinct - Masterplans - Peppertree Park and Mill Park, Ballan

**Author: Corinne Jacobson, Coordinator Major Projects**

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

**Attachments: 1. Masterplan Documentation (under separate cover)**

**2. Community Engagement Summary Report (under separate cover)**

Purpose

To present the Masterplan options for Peppertree Park, Bacchus Marsh and Mill Park, Ballan to the Council for adoption.

Executive Summary

Two masterplan options have been developed for both Peppertree Park, Bacchus Marsh and Mill Park, Ballan.

Community consultation commenced in March 2020 via the online Community Consultation Platform Social Pinpoint. Relevant stakeholder groups were contacted directly, and promotion of the social pinpoint site was undertaken via newspapers, social media and Council’s website.

|  |
| --- |
| Recommendation  **That Council:**  **1. Adopts the masterplans for the following two reserves:**  **(a) Peppertree Park, Bacchus Marsh Masterplan**  **(b) Mill Park, Ballan Masterplan**  **2. Refers the items to the long-term Capital Improvement Program for implementation**  **3. Requests a report on the ongoing operation or closure of the outdoor pools at Bacchus Marsh and Ballan for consideration at a future meeting of Council.** |

Background

In December 2019, Council awarded a contract to Peddle Thorp Architects as Principal Consultant for the preparation of masterplan options for the Bacchus Marsh Sports Precinct and the preplanning and design for an Indoor Sports and Aquatic Centre in Bacchus Marsh.

The project includes:

(a) Masterplans for:

(i) Bacchus Marsh Sports Precinct including Maddingley Park, Siberia, Taverner Street and Peppertree Park;

(ii) Mill Park, Ballan.

(b) Concept Design and Schematic Design of an Indoor Sports Centre (Stage 1) and Aquatic Facility (Stage 2)

(c) Detailed design and documentation of Indoor Sports Centre (4 Courts)

(d) Contract documentation and contract administration for Indoor Sports Centre

(e) Design and documentation of new Splash Parks in Bacchus Marsh and Ballan.



Masterplan Development

Preliminary masterplan work was completed for all sites except for Maddingley Park to go to community consultation. Information and ideas were sought from the community for Maddingley Park and Mill Park and Peppertree Park (beyond the swimming pool) which was considered in the development of full masterplans for these parks.

The masterplan development provided for the following options:

|  |  |  |
| --- | --- | --- |
| **Site** | **Option 1** | **Option 2** |
| **Peppertree Park** | Retain existing pool and provide new splash park.  Improvements to picnic facilities and park furniture, new public amenities, new nature playground, refurbishment of the existing amphitheatre, upgrading the existing car park. | Decommission existing pool and provide new large-scale pool.  Improvements to picnic facilities and park furniture, new public amenities, new nature playground, refurbishment of the existing amphitheatre, upgrading the existing car park. |
| **Mill Park** | Retain existing pool and provide new splash park.  Provide skate park, pump track, half basketball court, improved car parking, new pathways, new public amenities and upgrades to the existing playground. | Decommission existing pool and provide new large-scale pool.  Provide skate park, pump track, half basketball court, improved car parking, new pathways, new public amenities and upgrades to the existing playground. |

Community Consultation

Following the development of masterplan options for the Bacchus Marsh Sports Precinct covering the 5 sites, the Project was presented to project stakeholders and the broader community for feedback and input.

Given the situation relating to COVID-19 and the enforcement of social distancing, face to face consultation was not an option for engagement. User groups and the wider community were consulted with via the online platform, Social Pinpoint.

Social Pinpoint is an online community consultation platform where people can provide feedback which others can then comment on, agree or disagree. The project was advertised for consultation for a week period commencing on Tuesday 31 March 2020 through to Sunday 19 April 2020. This has approach has been very successful having received high levels of engagement with 5,466 visits to the site. The Facebook post reached 17,318 people with 4,486 clicking on the link.

Information and ideas were sought from the community for Maddingley Park, Mill Park and Peppertree Park. Generally, feedback was positive for both Peppertree Park and Mill Park. There was strong support to retain the existing outdoor pools.

Further consultation with user groups and the Committee of Management is currently in progress and the masterplan for Maddingley Park will be brought backs to Council in February for endorsement.

Proposal

Adoption of masterplans for Peppertree Park and Mill Park. The options developed for both sites provides for short term option to retain the existing pools with long term removal of the pools, should that the ultimate decision of Council.

A further report will need to be presented to Council at a future meeting date regarding the future of pools.

Council Plan

The Council Plan 2017-2021 provides as follows:

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

**Context 1A: Our Assets and Infrastructure**

The proposal to adoption the Masterplan for Peppertree Park, Bacchus Marsh and the Masterplan for Mill Park, Ballan. is consistent with the Council Plan 2017 – 2021.

Financial Implications

If the recommendation to adopt masterplans for Peppertree Park and Mill Park is approved, the delivery of these projects will need to be considered in future years budgets, with an allocation already made in 20/21. Construction of splash parks is currently included in Council’s Strategic Financial Plan with funding in 2021/2022 and 2022/2023.

Risk & Occupational Health & Safety Issues

| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| --- | --- | --- | --- |
| Community Need and reputation | Exposes Council to a number of service gaps if priorities in the masterplan are not implemented. | High | Future strategic planning for high priority recommendations identified in context of other capital priorities. |
| Financial | Inadequate financial management.  Ability to fund and progress actions set out in plan. | High | Pursue external funding options. |

Communications & Consultation Strategy

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Consult | Community | Social Pinpoint | Online | March/April 2020 | Feedback was incorporated (where possible) into the options developed. |

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 130 of the *Local Government Act 2020*, 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 – Corinne Jacobson*

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

Conclusion

Community consultation for the Bacchus Marsh Sports Precinct masterplan has been carried out. Two options have been developed for both Peppertree Park, Bacchus Marsh and Mill Park, Ballan. Overall community response to the projects has been positive. Adoption of the masterplans for Peppertree Park and Mill Park will allow priority projects at these sites to be budgeted for and constructed in the capital program.

15.3 Establishment of a Municipal Emergency Management Planning Committee

**Author: Cherie Graham, Chief Emergency Officer**

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

**Attachments: 1. MEMPC Terms of Reference Guidelines (under separate cover)**

Purpose

On 21 August 2018, the Emergency Management Legislation Amendment (EMLA) Act 2018 received Royal Assent and inserts and amends sections of the Emergency Management Act 2013. The introduction of the EMLA Act 2018 was completed in three stages being, state, regional and municipal level changes.

For many years, Council has chaired, organised and participated in the Municipal Emergency Management Planning Committee (MEMPC). The MEMPC was made up of Council staff and our Emergency Management (EM) partners in the Grampians Region and works through current EM issues and identifies and plans for hazards.

Due to changes that will come into effect next month, the structure of the MEMPC will change going forward and needs to be approved as close to 1 December 2020 as possible to meet new emergency management planning legislation requirements.

A resolution from Council is required to disestablish the current MEMPC and to authorise the CEO to establish a new MEMPC.

Executive Summary

As per Section 59 of the Emergency Management Act 2013, Council must resolve to establish a MEMPC and ideally this is delegated to the CEO. The new Moorabool Shire Municipal Emergency Management Planning Committee must consist of members or officers from the following organisations:

 Municipal Council

 Victoria Police

 Country Fire Authority

 Fire Rescue Victoria

 Ambulance Victoria

 Victoria State Emergency Service

 Australian Red Cross

 Department of Health and Human Services

After this Committee is established, the MEMPC will invite others to join including community members, members from industry and a member from a recovery agency. To establish this Committee, a resolution from Council is required.

|  |
| --- |
| Recommendation  **That Council:**  **1. Approves the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the Emergency Management Act 1986, in recognition that on 1 December these provisions are repealed by s82(2) of the Emergency Management Legislation Amendment Act 2018 and replaced by the provisions of s.68 of the Emergency Management Legislation Amendment Act 2018.**  **2. Authorises the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s.68 of the Emergency Management Legislation Amendment Act 2018 (which inserts a new ‘Part 6-Muncipal Emergency Management Planning Committees’ into the Emergency Management Act 2013 on 1 December 2020).**  **3. Notes that, under the MEMPC Terms of Reference guidelines provided and the Emergency Management Legislation Amendment Act 2018 (which inserts s59 and 59F into the Emergency Management Act 2013 on 1 December 2020), Council’s role is to establish the Committee. Once established, the Committee exists separately to Council and is not a committee of Council.** |

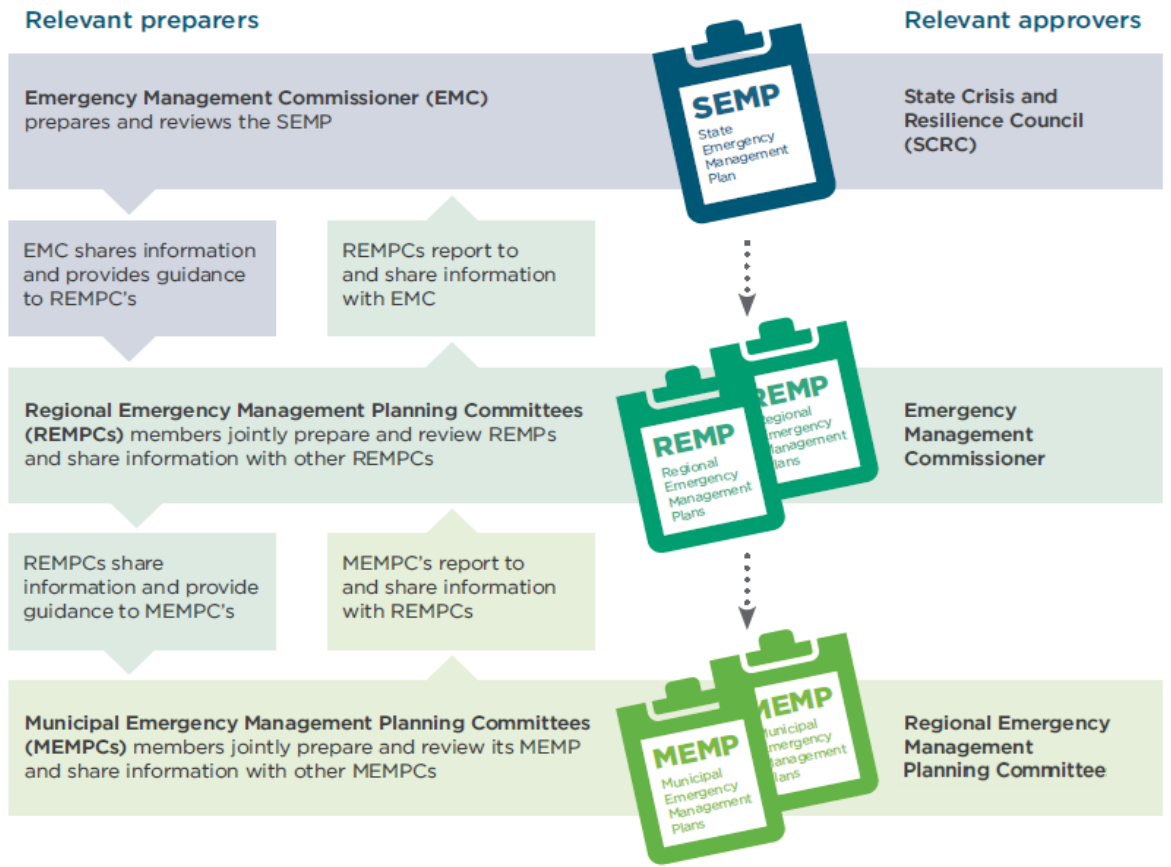
Background

On 21 August 2018, the Emergency Management Legislation Amendment (EMLA) Act 2018 received Royal Assent, and inserts and amends sections of the Emergency Management Act 2013. The introduction of the EMLA Act 2018 was completed in three stages being, State, Regional and Municipal level changes.

The new legislation addresses known and documented risks in emergency management planning by establishing an integrated, comprehensive and coordinated framework for EM planning at a State, Regional and Municipal level.

In the past, the MEMPC was made up of both EM response and recovery agencies. There was no limit to who could be a member, however only certain members were afforded voting rights. The new legislation makes this a lot clearer for all agencies and Council.

The diagram below demonstrates how the Municipal Emergency Management Plan will be developed and approved going forward.



Proposal

Disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s.21(3)-(5) of the Emergency Management Act 1986, and to delegate the establishment of the new committee to the Moorabool Shire Council CEO.

This option is recommended by officers as a new reformed Committee is required as per the Emergency Management Act 2013, and advice from Emergency Management Victoria is to delegate this responsibility to the CEO.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 4: Improve Social Outcomes**

**Context 4B: Community Connectedness and Capacity**

The proposal to establish a Municipal Emergency Management Planning Committee is consistent with the Council Plan 2017 – 2021.

Financial Implications

Nil.

Risk & Occupational Health & Safety Issues

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| Non-Compliance with new legislation | New EMLA Act 2018 municipal planning legislation comes into effect on 1 December 2020 | Medium | Establishment of new Committee as close to 1 December as practicable. |

Communications & Consultation Strategy

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Engage | Community | Meetings | Various | Regularly | After MEMPC is established, it will seek community representation on the Committee |

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 130 of the *Local Government Act 2020*, 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 – Cherie Graham*

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

Conclusion

A Council resolution is required to proceed with the changes as set out under the Emergency Management Act 2013, and the Emergency Management Legislation Amendment Act 2018. The resolution will assist Council officers to establish the MEMPC as soon as practicable after December 1 2020.

16. Other Reports

Nil.

17. Notices of Motion

Nil.

18. Mayor’s Report

19. Councillors’ Reports

20. Urgent Business

21. Closed Session of the Meeting to the Public

Nil.

22. Meeting Closure