

## ORDINARY MEETING OF COUNCIL

**Notice** is hereby given of the  
Ordinary Meeting of Council to be held at  
the James Young Room, Lerderderg Library,  
215 Main Street, Bacchus Marsh on  
Wednesday 3 April 2013,  
commencing at 7:00 p.m.

### Members:

Cr. Pat Toohey (Mayor)	Woodlands Ward
Cr. Allan Comrie	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. John Spain	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. Paul Tatchell	Central Ward
Cr. Tom Sullivan	West Moorabool Ward

### Officers:

Mr. Rob Croxford	Chief Executive Officer
Mr. Shane Marr	General Manager Corporate Services
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Community Services

**Rob Croxford**  
**Chief Executive Officer**

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**1. OPENING OF MEETING AND PRAYER**

**Almighty God be with us as we work for the people of the Shire of Moorabool.**

**Grant us wisdom that we may care for the Shire as true stewards of your creation.**

**May we be aware of the great responsibilities placed upon us.**

**Help us to be just in all our dealings and may our work prosper for the good of all.**

**Amen**

**2. PRESENT**

**3. APOLOGIES**

**4. CONFIRMATION OF MINUTES**

**4.1 Ordinary Meeting of Council – Wednesday 20 March 2013**

**Recommendation:**

**That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 20 March 2013.**

## 5. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

- a direct interest
  - (section 77A, 77B)
- an indirect interest (see below)
  - indirect interest by close association (section 78)
  - indirect financial interest (section 78A)
  - indirect interest because of conflicting duty (section 78B)
  - indirect interest because of receipt of gift(s) (section 78C)
  - indirect interest through civil proceedings (section 78D)

### Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

- (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
- (b) remain outside the room and any gallery or other area in view of hearing of the room.

The Councillor is to be notified by the Mayor or Chairperson of the special committee that he or she may return to the room after consideration of the matter and all votes on the matter.

There are important reasons for requiring this disclosure immediately before the relevant matter is considered.

- Firstly, members of the public might only be in attendance for part of a meeting and should be able to see that all matters are considered in an appropriately transparent manner.
- Secondly, if conflicts of interest are not disclosed immediately before an item there is a risk that a Councillor who arrives late to a meeting may fail to disclose their conflict of interest and be in breach of the Act.

**6. MAYOR'S REPORT**

**To be presented at the meeting by the Mayor.**

**Recommendation:**

**That the Mayor's report be received.**

**7. COUNCILLORS' REPORTS**

**To be presented at the meeting by Councillors.**

**Recommendation:**

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



## 8. PUBLIC QUESTION TIME

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

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

The person asking the question is to stand and identify themselves by name and residential address before asking the question.

All questions are to be directed to the Mayor as Chairperson, who shall determine the appropriate person to respond to the question.

**The person asking the question must be present in the gallery when the question is considered and may be asked for clarification by the Mayor.**

At the discretion of the Mayor, a lengthy question may be required to be placed into writing by the person asking the question. The Mayor may accept a question on notice, in the event that research is required to provide a response. In the case of questions taken on notice, both the question and response shall be recorded in the Minutes of the Meeting.

### ***Procedural Guidelines – Public Question Time***

A maximum of two questions may be asked by any one person at any one time.

If a person has submitted 2 questions to a meeting, the second question: may, at the discretion of the Mayor, be deferred until all other persons who have asked a question have had their questions asked and answered; or may not be asked if the time allotted for public question time has expired.

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

The Mayor will nominate the appropriate person to respond to each question. In the event that the question is directed for response by a Council Officer, it shall be referred through the Chief Executive Officer.

The Mayor may disallow any question, which is considered:

To relate to a matter outside the duties, functions and powers of Council;

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

To be confidential in nature or of legal significance;

To deal with a subject matter already answered; To be aimed to embarrass any person;

To relate to personnel matters;

To relate to the personal hardship of any resident or ratepayer;

To relate to industrial matters;

To relate to contractual matters;

To relate to proposed developments;

To relate to legal advice;

To relate to matters affecting the security of Council property; or

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

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

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

**9. PETITIONS**

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

**10. PRESENTATIONS / DEPUTATIONS**

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

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

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

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

The person making the presentation or deputation is to stand and address Council on the item. No debate on the item is permitted between the person making the presentation or delegation and the Council.

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

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

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

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

Item No	Description	Name	Position
-	-	-	-

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

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

Item No	Description	Name	Applicant/ Objector
-	-	-	-

## **11. OFFICER'S REPORTS**

### **11.1 CHIEF EXECUTIVE OFFICER**

#### **11.1.1 National General Assembly of Local Government – Call for Motions**

##### **Introduction**

File No.: 02/06/004  
Author: R Croxford

##### **Background**

The Annual National General Assembly (NGA) of Local Government provides an opportunity to contribute to the development of national local government policy and to receive updates on the top policy issues facing local government nationally.

##### **Proposal**

The NGA provides an opportunity for Councils to influence the national policy agenda by:

1. Identifying national priorities that Australian Local Government Association (ALGA) might be able to pursue at the national level; and
2. Identifying priorities that are shared by all Councils, regardless of State differences, particularly those that relate to Federal matters.

Motions presented at the 2013 NGA will propose credible ideas and policy initiatives strengthening local government's capacity to respond to social, economic and environmental changes that face Australia.

To be eligible for inclusion in the 2013 business papers, motions must:

- Fall under the NGA theme of "Foundations for the Future – Twenty 13;
- Be relevant to the work of local government nationally; and
- Complement or build on the policy objectives of State and Territory Associations.

It is proposed that the following motions be submitted to the Australian Local Government Association for review by the NGA Committee. The Committee will determine the eligibility of motions, and will consider the importance and relevance of the issue to local government.

## Motion 1

### Road Funding

That the ALGA calls on the Federal Government to re-instate the 80/20 split of funding for road projects of national significance immediately.

### National Objective

This matter is a national issue as the recent reduction of Federal funding to road projects from 80/20 to 50/50 means that a larger cost of construction falls upon the State Government. This in turn means that fewer funds will be available at the State level thus impacting on State/local government projects and funding pools.

### Summary of Key Arguments

Reduction in federal funding.  
Less infrastructure for communities.

## Motion 2

### Local Community Infrastructure Fund (LCIRF)

That the ALGA calls on the Federal government to work with local government to establish a new Local Community Infrastructure Fund (LCIRF) to support Councils in the more timely funding of renewal of assets effective from 1/7/2013.

### National Objective

This matter is a national issue as the infrastructure investment gap of all local governments is of such significance that local government cannot on its own raise enough revenues to invest in significantly reducing the gap. Those Councils that have invested in understanding their infrastructure gaps and devising a strategy will be rewarded whilst others will be encouraged to better understand the issue.

### Summary of Key Arguments

Infrastructure gap, funding streams for local governments and asset management.

## Motion 3

### FAG Funding Model

That the ALGA call on the Federal government to review the escalation methodology for FAG's from a mix of population growth and CPI to a new formula tailored more to local government cost movements.

### National Objective

This matter is a national issue as peri urban and rural Councils across the country have seen reduction in FAG payments passed on by State governments in excess of \$200,000 which is often greater than 1% of rate revenue. This shortfall will either be met by reduced services to the community, higher rates or increased debt. None of these impacts are desirable. A more equitable methodology must be used.

Summary of Key Arguments

Local government revenue sources.  
 Service reduction.  
 Financial sustainability.

**Motion 4**

R2R Funding Programs

That the ALGA call on the Federal government to make funding for the highly successful R2R program permanent and that the program be adjusted annually using the ABS contribution cost index from 1/7/2013.

National Objective

This matter is a national issue as the continued threat of the ending of the program jeopardises long term planning and certainty for road infrastructure across the country. R2R has been very successful in providing critical infrastructure to growing local governments across the country.

Summary of Key Arguments

Infrastructure, funding, long term planning.

**Motion 5**

RLCIP Funding Program

That the ALGA calls on the Federal government to re-introduce the highly successful regional local community infrastructure program (RLCIP) as part of the 2013/14 budget initiatives in order to assist smaller rural communities across the country that are unable to compete for RDAF or larger State funded programs.

National Objective

This matter is a national issue as many smaller communities have not been eligible for the past four rounds of RDAF due to the localised and smaller nature of the projects that are a priority in their local communities.

Summary of Key Arguments

Community development, funding streams, infrastructure.

**Policy Implications**

The 2009–2013 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and leadership of our community
<b>Objective</b>	Services and infrastructure that meets the Shire’s existing and future needs
<b>Strategy</b>	Develop and maintain partnerships and advocate for improved service provision by government, the private sector and not-for-profit providers

The proposal is consistent with the 2009-2013 Council Plan.

### **Financial Implications**

There are potentially significant financial implications in policy and grant program changes as a consequence of the ALGA motions.

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

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

### **Communications and Consultation Strategy**

Consultation occurred with Councillors during a March Assembly of Council that sought advice on potential motions that could be put to the NGA. Community consultation is not considered necessary at this stage.

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

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

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

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

*Author – Rob Croxford*

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

### **Conclusion**

There is opportunity to contribute to the development of national local government policy through the submission of motions to the 2013 National General Assembly, held in June in Canberra. Each motion conforms with the guidelines provided by the Australian Local Government Association, and is of national interest.



**Recommendation:****That Council:**

1. Approves the submission of the following motions to the Australian Local Government Association for consideration at the National General Assembly being held in June, 2013:
  - a. That the ALGA calls on the Federal Government to reinstate the 80/20 split of funding for road projects of national significance immediately.
  - b. That the ALGA calls on the Federal government to work with local government to establish a new Local Community Infrastructure Fund (LCIRF) to support Councils in the more timely funding of renewal works effective from 1/7/2013.
  - c. That the ALGA call on the Federal government to review the escalation methodology for FAG's from a mix of population growth and CPI to a new formula tailored more to local government cost movements.
  - d. That the ALGA call on the Federal government to make funding for the highly successful R2R program permanent and that the program be adjusted annually using the ABS contribution cost index from 1/7/2013.
  - e. That the ALGA calls on the Federal government to reintroduce the highly successful regional local community infrastructure program (RLCIP) as part of the 2013/14 budget initiatives in order to assist smaller rural communities across the country that are unable to compete for RDAF or larger State funded programs.

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**Report Authorisation****Authorised by:** 

**Name:** Rob Croxford  
**Title:** Chief Executive Officer  
**Date:** 3 April, 2013

**11.2 GROWTH AND DEVELOPMENT**

*No reports for this meeting*

## **11.3 COMMUNITY SERVICES**

### **11.3.1 Funding Cut to the School Focused Youth Service Program**

#### **Introduction**

File No: 12/12/007  
Author: Troy Scoble  
General Manager: Danny Colgan

#### **Background**

The purpose of this report is to advise the Council of the plans by the Victorian Government to discontinue the School Focused Youth Service program from the 30 June 2013 and the impact the removal of the program would have on the provision of youth programs, services and young people in the Shire.

The School Focused Youth Service program was established by the Victorian Government in 1997 as a joint initiative of the Department of Human Services and the then Department of Education. The program aims to strengthen the support to vulnerable children and young people aged between 10-18 years old by facilitating partnerships and coordination of services between schools and community service organisations at a local level. The program targets vulnerable children and young people at risk of poor learning, development, health and wellbeing outcomes.

The School Focused Youth Service (Highlands District- Grampians Region) is jointly operated by Ballarat Community Health and Child & Family Services and covers the Shire of Moorabool, Shire of Golden Plains, City of Ballarat and Shire of Hepburn.

The School Focused Youth Service assists schools directly and also provides brokerage funding to community agencies and Council to develop programs and support innovative, evidence based projects that meet the need of young people.

The Council has received support from the School Focused Youth Service in the past for activities and programs relating to support for young mums, transition from primary to secondary school and linking at risk young people to education.

The program has been a vital resource for Council and external agencies to respond to emerging youth related trends and issues especially those that can be characterised as 'of the day'. The program has promoted the development of local solutions to local needs.

Council's Youth Services team had planned to apply to the program for funding to support a regional 'Primary to Secondary Transition Expo' event being planned in partnership with the Golden Plains Shire.

**Proposal**

It is proposed that the Council write to the Victorian Premier and Minister for Youth Affairs asking the Victorian Government to retain the School Focused Youth Services program. It is also proposed that a copy of the letters be sent to local members of the Victorian Parliament.

**Policy Implications**

The 2009–2013 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Inclusive, responsive and accessible community services
<b>Strategy</b>	Support and develop youth programs and services

**Financial Implications**

The discontinuation of the funding of the School Focused Youth Services Program would remove a potential funding source for the Council and other organisations in Moorabool.

**Risk & Occupational Health & Safety Issues**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
School Focus Youth Service Program Abolished	Impact on funding required to respond to emerging youth issues in the community	Medium	Advocate to the State Government for continued youth funding support.

**Communications and Consultation Strategy**

It is recommended that representations be made to the Victorian Premier and Minister for Youth Affairs highlighting the importance of the School Focused Youth Services program to the communities of Moorabool. It is recommended that a copy of the letters be sent to local members of the Victorian Parliament.

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

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

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

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

*General Manager – Danny Colgan*

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

*Author – Troy Scoble*

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

### **Conclusion**

The Victorian Government plans to discontinue funding for the School Focused Youth Service program as at 30 June 2013. The program has been a vital resource for Council and other agencies in Moorabool to respond to emerging youth related trends and issues and has promoted the development of local solutions to local needs.

Council has been the recipient of past funding from the School Focused Youth Services program to provide young people of Moorabool with a range of programs and services.

### **Recommendation:**

#### **That Council:**

- 1. writes to the Municipal Association of Victoria (MAV) calling on them to advocate to the State Government for the retention of the School Focused Youth Services Program.**
- 2. writes to the Victorian Premier, the Hon. Denise Napthine and the Minister for Youth Affairs, the Hon. Ryan Smith calling on the Victorian Government to continue to fund the School Focused Youth Services Program.**
- 3. sends a copy of the letters to the Premier and Minister for Youth Affairs to local members of the Victorian Parliament.**

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### **Report Authorisation**

**Authorised by:**

**Name:**

**Title:**

**Date:**



Danny Colgan

General Manager Community Services

Wednesday 3 April, 2013

## **11.4 INFRASTRUCTURE SERVICES**

*No reports for this meeting*

## 11.5 CORPORATE SERVICES

### 11.5.1 Review of Procurement Policy

#### Introduction

File No.: 03/01/007  
Author: Jacinta Erdody  
General Manager: Shane Marr

#### Background

In accordance with section 186A(7) of the Local Government Act:

*“at least once in a financial year, a Council must review the current procurement policy and may, in accordance with this section, amend the procurement policy.”*

The existing Council Procurement Policy was first adopted 18 November 2009 and in accordance with legislative requirements has continued to be reviewed on an annual basis. The last formal review and adoption of the policy was 2 May 2012.

A review of the existing policy has been undertaken by the internal Procurement Steering Group (a cross functional committee that has been established to oversee all procurement related matters).

#### Proposal

As a result of the review, there are only a couple of minor adjustments being proposed, which will not affect the overall intent of the policy.

The revised policy is presented as an attachment to this report. The key change being proposed to the policy being the revised wording for the definition of “local content” in accordance with changes to the Procurement Procedures manual.

This policy will continue to be reviewed on an annual basis.

#### Policy Implications

The 2009–2013 Council Plan provides as follows:

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

### **Financial Implications**

The adoption of the revised Procurement Policy has no additional known financial implications to Council.

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

As the annual review of this policy is legislated, there is a risk of non-compliance with the Local Government Act if this policy is not reviewed annually.

### **Communications Strategy**

Once Council has adopted the revised Procurement Policy, the updated document will be communicated to all staff and will be placed on Council's website.

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

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

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

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

*General Manager – Shane Marr*

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

*Author – Jacinta Erdody*

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

### **Conclusion**

After considering the revised Procurement Policy, Council resolve to adopt the document.

### **Recommendation:**

**That Council adopts the revised Procurement Policy (CS009/Version 004).**

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### **Report Authorisation**

**Authorised by:**



**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Wednesday 3 April, 2013



# Attachment - Item 11.5.1

<b>Policy No.:</b>	CS009	<b>CS009 – Procurement Policy</b>
<b>Review Date:</b>	Annually	
<b>Revision No.:</b>	004	
<b>Policy Manual Version No.:</b>	004	
<b>Adopted by:</b>	Moorabool Shire Council	2 May 2012

## 1. PRINCIPLES

### 1.1 Background

Moorabool Shire Council: al

- Recognises that:
  - Developing a procurement policy and adopting appropriate best practice contracting and procurement principles, polices, processes and procedures for all goods, services and works by Council, will enhance achievement of Council objectives such as sustainable and socially responsible procurement; bottom-line cost savings; supporting local economies; achieving innovation; and better services for communities.
  - The elements of best practice applicable to Local Government procurement incorporate:
    - Broad principles covering ethics, value for money responsibilities and accountabilities;
    - Guidelines giving effect to those principles;
    - A system of delegations;
    - Procurement processes, with appropriate procedures covering minor, simple procurement to high value, more complex procurement; and
    - A professional approach.
- Requires that Council's contracting, purchasing and contract management activities:
  - Support Council's corporate strategies, aims and objectives including, but not limited to those related to sustainability, protection of the environment, and corporate social responsibility;
  - Span the whole life cycle of an acquisition from initial concept to the end of the useful life of an asset, including its disposal, or the end of a service contract;
  - Provide a robust and transparent audit trail which ensures that procurement projects are delivered on time, within cost constraints and that the needs of end users are fully met;
  - Achieve value for money and quality in the acquisition of goods, services and works by Council;
  - Can demonstrate that public money has been well spent;
  - Are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
  - Seek continual improvement including the embrace of innovative and technological initiatives such as electronic tendering processes to reduce activity cost;
  - Generate and support business in the local community; and
  - Comply with legislation, corporate policies or other requirements, ensuring that all staff responsible for procurement and contract management are aware of and adhere to the legislative requirements, Council standards and best practice.

## 1.2 Scope

This procurement Policy is made under Section 186a of the Local Government Act 1989.

This section of the Act requires Council to prepare, approve and comply with a Procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.

This policy applies to all contracting and procurement activities at Council.

## 1.3 Purpose

The purpose of this Policy is to:

- Provide policy and guidance to Council to allow consistency and control over Procurement activities;
- To develop sound and ethical procurement practices and systems;
- To manage risk associated with each stage of the procurement process;
- Demonstrate accountability to ratepayers; and
- Demonstrate the application of elements of best practice in procurement.

## 1.4 Treatment of GST

All monetary values stated in this policy include GST, except where specifically stated otherwise.

## 1.5 Definitions and Abbreviations

Term	Definition
Australian Business Number (ABN)	A unique 11 digit identifier for businesses. An enterprise must have an ABN to register for GST.
Act	<i>Local Government Act 1989.</i>
Commercial in Confidence	Information that, if released, may prejudice the business dealings of a party e.g., prices, discounts, rebates, profits, methodologies and process information, etc.
Contract Management	The process that ensures both parties to a contract that fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
Council Staff/Officer	Includes full-time and part-time Council officers, and temporary employees, contractors and consultants while engaged by Council.
Financial Delegation	The authority to purchase goods and services on behalf of Council.
Goods and Services Tax (GST)	A 10% consumption tax on most goods and services. An enterprise must have an ABN and be registered for GST before GST can be applied.
Local Content	Includes the purchases of works, goods and/or services and/or labour from a business that is based within the boundaries of MSC.
Local Supplier	A supplier whose business is within the boundaries of MSC. For large organisations, this definition of local supplier is limited to the section or unit of the organisation that is submitting the tender.

MSC	Moorabool Shire Council
Probity	The dictionary definition of probity refers to uprightness, honesty, proper and ethical conduct and propriety in dealings. Within government, the word "probity" is often used in a general sense to mean "good process." A Procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
Standing Offer Arrangements (SOA)	A contract that sets out rates for goods and services which are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
Procurement	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
Quotation	A written and/or verbal offer to Council to carry out works, provide services or supply goods at a stated price.
Tender Process	The process of inviting parties to submit a quotation by tender using public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Superintendent	The person appointed by Council to exercise powers and duties defined in a particular contract and to administer the contract.
Value for Money	Value for Money in Procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: <ul style="list-style-type: none"> <li>• contribution to the advancement of Council's priorities;</li> <li>• non-cost factors such as fitness for purpose, quality, service and support; and</li> <li>• cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.</li> </ul>

## 2. EFFECTIVE LEGISLATIVE AND POLICY COMPLIANCE AND CONTROL

### 2.1 Ethics and Probity

#### 2.1.1 Requirement

Council's procurement activities will be performed with integrity and in a manner able to withstand the closest possible audit scrutiny.

### 2.1.2 Conduct of Councillors and Council Staff

#### 2.1.2.1 General

Councillors and Council staff shall at all times conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity and will:

- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;
- maintain confidentiality of Commercial in Confidence information such as contract prices and other sensitive information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- provide all suppliers and tenderers with the same information and equal opportunity; and
- be able to account for all decisions and provide feedback on them.

Council staff who are responsible for managing or supervising contracts are prohibited from performing any works under the contract they are supervising.

#### 2.1.2.2 Members of Professional Bodies

Councillors and Council staff belonging to professional organisations shall, in addition to the obligations detailed in this policy, ensure that they adhere to any code of ethics or professional standards required by that body.

### 2.1.3 Tender Processes

All tender processes shall be conducted in accordance with the requirements of this policy and any associated procedures, relevant legislation, relevant Australian Standards and the Act.

### 2.1.4 Conflict of Interest

Councillors and Council staff shall at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

The Local Government Act defines and provides examples of conflicts of interest in sections 77A to 78E.

Councillors and Council staff shall not participate in any action or matter associated with the arrangement of a contract (i.e. evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a significant interest, or holds a position of influence or power in a business undertaking tendering for the work.

The onus is on the Councillor and the Council officer involved being alert to and promptly declaring an actual or potential conflict of interest to Council.

### 2.1.5 Fair and Honest Dealing

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote.

Impartiality must be maintained throughout the procurement process so it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

### 2.1.6 Accountability and Transparency

Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore the processes by which all procurement activities are conducted will be in accordance with Council's procurement policies and procedures as set out in this policy and other related, relevant Council policies and procedures.

Additionally:

- all Council staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by Council and provide feedback on them; and
- all procurement activities are to provide for an audit trail for monitoring and reporting purposes.

### 2.1.7 Disclosure of Information

Commercial in Confidence information received by Council must not be disclosed and is to be stored in a secure location.

Councillors and Council officers are to protect, by refusing to release or discuss the following:

- Allocated Council budgets for proposed tenders;
- information disclosed by organisations in tenders, quotation or during tender negotiations;
- all information that is Commercial in Confidence information; and
- pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations.

Councillors and Council officers are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised other than authorised pre-contract negotiations.

## 2.2 Governance

### 2.2.1 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities.

Accordingly, to give effect to this principle, the availability of existing funds within an approved budget, or external source of funds, shall be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council officers must not authorise the expenditure of funds in excess of their financial delegations.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

All Council Officers have a responsibility to ensure that this Procurement Policy and associated procedures are adhered to.

## 2.3 Achieving Value for Money

### 2.3.1 Requirement

Council's procurement activities will be carried out on the basis of obtaining Value for Money.

This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability, accessibility and delivery considerations. Lowest price is not the sole determinate of value for money, and Council is not required to accept the lowest tender.

Achieving best value also requires challenging the need for the procurement and the way in which the service may be reconfigured to achieve improvements in service delivery, comparing service provision options against all those available, consulting with key stakeholders and ensuring competition in the open market.

Achieving best value for money must be the basis of all procurement decisions within Council.

### 2.3.2 Approach

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the lifecycle;
- effective use of competition;
- using aggregated contracts and SOAs where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- developing cost efficient tender processes including appropriate use of e-solutions;
- Council staff responsible for providing procurement services or assistance within Council providing competent advice in terms of available approaches and agreements; and
- working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired.

### 2.3.3 Support of Local Business

Council is committed to generating, supporting and buying:

- from local businesses; and
- from businesses outside the boundaries of MSC, who purchase goods and/or services from local suppliers and/or who use local labour.

This will be achieved through local price preferencing of 5% to obviate additional fees and charges (E.g.: cartage, transport, postage and handling). Every reasonable effort will be given to seek local quotations and to ensure that local suppliers are aware of current and upcoming tenders.

## 2.4 Internal Controls

Council have a framework of internal controls over procurement processes that ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

## 2.5 Procurement methods according to amount

Amount (Inc. GST)	Available Methods
1. \$0 - \$40	<ul style="list-style-type: none"> <li>• **MSC Purchase Card</li> <li>• Petty Cash (Employee Reimbursement Form)</li> <li>• Purchase Order (electronic)</li> <li>• Request for Payment</li> </ul>
2. \$41 - \$2,500	<ul style="list-style-type: none"> <li>• **MSC Purchase Card</li> <li>• Purchase Order (electronic)</li> <li>• Request For Payment</li> </ul>
3. \$2,501 - \$50,000	<ul style="list-style-type: none"> <li>• **Purchase Order (electronic) (in conjunction with a minimum of 2 Written Quotations)</li> <li>• Request for Payment</li> </ul>
4. \$50,001 - \$150,000 (Goods and Services) or \$200,000 (Carrying out of works)	<ul style="list-style-type: none"> <li>• **Purchase Order (electronic) (in conjunction with an approved project brief and a minimum of 3 Written Quotations)</li> <li>• Request for Payment</li> <li>• Tender (electronic) (Optional)</li> </ul>
5. \$150,000 + (for Goods and Services) or \$200,000 + (Carrying out of works)	<ul style="list-style-type: none"> <li>• **Tender (electronic) (Compulsory – in accordance with LGA 1989 S186)</li> </ul>

\*\* Denotes Council's preferred method of procurement

Tenders can be one-stage, multi-stage, and/or one-part or multi-part.

An Expression of Interest (EOI) may be appropriate prior to issuing a tender.

### 2.5.1 Other Procurement Methods



Council may also use aggregated purchasing arrangements with:

- other Councils;
- Municipal Association Victoria Procurement (MAV);
- Procurement Australia (PA – formerly known as MAPS Group and Strategic Purchasing); or
- Victorian State Purchasing Board (whole of Government Contracts).

The Minister may, from time to time, grant Section 186 exemptions to Local Government for the provision of goods or services.

Section 186(5) provides for circumstances where Section 186(1) does not apply. For Example: In the event of an emergency Council can resolve that a contract must be entered into without first undertaking a public tender process.

### 2.6 Payment Terms

Council's standard payment terms are 28 days from the date of the invoice and 14 days for local suppliers. Alternative arrangements may be made within contract documents.

Council's preferred method of payment is Electronic Funds Transfer.

### 2.7 Delegation of Authority

#### 2.7.1 Requirement

Delegations define the limitations within which Council Officers are permitted to work. Delegation of procurement authority allows specified Council Officers to approve certain purchases, and quotation, tender and contractual processes without prior referral to Council. This enables the Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that procurement activities are dealt with at the appropriate level.

As such, Council has delegated responsibilities as detailed below relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotes and tenders and for Contract Management activities.

#### 2.7.2 Delegations - Council Officers

Council shall maintain a documented scheme of procurement delegations, identifying Council Officers authorised to make such procurement commitments in respect of goods, services and works on behalf of Council and their respective delegations contained in Financial Delegations policies for:

- acceptance of tenders
- acceptance of quotes
- contract term extensions (within authorised delegation limit)
- contract amendment (non-financial)
- contract amendment (financial)
- appointment to register of pre-qualified suppliers
- credit card purchases
- procedural exceptions

### 2.7.3 Delegations - Reserved for Council

Commitments and processes which exceed the CEOs delegation and which must be approved by Council are:

- signing and sealing of contract documents;
- tender recommendations and contract approval for all expenditure in excess of the CEOs Financial Delegation; and
- contract term extensions in excess of the CEOs Financial Delegation.

### 3. CODE OF CONDUCT

This policy is to be read in conjunction with the “Employee, Volunteer & Contractor Code of Conduct” and the “Councillors Code of Conduct”.

Any breach of this policy will be addressed in accordance with the “Counselling & Disciplinary Action Policy”.

### 4. RELATED LEGISLATION/POLICIES/GUIDELINES INCLUDE BUT ARE NOT LIMITED TO:

Australian Competition and Consumer Commission (ACCC)  
A New Tax System (Goods and Services Tax) Act 1999  
Local Government Act 1989  
MSC Councillors Code of Conduct  
MSC Counselling & Disciplinary Action Policy  
MSC Employee, Volunteer & Contractor Code of Conduct  
MSC Finance 1 Procedures  
MSC OH&S Policy  
Municipal Association of Victoria (MAV) Model Procurement Policy (August 2011)  
Trade Practices Act 1974

### 5. CONTINUAL IMPROVEMENT/REVIEW

Council is committed to continuous improvement and will review the Procurement Policy to ensure that it continues to meet its wider strategic objectives as follows:

- on an annual basis in accordance with the LGA Section 186A(7), and
- when amendments that affect the scope and effect of this policy are made to the Legislative Power / Requirements.

### 6. COMPLAINTS

Any complaints in relation to procurement activities at Moorabool Shire Council are to be directed to the General Manager Corporate Services as follows:

Phone: (03) 5366 7100  
Fax: (03) 5368 1757  
Email: [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)

### 7. POLICY OWNER AND CONTACT DETAILS

Moorabool Shire Council’s Finance Manager is the designated owner of this Policy. For further information on the Policy, please contact Council via email [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au) or phone (03) 5366 7100.

## **11.5.2 Proposed Sale of Council Land situated at Crown Allotment, 3B Section 2A/PP3760, in the Township of Bungaree, Parish of Warrenheip, situated on the south west corner of Bungaree Wallace and Lesters Roads, Bungaree**

### **Introduction**

File No.: 245250  
Author: Michelle Morrow  
General Manager: Shane Marr

### **Background**

At the Ordinary Meeting of Council on Wednesday 21 March 2012, Council considered a report in relation to the funding of the Bungaree Community Facility Project and resolved the following in relation to land being Crown Allotment 3B, Section 2A/PP3760, Township of Bungaree, situated at the corner of Lesters Road and Bungaree-Wallace Road, Bungaree:

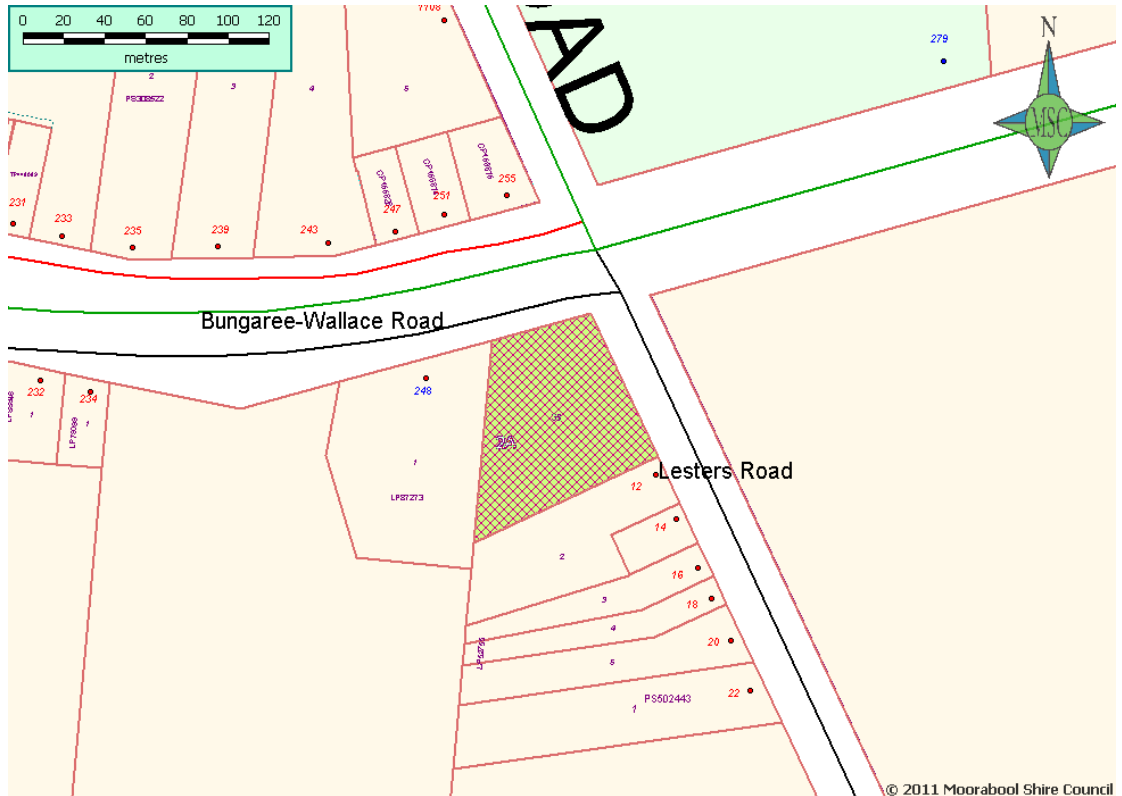
*That Council resolves*

- 1. to re-allocate \$600,000 of the Local Government Infrastructure Program funding to alternative Council funded projects in the Capital Improvement Program and allocate the \$600,000 Council funding to the Bungaree Community Facility Project;*
- 2. that the land being Crown Allotment 3B, Section 2A/PP3760, Parish of Warrenheip, Township of Bungaree, is surplus to Council's requirements;*
- 3. to commence statutory procedures under Section 189 of the Local Government Act 1989 to sell this land;*
- 4. that under Section 223 of the Local Government Act 1989 public notice be given in the local and/or regional newspapers, allowing any person to make a public submission in relation to the proposed sale of land within the Township of Bungaree and how submissions will be heard;*
- 5. that the potential funding shortfall of up to \$400,000 (subject to land sales above) be referred to the 2012/13 budget process; and*
- 6. that a further report be presented to Council after the expiration of the public submission process, considering any public submissions received.*

In accordance with the above resolution of Council, an advertisement appeared in the Moorabool News on Tuesday 22 May 2012 and in the Ballarat Courier on Saturday 26 May 2012, seeking, under section 223 of the Local Government Act 1989, public submissions within 28 days from the date of the advertisement in regard to the proposal to sell the land.

At the close of the 28 day period, viz. 22 June 2012, two submissions (as attached) were received however these submissions were not in opposition to the proposed sale of the land, but only to tender their interest in the sale.

Under section 189(2)(b) of the Local Government Act, officers engaged Council's valuers to provide a valuation of the land. This land, being 6,140sqm (approx) in size, zoned TZ . Township Zone under MSC Planning Scheme has now been valued.



**Proposal**

Council officers have investigated the option of subdividing the land with a valid permit to potentially maximise a return on Council's investment. As part of this process, preliminary advice was sought from Council's Planning Unit and Environmental Health Unit in addition to Central Highlands Water. A Land Capability Study was also commissioned to consider the consequences of development on this particular site. The land would require a planning permit to subdivide with referrals required from Central Highlands Water, Southern Rural Water and VicRoads.

The findings from the preliminary advice sought has found that whilst the land appears of sufficient size to allow for up to 3 lots to accord with the neighbourhood character of the area, in the absence of an adopted Domestic Wastewater Management Plan, the water authorities would be unlikely to support an application for subdivision. An additional limitation according to the Code of Practice for Onsite Wastewater Management, is that developments of individual lots and for subdivision proposals should not be seen as a minimum lot size but as a risk threshold, as lots smaller than 10,000m<sup>2</sup> may be unable to retain all domestic wastewater on site. These

factors would possibly result in the application for subdivision either being refused or objected to.

After consideration of these findings and with two public submissions having been received that were unopposed to the sale of land, it is now recommended that Council resolve to confirm its decision made at the Ordinary Meeting of Council, held on Wednesday 21 March 2012, to sell a parcel of land known as Crown Allotment 3B, Section 2A/PP3760, Township of Bungaree, situated at the corner of Lesters Road and Bungaree-Wallace Road, Bungaree.

### **Policy Implications**

The 2009–2013 Council Plan provides as follows:

<b>Key Result Area</b>	Continuous Improvement in Council Services
<b>Objective</b>	Sound, long term financial management
<b>Strategy</b>	Actively pursue alternative sources of income for Council's assets and operations

The proposal to sell a parcel of land known as Crown Allotment 3B, Section 2A/PP3760, Township of Bungaree is consistent with the 2009-2013 Council Plan.

### **Financial Implications**

In accordance with Section 189 (2)(b) of the Local Government Act 1989, Council must before selling land obtain from a person who holds the qualifications or experience specified under section 13DA(1A) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale. That valuation has been received.

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

No risk and occupational health and safety issues have been identified.

### **Communications and Consultation Strategy**

The community has been made aware of the proposal to sell this surplus land through the Council report considered by Council on Wednesday 21 March 2012 and also through the advertising process under sections 189 and 223 of the Local Government Act 1989.

In accordance with section 223 of the Local Government Act 1989 public submissions were sought within 28 days from the date of the advertisement in regard to the proposal to sell the land.

A further advertising process will be carried out through the Real Estate Agent at the appropriate time of selling the property.

Consultation has been held with Community Development, Planning, Assets and Environmental Health service units within Council.

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

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

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

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

*General Manager – Shane Marr*

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

*Author – Michelle Morrow*

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

### **Conclusion**

Council is required to fulfil the requirements of the Local Government Act 1989 prior to selling any land surplus to its requirements.

Having fulfilled the requirements under section 189 and section 223 of the Local Government Act 1989, this report recommends that as the two public submissions received were not opposed to the sale of the parcel of land Crown Allotment, 3B Section 2A/PP3760, in the Township of Bungaree, Parish of Warrenheip, situated on the south west corner of Lesters Road and Bungaree-Wallace Road, Bungaree, that Council now formally resolves to confirm its previous decision made at the Council Meeting held on Wednesday 21 March 2012, to sell the surplus parcel of land, as it is surplus to Council's requirements.

### **Recommendation:**

**That Council, having complied with sections 189 and 223 of the Local Government Act 1989:**

- 1. confirms its decision made at the Council Meeting held on Wednesday 21 March 2012, to sell the surplus land known as part of Crown Allotment, 3B Section 2A/PP3760, in the Township of Bungaree, Parish of Warrenheip, situated on the south west corner of Bungaree-Wallace and Lesters Roads, Bungaree.**

2. resolves that the land be sold by public auction or failing public auction then by private treaty on terms and conditions as approved by the Chief Executive Officer.
- 

**Report Authorisation**

**Authorised by:**



**Name:** Shane Marr

**Title:** General Manager Corporate Services

**Date:** Wednesday 3 April, 2013

# Attachment - Item 11.5.2



Leon Devereux  
12 Lesters Road  
Bungaree 3352

MOORABOOL SHIRE COUNCIL  
CENTRAL RECORDS  
20 JUN 2012

File No. 245250

20th June 2012

Chief Executive Officer  
Moorabool Shire Council  
P.O. Box 18  
Ballan. Vic. 3342

To Whom It may Concern,

I am writing in regards to the 'Proposed  
sale of Council land', situated at corner  
Bungaree-Wallace and Lesters Roads, Bungaree.

I, Leon Devereux, reside next to the  
above mentioned council land and wish to  
acquire all information involved in the sale  
of this land.

Yours sincerely Leon Devereux

Leon Devereux.

MOORABOOL SHIRE COUNCIL  
CENTRAL RECORDS

19 JUN 2012

File No. 245250

Peter Matters  
7 Gaynor Street, Bacchus Marsh  
5367 7013  
peter.matters@southernphone.com.au

08/06/2012

CEO  
Moorabool Shire Council  
PO Box 18  
Ballan, Vic. 3442

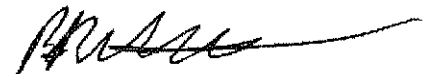
**Sale of Land,  
Cnr Bungaree-Wallace and Lester Roads, Bungaree.**

Bungaree is dying as a separate township, but it does have a future as a dormitory suburb. With this in mind, I am interested in purchasing above piece of land in order to build on it for sale an architect designed house in sympathy with the its surroundings yet capable of attracting a great deal of interest. I might add that the land is suitable for this purpose.

Such a venture would not only attract further building activity but would also measurably improve the rating values in its vicinity.

I would be pleased to attend a Council meeting for further discussion.

Peter Matters.



## 12. OTHER REPORTS

### 12.1 Assembly of Councillors

File No.: 02/01/002

Section 76(AA) of the Local Government Act 1989 defines the following to be Assemblies of Councillors; an advisory committee of the Council that includes at least one Councillor; a planned or scheduled meeting of at least half the Councillors and one member of council staff which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a Council function, power or duty by a person or committee acting under Council delegation.

It should be noted, an assembly of Councillors does not include an Ordinary Council meeting, a special committee of the Council, meetings of the Council's audit committee, a club, association, peak body or political party.

Council must ensure that the written record of an assembly of Councillors is, as soon as practicable –

- a) reported to the next ordinary meeting of the Council; and
- b) incorporated in the minutes of that council meeting. (s. 80A(2))

Council also records each Assembly of Councillors on its website at [www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au)

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

- Assembly of Councillors – Wednesday 20 March 2013 – Expense Policy
- Assembly of Councillors – Wednesday 20 March 2013 – Council Plan Priorities
- Assembly of Councillors – Wednesday 20 March 2013 – Call for Motions National General Assembly
- Assembly of Councillors – Wednesday 20 March 2013 – Bacchus Marsh Racecourse Reserve Governance Issues

#### **Recommendation:**

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

- **Assembly of Councillors – Wednesday 20 March 2013 – Expense Policy**
- **Assembly of Councillors – Wednesday 20 March 2013 – Council Plan Priorities**
- **Assembly of Councillors – Wednesday 20 March 2013 – Call for Motions National General Assembly**
- **Assembly of Councillors – Wednesday 20 March 2013 – Bacchus Marsh Racecourse Reserve Governance Issues**

## 12.2 Section 86 - Delegated Committees of Council - Reports

Section 86 Delegated Committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989. The Council cannot delegate certain powers as specifically indicated in Section 86(4) of the Act.

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

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

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Maddingley Park Committee of Management	30 October 2012	
Maddingley Park Committee of Management	29 January 2013	
Maddingley Park Committee of Management . Special Meeting	7 February 2013	
Maddingley Park Committee of Management	26 February 2013	
Navigators Community Centre Committee of Management	30 January 2013	

### **Recommendation:**

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

- **Maddingley Park Committee of Management meeting of Tuesday 30 October 2012.**
- **Maddingley Park Committee of Management meeting of Tuesday 29 January 2013.**
- **Maddingley Park Committee of Management special meeting of Thursday 7 February 2013.**
- **Maddingley Park Committee of Management meeting of 26 February 2013.**
- **Navigators Community Centre Committee of Management meeting of 30 January 2013.**

# Attachment - Item 12.3a

<b>Subject</b>	<b>Committee of Management Meeting Minutes</b>
<b>Attendees</b>	Marg Scarff (Chair/Sec.), Hilary Neylon (FoMP), Don Journet (Garden Club), Anthony Shelly (BMLTC), Steve Hicks (BMCC), Adrian Bettio (BMJuniorNC) Guests: Talia and Troy, MSC Recreational Development Unit
<b>Apologies</b>	Pamela Pinney
<b>Date and Time</b>	30 <sup>th</sup> October 2012, 7.30 pm
<b>Venue</b>	Maddingley Park Club Rooms

<b>Issue</b>	<b>Action</b>	<b>Timeframe</b>
Top 3 capital improvement project bids for council 2013-14 budget are Irrigation system for botanic areas; power supply upgrade top 160A per phase; and additional spectator shelter to compensate for no cars in the park during football matches.	Marg to send these priorities to Danny Colgan using template provided.	16 <sup>th</sup> November 2012
Discussions progressing re planned maintenance of council owned buildings in the park	Marg and Troy to continue discussions	Report progress next meeting
Negotiations are continuing to complete user agreements	Marg and Troy to meet with club reps to progress signing	Next Wednesday
Landscape Master Plan	Comments from COM have been forwarded to Damian deGoldi	
Netball Shelter	Talia having required works scoped and additional quotes obtained	Report progress next meeting
BBQ installation	Doug Wilson to work with Keemin and MSC to get BBQ installed	
Removal of old storage shed	Talia advised COM submit another CRMS request	

### **Treasurers Report:**

Bank Statement Reconciliation as at October 2012

Opening balance 17.9.12	Total debits	Total credits	Closing balance 29.10.12
\$23,024.62	\$9,472.57	\$13,749.52	\$29,301.57
Less un presented cheques	\$5,533.05		Available balance
			\$21,768.52
That the financial report be accepted. Moved: Doug      Seconded: Adrian			<b>Carried</b>

# Attachment - Item 12.3b

<b>Subject</b>	Maddingley Park Committee of Management
<b>Attendees</b>	Marg Scarff (Chair/Sec.), Adrian Bettio (BMJuniorFNC), Pamela Pinney (FOMP), Don Journet (Garden Club), Steve Hicks (BMCC), Doug Wilson (BMFC)
<b>Apologies</b>	Hilary Neylon (FoMP), Anthony Shelly (BMLTC)
<b>Date and Time</b>	29 <sup>th</sup> January 2013
<b>Venue</b>	Maddingley Park Club Rooms

<b>Issue</b>	<b>Action</b>	<b>Timeframe</b>
Community Development Fund 2012/13 Application submitted for Lifestyle Circuit in the park	Submitted on 6 <sup>th</sup> December	Outcome notified June/July 2013 and completion deadline is June 2014
Community Grants Program opens 1 <sup>st</sup> Feb 2013	Pamela and Marg to write application for \$5000 in the Capital Improvement category employment of a consultant to document watering needs of the passive areas of the park, plus document infrastructure. COM advised MSC watering needs was a priority project for 2014-15 Capital budget but we have no way of knowing if this will be successful and easy access to water is now urgent.	Applications close 28 <sup>th</sup> Feb.
Netball Shelter – Ordinary meeting of MSC on 4/7/2012 council granted \$30,000 towards the design and fitout of the current pumphouse for netball change and storage facilities. After many communications between MSC Recreation Development Team and MPark COM about additional options including disability toilet addition to BMLTC and a submission by BMFNC for a new shelter received by COM on the day of its meeting, Committee voted unanimously (Adrian declined to vote) in favour of Option 1 – Pumphouse refit \$28,000 and shelter paid for and built by MSC. COM believed that the BMFNC could later add additions if it wanted to.	Marg to advise Recreation Development Team of outcome.	30 <sup>th</sup> January 2013.
Memorial trees and plaques in the park. COM concerned it	Marg to write to MSC to express concern about lack of	Treat as urgent as COM is aware of a similar request for a



was not consulted about the Sarah Cafferkey memorial.	process and ask council to develop policy and guidelines and request template to help COM manage future similar requests with delegated responsibility to COM	memorial for the footballer who died recently
Electric BBQ has been installed next to Evans Pavilion thanks to assistance from Recreation Development Team, Doug Wilson and Keemin Electrical	Marg to send Acquittal to MSC	
Adrian advised that the coaches box at the Western end of the clubrooms is an OH&S risk and BMFNC want to demolish and rebuild at its own cost	Adrian to complete Council Project Improvement Form and Marg to sign and submit	
Pamela advised that the Firebrigade used to provide water to the park	Marg to make enquiries re availability of water	

#### **Financial Report**

Treasurer's report will be presented at next meeting.

# Attachment - Item 12.3C

<b>Subject</b>	Maddingley Park Committee of Management
<b>Attendees</b>	Scarff (Chair/Sec.), Adrian Bettio (BMJuniorFNC), Pamela Pinney (FOMP), Hilary Neylon (FoMP) MSC attendees: Troy Scoble, Damian deGoldi, Talia Holloway-Roden
<b>Apologies</b>	Steve Hicks (BMCC), Anthony Shelly (BMLTC)
<b>Date and Time</b>	Special Meeting 7 <sup>th</sup> February 2013
<b>Venue</b>	Netball Court, Maddingley Park

Issue	Action	Timeframe
All three options for the netball shelter were discussed and footprint marked on the ground so COM could get a better idea of size and how it would be on the site. Unanimously agreed by COM in attendance "That the decision made by Maddingley Park Committee of Management on 29 <sup>th</sup> January to adopt Option 1: Refurbishment of the Old Pumphouse be rescinded and the proposal submitted to the meeting of 29 <sup>th</sup> January by the BMFNC be adopted provided the following ten conditions are met." (see Action column)	<p>Marg to send decision in writing to Recreation Development Team including the following 10 conditions –</p> <p>"1. Dimensions of the alternative structure to be no more than 5 metres deep. The drawing submitted stated 8 metres deep.</p> <p>2. Outside walls not to be more than 2.3 high with the apex of the roof not to exceed 11 degree pitch. This is to allow sun across the roofline to the rose garden and to ensure the building doesn't dominate the area.</p> <p>3. Viewing area not to be larger than 12 metres wide with the back wall constructed of a see through material. This is to allow morning sunlight through to the rose garden; for the garden to be seen from the viewing area and for the afternoon sun to warm the viewing area. Consideration needs to be given to a material that is strong and as vandal proof as possible.</p> <p>4. Plan to be revised to include only one toilet which is to be a unisex toilet with disability access. Plan submitted had two toilets. It was thought that two toilets made the change area too small.</p> <p>5. Roof and guttering to be colourbond in the same colour and style as the Bacchus Marsh Tennis Clubhouse roof and guttering. Walls are to be a similar creme colour to the Tennis Clubhouse additions but in colourbond.</p> <p><b>6. Revised drawings and quotes including full electrical and plumbing quotes must be submitted to recreation Development Unit Manager, Troy Scoble, by 5pm Friday the 15th February, 2013.</b></p> <p><b>7. A guarantee in writing from the BMFNC that it will cover all costs of the project over and above the \$30,000.00 provided by council to also be submitted to Troy Scoble by 5pm Friday the 15th February, 2013.</b></p> <p>8. The project is to be completed in time for the start of this year's netball season.</p> <p>9. The project will be managed by the Bacchus Marsh Football and Netball Club in partnership with</p>	7/2/13

	Moorabool Shire Council. 10. Any changes to these conditions must be approved by Troy Scoble, MSC, and Maddingley Park COM."	
Minutes by M. Scarff		

# Attachment - Item 12.3d

<b>Subject</b>	Maddingley Park Committee of Management
<b>Attendees</b>	Marg Scarff (Chair/Sec.), Mick Belcher (BMJuniorFNC), Pamela Pinney (FOMP), Hilary Neylon (FoMP), Anthony Shelly (BMLTC)
<b>Apologies</b>	Don Journet (Garden Club), Steve Hicks (BMCC), Doug Wilson (BMFC)
<b>Date and Time</b>	26 <sup>th</sup> February 2013, 7.30 pm
<b>Venue</b>	Maddingley Park Club Rooms

<b>Issue</b>	<b>Action</b>	<b>Timeframe</b>
Alternate meetings will focus on a project. This meeting focused on the watering needs of botanical aspects of the park		
COM welcomed Mick Belcher to the meeting. Mick replaces Adrian Bettio who is now President of the Junior BMNC.	Marg to advise Recreational Development Team of change. Marg to write a letter of thanks to Adrian for his valuable contribution. Adrian was key to the netball players finally getting a courtside shelter.	
Minutes accepted as a correct record for October 30 <sup>th</sup> moved by Anthony, seconded by Hilary. January 29 <sup>th</sup> minutes moved by Pamela, seconded by Adrian (by email) and Feb 7 <sup>th</sup> minutes moved by Hilary, seconded by Pamela. Mick advised Hugo Armstrong, Manager Corporate Affairs , Powercor, is the best person to contact for funds.	Marg to send copies to Recreational Development Team.	
Treasurer's report was held over to next meeting when Steve will be present.		
As this is a project meeting the remainder of the meeting focused on what needs to happen to secure water for botanical aspects of the park. Guest speaker, Russ Hendry, gave a brief overview of the history of this topic and what he thinks is needed. Pamela explained that the two rose gardens are watered by in ground automated systems but the rest have to be hand watered. The tanks in Maddingley Park are used by clubs to water their grounds. Pamela is preparing an application to the Summer Grants program for \$5,000 to employ a consultant to document the watering and infrastructure needs as the first part of the project. Second part will be a fund raising campaign and finally implementation. Water for newly planted garden beds is currently transported by hand.	Pamela and Marg to complete grant application and submit. Marg to write letter of support from COM.	Closing date is 28 <sup>th</sup> Feb.
Minutes by M. Scarff		

# Attachment - Item 12.3e



## **Incorporated A0022451E**

**Minutes of Committee of Management General Meeting held in the Navigators Hall on 30<sup>th</sup> January, 2013.** Meeting commenced at 8.20pm.

**Present:** Ken Turner (President), Debbie Barnett (Vice-President), Marita Austin (Secretary), Alan Rogers (Treasurer), Michael Clark, Wayne Austin, Tarsha Gore and Paul Mullane.

**Apologies:** Jenny Clark, David Reyne, Mark Ryan, Joy Rogers.

**Motion:** Apologies be accepted.

**Proposed:** Tarsha                      **Seconded:** David Tatman.....carried.

**Minutes of last meeting:** Have been circulated.

**Amendment to minutes – Tennis Club.** Secretary: Tarsha Gore. Treasury: Scott DeJong.

**Proposed:** Wayne                      **Seconded:** Paul.....carried

### **Business Arising from Minutes.**

1. Fundraiser for Skews family – After some discussion the committee made a decision as per motion.  
Motion: Debbie to purchase Train tickets, Aquarium tickets and money up to the total of \$400.  
Proposed Debbie                      seconded: Tarsha .....all accepted.
2. Website – Tammy has offered to put a website together for Navigators. The Committee will financially support Tammy as required.
3. Mens shed – Ken hasn't visited the shed to date.
4. Floors – Michael has a quote for \$1,540.00 from Road Runner floors. Alan has a quote from Glen Barry, his quote was \$935.00.  
Motion: to contact Glen Barry to buff the hall floors.  
Proposed: Alan                      seconded: Paul.....all accepted.

**Treasurer's Report:** Copy on file.

**Proposed** Alan                      **seconded:** Wayne .....all accepted.

### **Correspondence – In.**

1. MSC – Capital Improvement Program x 2
2. MSC – Statutory and annual Appointments Meeting of Council
3. Financial receipts for Railway Anniversary for Navigators, Yendon and Lal Lal.
4. Public officer – new role name.

### **Correspondence – Out.**

1. MSC Capital Improvement program form.
2. Railway Anniversary Financial statement to Yendon.
3. Railway Anniversary Financial statement to Lal Lal.

**Motion:** Correspondence In & Out to be accepted.

**Proposed:** Alan                      **Seconded:** Wayne.....carried.



## Reports.

1. Bonfire night – The attendance was low but an enjoyable night. An invite was sent via email to Catherine King. The Committee will advertise more next year.
2. Christmas party – Michael said it was a fun night-others agreed. Catherine King & family attended and enjoyed themselves. Navigators was highlighted on Catherine King's facebook page. Attendance was low but that could have been because it was too close to the 25<sup>th</sup>. Thanks to Santa for arriving.
3. Tennis Club – Trivia night. Tennis club put on a wonderful night, money raised was about \$2,000.
4. Railway weekend – the costings for the 3town event Navigators, Yendon, Lal Lal are on file. Ken commended Alan for handling the paperwork.  
Motion: the Railway Anniversary event financial statements to be accepted.  
Proposed: Alan                                      Seconded: Michael.....carried.

## General Business

- a. Rubbish bins – Marita reported that there was unauthorized use of the two rubbish bins that belong to the hall.
- b. Served door – Wayne reported that the bottom of the server door is swollen and breaking away. This will be placed on the maintenance list.
- c. Emergency use of the hall – Marita had a phone call from MSC regarding phone numbers of committee members who hold keys to the hall; if an emergency arises the hall can be open to the public. Marita requested an official letter from MSC but this hasn't arrived to date.
- d. Marita & Ken has noticed more wheelie marks in the carpark area.
- e. Alan has had an email from MSC regarding the success of MSC obtaining funds for the Rotunda project. Alan also asked for committee members to assist with MSC meetings, designing rotunda and the immediately area. Members are- Alan, Wayne & Michael.
- f. Railway Bridge – Wayne reported that since the upgrading of the bridge carpark area in 2012, maintenance jobs such as weeding and removal of rubbish need to be addressed. Alan reminded the committee that this group is only responsible for the Gerald Mullane Reserve. The request could be put forward through another group such as Navigators History group. Wayne will ask through them.
- g. Wayne asked the committee to consider installing an honour role or planting a tree or attaching a plaque somewhere for the WW1 diggers as 100yrs anniversary will be in 2014. This is under consideration; Wayne will ask the History group to search names.
- h. User group agreement forms – such forms still haven't been finalized by MSC. Ken will ask MSC where are they at with this form. Court 1 still has long cracks along the length of the court. Alan suggests that a letter should be sent to MSC expressing the NCC is not happy with the work that Louds has done with Court 1.
- i. Extra bollards around the septic tank haven't been placed in by MSC to date. This committee could add this item onto their maintenance list – bollards and reflector tape.

Meeting closed at 10.20pm.

**Next Meeting**  
**Wednesday 6<sup>th</sup> March 2013 @8.00pm.**

### GRASS ROSTER

March	-	Mark Ryan	hall hire 10 <sup>th</sup> & 16 <sup>th</sup> .
April	-	Mark Mullane	hall hire 13th
May	-	Billy Begbie	
June	-	Rob Gore	

NCC – Navigators Community Centre  
NTC – Navigators Tennis Club.  
MSC – Moorabool Shire Council

**13. NOTICES OF MOTION****13.1 Cr. Dudzik: N.O.M. No. 225 – Pool Consortium****Motion**

That an amount of \$500 be made available from the East Moorabool Recreation Reserve Fund to the Pool Consortium to fund expenditure on administrative and operational items required to operate the group. Council recognizes the importance of the Consortium's role in raising community funds for the Bacchus Marsh Indoor Aquatic Centre.

**Preamble**

The Pool Consortium has identified the need for an initial \$500 funding to enable them to purchase administration and operational items to enable the group to successfully fundraise for the Bacchus Marsh Indoor Aquatic Centre. The Pool Consortium has an important role in raising funds for the pool project and Council needs to support them where possible.

# Attachment - Item 13.1

Mr Rob Croxford  
Chief Executive Officer  
Moorabool Shire Council  
PO Box 18  
BALLAN VIC 3342

27 March, 2013  
Ref:

Dear Rob,

**Notice Of Motion – Pool Consortium**

In accordance with the Council's Meeting Procedure Local Law No. 8 Section 28 – Notice of Motion, please accept this Notice of Motion for placement on the agenda of the Ordinary Meeting of Council to be held on 3 April 2013.

**Motion**

That Council:

That an amount of \$500 be made available from the East Moorabool Recreation Reserve Fund to the Pool Consortium to fund expenditure on administrative and operational items required to operate the group. Council recognises the importance of the Consortium's role in raising community funds for the Bacchus Marsh Indoor Aquatic Centre.

**Preamble**

The Pool Consortium has identified the need for an initial \$500 funding to enable them to purchase administration and operational items to enable the group to successfully fundraise for the Bacchus Marsh Indoor Aquatic Centre. The Pool Consortium has an important role in raising funds for the pool project and Council needs to support them where possible.



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CR TONIA DUDZIK  
EASTM OORABOOL WARD

**14. URGENT BUSINESS**

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

**That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:**

- (a) personnel matters;**
- (b) the personal hardship of any resident or ratepayer;**
- (c) industrial matters;**
- (d) contractual matters;**
- (e) proposed developments;**
- (f) legal advice;**
- (g) matters affecting the security of Council property;**
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;**
- (i) a resolution to close the meeting to members of the public**

**16. MEETING CLOSURE**