

## ORDINARY MEETING OF COUNCIL

Notice is hereby given of the  
Ordinary Meeting of Council to be held at  
Council Chamber, 15 Stead Street, Ballan on  
Wednesday 05 June 2019,  
commencing at 6:00 p.m.

### Members:

Cr. Paul Tatchell (Mayor)	Central Moorabool Ward
Cr. John Keogh (Deputy Mayor)	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. Jarrod Bingham	East Moorabool Ward
Cr. Tom Sullivan	West Moorabool Ward
Cr. Pat Toohey	Woodlands Ward

Mr. Derek Madden	Chief Executive Officer
Mr. Phil Jeffrey	General Manager Community Assets and Infrastructure
Mr. Satwinder Sandhu	General Manager Community Planning

***Derek Madden***  
***Chief Executive Officer***

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**1. OPENING OF MEETING AND PRAYER**

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

**2. ACKNOWLEDGEMENT TO COUNTRY**

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

**3. RECORDING OF MEETING**

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

- **The Moorabool News; and**
- **The Star Weekly**

**4. PRESENT****5. APOLOGIES****6. CONFIRMATION OF MINUTES****6.1 Ordinary Meeting of Council – Wednesday 01 May 2019**

**Recommendation:**

**That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 01 May 2019.**



## 7. 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)
  - indirect interest because of impact on residential amenity (section 78E)

### Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

- (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.

## 8. PUBLIC QUESTION TIME

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

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

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

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

A Councillor or Council officer may:

- i) immediately answer the question asked; or
- ii) 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
- iii) elect to submit a written answer to the person asking the question within 10 working days.

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

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

**9. PETITIONS**

**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**

**No reports for this meeting.**

## 11.2 COMMUNITY PLANNING

### 11.2.1 Tourism Events Grants Program 2018-19

#### Introduction

Author: Andy Waugh  
General Manager: Satwinder Sandhu

#### Background

The purpose of this report is to present Council with an assessment of the applications received for the Tourism Events Grants program 2018-19.

The Moorabool Shire Council Tourism Events Grants program is designed to support the planning and delivery of tourism event initiatives with the expectation to significantly increase visitation to Moorabool Shire and levels of economic activity.

Opening on 1 March 2019 and closing on 31 March 2019, a total of \$12,400 was allocated to the community. Applicants could apply for any amount between the minimum of \$100.00 up to \$3,000.00.

Information on the program was available on Council's website with the use of social media and the distribution of flyers to inform the community of the opportunity.

The Tourism Events Grants program assessment is a competitive, and merit-based process. To be considered, applications had to meet the eligibility criteria as outlined in the program guidelines.

The program's key objectives are to:

- Support local tourism initiatives;
- Attract visitation and increased economic activity into Moorabool Shire;
- Increase yield per visitor or participant;
- Encourage initiatives to have a greater brand match (alignment with the Shire's key themes e.g. food and wine, natural produce, heritage, nature, adventure, townships).

#### Policy assessment criteria

The applications were considered against the criteria outlined in the guidelines (see **Attachment 11.2.1**) contributing to an overall percentage score (100%).

- Initiative description and why the applicant wants to do the project – 10%.
- What will this initiative achieve? – 20%.
- Why is this initiative needed in your community? – 20%.
- Who will be involved in the initiative? – 15%.
- How will you carry out your initiative (including risk management)? – 15%.
- Initiative budget and explanation of how the group arrived at the costs – 20%.

## Number of applications and amount requested

In total, three applications were received. A total of \$8,064 was requested with \$12,400 available. The total project value for all submissions was \$40,399.

The following is a summary of submissions received:

- Rotary Club of Bacchus Marsh: Vintage Trucks and Trades Show.
  - Provide support for two-day event in Bacchus Marsh showcasing activities pre-1960s.
- Blackwood Progress Association: Blackwood Woodchop and Easter Carnival.
  - Provide support for event which has been held since 1902 and in 2018 attracted over 2500 visitors to Blackwood.
- Lal Lal Soldiers Memorial Hall Committee: Lal Lal Makers and Growers Market.
  - Provide support for event which brings visitors to Lal Lal.

## Assessment

Assessment of applications was conducted by a panel of Council officers according to the extent to which the application addressed Council's policy assessment criteria.

Figure 1 provides a summary of the applications received with a detailed description of the assessment provided.

### Tourism Events Grants Applications:

Organisation Name	Initiative Name	Initiative Description	Amount Requested	Total Initiative Value
*Rotary Club of Bacchus Marsh	Vintage Trucks and Trades Show	Provide support for two-day event in Bacchus Marsh showcasing activities pre-1960s	\$3,000	\$25,800
**Blackwood Progress Association	Blackwood Woodchop and Easter Carnival	Provide support for event which has been held since 1902 and in 2018 attracted over 2500 visitors to Blackwood.	\$3,000	\$11,025
***Lal Lal Soldiers Memorial Hall Committee	Lal Lal Makers and Growers Market	Provide support for event which brings visitors to Lal Lal.	\$2,064	\$3,574
<b>Tourism Events Grants Totals</b>			<b>\$8,064</b>	<b>\$40,399</b>

**Figure 1:** Tourism Events Grants 2018-19 totals

\*Rotary Club of Bacchus Marsh's project is compliant. The budget for the initiative showed a net neutral balance. This is a new initiative for the Shire and explores a theme which hasn't been seen in the Shire before.

\*\*Blackwood Progress Association's project budget outlined a \$33,240 profit. As per the application and guidelines, a requirement is that the initiative income and expenditure must equal the same and balance to net neutral. As a result, this application is non-compliant.





## **Communications and Consultation Strategy**

Applicants for the Tourism Events Grants program have been advised they will be notified of the outcome of their grant application in June 2019.

Economic Development officers will provide feedback to unsuccessful applicant groups. Feedback will include:

- Advice to applicant groups of the relative strengths and areas for improvement in their application;
- Options for alternative funding (if applicable); and
- Supporting a group to re-lodge their application in the next appropriate round of the Tourism Events Grants program.

## **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 – Satwinder Sandhu*

In providing this advice to Council as the General 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**

Applications received under the 2018-19 Tourism Events Grants program are designed to support the planning and delivery of tourism event initiatives with the expectation to significantly increase visitation to Moorabool Shire and levels of economic activity. In total, three applications were received. It is recommended that two events be funded through this grants process (Rotary Club of Bacchus Marsh and Lal Lal Soldiers Memorial Hall Committee). It should be noted that the application from the Lal Lal Soldiers Memorial Hall Committee is recommended for approval, with the knowledge that Councils insurance will extend to cover the event.

**Recommendation:****That Council:****1. Allocates the following grants:**


<b>Organisation</b>	<b>Initiative</b>	<b>Amount</b>
<b>Rotary Club of Bacchus Marsh</b>	<b>Vintage Trucks and Trades Show</b>	<b>\$3,000</b>
<b>Lal Lal Soldiers Memorial Hall Committee</b>	<b>Lal Lal Makers and Growers Market</b>	<b>\$2,064</b>

**2. Notify all applicants in writing of the outcome of their application.****3. Provide feedback to unsuccessful groups and provide suggestions for alternative funding (if applicable) or how the group may choose to improve and re-develop their application for submission to the Tourism Events Grants program 2019-20.**

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

**Name:** Satwinder Sandhu  
**Title:** General Manager Community Planning  
**Date:** Thursday 09 May 2019



# Attachment Item - 11.2.1

## PROGRAM GUIDELINES

# Tourism Events Grants Program

## Background

The Moorabool Shire Council Tourism Events Grants Program is designed to support the planning and delivery of tourism event initiatives with the expectation to significantly increase visitation to Moorabool Shire and levels of economic activity.

The Tourism Events Grants are offered as one application round with a total of \$12,400 allocated to the community. Organisers can apply for any amount between the minimum \$100, up to \$3,000.

The Tourism Events Grant program assessment process is competitive, and merit based. To be considered, applications must meet the eligibility criteria outlined in these guidelines (page three) as well as read the assessment criteria (page four) before applying.

## Objectives

The Program's key objectives are to:

- Support local tourism initiatives;
- Attract visitation and increased economic activity into Moorabool Shire;
- Increase yield per visitor or participant;
- Encourage initiatives to have a greater brand match (alignment with the Shire's key themes e.g. food and wine, natural produce, heritage, nature, adventure, townships).

Consideration may be given to initiatives that demonstrate they will:

- Address and manage risk;
- Measure initiative participation and estimate economic benefit;
- Have an event management plan;
- Complete [Moorabool Shire Council Event Application form](#), if event occurs on public land.

## Critical Dates

<b>1 March</b>	Applications open. <i>Applications are submitted online.</i> <i>Eligible organisers are only able to submit one application.</i>
<b>31 March</b>	Applications close 5pm. <i>No late applications will be accepted.</i>
<b>April/May</b>	Council assessment
<b>June</b>	Notification to applicants
<b>June following year</b>	Initiative completion deadline
<b>8 weeks following completion of initiative</b>	Initiative report and acquittal due

## Eligibility

Organisers are eligible for funding if they can meet the listed criteria. The preference is for applications from community-based organising committees. Private individuals are eligible to apply, provided they have an ABN and can demonstrate significant return to the local economy.

- The initiative takes place in Moorabool Shire and will increase visitation and/or economic activity.
- Your organisation has contacted the Tourism and Events Officer to discuss your grant application.
- Is your organisation one of the following?
  - a) An incorporated 'not-for-profit' organisation with an Australian Business Number (ABN)?
  - b) Auspice\* by an incorporated 'not-for-profit' organisation with an ABN? *\*See page six for definition*
  - c) An individual with an ABN?
- The initiative does not require an ongoing commitment of funds from Council.
- The initiative must be completed within 12 months of notification of funding success.
- Your organisation can provide a financial contribution toward the initiatives on a \$1 for \$1 ratio (Council \$1: Organisation \$1).
- Your organisation can demonstrate the support and permission needed by the management of the proposed venue (letter of support, approval, minutes, and funding/in-kind contribution).
- Your organisation will comply with any Council requirements for running the initiative.
- The funding of this initiative is NOT deemed the responsibility of State and/or Federal Government.  
*\*See page six below for definition*
- You have read and understood the Tourism Events Grants Program Guidelines.
- Your organisation does not have any outstanding accounts with Council.
- Members of the organisation applying for a grant must disclose, in writing any perceived and/or conflict of interest.

## Assessment Criteria

There are six assessment criteria. Each criteria will contribute to the overall percentage score (100%).

- 1. Please describe your initiative and your motivation for conducting it? (10%)**
  - Provide a brief description of the initiative.
  - Explain why you want to do this initiative and why it is important to Moorabool shire?
- 2. What will this initiative achieve? (20%)**
  - What will be the immediate and future benefits of the initiative to the Shire and community?
  - Project sustainability: How will the project/group continue after the funding ceases?
- 3. Why is this initiative important to the local community and who are your target audience? (20%)**
  - Is the initiative aligned to the strategic objectives of Council as outlined in the Council Plan 2017-2021?
  - What gap or opportunity will the initiative address?
  - What facilities/services/programs/equipment will be utilised during the initiative?
  - Evidence of the demand for this type of initiative at this location.
  - Applications for funding deemed the responsibility of State and/or Federal government will not be given priority, therefore demonstrate the project isn't a State or Federal Government responsibility.
- 4. Who will be involved in the initiative? (15%)**
  - Who are the project partners?
  - What will their participation be?
  - Who will be involved locally?
  - Evidence of Moorabool Shire businesses which are being used.
- 5. How will you carry out your initiative? (including risk management) (15%)**
  - Identify the key tasks to run your initiative: Confirm quotes, commissioning, promotion, acquit project, event day etc.
  - Who will be running the initiative and how will they report to the organisers?
  - How will you finish your initiative within the 12-month timeframe?
  - How will you identify and address risks in your initiative?
  - How will you account for the economic impact of the initiative?
- 6. Please provide a project budget and explain how you arrived at the costs? (20%)**
  - Detail proposed project expenditure. The costs: Promotion, advertising, catering, materials and labour etc.
  - Detail proposed project income - organisation contribution, fundraising, grants, donations, entry fees etc.
  - Detail in-kind contributions - volunteer time @ \$25 per hour, phone calls, venue, printing, and materials donated etc.
  - Provide quotes to support proposed expenditure.



## Assessment Process

Successful applications will be determined using the following process:

1. Assessment of applications by an Assessment Panel. Please note applications need to obtain a score of 70 or above to be considered for a successful grant. Unsuccessful organisations will be supported to improve their application to re-submit in the following round of Tourism Events Grants.
2. Report presented to Council of assessment outcomes and recommendations.
3. Council resolution to adopt or reject recommendation.
4. Notification to applicants of outcomes.

## Procedure for Payment of Grants

- Grant applicants are notified regarding the outcome of the grant round.
- Successful applicants receive the Terms and Conditions.
- The grant is paid to applicant on receipt by Council of the following:
  - Signed Terms and Conditions;
  - Invoice or Tax Invoice for grant amount; and
  - Current at time of initiative Public Liability Insurance Certificate (Certificate of Currency).
- Applicant groups are encouraged to use local suppliers, services and materials where available.

**Moorabool Shire Council encourages the support of local businesses and services for grant expenditure.**

## GST Legislative Requirements

To enable payment of the grant, all successful applicants must have an ABN (Australian Business Number) or be auspiced by a group that has an ABN.

Successful applicants do not have to be registered for GST. However, where an applicant is registered for GST, the grant will be grossed up 10% to cover the GST that the applicant must pay to the ATO on receipt of the grant. Where an applicant is not registered for GST, the grant will not be grossed up. (Registrations are substantiated through the ATO's ABN Register)

## Grant Monies Acquittal

Groups and organisations successful in obtaining a grant are required to acquit for the grant monies at the end of the project. This involves specifying the actual costs incurred against the projected costs (at application) outlining the initiative activity and plans for next year. Acquittal is a vital component of the Tourism Events Grants program and is to be completed within eight weeks of the completion of the initiative.

If a grant recipient fails to submit an approved acquittal, or breaches the terms and conditions, that recipient may be suspended from applying for subsequent grants.

## Definitions

### \*Auspice:

Where an applicant group is not incorporated, this group may approach another group to 'auspice' the application. This means that the auspice group will apply on another group's behalf. The auspice group will assume all legal and financial responsibility for the project delivery and will submit the acquittal report at the end of the project. Applicants and their auspice organisation must be able to demonstrate a clear relationship and an agreement detailing how the project will be managed and implemented.

### \*In Kind:

In-kind is a contribution to the project other than cash. In-kind contributions may include donations of voluntary labour or donated goods/services. Where in-kind contributions have been included in the budget, applicant groups must submit a voluntary labour and in-kind support details form as an attachment to your application. Applications must describe each in-kind contribution and how you arrived at the value of this contribution. If provision of services such as trades or donated goods is included, then the applicant must provide a signed letter or donated quote from the donator indicating that value at a reasonable commercial rate. Volunteer labour contributions should be calculated at \$25 per hour.

### \*Funding responsibility of State and/or Federal Government:

Funding is for initiatives that directly support and promote local volunteers and as such applications for funding that are deemed responsibility of State and/or Federal government will not be given priority.

## 11.2.2 Draft Community Local Law Review

### Introduction

Author: Andy Gaze  
General Manager: Satwinder Sandhu

Due to a procedural error in the community consultation process for the making of a new Community Local Law, Council is required to publish a notice in the Government Gazette and a public notice to meet its statutory obligations under s119(2) of the *Local Government Act 1989* ("the Act").

### Background

In accordance with s119(2) of the Act before a Council makes a local law it must comply with the following procedure:

- (2) *The Council must give a notice in the Government Gazette and a public notice stating—*
  - (a) *the purpose and general purport of the proposed local law; and*
  - (b) *that a copy of the proposed local law and any explanatory document can be obtained from the Council office; and*
  - (c) *that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223.*

On 3 April 2019, Council resolved to make the Moorabool Shire Council Community Local Law 2019.

The 6 part decision is recorded in the minutes of the meeting as follows:

#### *Item No. 11.2.1 Moorabool Shire Community Local Law 2019*

1. *Notes that one submission was received as part of the community consultation on the Community Local Law 2019 undertaken between 18 December 2018 and 2 February 2019;*
2. *Adopts the Moorabool Shire Council Community Local Law 2019 as shown in attachment 11.2.1a, with the following amendments within the definitions section:*
  - a) *Animal has the same meaning as in the Summary Offences Act 1966 and includes insects and fish but excludes honey bees.*
  - b) *Honey Bee Apis Mellifera – European Honey Bee*
  - c) *Livestock has the same meaning as in the Impounding of Livestock Act 1994 but excludes honey bees.*

*and requests that it comes into effect 1 July 2019;*

3. *Revokes Moorabool Shire Council General Local Law 2010, effective date midnight 30 June 2019;*
4. *Gives public notice and notice in the Victorian Government Gazette of the making of the Moorabool Shire Community Local Law 2019 and the effective date;*

5. *Adopts the Local Law Community Impact Statement December 2018; and*
6. *Sends a copy of the Moorabool Shire Council Community Local Law 2019 to the Minister of Local Government.*

Council officers have subsequently become aware that prior to Council making the Local Law on 3 April 2019, notice was not given in the Government Gazette advising of the proposed Local Law which is a mandatory requirement.

Thus, Council must comply with this provision of the Act to enable the proposed Moorabool Shire Council Community Local Law 2019 to be valid.

It is noted that Council followed the process laid out by its solicitors, however when officers proceeded to finalise the process the solicitors advised that an error had been made.

### **Proposal**

To remedy this circumstance, it is proposed that Council revoke parts 2 and 3 **only** of the 3 April 2019 decision to enable:

- a) Notice to be given in the Government Gazette and a public notice of the proposed local law; and
- b) *Moorabool Shire Council General Local Law 2010* to continue to operate beyond 30 June 2019 in the meantime.

The proposed draft Moorabool Shire Council Community Local Law 2019 (**Attachment 11.2.2**) to be referred to in the Government Gazette notice and the public notice will be the document included in the officers' report presented to Council on 3 April 2019, as amended by Council at that meeting with regard to submissions received in relation to Honey Bees.

Following the giving of the Government Gazette notice, the public notice and the required waiting period of at least 28 days to comply with s223 of the Act. A further report will be presented to Council where any further comments will be received and a recommendation to make the Moorabool Shire Council Community Local Law 2019.

### **Policy Implications**

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 review the Local Law is consistent with the Council Plan 2017 – 2021.

### **Financial Implications**

This proposal will have minimal financial implications, however new permits that are required under the new Local Law will not come into force until the Community Local Law 2019 comes into force.

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

Identification of this error before the commencement of the new Moorabool Shire Council Community Local Law 2019 has allowed us to mitigate the risk of adopting and then enforcing an invalid Local Law.

## **Communications and Consultation Strategy**

Extensive community consultation has already been undertaken on the proposed Draft Moorabool Shire Council Community Local Law 2019. However, due to a procedural error the consultation process has not been completed fully as it was not advertised in the Government Gazette.

## **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 – Satwinder Sandhu*

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**

Due to a procedural error in the community consultation process for the making of a new Community Local Law, it is necessary for Council to publish a public notice in the Victorian Government Gazette and a public notice to meet its statutory obligations under s119(2) of the *Local Government Act 1989* ("the Act"). As such it is deemed appropriate for Council to revoke certain resolutions made by Council on the 3 April 2019, to ensure that the current Local Law remains in force whilst the proposed draft Moorabool Shire Council Community Local Law 2019 is advertised appropriately.

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

1. Revoke parts 2 and 3 of its decision made on 3 April 2019 relating to the Moorabool Shire Community Local Law 2019 (Report 11.2.1), where Council resolved:
    - “2. *Adopts the Moorabool Shire Council Community Local Law 2019 as shown in attachment 11.2.1a, with the following amendments within the definitions section:*
      - a) *Animal has the same meaning as in the Summary Offences Act 1966 and includes insects and fish but excludes honey bees.*
      - b) *Honey Bee Apis Mellifera – European Honey Bee*
      - c) *Livestock has the same meaning as in the Impounding of Livestock Act 1994 but excludes honey bees*
    - and requests that it comes into effect 1 July 2019.*
  3. *Revokes Moorabool Shire Council General Local Law 2010, effective date midnight 30 June 2019.”*
2. Approves the draft Moorabool Shire Council Community Local Law 2019 attached to this report (including the changes Councillors requested at its Ordinary meeting on 3 April 2019) as Attachment 1 for the purposes of inviting submissions under 119(2) of the Local Government Act 1989.
  3. Authorise the Chief Executive Officer to give notice in the Government Gazette and a public notice of the exhibition of the proposed *Moorabool Shire Council Community Local Law 2019* and invites public submissions under section 223 of the Local Government Act 1989.
  4. Notes that any submission received in response to previous invitations for submissions in relation to the draft Moorabool Shire Community Local Law 2019 will be considered to be received in response to the notice published under paragraph 3 of this resolution.
  5. Will consider all submissions received in relation to the draft Moorabool Shire Council Community Local Law 2019 at a subsequent meeting of Council.

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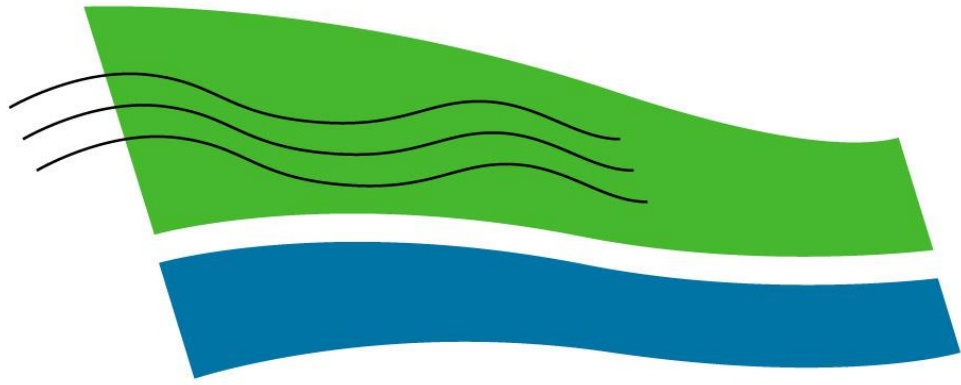
**Report Authorisation**

Authorised by:



Name: Satwinder Sandhu  
Title: General Manager, Community Planning  
Date: 28 May 2019

# Attachment Item - 11.2.2



# MOORABOOL

## SHIRE COUNCIL

Community Local Law No.1 2019



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## **PART 1 - PRELIMINARIES**

### **1.1 Title**

This Local Law is known as Moorabool Shire Council Community Local Law 2019 No. 1.

### **1.2 Purpose of the Local Law**

This Local Law is made for the purposes of providing for the peace, order and good government of the Municipal District by managing, regulating and controlling activities and uses on any Land to:

- (a) Promote a physical and social environment free from hazards to health or public safety, in which the residents of the Municipal District can enjoy a quality of life that meets the general expectations of the community;
- (b) Prohibit, regulate and control activities or behaviour which may be dangerous, or detrimental to the quality of life and the environment of the Municipal District or which could compromise public safety, Council Land or assets;
- (c) Preserve and enhance amenity, neighbourhood character, health and public safety within the Municipal District by regulating certain activities within the Shire;
- (d) Protect assets vested in, controlled or owned by Council;
- (e) Protect the safety of Road users and the amenity of the Municipal District and provide for the fair and equitable use of Council owned Land;
- (f) Control the consumption and possession of Alcohol in a Public Place, where such consumption or possession may interfere with the amenity and enjoyment of the Public Place by the community;
- (g) Control the impact of the keeping of Animals on the community and the environment;
- (h) Regulate the impact of business activities on the environment, public health and amenity; and
- (i) Revoke Council's General Local Law 2010 – General Local Law.

### **1.3 Authorising Provisions**

This Local Law is a Local Law made under Section 111(1) of the *Local Government Act* 1989 and Section 42 of the *Domestic Animals Act* 1994.

### **1.4 Commencement Date**

This Local Law commences operation on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette.

## **1.5 Cessation Date**

This Local Law ceases to operate on the day which is ten (10) years after the day referred to in Clause 1.4, unless revoked sooner.

## **1.6 Application**

- (a) This Local Law applies and has operation throughout the whole of the Municipal District.
- (b) This Local Law does not apply where any act or thing regulated by it is authorised by any Act, other subordinate legislation or the Scheme.
- (c) Council may declare or designate areas within the Municipal District as areas to which specified provisions of this Local Law will apply.
- (d) Where Council declares or designates areas under this Local Law it must ensure that those declared or designated areas are:
  - (i) identified on maps or by a geographic description; and
  - (ii) published on Council's website and available in hard copy at Council's office.
- (e) This Local Law incorporates certain documents containing Council Policy, standards or guidelines that apply to specific uses or activities which are intended to assist in achieving the objectives of this Local Law. These policies, standards and guidelines documents that are incorporated will be available for perusal on Council's website. Council reserves the right to amend these documents at any time.
- (f) It is intended that where an incorporated document is applied to a use or activity a person must comply with all of the requirements specified for that use or activity.
- (g) This Local Law does not apply to any person employed or otherwise engaged by Council when undertaking any activity, or fulfilling any duty, on behalf of Council.

## **1.7 Revocation of Previous Local Law**

On commencement of this Local Law, Council's General Local Law 2010 – General Local Law is revoked.

## 1.8 Definitions

Unless the contrary intention appears in this Local Law, the following words and expressions are defined to mean:

<b>Act</b>	means the <i>Local Government Act 1989</i> , as amended from time to time.
<b>Advertising Sign</b>	means any placard, board, Sign, card or banner, whether portable or affixed or attached to any Land, Building, person, Vehicle or Trailer which: <ol style="list-style-type: none"><li>Provides information about the Occupier of the Land or Building, or a business or industry;</li><li>Advertises goods, services, an event or a competition; or</li><li>Provides directions to the location of property or Land, which is available for pre-sale/lease/rent inspection.</li></ol> An Advertising Sign can also be a post, placard, bill poster, sticker or other document.
<b>Alcohol</b>	means a beverage intended or used for human consumption, which has an Alcoholic content.
<b>Alcohol Restriction Area</b>	means an area declared by Council as an area in which the consumption of Alcohol is prohibited.
<b>Animal</b>	has the same meaning as in the <i>Summary Offences Act 1966</i> , and includes insects and fish but excludes honey bees.
<b>Asset Protection Permit</b>	means a Permit issued by Council for the protection of public assets and infrastructure during Building work, in accordance with Clause 3.3 of this Local Law.
<b>Asset Protection Permit Bond</b>	means the sum of money paid or payable, or other guarantee made, to Council in respect to potential loss to Council resulting from Building Works.
<b>Assistance Dog</b>	has the same meaning as in the <i>Equal Opportunity Act 2010</i> .
<b>Authorised Officer</b>	means any person: <ol style="list-style-type: none"><li>appointed by Council as an Authorised Officer pursuant to Section 224 of the Act; and</li><li>a police officer enforcing provisions relating to Alcohol in accordance with Section 224A of the Act.</li></ol>
<b>Builder</b>	means: <ol style="list-style-type: none"><li>a Building practitioner under the <i>Building Act 1993</i>; and</li><li>an Owner of a Building Site.</li></ol>
<b>Building</b>	has the same meaning as in the <i>Building Act 1993</i> .
<b>Building Site</b>	means any Land on which the Building Work is being undertaken.

<b>Building Work</b>	has the same meaning as in the <i>Building Act</i> 1993.
<b>Bulk Rubbish Container</b>	means a bin, skip or other container used for the deposit of Waste, but excludes a wheeled Mobile Waste Bin used in connection with Council's Waste collection service.
<b>Busk and Busking</b>	means entertainment that includes playing a musical instrument, singing, conjuring, juggling, mime, mimicry, dance, puppetry, performance art, pavement drawing of any form, recitation and other similar activities.
<b>Camp, Camping</b>	means to erect, occupy or use a tent, any temporary makeshift or similar structure, or to park, occupy or use any Caravan or similar mobile accommodation Vehicle, a Motor Vehicle or Trailer for the purpose of accommodating a person.
<b>Caravan</b>	Includes a Caravan, motorhome, camper van, mobile home or moveable dwelling.
<b>Charity Bin</b>	means a bin or similar structure used by charitable and other organisations for the collection of used clothing or other household goods for recycling purposes.
<b>Chief Executive Officer</b>	has the same meaning as in the Act.
<b>Commercial Area</b>	means an area within a Commercial Zone under the Scheme.
<b>Contractor</b>	means a person who has entered into a written agreement with Council to provide any goods or services or to perform any function.
<b>Council</b>	means Moorabool Shire Council.
<b>Council Land</b>	means all Land: <ul style="list-style-type: none"> <li>a) owned, leased, managed or occupied by Council; or</li> <li>b) vested in, or under the control and management of, Council,</li> </ul> but does not include a Road.
<b>Dilapidated</b>	means a Building that has fallen into a state of disrepair, or that is decayed, deteriorated, broken down or partially ruined through neglect or misuse.
<b>Emergency Service</b>	means any Statutory Authority engaged in the provision of Emergency Services and includes but is not limited to Victoria Police, Ambulance Victoria, Country Fire Authority, Metropolitan Fire Brigade and Victorian State Emergency Service.
<b>Farm Land / Area</b>	means an area within a Farming Zone under the Scheme.
<b>Footpath</b>	includes every Footpath, Land or other place within the Municipal District designed for, and habitually used by, pedestrians.
<b>Graffiti</b>	means inscriptions or drawings scribbled, scratched, sprayed or otherwise applied on any surface.

<b>Green Organics Bin</b>	means a receptacle provided to premises by Council for the purpose of collecting and disposing of household organic material.
<b>Grey-Water</b>	means domestic Wastewater from sources other than a toilet, urinal or bidet (e.g. from showers, baths, spas, hand basins, clothes washing machines, laundry troughs, dishwashers, sinks).
<b>Hard Waste</b>	means any rubbish of a size, shape, nature or volume that cannot be contained in any Mobile Waste Bin, Recyclables Bin or other bin provided by Council in connection with Council's Waste collection service, including any brick, concrete, masonry or engine parts and any other type of rubbish prescribed by Council.
<b>Heavy Vehicle</b>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<b>Honey Bee</b>	Apis Mellifera – European Honey Bee.
<b>Incinerator</b>	means a structure, device or piece of equipment which is designed, adapted used or capable of being used for the burning of any material or substance and which is not enclosed in any Building, is not a barbeque and is not otherwise licensed under the <i>Environment Protection Act 1970</i> .
<b>Industrial Area</b>	means an area within an Industrial Zone under the Scheme.
<b>Itinerant Trading</b>	means Selling or hiring, or offering for sale or hire, goods or services from a temporary location, or from a Vehicle or other transport, and includes mobile food vans.
<b>Land</b>	has the same meaning as in the <i>Interpretation of Legislation Act 1984</i> .
<b>Litter Device</b>	means an apparatus for the purpose of removing dog faeces and includes a paper or plastic bag.
<b>Livestock</b>	has the same meaning as in the <i>Impounding of Livestock Act 1994</i> but excludes honey bees.
<b>Mobile Waste Bin</b>	means a receptacle provided to a premises by Council for the purpose of collecting and disposing of household Waste.
<b>Motor Cycle</b>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<b>Motor Vehicle</b>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<b>Municipal Building</b>	means any Building owned, occupied or under the control and management of Council, or any Building declared by a Resolution of Council to be a Municipal Building.
<b>Municipal District</b>	means the Municipal District of Council.



<b>Municipal Place</b>	means an area that is, at some or all times, open to the public (whether or not an admission fee is payable) including a library, Building, golf course, swimming pool, park or recreation centre, which is owned by, or under the control and management of, Council, and includes a Municipal Reserve, or any place declared by a Resolution of Council to be a Municipal Place, but does not include a Road.
<b>Municipal Reserve</b>	means any Land within the Municipal District that is owned by, or under the control and management of, Council and is dedicated or used for cultural, recreational, environmental or entertainment purposes.
<b>Nature Strip</b>	Means the Council Land between the boundary of a property and the trafficable area of the road
<b>Notice to Comply</b>	means Notice to Comply issued in accordance with Clause 2.5.2 of this Local Law.
<b>Occupier</b>	has the same meaning as in the <i>Environment Protection Act 1970</i> .
<b>Owner (in relation to Land or a Building)</b>	means the person who is registered on the relevant Certificate of Title as the Owner or the person who is entitled to exercise any rights of Ownership to the Land.
<b>Owner (in relation to a Motor Vehicle or Trailer)</b>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<b>Owner (in respect of a cat or dog)</b>	has the same meaning as in the <i>Domestic Animals Act 1994</i> .
<b>Penalty Unit</b>	has the same meaning as in Section 110 of the <i>Sentencing Act 1991</i> .
<b>Person</b>	has the same meaning as in the <i>Interpretation of Legislation Act 1984</i> .
<b>Policy</b>	means a Policy adopted by Council from time to time for the purpose of the particular provisions of this Local Law in which the term is used.
<b>Permit</b>	means a written Permit issued in accordance with this Local Law which authorises a specified use or activity and includes an Asset Protection Permit.
<b>Public Place</b>	has the same meaning as in the <i>Summary Offences Act 1966</i> .
<b>Purpose Built Outdoor Cooking and/or Heating Device</b>	includes but is not limited to a: <ul style="list-style-type: none"> <li>a) barbeque or other device used for the sole purpose of cooking food; and</li> <li>b) fire within a brazier or chimney or similar device used exclusively for heating purposes.</li> </ul>

<b>Recreational Vehicle</b>	means any Vehicle normally used for recreational purposes that may be propelled or operated by internal combustion, steam, gas, oil, electricity or any other power purposes but does not include a human powered Vehicle. Without being exhaustive, it includes a: <ul style="list-style-type: none"> <li>a) mini bike;</li> <li>b) trail bike;</li> <li>c) go cart; and</li> <li>d) any other 2 or 4 wheeled Vehicle designed or adapted for recreation.</li> </ul>
<b>Recyclables Bin</b>	means a receptacle provided to premises by Council for the purpose of collecting and disposing of household recyclable material.
<b>Refuse</b>	means all Waste or rubbish produced or accumulated in or on any Land, premises or property.
<b>Residential Area</b>	means an area within a Residential Zone under the Scheme.
<b>Road</b>	has the same meaning as in the Act.
<b>Rural Area</b>	means an area within a Rural Zone under the Scheme.
<b>Schedule</b>	means a Schedule to this Local Law.
<b>Scheme</b>	means the Moorabool Planning Scheme.
<b>Sell</b>	includes: <ul style="list-style-type: none"> <li>a) barter, offer or attempt to Sell, have in possession for sale, or allow to be sold or offered for sale; and</li> <li>b) Sell for re-sale.</li> </ul>
<b>Septic Tank System</b>	has the same meaning as in the <i>Environment Protection Act 1970</i> .
<b>Service Authority</b>	any company or Statutory Authority responsible for the installation of telecommunications, gas, electricity, water sewerage or drainage facilities in, on, over or under a Road.
<b>Shopping Trolley</b>	means a wheeled container, receptacle or carriage item supplied by a retailer for customers to transport goods.
<b>Sign</b>	means any placard, board, Sign, card or banner, whether portable or affixed or attached to any Land, fence, Building, person, Vehicle or Trailer, other than an Advertising Sign.
<b>Statutory Authority</b>	means: <ul style="list-style-type: none"> <li>a) the State and Commonwealth Government, or a department of either Government; and</li> <li>b) body established under an Act of the Parliament of Victoria, and of any other State or Territory of the Commonwealth, and of the Commonwealth.</li> </ul>
<b>Trailer</b>	has the same meaning as in the <i>Road Safety Act 1986</i> .

<b>Unsightly</b>	with respect to Land means any Land which is unkempt and is detrimental to the general amenity of the neighbourhood, when viewed from a Public Place.
<b>Vehicle</b>	has the same meaning as in the <i>Road Safety Road Rules 2009</i> .
<b>Vermin</b>	means “pest Animal” as defined under the <i>Catchment and Land Protection Act 1994</i> .
<b>Waste</b>	means any discarded, rejected, unwanted, surplus or abandoned matter (whether solid or liquid).
<b>Wheeled toy</b>	has the same meaning as in the <i>Road Safety Road Rules 2009</i> .
<b>Zone</b>	is a Zone identified in the Scheme.

## **PART 2 - ADMINISTRATION AND ENFORCEMENT**

### **2.1 Purpose**

The purpose of this Part is to provide for the issuing of Permits, impounding of items or things, setting of fees and charges, and enforcement of provisions of this Local Law.

### **2.2 Permits**

#### **2.2.1 Permit Applications**

- (a) An application for a Permit must be:
  - (i) in the form prescribed by Council from time to time; and
  - (ii) be accompanied by the appropriate fee as determined by Council from time to time.
- (b) Council may require additional information to be provided to enable an application for a Permit to be properly considered and for the purposes of administering and enforcing the provisions of this Local Law.
- (c) Council may require a person making an application for a Permit to give notice of the application to specified persons, or a specified class of persons, whom it considers may be affected by the granting of the Permit, which will entitle those persons to make a submission, which must be considered by Council before the application is determined.

#### **2.2.2 Consideration of Permit Applications**

- (a) In considering an application for a Permit, Council must consider any:
  - (i) applicable Policy, code of practice or guideline approved by Council from time to time;
  - (ii) relevant written objection, submission or comment received from any person, public body or community organisation in respect of the application; and
  - (iii) other relevant matter.
- (b) A Permit may be refused or issued with or without conditions.
- (c) If a Permit is issued with conditions, those conditions may include, but are not limited to, conditions concerning:
  - (i) the payment of a fee or charge;
  - (ii) a standard to be applied;
  - (iii) a time limit to be applied;
  - (iv) the operation of the Permit being subject to the happening of a specified event;

- (v) the requirement to rectify, remedy or restore a situation or circumstance; and
  - (vi) any other matter as considered appropriate.
- (d) If the applicant is not the Owner of the Land, which is the subject of the application, the consent of the Owner must be provided to Council with the application, unless the application concerns Council Land or relates an application for additional cats or dogs.

### **2.2.3 Compliance**

A person must comply with the conditions of any Permit issued by Council.

### **2.2.4 Duration**

A Permit operates from the date it is issued and expires one year after the date of issue, except where expressly stated otherwise in this Local Law or in the Permit.

### **2.2.5 Amendment, Cancellation or Correction**

- (a) Council may amend a condition of a Permit or cancel a Permit at any time if:
- (i) requested to do so by the Permit holder; or
  - (ii) Council considers that there has been:
    - (A) a material misstatement or concealment of fact in the application;
    - (B) a material mistake in relation to the issuing of the Permit;
    - (C) a material change of circumstances since the Permit was issued; or
    - (D) a failure to comply with a Permit condition or Notice to Comply relating to the Permit.
- (b) Council may correct a Permit issued if that Permit contains a:
- (i) clerical mistake or an error arising from any accident, slip or omission;
  - (ii) material miscalculation of figures; or
  - (iii) material mistake in the description of any person, thing or property referred to in the Permit.
- (c) Except in the case of a minor correction that does not affect the operation of a Permit, if Council proposes to amend a condition of a Permit, cancel a Permit or correct a Permit, it must:
- (i) give the Permit holder an opportunity to make a submission on whether the amendment, cancellation or correction should occur; and

- (ii) take into account those submissions (if any) in deciding whether to amend a condition of a Permit, cancel a Permit or correct a Permit.
- (d) If a Permit holder is not the Owner of the Land, the Owner of the Land must be notified of any amendment, cancellation or correction of the Permit.

### **2.2.6 Transferability of Permits**

Unless otherwise stated in the Permit, a Permit:

- (a) is personal to the Permit holder; and
- (b) authorises only the person, or an agent acting on behalf of the person, named in the Permit to carry out the activity authorised; and
- (c) is not transferable without Council's prior written consent.

## **2.3 Impounding**

### **2.3.1 Power to Impound**

- (a) An Authorised Officer may impound any Animal, item or thing associated with a contravention of this Local Law.
- (b) As soon as reasonably practical after impounding any Animal, item or thing, an Authorised Officer must serve a Notice of Impounding on the Owner or other person apparently responsible for the item or thing setting out:
  - (i) any fees and charges payable in respect of the impounding;
  - (ii) the time within which the impounded item or thing must be
  - (iii) claimed; and
  - (iv) that the item or thing, if not claimed within that specified time, may be disposed of by Council.
- (c) Clause 2.3.1(b) does not apply where the Authorised Officer cannot, after making reasonable inquiries, identify or locate the owner or other person apparently responsible for the item or thing.
- (d) If an Authorised Officer has impounded any Animal, item or thing in accordance with this Local Law, Council may refuse to release it until the appropriate fee or charge has been paid to Council.
- (e) Any impounded Animal, item or thing not claimed within the time specified on the notice of impounding may be disposed of by Council including by sale, tender, public auction or given away.

## **2.4 Fees**

### **2.4.1 Setting of Fees and Charges**

- (a) Council may from time to time by resolution determine any:
  - (i) fees and charges; and
  - (ii) guarantees and bonds,to apply under this Local Law.
- (b) Council may from time to time by resolution, determine an administrative, inspection or processing fee or charge, in addition to any standard fee, charge, guarantee or bond applied under this Local Law.
- (c) Council must give reasonable public notice of any resolution made under this Clause 2.4.1.

### **2.4.2 Differential or Structured Fees and Charges**

In making a determination under Clause 2.4.1, Council may establish a system or structure of fees and charges, including a maximum fee or charge, if it considers it appropriate to do so.

## **2.5 Enforcement**

### **2.5.1 Offences**

A person is guilty of an offence if the person fails to:

- (a) comply with any provision of this Local Law;
- (b) obtain a Permit when required under this Local Law;
- (c) comply with any condition of a Permit issued in accordance with this Local Law;
- (d) comply with a Notice to Comply issued in accordance with this Local Law; or
- (e) comply with any reasonable direction of an Authorised Officer.

### **2.5.2 Notices to Comply**

- (a) Council may, by serving a Notice to Comply substantially in the form of Schedule 1, direct any person to remedy anything which constitutes an offence under, or is otherwise contrary to, this Local Law.
- (b) A person must comply with the requirements of a Notice to Comply.

### **2.5.3 Power to Act in Urgent Circumstances**

- (a) An Authorised Officer may, in urgent circumstances arising from a failure to comply with this Local Law, take action to remedy the situation without serving a Notice to Comply if:
  - (i) the Authorised Officer considers the circumstances or situation to be sufficiently urgent that the time involved, or difficulties associated, with the serving of a Notice to Comply may place a person, Animal, property or thing at risk or in danger; and
  - (ii) details of the circumstances giving rise to the urgent action and the remedial action are, as soon as reasonably practical, forwarded to the person in respect of whom the action was taken.
- (b) The urgent action taken by the Authorised Officer under this Clause 2.5.3 must not extend beyond what is reasonably necessary to alleviate the immediate risk and danger involved.

#### **GUIDANCE NOTE:**

Where a person fails to comply with a Notice to Comply issued under Clause 2.5.2, Council may undertake the works necessary for compliance. In that case, and in a case where Council undertakes urgent works under Clause 2.5.3, Council may recover its costs incurred in undertaking those works from the person responsible for the breach, in accordance with Section 225 of the Act.

### **2.5.4 Appeals**

- (a) Subject to Clause 2.5.4(c), any person who is aggrieved by any refusal to issue a Permit, Permit condition, direction or Notice to Comply issued in accordance with this Local Law (“decision”) may, within 28 days after the date of being notified of the decision, or such shorter time specified in the decision, request a review of the decision accompanied by written submission supporting the request.
- (b) A person who makes a request under this Clause 2.5.4 is not relieved of their obligation to comply with the decision.
- (c) Where the Authorised Officer who issues a Notice to Comply is of the opinion that urgent compliance is necessary, the right of appeal provided by Clause 2.5.4(a) may be expressly excluded by the Notice to Comply.

### **2.5.5 Infringement Notices**

The infringement notice Penalty in respect of an offence under this Local Law is set out in Schedule 3.



### 2.5.6 General Penalty at Magistrates' Court

Except as otherwise set out in Schedule 2 to this Local Law, any person who is guilty of an offence against this Local Law is liable to:

- (a) a maximum Penalty of not more than 20 Penalty units; and
- (b) for a continuing offence, a maximum Penalty not more than two (2) Penalty units for each day that the contravention continues after a finding of guilt or conviction.

**GUIDANCE NOTE:**

Council retains discretion about its enforcement of this Local Law. That discretion will generally be exercised by having regard to the Local Law objectives, the public benefit in enforcing and the proportionality of the enforcement in the context of the offence committed and the public benefit derived.

## **PART 3 - PROTECTION AND MANAGEMENT OF COUNCIL ASSETS AND INFRASTRUCTURE**

### **3.1 Protection of Assets and Land**

A person must not, without a Permit, destroy, damage, deface, interfere with, excavate or tap into any:

- (a) vegetation including trees, plants or grass;
- (b) fence, sign, tree band guard, service conduit, hydrant or other asset;
- (c) constructed asset including toilet blocks, BBQ's, benches and play equipment;
- (d) drain; or
- (e) watercourse, ditch creek, gutter, tunnel, bridge, levee, culvert, fence, or other similar asset,

that is vested in, controlled or owned by Council.

### **3.2 Maintenance of Nature Strips**

An Owner or Occupier of Land in a Residential Area where the posted speed limit on the road is 60 KPH or less must ensure that the Nature Strip adjacent to that Land:

- (a) is maintained in a neat and tidy condition; and
- (b) does not contain grass, stubble or undergrowth exceeding 150mm in height.

#### **GUIDANCE NOTE:**

To undertake any works other than mowing, weeding and general lawn and vegetation maintenance a Permit is required under Clause 3.1.

### **3.3 Asset Protection Permit**

- (a) If Building Work is to be carried out on any Land the:
  - (i) Owner of the relevant Land;
  - (ii) Builder engaged to carry out the Building work;
  - (iii) agent appointed for that purpose; or
  - (iv) demolition Contractor engaged to carry out demolition as part of the Building Work.must:
  - (v) not carry out, or allow to be carried out, any Building Work on that Land unless an Asset Protection Permit has been obtained;

(vi) not carry out, or allow to be carried out, any Building Work on that Land in contravention of any conditions attached to the Asset Protection Permit that has been obtained; and

(vii) pay any Asset Protection Permit Bond specified in the Asset Protection Permit,

unless the type of Building Work has been exempted, or the person carrying out that Building Work is a person who has been exempted, or belongs to a class of persons that is exempt, from this Clause 3.3 as determined by Council from time to time.

(b) An Asset Protection Permit may be subject to such conditions as Council sees fit, including but not limited to requiring:

(i) protection works to be done;

(ii) the payment of an Asset Protection Bond;

(iii) the erection of temporary fencing to the satisfaction of Council; and

(iv) that any public asset or infrastructure damage be repaired, replaced or reinstated within a specified time and to a specified standard.

**GUIDANCE NOTE:**

An Asset Protection Permit may allow a person to:

- enter Land from a Road other than by a permanently constructed Vehicle crossing whether or not public assets or infrastructure are likely to be damaged.
- store or place items on or in Council Land or Road.

The amount of any Asset Protection Bond determined under Clause 3.3 will generally take into account:

- the type, size and nature of the Building work being undertaken;
- the total cost of the Building work being undertaken;
- the likely impact of the Building work on assets and infrastructure in the vicinity of the relevant Land; and
- any other factor that Council considers relevant.

(c) The person to whom the Asset Protection Permit is issued must notify Council, in writing:

(i) of the proposed date for commencement of the Building Work at least seven (7) days prior to its commencement, unless a commencement date was specified in the Permit application and remains unchanged; and

- (ii) prior to the commencement of any works, of any damage to any Road (including a Road reserve, Footpath or Nature Strip) or other public asset within the area covered by the Asset Protection Permit existing at the time of that notice.
- (d) The person to whom the Asset Protection Permit is issued must repair or reinstate any damaged Road, drain, Nature Strip, kerb, channel, Vehicle crossing or other asset vested in Council within the area covered by the Asset Protection Permit or which is otherwise affected by the Building Work, and any repairs must be performed to the satisfaction of Council.
- (e) Upon completion of the Building Work, Council may:
  - (i) retain all or part of any Asset Protection Bond to offset the costs to Council of repairing any damage to any public asset;
  - (ii) upon being satisfied that no damage has been caused to any public asset, or that any damage has been repaired to Council's satisfaction, refund the Asset Protection Bond in full to the person who paid it; or
  - (iii) refund to the person who paid the Asset Protection Bond such portion of it as remains after Council has undertaken work necessary to repair or replace any damaged public asset.
- (f) For purposes of determining whether any damage to public assets has resulted from the execution of any Building Work, failure to provide prior notice of such damage under Clause 3.3(b) is prima facie proof that there was no existing damage to such public assets prior to the Building Work taking place.
- (g) Council may, in its absolute discretion, accept an alternative form of security to an Asset Protection Bond.
- (h) Where a person to whom an Asset Protection Permit is issued has caused damage to any public asset and the cost to repair the damage exceeds the amount of the Asset Protection Bond paid, Council may seek to recover the additional costs of repair from that person as a debt.

### **3.4 Discharge into Stormwater**

A person must not allow the discharge of any substance, other than stormwater, into Council's stormwater drainage network.

### **3.5 Vehicle Crossings**

- (a) Each of the Owner and the Occupier of Land must ensure that:
  - (i) each point at which a Vehicle accesses or egresses that Land from or to a Road is a Vehicle crossing that is constructed to Council's satisfaction; and
  - (ii) no Vehicle is allowed to enter or leave the Land except by using the properly constructed Vehicle crossing or otherwise in accordance with an Asset Protection Permit issued under Clause 3.3.

- (b) Council or an Authorised Officer may serve a Notice to Comply requiring the Owner or Occupier of Land to construct a temporary or permanent Vehicle crossing.
- (c) A person must not permanently or temporarily construct, remove or alter a Vehicle crossing:
  - (i) without a Permit issued in accordance with the *Planning and Environment Act 1987*; or
  - (ii) without an Asset Protection Permit issued in accordance with Clause 3.3; or
  - (iii) otherwise in accordance with a Permit issued by Council or an Authorised Officer under this Clause 3.5.

## PART 4 - BUILDING SITES

### 4.1 Protection of Stormwater

The person responsible for the management of a Building Site must ensure that the Building Site is managed in a way that minimises the risk of stormwater pollution through the contamination of run off by chemicals, sediments and gross pollutants (including but not limited to potential windblown Refuse).

#### GUIDANCE NOTE:

Compliance with Clause 4.1 can be demonstrated by compliance with any applicable Local Government, State Government or Industry guidelines relating to the protection of stormwater.

### 4.2 Containment of Building Works within Building Site

The person responsible for the management of a Building Site must ensure that all Building Work is contained entirely within the Building Site.

### 4.3 Fencing

- (a) Unless exempted by Council, the person responsible for the management of a Building Site must ensure a fence is erected around the entire perimeter of the Building Site which:
- (i) is a minimum of 1.8 metres in height;
  - (ii) is constructed of solid material or steel mesh panels with mesh sections not greater than 75 square centimetres (e.g. 150mm x 50mm);
  - (iii) is securely fastened to become continuous without gaps;
  - (iv) is adequately braced to prevent falling in high winds;
  - (v) prevents silt or any other materials from escaping underneath the fence;
  - (vi) is constructed entirely within the Building Site; and
  - (vii) remains in place for the entire period that Building Work is being conducted on the Building Site, or until a certificate of occupancy has been granted, whichever occurs last.
- (b) The person responsible for the management of a Building Site must, unless a Permit has been issued ensure that the fence erected under Clause 4.3(a) does not have more than one access opening and this opening is fitted with gates which:
- (i) swing into the Building Site or slide or roll along the existing fence line;
  - (ii) are not less than 1.8 metres in height;

- (iii) are located to correspond with the Vehicle crossing pertaining to that Building Site; and
  - (iv) are constructed to the same standard as that specified in Clause 4.3(a).
- (c) Any Building Site fencing that is damaged or removed as a result of Building Work, or any other reason, must be reinstated within 24 hours of the damage or removal. No building work shall be undertaken on the site until any damaged or removed fencing is fully reinstated.

#### 4.4 Containment of Refuse

- (a) The person responsible for the management of a Building Site must ensure that a rubbish container is placed on the Building Site, or at a location approved by Council, at the commencement of any Building work which:
- (i) is designed and constructed to prevent the escape of its contents by wind or any other means;
  - (ii) has a secure lid that remains closed at all times except when depositing Waste from the Building Site;
  - (iii) has a minimum usable capacity of three (3) cubic metres;
  - (iv) remains on the Building Site, or at a location approved by Council, for the duration of all Building Work;
  - (v) remains intact, serviceable and suitable for the amount and type of Waste it is to be used for; and
  - (vi) is emptied before it becomes full.
- (b) The person responsible for the management of a Building Site must ensure that:
- (i) no rubbish container is placed in a Public Place or on a Road without an Asset Protection Permit, and
  - (ii) all rubbish containers are removed from the Building Site within seven (7) days of completion of Building Work or certificate of occupancy being issued, whichever occurs first.

#### 4.5 Windblown Refuse

The person responsible for the management of a Building Site must ensure that all:

- (a) windblown Refuse is deposited in a rubbish container; and
- (b) dust from the Building Site is controlled to the satisfaction of an Authorised Officer.

**GUIDANCE NOTE:**

Windblown Refuse or dust leaving the Building Site may alternatively, be subject to controls under the *Environment Protection Act 1970*.

#### 4.6 Building Site Identification Sign

The person responsible for the management of a Building Site must ensure that:

- (a) a Sign is erected at the main entrance to the Building Site at the commencement of the Building Work and remains for the duration of the Building Work which is at least 600mm x 400mm in size and clearly displays the:
  - (i) lot number and street address, as described on the Certificate of Title relevant to the Land;
  - (ii) name of the Builder, as identified on any building permit for the Building Site;
  - (iii) name of the person in charge of the Building Site;
  - (iv) postal address of the person in charge of the Building Site;
  - (v) contact telephone number or numbers for the person in charge of the Building Site; and
- (b) the Sign erected under this Clause 4.6 is amended within 24 hours of any change of information contained on the Sign.

#### 4.7 Building Site Toilet

- (a) The person responsible for the management of a Building Site must, at the commencement of any Building Work, provide a minimum of one on-site toilet with serviceable hand washing facilities for use by persons working on the Building Site which:
  - (i) is clean and serviceable at all times;
  - (ii) faces inwards to the Building Site;
  - (iii) is placed on level ground and;
  - (iv) is kept clear of obstructions.
- (b) Notwithstanding Clause 4.7(a) a person responsible for the management of a Building Site may provide a toilet with serviceable hand washing facilities on an adjacent site under their control provided that:
  - (i) no more than three (3) adjacent Building Sites are serviced by the same toilet;
  - (ii) access to the toilet is provided to any person working on the Building Sites; and
  - (iii) the toilet otherwise complies with the requirements of Clause 4.7(a).



#### **4.8 Hours of Operation**

The person responsible for the management of a Building Site must ensure that works on the site, that are audible in a habitable room in any other residential premises, do not;

- (a) Commence before 7.00am on any weekday Monday to Friday or before 9.00am on any weekends Saturday Sunday or public holiday; and
- (b) Continue after 8.00pm Monday to Friday, weekends or public holiday.

#### **4.9 Direction to Cease Building Work**

A person must immediately cease all Building Work when directed either orally or in writing by an Authorised Officer to do so.

## **PART 5 - ACTIVITIES AND BEHAVIOUR ON ROADS, COUNCIL LAND, MUNICIPAL PLACES AND PUBLIC PLACES**

### **5.1 Behaviour in Municipal Places**

A person must not in a Municipal Place:

- (a) create a nuisance;
- (b) destroy, damage, interfere with or deface anything located there, without a Permit;
- (c) remove anything without a Permit;
- (d) destroy, damage, climb on, remove or interfere with any flora without a Permit;
- (e) deposit or discard any litter or used syringe, except in a receptacle provided for that purpose;
- (f) obstruct, hinder or interfere with any member of Council staff in the performance their duties;
- (g) use or interfere with any lifesaving or emergency device located there, unless using the device in an emergency or participating in instruction or maintenance approved by Council;
- (h) act in a manner that is likely to interfere with the reasonable use and enjoyment by other persons; or
- (i) smoke any tobacco product or use any electronic smoking device within ten (10) metres of any Municipal Building except in a signed designated smoking area.

### **5.2 Access to Municipal Places**

- (a) Council may:
  - (i) determine the hours when a Municipal Place will be open to the public;
  - (ii) restrict access to a Municipal Place or part of a Municipal Place;
  - (iii) authorise any person to occupy a Municipal Place or to restrict access to the Municipal Place;
  - (iv) close a Municipal Place or part of a Municipal Place to the public;
  - (v) charge fees, or authorise any other person to charge fees, for admission to or use of a Municipal Place or part of a Municipal Place; and
  - (vi) designate by appropriate Signage areas as no smoking areas.

- (b) Council may establish, from time to time:
  - (i) conditions applying to, and fees or charges for admission to or the hire or use of, a Municipal Place or part of a Municipal Place; and
  - (ii) conditions applying to, and fees or charges payable for, the hire or use of any property of Council in connection with a Municipal Place.
- (c) A person must not, without a Permit:
  - (i) enter a Municipal Place other than through an entrance provided for that purpose;
  - (ii) enter or remain in a Municipal Place during hours when the Municipal Place is not open to the public; or
  - (iii) enter or remain in a Municipal Place without the applicable fee or charge having been paid.

### **5.3 Behaviour in Municipal Buildings**

A person must not, without a Permit:

- (a) organise, conduct or hold any function or event in a Municipal Building;
- (b) bring any Animal into, or allow any Animal under their control to remain in, a Municipal Building, except for an Assistance Dog being used by a person with a disability;
- (c) bring any Vehicle, Recreational Vehicle or Wheeled Toy into a Municipal Building;
- (d) bring into a Municipal Building any substance, liquid or powder which may:
  - (i) be dangerous or injurious to health;
  - (ii) have the potential to foul, pollute or soil any part of the Municipal Building; or
  - (iii) cause discomfort to persons.

### **5.4 Behaviour in Municipal Reserves**

A person must not, in any Municipal Reserve:

- (a) enter upon or remain on any area set aside as a playing ground during the course of an organised sporting match or gathering, unless they are a player or an official or a competitor at the organised sporting match or gathering;
- (b) destroy, damage, climb on, remove or interfere with any structure;
- (c) kill, injure or interfere with any fauna;
- (d) throw any stones or missiles;
- (e) spit upon or otherwise foul any path or structure;

- (f) use any children's playground equipment other than for the purpose for which it was designed;
- (g) swim, paddle, dive, jump into or otherwise enter any wetland, lake, pond or fountain, unless authorised by Signage erected by Council;
- (h) throw or place, or cause or allow to be thrown or placed, any liquid, stones, sticks, paper, dirt, rubbish or any other object, substance or thing into any wetland, lake, pond or fountain;
- (i) play, engage in or practice any game, sport or activity, or use any facilities or spaces, (whether or not a Permit has been issued under this Local Law), in a manner that is:
  - (i) dangerous to any person or property; or
  - (ii) likely to interfere with the reasonable use and enjoyment of the Municipal Reserve by others.
- (j) walk on or damage any plot, bed, border, closed track, replanting area or other area set aside for plants;
- (k) post signs on any fence, gate, wall, seat, or other structure or vegetation without a Permit;
- (l) drive any Vehicle in a manner that is:
  - (i) dangerous to any other person in the Municipal Reserve; or
  - (ii) likely to interfere with the reasonable use and enjoyment of the Municipal Reserve by any other person.
- (m) park any Vehicle in contravention of any parking restrictions that apply in that Municipal Reserve; or
- (n) park or drive a Vehicle other than in an area set aside for that purpose.

## **5.5 Activities on Roads and Council Land**

### **5.5.1 Commercial Activities**

- (a) A person must not, without a Permit, or as otherwise provided by this Local Law, on any Road or Council Land undertake a commercial activity including:
  - (i) displaying or advertising any goods or services;
  - (ii) placing any Sign or Advertising Sign (including an 'A' frame Sign);
  - (iii) placing tables, chairs, outdoor umbrellas, planter boxes, barriers, outdoor heaters or any other item;
  - (iv) posting any placard, bill, poster, sticker or other document;
  - (v) handing out, posters, flyers or other such similar advertising material;

- (vi) conducting a street stall;
  - (vii) holding a circus, carnival, festival, fete or other similar event;
  - (viii) conducting activities connected with a fitness, exercise or personal training business, group or organization;
  - (ix) busking;
  - (x) conducting Itinerant Trading; or
  - (xi) marking Graffiti.
- (b) A person must not commission another person to do anything which breaches of Clause 5.5.1(a).
- (c) If a Sign, including an Advertising Sign, is placed in breach of Clause 5.5.1(a), each person who:
- (i) is knowingly concerned in the operation of the business, event or activity to which the Sign relates;
  - (ii) has the management and control of premises, property, business, event or activity to which the Sign relates;
  - (iii) is a promoter of the premises, property, business, event or activity to which the Sign relates; or
  - (iv) is responsible for the placement, siting or distribution of the Sign, including without limitation the person who engaged the person who physically placed or distributed the Sign,
- is guilty of an offence against this Local Law, whether or not the person who physically placed the Sign is identified or prosecuted.
- (d) Nothing in Clause 5.5.1(c) affects the liability under Clause 5.5.1(a) of any person who actually places any such Sign.
- (e) A person who has placed, allowed to be placed, displayed or allowed to be displayed:
- (i) goods;
  - (ii) a Sign; or
  - (iii) a seat, umbrella, table, chair other furniture or any other item on a Road or Council Land, whether or not in accordance with a Permit,
- must move or remove it or them if directed to do so by:
- (iv) an Authorised Officer; or
  - (v) a member of an Emergency Service.

### **5.5.2 Undertaking works or obstruction of access**

- (a) A person must not, without a Permit, or otherwise in accordance with this Local Law:
- (i) occupy or fence off a Road or Council Land;
  - (ii) excavate a Road or Council Land;
  - (iii) remove, damage or interfere with any structure, flora or item on a Road or Council Land;
  - (iv) leave, store or allow to be left any Bulk Rubbish Container, storage or shipping container (pods), skip bin or Trailer skip on Road or Council Land;
  - (v) store a trade Waste hopper or bin on a Road or Council Land;
  - (vi) leave or store, or allow to be left or stored, any other thing that encroaches on, obstructs the free use of, reduces the breadth of, or confines the limits of Road or Council Land;
  - (vii) construct or erect any hoarding, scaffolding or structure on a Road or Council Land;
  - (viii) occupy, or allow the occupation of, a Road or Council Land for the purpose of filming for commercial purposes or public exhibition or the placement of any equipment associated with such an activity; or
  - (ix) place a Charity Bin on a Road or Council Land.
- (b) Any person who undertakes work on a Road or part of a Road under the control of Council must perform the work to the standard, if any, specified by Council.
- (c) Council may exempt:
- (i) a person; or
  - (ii) a class of persons,
- from the application of this Clause 5.5.2 or any part of it.

### **5.5.3 Camping**

A person must not, without a Permit:

- (a) Camp or;
- (b) use a Motor Vehicle, Caravan or other temporary or makeshift structure;

for the purpose of accommodation, on any Road or Council Land unless Council has set aside that Road or Council Land for that purpose.

#### **5.5.4 Use of Vehicles**

- (a) A person must not, without a Permit, on any Road or Council Land:
  - (i) service, paint or dismantle any Motor Vehicle, Caravan or Trailer;
  - (ii) repair any Motor Vehicle, except where necessary to enable that Motor Vehicle to be removed;
  - (iii) park or leave, or cause to be parked or left, a Motor Vehicle, Caravan or Trailer for the purpose of displaying it for sale;
  - (iv) park or leave, or cause to be parked or left, a Motor Vehicle, Caravan or Trailer in the same place for more than 14 consecutive days in any 28-day period.
- (b) A person must not, without a Permit on any Council Land:
  - (i) leave any derelict, damaged, unroadworthy or unregistered Motor Vehicle, Caravan or Trailer; or
  - (ii) abandon or cause to be abandoned any Motor Vehicle, Caravan or Trailer.

#### **5.6 Activities which require a Permit in a Municipal Place**

A person must not, without a Permit, in any Municipal Place:

- (a) ride or drive a Vehicle or horse except for:
  - (i) parking a Vehicle in a parking area established for that purpose;
  - (ii) wheeling a bicycle, pram, baby or child carriage, wheelchair or children's toy along a Footpath or riding a bicycle or horse in a manner that does not interfere with the use or enjoyment of the Municipal Reserve by any other person; or
  - (iii) on a Road or bicycle path in accordance with any applicable Acts or regulations;
- (b) light a fire or allow any fire to remain alight except in a Purpose Built Outdoor Cooking Device provided by Council, or a commercially manufactured Purpose Built Outdoor Cooking Device assembled and operated according to manufacturer specifications; or
- (c) operate any device that has a predominant purpose of amplifying voice, music or noise.

#### **5.7 Recreational Vehicles on Council Land**

- (a) A person must not, without a Permit, use a Recreational Vehicle on Council Land.
- (b) A person must not ride any unregistered Recreational Vehicle on Council Land.

- (c) A person who owns an unregistered Recreational Vehicle must not knowingly allow another person to ride the Recreational Vehicle on Council Land.
- (d) An Authorised Officer may, in accordance with Clause 2.3, impound a Recreational Vehicle being used in contravention of this Clause.

## **5.8 Shopping Trolleys**

- (a) A person must not abandon or leave a Shopping Trolley, other than in an area set aside for the leaving of Shopping Trolleys, on any Road or Council Land.
- (b) Any Shopping Trolley left on any Road or Council Land other than in an area set aside for leaving Shopping Trolleys may be impounded by an Authorised Officer.
- (c) A retailer must not make a Shopping Trolley available for use, or allow a Shopping Trolley to be used, which does not have a locking mechanism attached.
- (d) For the purpose of Clause 5.8(c), locking mechanism means
  - (i) a coin-operated lock; or
  - (ii) any other device designed to prevent the theft or removal of the Shopping Trolley from the vicinity of the business that provides the Shopping Trolley.
- (e) Clause 5.8(c) does not apply to a retailer who makes available for use, or allows to be used, 25 Shopping Trolleys or less.
- (f) A retailer may apply in writing to Council for an exemption from the application of Clause 5.8(c), which exemption, if granted, may operate for a specified period or indefinitely.

## **5.9 Parking Permits**

- (a) Any person who has been allocated a parking Permit must not:
  - (i) Sell or offer to Sell the parking Permit;
  - (ii) give away for no charge, or offer to give away for no charge, the parking Permit, other than a temporary visitor Permit to be used by a legitimate visitor; or
  - (iii) otherwise allow the parking Permit (or other temporary visitor Permit being used by a legitimate visitor) to be used by any person other than a Vehicle parking Permit holder or their visitor.
- (b) A person, other than a visitor using a temporary visitor Permit, must not:
  - (i) purchase, or induce to purchase, a parking Permit from any parking Permit holder or other person not authorised to issue a parking Permit;



- (ii) receive, or induce to receive, whether for a charge or not, a parking Permit from any parking Permit holder or other person not authorised to issue a parking Permit; or
- (iii) use, or attempt to use, a parking Permit if they are not the person who is entitled to use it.

#### **5.10 Roadside Firewood Collections**

A person must not, without a Permit, collect, cut or remove firewood from any Road or Council Land.

#### **5.11 Consumption and Possession of Alcohol**

- (a) Council may, from time to time by resolution, declare an area to be an Alcohol Restriction Area.
- (b) After a declaration is made, signage must be erected which identifies the relevant area as an Alcohol Restriction Area.
- (c) A declaration may define an Alcohol Restriction Area by:
  - (i) description; or
  - (ii) reference to a plan or map.
- (d) A person must not, without a Permit, in an Alcohol Restriction Area:
  - (i) consume Alcohol; or
  - (ii) be in possession of Alcohol, other than in a sealed container.
- (e) Clause 5.11 does not apply to a person who possesses or consumes Alcohol:
  - (i) within licensed premises in accordance with the *Liquor Control Reform Act 1998*;
  - (ii) on private property; or
  - (iii) otherwise in accordance with a Permit.

#### **5.12 Direction by an Authorised Officer in a Municipal Place or on Council Land**

A person must at all times comply with any:

- (a) reasonable direction of an Authorised Officer; and
  - (b) requirement set out in a Sign erected by Council,
- on any Council Land.

## **PART 6 - LAND USE AND AMENITY**

### **6.1 Property Numbers**

- (a) If Council has allocated a number to Land within its Municipal District, each of the Owner and the Occupier of that Land must ensure that the allocated number is visible and is maintained in accordance with Clause 6.1(b).
- (b) The number must be positioned and be of a size to be clearly visible from the carriageway of the adjoining Road.

### **6.2 Unsightly Land**

Each of the Owner and the Occupier of Land must ensure that it is not kept in a manner which is Unsightly.

#### **GUIDANCE NOTE:**

Land may be considered by Council to be unsightly if, among other things, it contains:

- uncontained rubbish;
- native and non-native grass, noxious weeds, weeds and undergrowth which exceed a height of 150mm.
- disused excavations or Waste material;
- Graffiti on any Building, structure or boundary fence;
- disused machinery, unregistered Vehicles, machinery or Vehicle parts; or
- any other condition that is detrimental to the general amenity of the neighbourhood in which it is located.

### **6.3 Vacant Land and Abandoned Buildings**

- (a) An Owner of any vacant Land must not allow the vacant Land to become unsafe.
- (b) An Owner of a Building must not allow the Building to become Dilapidated or fall into disrepair so as to become unsafe.
- (c) Where a Building is deemed unsafe Council can issue a Notice to Comply to either:
  - (i) secure the Building to prevent access; or
  - (ii) secure the site to prevent access to the Building and all, or a portion, of the Land surrounding the Building.

#### GUIDANCE NOTE:

For the purposes of Clause 6.3(b), circumstances in which a Building would be classified as unsafe might include, but not limited to:

- where access to the Building is available;
- where windows and doors are either missing or broken; or
- where there is potential for parts of the external or internal structures to collapse or fall due to disrepair.

#### **6.4 Maintenance of Private Drains and Stormwater Retention Systems**

Each of the Owner and the Occupier of Land must ensure that any drain or stormwater retention system on the Land that is not vested in Council or another public authority is operated and maintained so that it is fit for purpose.

#### **6.5 Obstruction of Sign or Signal on a Road**

Each of the Owner and the Occupier of Land must ensure that no:

- (a) tree, hedge, plant or vegetation of any kind grows; or
- (b) structure of any kind is constructed or placed,

so that it obstructs the view of a Motor Vehicle, Sign or Signal on a Road by any person using that Road.

#### **6.6 Overhanging or Encroaching Vegetation**

Each of the Owner and the Occupier of Land must not cause or allow any tree, hedge, plant or vegetation of any kind to:

- (a) overhang or encroach on any Road, Footpath or Nature Strip at a height of less than 2.5 metres; or
- (b) otherwise obstruct any Road, Footpath or Nature Strip.

#### **6.7 Shipping Containers**

Each of the Owner and the Occupier of Land in a Residential Area must ensure that no shipping container is stored or placed:

- (a) on vacant Land;
- (b) in front of any dwelling on the Land, or between the dwelling and the Road abutting the Land frontage;
- (c) within five (5) metres of any dwelling on any other Land;
- (d) for more than 14 consecutive days; or

- (e) for more than 21 days in any calendar year,  
without a Permit.

**GUIDANCE NOTE:**

A Permit under this Local Law is not required if a Permit has been issued either under the *Planning and Environment Act 1987* or the *Building Act 1993*.

### **6.8 Heavy Vehicles**

A person must not, without a Permit, park, keep, store, repair or allow to remain any heavy Vehicle on any Private Land in a Residential Area.

**GUIDANCE NOTE:**

A Permit is not required if a Permit has been issued under the *Planning and Environment Act 1987* or if the activity is an exempt activity under the Scheme.

### **6.9 Audible Alarms**

Each of the Owner and the Occupier of any Land must ensure that no audible alarm that is installed on the Land can be heard continuously beyond the boundary of such Land within any Residential Area or Commercial Area for more than ten (10) minutes, or intermittently for more than ten (10) minutes in total within a one (1) hour period.

### **6.10 Camping on Private Land**

- (a) A person must not, without a Permit, occupy a Caravan or any other temporary structure on private Land for more than seven (7) days within any 28 day period, or for more than 14 days in any calendar year.
- (b) The Owner or the Occupier of Land must not, without a Permit, allow the occupation of a Caravan any other temporary structure on private Land for more than seven (7) days within any 28 day period or for more than 14 days in any calendar year.

**GUIDANCE NOTE:**

This Clause 6.10 does not apply to any Private Land that is Caravan park within the meaning of the *Residential Tenancies Act 1997*.

### **6.11 Recreational Vehicles**

A person must not, without a Permit, use a Recreational Vehicle, or allow a Recreational Vehicle to be used, on private Land:

- (a) in a Residential Area; or
- (b) within 500 metres of any dwelling on property other than the property on which the Recreation Vehicle is being used; or
- (c) between the hours of sunset and sunrise each day.

## **PART 7 - WASTE MANAGEMENT**

### **7.1 Septic Tank Systems**

The Owner of Land upon which a Septic System is installed and used which does not require, or is not the subject of a permit under the *Environmental Protection Act 1970* must:

- (a) ensure that at least once every three (3) years it is emptied by a licenced Contractor and the contents disposed of at a suitable location;
- (b) provide a report from a licenced Contractor to Council each time it is emptied;
- (c) ensure that effluent from the Septic Tank System is not allowed to discharge off the Land;
- (d) ensure that effluent from the Septic Tank System is not allowed to discharge, run or pond on the surface of the Land;
- (e) ensure that the effluent lines are sufficient to manage the effluent created by the dwelling/s or Building/s on the Land;
- (f) ensure that, on any premises that is subject to a registration under the *Food Act 1984*, a grease trap of sufficient size is installed prior to the Septic Tank System and is emptied as needed to ensure that fats and grease do not enter the Septic Tanks System; and
- (g) ensure that the Septic Tank System is maintained in such a way that it does not allow the ingress of any groundwater, rainwater or surface water runoff.

### **7.2 Reuse of Domestic Grey-Water**

A person must not, without a Permit, use untreated greywater to irrigate any Land.

### **7.3 Storage of Trade Waste**

Each of the Owner and the Occupier of every commercial premises in a Commercial or Industrial Area must provide trade Waste hoppers, bins, or storage containers for the storage of trade Waste, which are:

- (a) constructed of impervious materials, water tight and pest proof;
- (b) emptied before they become full;
- (c) maintained in a clean, inoffensive and sanitary condition;
- (d) in sufficient numbers to contain all the trade Waste produced on the premises;
- (e) stored in an area and in a manner that is safe and secure; and
- (f) stored in a manner that cannot contaminate or enter the stormwater system.

## 7.4 Waste Collection and Disposal

- (a) Each of the Owner and the Occupier of Land must not:
  - (i) place out for collection more than one (1) Mobile Waste Bin, one (1) Green Organics Bin and one (1) Recyclables Bin, unless otherwise authorised by Council; or
  - (ii) place out for collection any Mobile Waste Bin, Green Organics Bin or Recyclables Bin in a manner that causes a hazard to a pedestrian, Vehicle or person undertaking the collection and processing of the bins.
- (b) Each of the Owner and the Occupier of any Land must ensure that any Mobile Waste Bin, Green Organics Bin or Recyclables Bin placed out for collection is:
  - (i) positioned on the Nature Strip adjacent to the kerb at least one metre from any other item, or at such other place as may from time to time be approved by Council;
  - (ii) placed no earlier than 3:00pm on the day prior to the day of collection, or at such other time determined by Council from time to time; and
  - (iii) removed and returned to the premises on the same day as the collection occurred.
- (c) Each of the Owner and the Occupier of Land must remove any Waste or material which has escaped or spilled onto any Road, Nature Strip or surrounding area from a Mobile Waste Bin, Green Organics Bin or Recyclables Bin, or from any hard Waste, left out by the Owner or Occupier for collection.

## 7.5 Hard Waste Collection

- (a) A person must not place any hard Waste on any Road, Nature Strip or other Public Place unless the person has applied for, and received, a hard Waste collection booking from Council.
- (b) If Council has accepted a household hard Waste collection booking, the person who has secured the booking must ensure that all hard Waste to be collected is placed:
  - (i) on the Nature Strip or other location specified by Council not earlier than two (2) days prior to the booking collection date; and
  - (ii) in a neat, tidy and orderly manner.

## 7.6 Interference with Waste

A person must not:

- (a) remove, damage or interfere with a bin, the contents of any bin or any hard Waste placed out for collection; or
- (b) place additional material into a bin, or to hard Waste, that has been placed out for collection by another person.

## **7.7 Maintenance of Waste, Organic and Recycling Bins**

Each of the Owner and the Occupier of any Land must:

- (a) keep the Mobile Waste Bin, Green Organics Bin and Recyclables Bin allocated to their premises in a clean, inoffensive and sanitary condition;
- (b) ensure that any area where the Mobile Waste Bin, Green Organics Bin and Recyclables Bin are stored between collections is kept in a clean, inoffensive and sanitary condition; and
- (c) ensure that the Mobile Waste Bin, Green Organics Bin and Recyclables Bin, when placed for collection and containing Waste, are capable of being, and are, kept closed at all times, except when items are being deposited in or removed from them.

## **7.8 Street Bins and Park Bins**

A person must not deposit any household Waste, green Waste, trade Waste or commercial Waste into any street bin or park bin provided by Council.

## PART 8 - ANIMALS

### 8.1 Number of Animals

- (a) The Owner or Occupier of any Land must not, without a Permit:
- (i) keep or allow to be kept, more than 4 different types of Animals on premises in a Residential Area at any one time; and
  - (ii) keep or allow to be kept any more in number for each type of Animal as set out in the following table; or

Animal	Residential Area	Rural area up to 2 hectares	Rural Area 2 to 4 Hectares	Rural Area over 4 Hectares
Dogs	2	2	2	5
Cats	2 or 3 if all desexed	2 or 3 if all desexed	2 or 3 if all desexed	5
Budgerigars, canaries or finches	50	50	50	No Local Law Permit Required
Pigeons	10	30	60	100
Racing Pigeons	0	60	100	No Local Law Permit Required
Cockatoo / Galah (caged)	0	0	2	No Local Law Permit Required
Fowls	5	20	30	No Local Law Permit Required
Roosters	0	0	1	No Local Law Permit Required
Pheasants	0	5	10	No Local Law Permit Required
Other poultry (including ducks, geese, turkey, guinea fowl or similar)	0	10	20	No Local Law Permit Required
Ostriches / Emus / Peacocks / Llama / Alpaca	0	2	6	No Local Law Permit Required
Sheep	0	2	4	No Local Law Permit Required
Goats	0	2	4	No Local Law Permit Required
Horses	0	2	4	No Local Law Permit Required
Pigs	0	0	2	No Local Law Permit Required
Cows	0	0	2	No Local Law Permit Required
Other primary production Animals	0	0	0	No Local Law Permit Required
Ferrets / Guinea pigs / Rabbits or Mice	3	6	8	No Local Law Permit Required

- (iii) any other Animal that is not specified in the above table.



- (b) Clause 8.1 does not apply to Animals kept and used in accordance with the Scheme.

## 8.2 Progeny of Animals

For the purpose of calculating the number of Animals being kept for the purposes of Clause 8.1, the progeny of any dog or cat lawfully kept will be exempt for a period of 3 months after their birth, and the progeny of any sheep, goats, horses, cows or other primary production Animals will be exempt for a period of 6 months after their birth.

## 8.3 Nuisances

- (a) The Owner or Occupier of any Land where any Animal is kept must ensure that the keeping of the Animal does not create a nuisance.
- (b) The Owner or Occupier of any Land where any Animal is kept must ensure that all Animal litter and Refuse and rubbish associated with the keeping of the Animal is disposed of in such a manner so as not to create a nuisance.

### GUDIANCE NOTE:

For the purposes of Clause 8.3, circumstances in which the keeping of an Animal constitutes a nuisance may include, but is not limited to:

- when the Animal makes noises or smells that unreasonably adversely affect the peace, comfort or convenience of any person on any other premises; and
- when the Animal produces an unreasonable accumulation of excrement, whether on the keeper's premises or on any other premises.

## 8.4 General Provisions

The Owner or Occupier of any Land who keeps any Animal on the Land must:

- (a) keep the area surrounding the kennel, house, aviary, shelter or other enclosure where the Animal is kept well drained;
- (b) keep the Land within three (3) metres of the kennel, house, aviary, shelter or other enclosure in which the Animal is kept free of dry grass, weeds, Refuse, Waste or other material capable of harbouring rodents or other Vermin;
- (c) keep all food for consumption by the Animal in a Vermin proof receptacle;
- (d) remove and place all manure, excrement, Refuse or rubbish produced or accumulated by the Animal, as soon after the production or accumulation as is reasonably practicable in a container:
- (i) that is sanitary, impervious and Vermin and fly proof; and
  - (ii) the contents of which are removed and disposed of at least once every weeks;
- (e) maintain any kennel, house, aviary, shelter or other enclosure where the Animal is kept in a clean and sanitary condition;

- (f) keep the Animal in a manner that does not cause an offensive odour;
- (g) prevent wastewater from:
  - (i) entering the stormwater system; or
  - (ii) discharging on to adjoining premises; and
- (h) not cause, allow or suffer excrement or manure to escape from the premises.

## 8.5 Animal Enclosures

- (a) The Owner or the Occupier of Land must not, within ten (10) metres of a dwelling on other Land, construct or allow to be constructed any enclosure in which poultry is kept, or intended to be kept.
- (b) The Owner or Occupier of Land must keep any Animal on the Land in a kennel, house, aviary, shelter or other enclosure that complies with all of the following:
  - (i) prevents, as far as practicable, the wandering or escape of such Animal beyond the boundaries of the Land;
  - (ii) meets the welfare needs of the Animal;
  - (iii) is capable of being readily cleaned;
  - (iv) is maintained in good repair at all times; and
  - (v) meeting any requirements of an Authorised Officer issued in writing from time to time.

### GUIDANCE NOTE:

When assessing whether a kennel, house, aviary, shelter or other enclosure complies with Clause 8.5 the Authorised Officer may consider:

- the height of any kennel, house, aviary, shelter or other enclosure;
- the location of any kennel, house, aviary, shelter or other enclosure having regard to:
  - the distance from the dwelling on the Land;
  - the distance from any neighbouring dwelling;
  - the amenity of the surrounding area; and
  - the size of any kennel, house, aviary, shelter or other enclosure and its adequacy to house the proposed number and type of Animals;
- the security of any kennel, house, aviary, shelter or other enclosure; and
- the nature of the materials used in any kennel, house, aviary, shelter or other enclosure and the ability of such material to be readily cleaned.

## 8.6 Stables

A person must not, without a Permit, construct a stable on any Land:

- (a) within five (5) metres of any Road;
- (b) within two (2) metres of the boundary of any adjoining Land; or
- (c) within ten (10) metres of any dwelling on any adjoining Land.

## 8.7 Dog Excrement

- (a) A Person in charge of any dog must not allow any part of the excrement of the dog to remain on any Public Place.
- (b) A Person in charge of any dog in a Public Place must carry a Litter Device suitable to remove any excrement left by the dog and must produce such Litter Device upon request of any Authorised Officer.

## 8.8 Livestock

- (a) The Owner or the Occupier of Land on which Livestock is kept must ensure that the Land is adequately fenced so as to prevent the escape of the Livestock.
- (b) A person must not permit Livestock which they own or have under their control to wander at large or roam on any Public Place.
- (c) A person must not, without a Permit, graze Livestock on any Road.
- (d) Subject to Clause 8.8(e), a person must not, without a Permit, move Livestock on any Road.
- (e) A person who is in charge of the movement of Livestock on any Road does not require a Permit if they:
  - (i) ensure all Livestock shall reach their destination by the most direct route, consistent with the requirements of this Local Law and any direction of an Authorised Officer;
  - (ii) ensure Livestock are only to be on Road for the minimum time it reasonably takes to move them to their destination;
  - (iii) ensure, as far as possible, the Livestock are moved during daylight hours;
  - (iv) comply with any directions from an Authorised Officer with regard to the route to be followed and the protection from damage likely to be caused by the Livestock to the Road, including native vegetation, construction and drainage on the Road, or private property;
  - (v) ensure the Livestock are supervised and under effective control by a person who is competent in the management of Livestock; and

- (vi) otherwise comply with all the requirements of any guidelines for the movement of Livestock prepared from time to time by the Roads Corporation and with the requirements of the *Road Safety Act 1986* and any Regulations made thereunder.
- (f) Where a farm property abuts both sides of a dividing Road, the Owner or Occupier of the farming property must ensure that any Livestock that is moved from one side of the farm property to the other are moved directly across the dividing Road unless, in the opinion of an Authorised Officer, it is not practical to do so.

**GUIDANCE NOTE:**

Any person in charge of the grazing of Livestock on a Road with a Permit will generally be expected to:

- ensure that the appropriate temporary fencing is in place to ensure the temporary containment of Livestock to the location where the Permit is issued;
- ensure that adequate warning of the presence of Livestock on the Road is given to other Road users or potential Road users;
- ensure that, apart from any other warnings considered appropriate by the person engaged in such activities, Signs are displayed which conform to guidelines prepared from time to time by the Roads Corporation and with the requirements of the *Road Safety Act 1986* and any Regulations made thereunder;
- ensure that any Signs and temporary fencing used are removed from the Road at the time of completion of such movement or grazing; and
- ensure, in addition to complying with any Permit or other conditions relating to warning Signs to other Road users, lighting requirements and the location, size, contents and colour of such devices are consistent with the Australian Standards for such purposes and any other Signage necessary for Road safety having regard to topography, conditions, Livestock type and numbers.

## PART 9 - FIRES AND FIRE HAZARDS

This part does not apply on any day or part of a day declared as a total fire ban day, or during the declared fire danger period as stated by the Country Fire Authority. Clause 9.1(a), does not apply to fires that have been authorised by a Permit under and in accordance with the *Country Fire Authority Act 1958*.

### 9.1 Open Air Burning

A person must not, without a Permit, light or allow to remain alight an Incinerator or a fire in the open air unless the Incinerator or fire is lit:

- (a) in a Farming Area, for farming purposes;
- (b) outside of the boundaries of the areas of the maps incorporated into this local law from time to time and the fire is for fire prevention or fuel reduction purposes and meets the following criteria;
  - (i) only dry garden waste, leaves, twigs, branches and timber are allowed to be burned
  - (ii) a minimum three (3) metre firebreak around and above the fire is provided
  - (iii) the maximum quantity of fuel to be burnt does not exceed one (1) cubic metre
  - (iv) the burning can only commence after 9.00am and must be completed and fully extinguished by 3.00pm that same day;
  - (v) sufficient water and equipment to extinguish the fire is provided and
  - (vi) whilst the fire is alight an adult must be in attendance at all times.
- (c) in a Purpose Built Outdoor Cooking and/ or Heating Device; or
- (d) to use a trade tool for and in accordance with its designed purpose.

#### GUIDANCE NOTE:

For the purposes of Clause 9.1, circumstances where a Permit may be issued include but are not limited to:

- where an Authorised Officer forms the opinion that any of the following applies:
  - the nature, volume, or location or the material to be burnt is such that its disposal by any other means is unsafe;
  - there is no reasonable alternative method available for the disposal of the material proposed to be burnt; or
  - it is necessary to burn the material in the interests of public safety.

- Where the proposed fire is within the boundaries of the areas of the maps incorporated into this local law from time to time if the above apply and the following can be met:
  - the provision of a minimum three (3) metre firebreak around and above the fire;
  - that the maximum quantity of fuel to be burnt does not exceed one (1) cubic metre or ten (10) cubic metres if the fire is for fuel reduction burning and is undertaken on land exceeding four (4) hectares and by a sporting organisation eg sport grounds, golf course, tennis courts etc.
  - that there is sufficient provision of water and equipment to extinguish the fire; and
  - that the fire is attended by an adult at all times it is alight; or
- when the fire is to be used for public entertainment.

## 9.2 Type of Waste that cannot be burnt

A person must not light or allow to remain alight an Incinerator or a fire in the open air for the purpose of burning:

- (a) household Refuse;
- (b) industrial, commercial or trade Waste; or
- (c) tyres or other noxious materials.

## 9.3 Direction by Authorised Officer

A person who has lit, or has allowed to be lit or to remain alight, an Incinerator or a fire in the open air contrary to this Clause 9 must extinguish the fire immediately on being directed to do so by an Authorised Officer.

### GUIDANCE NOTE:

Where a person fails to comply with a direction given under Clause 9.3:

- the Authorised Officer or his/her agent may enter upon the premises to which the direction relates and do any act, matter or thing which the person was directed to do; and
- the expenses of doing such act, matter or thing, will be borne by, and may be recovered by Council from the person given the direction.

# Schedule 1 Notice to Comply

## Notice to Comply

Moorabool Shire Council General Local Law 2019 – Clause 2.5.2

<b>Notice No.</b>	[	<b>Date of Issue</b>	[
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To:

<b>The [Owner] [Occupier]</b>
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Of:

<b>Address</b>
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I have reason to believe, from a recent inspection of Land at (Insert Address) (**Land**), that the Land is being kept in a manner that contravenes clause (insert clause) of the Moorabool Shire Council General Local Law 2019 (**Local Law**) by:

<b>Specify the act, omission, matter or thing that constitutes the contravention</b>	
--	--

In order to remedy this contravention you must:

<b>Specify the works required to correct the contravention</b>	
--	--

The works required must be completed by the following date:

<b>Specify the date by which the works required must be done</b>	
--	--

Authorised Officer's details:

<b>Signature of Authorised Officer</b>	
<b>Name of Authorised Officer</b>	

### Failure to Comply

If you fail to comply with this Notice to Comply:

1. it is an offence under clause 2..5.1 of the Local Law, the maximum penalty for which is 20 Penalty units; and
2. Council may, pursuant to section 225 of the *Local Government Act* 1989, carry out the work required by this Notice to Comply and recover the cost of doing so from you.

### Review

You may apply for a review of this Notice to Comply under clause 2..5.4 of the Local Law. An application for review of the Notice to Comply must be made in writing and must be made before the date by which the works required must be done (as shown above).

## Schedule 2 Penalties

Clause	General Description	Maximum Penalty
	<b>Part 3 - Protection and Management of Council Assets and Infrastructure</b>	
3.2	Requirement to maintain the nature strip	10
3.3 (c)	Requirement to notify Council	5
	<b>Part 4 - Building Sites</b>	
4.6(a)	Requirement to provide a site sign	10
4.6(b)	Requirement to ensure that the building site sign is updated in light of any changes	5
	<b>Part 5 - Activities and Behaviour on Roads, Council Land, Municipal places and public places</b>	
5.1(a) to (i)	Requirements on persons to behave in certain ways in a Municipal Place	10
5.2(c)	Requirements re-entry and remaining in a Municipal Place	10
5.3(a) to (d)	Requirements on persons to behave in certain ways in a Municipal Building	10
5.4(a) to (n)	Requirements on persons to behave in certain ways in a Municipal Reserve	10
5.5.1(d)	Requirement to remove a sign when requested by an authorised officer or member of the Emergency Services	10
5.5.3 (a) to (c)	Requirement not to camp without a permit on a Road, Council Land or a Municipal Place	10
5.5.4(b)	Requirements not to undertake specific activities with vehicle on any, Council Land or Municipal Place.	10
5.6(b) and (c)	Requirement to hold a permit to either light a fire or play amplified music in a Municipal Place	10
5.7(b)	Requirement to not ride an unregistered recreational vehicle on Council land or a Municipal Place	10
5.8(a)	Requirement on a person not to abandon a shopping trolley on any Road, Council land or Municipal Place	10
5.9(a) and (b)	Requirements on persons with regard to the use and purchase of a Parking Permit	10



<b>Clause</b>	<b>General Description</b>	<b>Maximum Penalty</b>
5.10	Requirement that a person must not without a permit collect fire wood from any Road, Council Land or Municipal Place	10
5.11(d)	Requirements with regard to a persons consumption and possession of alcohol in an Alcohol Restriction Area	10
5.12	Requirement to comply with the reasonable direction of an authorised officer or the requirements set out in a sign in a Municipal Place or on Council Land	10
	<b>Part 6 - Land Use and Amenity</b>	
6.1(a) and (b)	Requirement with regard to the positioning and visibility of the property number	10
6.6(a) and 6.6(b)	Requirement on an owner or occupier to ensure that vegetation does not encroach upon or obstruct any Road, Footpath or Nature Strip	10
	<b>Part 7 - Waste Management</b>	
7.5(a) and (b)	Requirements on a person with regard to the placement of hard waste for hard waste collection	10
7.8	Requirement that a person does not deposit any residential, green, trade or commercial waste into a street or park bin.	10
	<b>Part 8 - Animals</b>	
8.7(a) and (b)	Requirement on the person in control of a dog to not allow any excrement of the dog to remain on and Road, Council Land or Public Place and to carry a suitable litter device at all times.	10

## Schedule 3      Infringement Penalty Units

Clause	General Description	Infringement Penalty Unit
	<b>Part 2 - Administration and Enforcement</b>	
2.2.3	Requirement to comply with the conditions of a permit	5
2.5.2	Requirement to comply with a notice to comply	5
	<b>Part 3 - Protection and Management of Council Assets and Infrastructure</b>	
3.1(a), (b), (c), (d) and (e)	Requirement that a person must not without a permit destroy, damage, deface, interfere with, excavate or tap into any council land or asset	2
3.2 (a) and (b)	Requirement to maintain the nature strip	2
3.3(a)	Requirement to obtain an asset protection permit	5
3.3(b)	Requirement to notify Council	1
3.3(c)	Requirement to repair or reinstate any damage to council asset or infrastructure	5
3.4	Requirement not to discharge of any substance other than stormwater into the councils stormwater network	5
3.5(a)	Requirement to ensure that vehicle access and egress is only via a properly constructed and approved access point	2
3.5(c)	Requirement to obtain a permit to construct remove or alter a vehicle crossing	5
	<b>Part 4 - Building Sites</b>	
0	Requirement to minimise stormwater pollution	3
4.2	Requirement to contain Building Works within Building Site	3
4.3(a)	Requirement to erect fencing	4
4.3(b)	Requirements with regard to gates and openings	2
4.3(c)	Requirements with regard to reinstatement of fencing	4
4.4(a)	Requirements to provide a suitable rubbish container on site.	4
4.4(b)	Requirements regarding the placement and removal of rubbish containers.	4

<b>Clause</b>	<b>General Description</b>	<b>Infringement Penalty Unit</b>
4.5	Requirement to control windblown Refuse and dust	3
4.6(a)	Requirement to provide a site sign	2
4.6(b)	Requirement to ensure that the building site sign is updated in light of any changes	1
4.7	Requirement to provide a toilet for workers	5
4.8	Requirements regarding hours of operation	4
4.9	Requirement to comply with a direction to cease works	5
	<b>Part 5 - Activities and Behaviour on Roads, Council Land, Municipal Places and Public Places</b>	
5.1(a) to (i)	Requirements on persons to behave in certain ways in a Municipal Place	2
5.2(c)	Requirements re-entry and remaining in a Municipal Place	2
5.3(a) to (d)	Requirements on persons to behave in certain ways in a Municipal Building	2
5.4(a) to (n)	Requirements on persons to behave in certain ways in a Municipal Reserve	2
5.5.1(a)	Requirement to hold a permit to undertake a commercial activity	4
5.5.1(b)	Requirement not to commission another to breach clause 5.5.1 a)	5
5.5.1(c)	Requirement with regard to the placement of Signs	4
5.5.1(d)	Requirement to remove a sign when requested by an authorised officer or member of the Emergency Services	2
5.5.2(a)	Requirement to obtain a permit prior to undertaking works or obstructing access on a road, Council Land or Municipal Place	4
5.5.2(b)	Requirement to undertake any works to the standard specified by council	4
5.5.3 (a) to (c)	Requirement not to camp without a permit on a Road, Council Land or a Municipal Place	2
5.5.4(a)	Requirements not to undertake specific activities with vehicle on any Road, Council Land or Municipal Place.	2
5.5.4(b)	Requirements not to undertake specific activities with vehicle on any, Council Land or Municipal Place.	4

<b>Clause</b>	<b>General Description</b>	<b>Infringement Penalty Unit</b>
5.6(a)	Requirement to hold a permit to ride or drive a vehicle in a municipal place	2
5.6(b) and (c)	Requirement to hold a permit to either light a fire or play amplified music in a Municipal Place	2
5.7(a)	Requirement to hold a permit to use a recreational vehicle on council land or Municipal Place	5
5.7(b)	Requirement to not ride an unregistered recreational vehicle on Council land or a Municipal Place	2
5.7(c)	Requirement on the owner of an unregistered recreational Vehicle not to knowingly allow a person to ride the vehicle on Council land or a Municipal Place	4
5.8(a)	Requirement on a person not to abandon a shopping trolley on any Road or Council land.	2
5.8(b)	Requirement on a retailer to not make a shopping trolley available for use unless it has a locking mechanism attached	5
5.9(a) and (b)	Requirements on persons with regard to the use and purchase of a Parking Permit	2
5.10	Requirement that a person must not without a permit collect fire wood from any Road, Council Land or Municipal Place	2
5.11(d)	Requirements with regard to a persons consumption and possession of alcohol in an Alcohol Restriction Area	2
5.12	Requirement to comply with the reasonable direction of an authorised officer or the requirements set out in a sign in a Municipal Place or on Council Land	2
	<b>Part 6 - Land Use and Amenity</b>	
6.1(a) and (b)	Requirement with regard to the positioning and visibility of the property number	1
6.2	Requirement to ensure that land is kept in a manner that it is not unsightly	4
6.3(a)	Requirement on an owner to not allow any vacant land to become unsafe	5
6.3(b)	Requirement on an owner of a building to not allow that building to become Dilapidated or unsafe	5
6.4	Requirement that the owner or occupier ensure that any drain or stormwater retention system is maintained and fit for purpose	4

Clause	General Description	Infringement Penalty Unit
6.5(a) and (b)	Requirement that any owner or occupier ensure that any vegetation or structure does not obstructs the view of a motor vehicle, sign or signal on a Road of any person using that Road	2
6.6(a) and (b) and b)	Requirement on an owner or occupier to ensure that vegetation does not encroach upon or obstruct any Road, Footpath or Nature Strip	2
0	Requirement that the Owner or Occupier of land in a Residential Area must hold a permit to store or place a shipping container	5
6.8	Requirement to hold a permit to park, keep, store or allow to remain a Heavy Vehicle on any Land within a Residential Area	4
6.9	Requirement with regard to the audibility of audible alarms in a Residential and Commercial Areas	2
6.10(a)	Requirement that a person in certain circumstances must hold a permit camp on private land	2
6.10(b)	Requirement that the Owner or Occupier of Land in certain circumstances must hold a permit to allow camping on private land	4
6.11(a), (b) and (c)	Requirement that a person in certain circumstances must hold a permit to use allow the use of a recreational vehicle on private land	3
	<b>Part 7 - Waste Management</b>	
7.1(a) to 7.1(g)	Requirements on the owner of land to ensure that septic tanks are maintained in specific ways	4
7.2	Requirement that a person hold a permit to irrigate land with untreated grey water	4
7.3	Requirement that the owner and occupier of a commercial business in a commercial area provide and maintain suitable and sufficient containers for the storage of waste	2
7.4(a), (b) and (c)	Requirements on the owner and occupier of any land with regard to the type, number, placement and removal of refuse and recycling bins	2
7.5(a) and (b)	Requirements on a person with regard to the placement of hard waste for hard waste collection	2
7.6(a)	Requirements on a person not to remove, damage or interfere with any hard waste placed out for collection	2

<b>Clause</b>	<b>General Description</b>	<b>Infringement Penalty Unit</b>
7.6(b)	Requirement not to place additional material in a bin or a hard waste collection placed out by another person	2
7.7(a) and (b)	Requirement that the owner or occupier ensure that their bins and their bin storage area are kept in a clean, inoffensive and sanitary condition.	2
7.7(c)	Requirement that the owner or occupier ensure that any bin is covered by a lid at all times.	2
7.8	Requirement that a person does not deposit any residential, green, trade or commercial waste into a street or park bin.	2
	<b>Part 8 - Animals</b>	
8.1(a)	Requirement that the owner or occupier hold a permit to keep specific types and numbers of animals.	4
8.3(a) and (b)	Requirement that the owner and occupier of any land do not allow any animal or the keeping of that animal to cause a nuisance	2
8.4(a) to (h)	Requirement on the owner or occupier of any premises to keep their animals and maintain their land to specific standards	2
8.5(a) and (b)	Requirements on the owner and occupier of premises as to where animal enclosures must be sited and what standards they must meet	2
8.6(a), (b) and (c)	Requirements as to where a person can construct a stable	4
8.7(a) and (b)	Requirement on the person in control of a dog to not allow any excrement of the dog to remain on and Road, Council Land or Public Place and to carry a suitable litter device at all times.	2
8.8(a)	Requirement that the owner and occupier premises on which livestock are kept is adequately fenced	4
8.8(b)	Requirement that a person must not allow livestock to wander or roam on any Road or Council Land	3
8.8(c) and (d)	Requirement that a person must not without a permit graze or move livestock on a Road	4
8.8(f)	Requirement that livestock are moved directly across the road.	2
	<b>Part 9 - Fires and Fire Hazards</b>	

Clause	General Description	Infringement Penalty Unit
9.1	Requirement that a person not light a fire or allow a fire to remain alight unless a permit is obtained.	4
9.1(a) to (c)	Requirement that a person not light or allow to remain alight specific types of refuse	5
9.1(b)3	Requirement that a person who has lit, or allow to remain alight a fire must extinguish it if directed to do so by an Authorised officer	4

## 11.3 COMMUNITY DEVELOPMENT

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

#### Introduction

Author: Michelle Morrow  
CEO: Derek Madden

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.

#### Background

Section 232 of the *Local Government Act 1989* authorises the relevant officers generally to institute proceedings for offences against the Acts and Regulations described within the proposed instrument of appointment and authorisation.

#### Proposal

In order to comply with the *Planning and Environment Act 1987* and the *Local Government Act 1989*, an Instrument of Appointment and Authorisation is now presented to the Council, as **Attachment 11.3.1**, requesting that the officers named in that Instrument be hereby appointed for the purposes of section 147(4) of the *Planning and Environment Act 1987* and the regulations made under that Act and section 232 of the *Local Government Act 1989* for the purpose generally to institute proceedings for offences against the Acts and regulations described in the instrument.

The change to this Instrument reflects the commencement of staff within the Planning and Environmental Health service units as follows:

Commencement of Narelle Sillitoe      Community Safety Officer

#### Policy Implications

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 instrument of appointment and authorisation from 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.

*Chief Executive Officer – Derek Madden* providing this advice to Council as the General Manager, I have no interests to disclose in this report.

*Author – Michelle Morrow*

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

## **Conclusion**

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

## **Recommendation:**

**That Council 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*.**

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## **Report Authorisation**

Authorised by: 

**Name:** Derek Madden  
**Title:** Chief Executive Officer  
**Date:** Wednesday 22 May 2019

# Attachment Item - 11.3.1



## **Moorabool Shire Council**

### **Instrument of Appointment and Authorisation**

***(Planning and Environment Act 1987 only)***

**June 2019**

## **Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

In this instrument, the member of Council staff holding, or performing the duties of, the office or position hereunder are appropriate officers appointed or authorised in respect of the relevant legislation:

<b>Officer</b>	<b>Position</b>	<b>Position Abbreviation</b>
Allan Leslie May	Environmental Health Technical Officer	[EHTO]
Ana Mitrov	Strategic Planner	[STP]
Andy Gaze	Coordinator Community Health and Safety	[CCHS]
Bronwyn Southee	Coordinator Statutory Planning.	[CSP]
Debbie Anne Frappa	Statutory Planning Enforcement Officer	[SPEO]
Faye Laskaris	Senior Environmental Health Officer	[SEHO]
Glenn Burns	Senior Community Safety Officer	[SCSO]
Jacobus Hulst	Environmental Health Officer	[EHO]
Julie Menzies	Senior Environmental Health Officer	[SEHO]
Justin Horne	Coordinator Environmental Planning	[CEP]
Liam Prescott	Strategic Planner	[STP]
Mark Lovell	Senior Statutory Planner	[SSP]
Narelle Sillitoe	Community Safety Officer	[CSO]
Robert Fillisch	Manager Statutory Planning & Community Safety	[MSPCS]
Rod Davison	Senior Strategic Planning Officer	[SSTPO]
Samuel Duff	Statutory Planner	[SP]
Sara Douglas	Community Safety Officer	[CSO]
Sarah Kernohan	Coordinator Strategic Planning	[CSTP]
Satwinder Sandhu	General Manager Growth and Development	[GMGD]
Simon Glenister	Statutory Planning Enforcement Officer	[SPEO]
Thomas Tonkin	Statutory Planner	[SP]
Vanessa Osborn	Statutory Planning Project Officer	[SPPO]
Victoria Mack	Statutory Planner	[SP]

**By this instrument of appointment and authorisation Moorabool Shire Council –**

1. under section 147(4) of the *Planning and Environment Act 1987* – appoints the abovementioned officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the abovementioned officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that this instrument –**

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Moorabool Shire Council on Wednesday 5 June 2019.

The **COMMON SEAL** of the  
**MOORABOOL SHIRE COUNCIL**  
was affixed this Wednesday 5 June 2019 in the  
presence of –

.....Mayor

## 11.4 COMMUNITY ASSETS AND INFRASTRUCTURE

### 11.4.1 Draft Graffiti Management Policy

#### Introduction

Author: John Miller  
General Manager: Phil Jeffrey

#### Background

Council previously considered this item at the Ordinary Meeting of Council on Wednesday 1 May 2019, where it was resolved to lay the Graffiti Management Policy on the table for further consideration at the next meeting of Council.

The policy protocol relating to the consideration of items which affect beyond the current year is applied for consideration of matters whose impact or influence will extend to directly affect the activities and/or financial planning of Council for a period beyond the term of the Current Council Budget, and whether relating to Council policy pronouncements or specific projects.

In accordance with the resolution of Council on Wednesday 1 May 2019 the Graffiti Management Policy is now presented to Council for adoption.

The draft Graffiti Management Policy has been developed to outline Council's approach to the management of illegal graffiti in line with Moorabool Shire Council's Community Local Law No. 1 (2018) and the Graffiti Prevention Act 2007 (Vic).

#### Proposal

In accordance with the resolution of Council on Wednesday 1 May 2019 the Graffiti Management Policy is now presented to Council for adoption.

To further assist in Council's management of graffiti, the development of a Graffiti Prevention Strategy is recommended to be undertaken as a future action.

#### Policy Implications

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

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

#### Risk & Occupational Health & Safety Issues

There are no risk or occupational health and safety implications associated with the recommendation within this report.

## Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Community	Place a copy of the adopted Policy on Council's website	N/A	June 2019	Policy accessible to wider community

## Communications and Consultation Strategy

There is no formal requirement for a communications strategy as a result of the development or adoption of the draft Graffiti Management Policy, however following adoption, a copy of the policy will be placed on Council's website as well as provided internally to Council staff.

## Victorian Charter of Human Rights and Responsibilities Act 2006

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

## Officer's Declaration of Conflict of Interests

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

*General Manager – Phil Jeffrey*

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

*Author – John Miller*

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

## Conclusion

Council is responsible to ensure that a safe, clean and welcoming environment is available to all residents within the Shire and has developed a draft Graffiti Management Policy to formalise the approach to the effective management of illegal graffiti.

Having resolved on the 1 May 2019 that the policy lay on the table for further consideration and adoption at the next Ordinary Meeting of Council, the Graffiti Management Policy is now placed before Council for adoption.

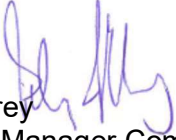
**Recommendation:**

**That Council, in accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, now adopts the Graffiti Management Policy.**

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**Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey   
**Title:** General Manager Community Assets and Infrastructure  
**Date:** Monday 06 May 2019



# Attachment Item - 11.4.1

# Graffiti Management Policy



<b>Policy Type:</b>	Council
<b>Version:</b>	V.1
<b>Date Adopted:</b>	
<b>Service Unit</b>	Assets
<b>Directorate:</b>	Community Assets & Infrastructure
<b>Review Date:</b>	June 2023

## 1. Purpose

The term 'graffiti' refers to illegally defacing private or public property with markings and/or graphics without the owner's consent or of an offensive nature. Graffiti/vandalism can take multiple forms including designs, words or images using chalk, paint, scratching, textas, acid etching or other material such as stickers and posters. There is a clear difference between graffiti and legal/approved street art.

Council acknowledges the negative effect graffiti can have on pride of place, the appearance and value of property and buildings, the cost to the community and businesses, as well as social impacts such as the feeling of safety in public spaces. Incidents of graffiti and/or vandalism throughout the municipality are reported to Council on a weekly basis and include graffiti on both Council owned and privately owned assets.

The purpose of this Policy is to provide an overview of Council's approach to graffiti management and the methodology for the removal of graffiti from Council and other assets.

## 2. Definitions

Word/Term	Definition
Graffiti	Defined in the Graffiti Prevention Act 2007 (the 'Act') as to 'write, draw, mark, scratch or otherwise deface property by any means so that the defacement is not readily removable by wiping with a dry cloth.'
Offensive graffiti	Obscene in nature and has the potential to cause offence to the community or certain groups within the community. In particular, it often includes defamatory remarks or slurs about race and gender and includes offensive words, phrases or graphics.
Inaccessible graffiti	Graffiti present on private property where removal would require entering the property. The Graffiti Prevention Act 2007 outlines the specific circumstances in which Council is permitted to enter private property.
Private property/private asset	Any asset, item or thing (such as land, structures, fixtures, lighting, signage, fencing etc) that is not owned or operated by Moorabool Shire Council. This may include assets in the ownership of other service or government authorities, businesses and/or residents of the Shire.

# Graffiti Management Policy

## 3. Scope

This Policy outlines Council's approach to the removal of illegal graffiti in line with Moorabool Shire Council's Community Local Law No. 1 (2019) and the Graffiti Prevention Act 2007 (Vic). Whilst Council acknowledges the positive contribution of approved street art, the process and management of street art is not within the scope of this policy.

## 4. Policy

Best practice graffiti reduction models, both nationally and internationally, recognise the importance of graffiti prevention. Council recognises effective strategies in graffiti prevention focus on active engagement and the rapid and continual removal of graffiti.

Council supports the following graffiti prevention principals and whilst does not have a dedicated graffiti team, is committed to undertaking prevention and education activities and applying for grant funding as opportunities arise.

- **Eradication** – Rapid and continual removal of graffiti vandalism is the best way for property owners to protect their property and preserve the image of their neighbourhood. Removing graffiti vandalism quickly makes removal easier and more effective and reduces the notoriety for graffiti vandals that results from having the graffiti vandalism on display.
- **Education** – Providing community education and information to ensure a whole of community proactive approach to graffiti prevention.
- **Engagement** – Active engagement with all ages within the community to educate them on the consequences of engaging in illegal graffiti activity and to provide appropriate avenues for creativity and skill development opportunities.
- **Enforcement** – Work with the Victoria Police to support their efforts in prosecuting graffiti vandals.

### Reporting Graffiti

Residents are encouraged to contact Victoria Police to report any graffiti or vandalism, providing information regarding graffiti vandals or people acting suspiciously. Reports can be made anonymously to Crime Stoppers on 1800 333 000.

Graffiti on public land or assets can be reported to Council in the following ways:

- Contact Council's Customer Service centre on 5366 7100
- Report an Issue via Council's website <https://www.moorabool.vic.gov.au/forms/report-issue>

### Graffiti Removal from Council Property

To manage the negative effects of graffiti in our community, Council will remove graffiti from Council property in a timely manner. Council will maintain a target of the rapid removal of offensive graffiti on Council property within 2 business days and of non-offensive graffiti within 10 business days.

# Graffiti Management Policy

Council are not permitted to remove graffiti from any public asset that does not belong to Council such as public transport, public utilities, telecommunications, post boxes, fire hydrants or public lighting. Residents are encouraged to contact the relevant authority directly to lodge a report and where Council becomes aware of such graffiti, this information will be referred to the service authority.

To further assist in Council's management of graffiti, the development of a Graffiti Prevention Strategy is recommended to be undertaken as a future action.

## Graffiti Removal on Private Property

Graffiti removal on private property, is the responsibility of the owner/occupier of the land to remove and keep in a manner that is not offensive to others within the community.

Notwithstanding this, graffiti on any building or structure, including within private property, may be considered by Council to be 'unsightly'. Council can enforce owners of property with unsightly graffiti (as determined by an authorised officer) to remove the graffiti under Part 6.2 in Council's Community Local Law 2019.

Where there is offensive graffiti on a private asset (ie. a property fence) adjoining Council land, the graffiti may be removed by Council at the discretion of a member of the Executive Group.

## Graffiti Tributes

Council acknowledges that whilst memorials and public tributes can enrich public spaces and are important for particular individuals and groups of people, they also need to be carefully considered to ensure they do not negatively impact on these spaces. Council has a separate Memorials Policy which addresses the considerations to made around memorials.

## **5. Related Legislation**

- Graffiti Prevention Act 2007 (Vic)
- Community Local Law (2010) effective to 30 June 2019
- Community Local Law (2019) effective from 1 July 2019

## **6. Council Plan Reference**

Moorabool Shire Council Plan (2017-21)

Objective: Providing good governance and leadership

Context 1A: Our assets and infrastructure

## **7. Review**

As a minimum, this policy will be reviewed every four years.

## 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:

***Nil.***

## 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>	<b>Attachment No.</b>
Navigator Community Centre	Monday 04 February 2019		12.2a
Gordon Public Hall Committee of Management Inc	Wednesday 6 February 2019		12.2b
Bacchus Marsh Racecourse and Recreation Reserve Committee of Management	Tuesday 12 March 2019	Cr. Bingham	12.2c
Bacchus Marsh Racecourse and Recreation Reserve Committee of Management	Tuesday 09 April 2019	Cr. Bingham	12.2d
Lal Lal Soldiers' Memorial Hall Committee of Management	Tuesday 16 April 2019		12.2e
Section 86 Development Assesment Committee Meeting <a href="https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2019">https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2019</a>	Wednesday 17 April 2019	Cr. Tatchell Cr. Keogh Cr. Bingham Cr. Dudzik Cr. Edwards	n/a
Greendale Recreation Reserves Committee of Management	Wednesday 17 April 2019		12.2f
Blacksmith's Cottage and Forge Committee of Management	Tuesday 23 April 2019	Cr. Edwards	12.2g
Elaine Recreation Reserve Committee of Management			12.2h
Section 86 Development Assesment Committee Meeting <a href="https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2019">https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2019</a>	Wednesday 15 May 2019	Cr. Tatchell Cr. Keogh Cr. Bingham Cr. Dudzik Cr. Edwards	n/a

**Recommendation:**

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

- **Section 86 Development Assessment Committee Meeting, Wednesday 17 April 2019**
- **Navigator Community Centre, Monday 04 February 2019**
- **Gordon Public Hall Committee of Management Inc, Wednesday 6 February 2019**
- **Bacchus Marsh Racecourse and Recreation Reserve Committee of Management, Tuesday 12 March 2019**
- **Bacchus Marsh Racecourse and Recreation Reserve Committee of Management, Tuesday 09 April 2019**
- **Lal Lal Soldiers' Memorial Hall Committee of Management, Tuesday 16 April 2019**
- **Greendale Recreation Reserves Committee of Management, Wednesday 17 April 2019**
- **Blacksmith's Cottage and Forge Committee of Management, Tuesday 23 April 2019**
- **Section 86 Development Assessment Committee Meeting, Wednesday 15 May 2019**

# Attachment Item - 12.2a





Incorporated no. - A0022451E.

## **1 Navigators Community Special Meeting Monday 4<sup>th</sup> February 2019**

### Terms

- NCC – Navigators Community Centre
- MSC - Moorabool Shire Council

### **1.1 Office Holders**

1. Wayne Austin – President
2. Debbie Barnett – Vice President
3. Ken Turner – Treasurer
4. Ole Kelderman – Secretary
5. Tarsha Gore – Tennis Club Representative

### **1.2 Committee Members**

6. Michael Clarke
7. David Tatman
8. Alan Rogers
9. David Reyne
10. Paul Mullane

### **1.3 Present**

1. Wayne Austin
2. Michael Clarke
3. Ken Turner
4. Debbie Barnett
5. Alan Rogers
6. Ole Kelderman
7. Tarsha Gore

### **1.4 Apologies**

Ken Turner, David Reyne, David Tatman

## **2 Navigators Community Centre Minutes**

Meeting Started 7:45 pm

Meeting Concluded 9:45 pm

### **2.1 General Business**

#### **2.1.1 Storage Room Repairs**

Repairs required to flooring of the Navigators Community Hall

Motion: Support repair work for Hall Storeroom to value of \$5000 ( incl GST) with respect to quote of 'Jewells House' registered DB11164 Registered Builders and approve interim repairs of temporary flooring of approximate value of \$200 till such permanent repairs effected .

Moved Ole. Seconded Michael. Passed by Majority vote.

#### **2.1.2 Increase Battery size for Solar Battery**

Motion: to increase Battery size for Solar Battery from 9.8kWhr to 13kWhr.

Moved Wayne. Failed Secondary. Motion failed .

#### **2.1.3 Link Cheque Account to Debit card to facilitate online viewing**

Motion: To Link NCC Cheque account to Debit card for purposes of online viewing of Cheque account status.

Moved Debbie. Seconded Alan. Passed Unanimously.

#### **2.1.4 Trivia Night Prize Money and Float**

Motion: to Support Trivia Night fundraising that NCC Management Committee provide \$200 to facilitate the first prize and \$50 for coin toss prize. Also a refundable float of \$200 to be provided to add in activities such as the coin toss.

Moved Wayne. Seconded Paul. Passed unanimously.

#### **2.1.5 Clarification of Shire duties, tax receipts etc**

Discussion on requirement to receive Shire funding and clarification of status of volunteer labour and activities.

Motion. To request Councillor of the Shire to assist in obtaining Shire support in addressing issue of tax receipts, invoices, issues of volunteer labour, collecting of money and legal and financial responsibility of such actions. Clarification of duties of Shire in maintenance of facility. With the expectation that such will be done on site at NCC Hall to clarify these matters.

Moved Ole. Seconded Michael. Passed Unanimously

### **2.2 President Thanks for Work well done.**

Wayne as President of NCC Management Committee expressed thanks to Alan Rogers and Ken Turner for a job well done on the replacement and repair of the Hall doors.



# Attachment Item - 12.2b

## Committee of Management General Meeting Minutes 6th February, 2019

### Opening

The regular meeting of the Committee of Management was called to order at 7.30pm on 6th February, 2019.

### Present

Lin Lawson, Frank Higgins, Beryl Forster, Nicole Smith, Maree Brooks, Sandra Jarrett.

**Apologies** Sandra Baker, Eric Forster

The minutes of the previous meeting were unanimously approved as distributed.

### Correspondence

**In:** Momentum Energy account – to Nicole

### General Business

1. Gordon streetscape works commencing. David Huxtable will be coordinating and Lin to advise him of dates of upcoming hall functions.
2. Greendale Cleaning to go ahead with cleaning front of hall outside, linoleum in foyer and kitchen. Beryl to follow up.
3. Special resolution to cancel the “incorporation” proposed by Frank Higgins and unanimously passed. Frank to follow through.
4. Men’s Urinal – At special meeting with Council, Steph L. advised she would make enquiries with the relevant department. Meantime Sandra J to contact Steph to follow up and Lin to get quote from local plumbers as to costs, etc.

### Proposed Dates for Hall functions for 2019

- |                                       |  |
|---------------------------------------|--|
| • Wednesday 16 <sup>th</sup> January  | Special meeting to discuss upcoming market |
| • Saturday 16 <sup>th</sup> March     | Gordon Autumn Market                       |
| • Wednesday 26 <sup>th</sup> June     | Sing Australia                             |
| • Wednesday 31 <sup>st</sup> July     | Winter Casserole Luncheon                  |
| • Saturday 19 <sup>th</sup> October   | Gordon Spring Market                       |
| • Wednesday 11 <sup>th</sup> December | Community Christmas Luncheon               |
| •                                     |  |

### Proposed Dates for Committee of Management Meetings

- **6<sup>th</sup> February (Wed) 7.30pm**
- **3<sup>rd</sup> April (Wed) 7.30pm**
- **5<sup>th</sup> June (Wed) 7.30pm**
- **7<sup>th</sup> August (Wed) 7.30pm AGM?**
- **2<sup>nd</sup> October (Wed) 7.30pm**
- **4<sup>th</sup> December (Wd) 7.30pm**

### Treasurer's Report -

Nicole working on finalizing financial statements for submission to Council.

- 1 Bendigo Bank balance \$491.92
- 2 CBA Balance \$9787.77

Accounts outstanding Momentum Energy \$559.81

**Minutes approved** : Beryl Foster      **seconded:** Frank Higgins

Meeting closed at 8.30pm

# Attachment Item - 12.2c



## MEETING, 12<sup>th</sup> MARCH 2019, at the LERDERDERG LIBRARY

### 1. ATTENDANCE:

POSITION	MEMBER	PRESENT	APOLOGY	ABSENT
Chairman	Allan Comrie	X		
BM West Golf Club	Dean Cowan			x
BM Harness Club	Robert Young	X		
BM Pony Club	Deirdre Davey	X		
BM Campdrafters	Michael Fitzpatrick	X		X
BM & Melton Poultry Club	George Rogers	X		
Footscray Poultry Club	Jan Motherwell			X
BM BMX Club	Les Stewart			x
BM Soccer Club	Noel Stanley			x
BM Soccer Club	Simon Joanidis	X		
BM Cricket Club	Darran Fowlie		X	
Community Rep	Stuart Deagan			X
Moorabool Shire Council	Cr. Jarrod Bingham			X
<b>OTHERS</b>				
Richard Taylor				

### 2. Minutes of Last Meeting Move Robert Sec. George

- George has spoken to Shire re: a PIC No. for the Reserve.

Nil

### 4. Treasurers Report

- NIL
- Treasurer's Books current with the Shire to be Audited.

Move Robert Sec. Jan

### 5. Correspondence

INWARD:

- Nil

OUTWARD:

- Minutes and Agenda

Move Robert Sec. George

### 6. Other Business

### 7. BMX CLUB

- Re shaping the Track ready for surface



**8. SOCCER CLUB**

- Soccer Ground should be grassed this month and ready for this season.

**9. PONY CLUB:**

- Cross Country Course finished and has been signed off.
- Clubs rooms to go out to Tender in next couple of weeks

**10. HARNESS CLUB:**

- HRV has endorsed next stage of works
- Will be at least 3 months before work starts on track

**11. BACCHUS MARSH/MELTON POULTRY CLUB:**

- Change of date for the Bacchus Marsh/Melton Poultry Club Auction – new date 28<sup>th</sup> April 2019

**12. CAMPDRAFT:**

- Campdraft 21<sup>st</sup>/22<sup>nd</sup>/23<sup>rd</sup> March 2019.
- Campdraft Container has been broken into twice – everything in the container stolen.
- In discussion with MSC to have access through the construction site for their coming campdraft

**13.** Security System in and around Tractor Shed not working – Allan to follow up with John Cutler

**14. FENCING THE RESERVE.**

- Concern the lack of external/internal fencing for Security and Safety on the Reserve.
- Allan to write to Council – the problem needs to be urgently addressed.

**Meeting Closed 8.15pm**

<b>NEXT MEETING</b>	<b>9<sup>th</sup> April 2019, 7.30 pm</b> <b>JAMES YOUNG ROOM, LERDERBERG LIBRARY, MAIN STREET, BACCHUS MARSH</b>
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# Attachment Item - 12.2d



**6. Other Business**

**7. SOCCER CLUB**

- Soccer Grounds should be ready for next season

**8. PONY CLUB:**

- New Cross Country Course rode well at the March Horse Trials
- Clubs rooms to go out to Tender in next couple of weeks

**10. HARNESS CLUB:**

- Grant with Harness Board 3 Months behind.
- Grant Application \$260,000.00 - Victorian Racecourse Development Fund.
- Grand Stand has been vandalized and needs work. Heritage Listed – MSC to maintain it.
- Pony Club to clean up around stables and Grandstand.

**11. BACCHUS MARSH/MELTON POULTRY CLUB:**

- Contact John Cutler and find out how to work Security System in the Tractor Shed.

**14. FENCING THE RESERVE.**

- No Progress

**Meeting Closed 8.15pm**

<b>NEXT MEETING</b>	<b>14<sup>th</sup> May 2019, 7.30 pm JAMES YOUNG ROOM, LERDERBERG LIBRARY, MAIN STREET, BACCHUS MARSH</b>
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# Attachment Item - 12.2e

## Meeting 16 April: LAL LAL SOLDIER'S MEMORIAL HALL COMMITTEE

Meeting opened: 7.06 pm

Present: Engels Leoncini (chair), Geoff Hewitt, John McAuliffe, Sue Witherspoon, Colleen Henriksen, John Crick

Apologies: Kristina Kitchingman, Graeme Diamond-Keith, Ursula Diamond-Keith

Minutes of last meeting:

That the minutes of the meeting dated 5 March be passed.

Moved: J. McAuliffe      Seconded: C. Henriksen      Carried

### BUSINESS ARISING

1. **Acquittal Forms** (Treasurer's Report)
2. **Tourism Events Grant** (Reports)
3. **Tree Removal: ANZAC Park & Avenue of Honour** (Reports)
4. **Social Committee/hotel dates** (Reports)
5. **ANZAC Day arrangements:**
  - Ceremony 11 am, Thursday 25 April. It will be conducted at the Memorial regardless of weather
  - Kristina Kitchingman will promote the ceremony on the Photography Group community page
  - Hall to be open from 10.45 with tea & biscuits after the ceremony
  - Cr. Tom Sullivan will represent the Shire
  - School will provide a wreath; Principal will provide a reading
  - Creswick light Horse participation to be determined
  - Hotel bbq from noon (gold coin donation) with 'Australiana' singer booked for 3 hrs.

Actions:

- Engels to contact Tom Sullivan re role and whether Shire presenting wreath
- Sue to make a wreath
- Engels to contact school re final arrangements
- Engels to arrange a site clean-up if required (Graeme Diamond-Keith & John McAuliffe have blowers)
- Graeme volunteered to put out road signage
- Colleen to organise light refreshments (tea, coffee, biscuits, etc)
- John Crick and Engels to test loud speaker equipment
- Committee to set up chairs from hall before ceremony

For consideration:

- Possible purchase of permanent wreath for future ceremonies

### 6. Hall extension

- Draughtsman has the plan outline to draw up
- Quote on the slab and framing costs pending draughtsman's plan
- Submission to Shire for specification requirements pending draughtsman's plan
- Possible to develop project in stages: lock-up, fabrication, fittings, etc. to accommodate cost and grant application issues.
- Ross Holton conducted an onsite review of the trees near the site and identified insect infestation and proximity issues, committing to remove or trim as required when the site plans are completed (12/3).

## TREASURER'S REPORT

### 1. Statement of financial position as at 31 March 2019

<b>Balance at Bank 01 March 2019</b>		<b>7261.14</b>
<b>Income</b>		
Interest Received Bendigo Bank	3.17	
Paul Saffron - Hall Hire	<u>100.00</u>	
	<b>103.17</b>	<b>7364.31</b>
<b>Expenditure</b>		
Bunnings - Corflute	17.70	
Coles - Food March Social Event	5.15	
Officeworks - History Group Printing, Laminating, Markers	40.38	
Lal Lal Falls Hotel - Lal Lal Hall Committee 2018 Breakup	150.00	
K-Mart - Bowls for Hall	<u>22.50</u>	
	<b>235.73</b>	<b>7128.58</b>
<b>Balance at Bank 31 March 2019</b>		<b>7128.58</b>
<b>Income Pending</b>		
Moorabool Shire Council - 2018/2019 Operational Grant	<b>3330.48</b>	
<b>Expenditure Pending</b>		
Saltbush Kitchen - History Group Outing	<b>27.50</b>	

\* The operational grant has been received and the Saltbush kitchen debt paid, for inclusion in next statement

Moved: C. Henriksen                      Seconded: J. McAuliffe                      Carried

### 2. Acquittal forms

- Confusion over whether acquittal form had been submitted and request to submit invoices in addition to quarterly statement requirement.
- Contacted Stephanie Lewin to clarify
- An issue with generic request statements; water invoices only needed to be submitted.
- Note that in-kind statement for committee members not requested

### CORRESPONDENCE IN

7/3/19: K. Kitchingman, late apology for March meeting

: Sandi Murphy, quote for strip

21/3/19: G. Hewitt, copy of email to Shire re issues with grant application process

29/3/19: U. Diamond-Keith, grants meeting with Ian Waugh

11/4/19: Sandi Murphy, query re grant progress

12/4/19: K. Kitchingman, meeting apology

: U. Diamond-Keith, Social Committee & History Committee reports

: S. Murphy, acknowledging grant clarification

: T. Ward, Wind Farm Community Benefit Fund Evaluation Form & 2019 application dates

### CORRESPONDENCE OUT

7/3/19: Committee & contacts, Minutes March meeting

: T. Sullivan, invitation to participate in ANZAC Day ceremony

21/3/19: K. Barbuto (Tourism) Tourism Event grant application

22/3/19: Falls Committee, issues with grant application process (E. Leoncini)

11/4/19: Sandi Murphy, clarification of grant process.

: Committee, meeting agenda 16/4.

12/4/19: K. Kitchingman, acknowledging meeting apology  
: U. Diamond-Keith, clarifying correspondence entry

## **BUSINESS ARISING FROM CORRESPONDENCE**

- The Committee extends commiserations to Alan and Kristina Kitchingman on the passing of Alan's mother.

## **REPORTS**

### **1. Maintenance (J. Crick)**

- Leaking gasket in ladies water closet to be replaced from stock

### **2. Hall Hire**

- 8 May: Lal Lal Land Care: Executive meeting
- 20 July: Private: Surprise 60<sup>th</sup> birthday party (tentative)  
: Social Committee: Winter Casserole Night (See Reports)

### **3. Lal Lal Market**

#### **1. Tourism Events Grant: (E. Leoncini & G. Hewitt)**

- Submitted 21/3 (copy tabled)
- Application's validity caught up in late notice from Recreation & Community Development that Section 86 committees could not submit funding applications citing Shire auspice.
- Engels contacted Kate Barbuto (Tourism) to check that application was still valid but she was unaware of the reversion to traditional practise and is yet to respond to the query.
- 12/4 Engels and Geoff met with Ian Waugh (Manager: Recreation & Community Development) and Tanya Barry (Co-ordinator) to clarify grant arrangements: Ian and Tanya addressed the following issues:
  - Acknowledging that committees had not been clearly informed of changes to practice and that consultation was lacking re policies and the Recreation Reserve Management Framework
  - Identified an outdated deed of delegation as an issue to be addressed for defining and upgrading the Committee's roles and functions.
  - Acknowledged that the deed was restrictive and exposed the Committee to insurance and liability issues for activities not explicitly outlined.
  - Expressed support for the Committee to continue undertaking its community engagement roles more broadly and pending an updating of the deed of delegation
  - Committed to completing the upgrade for consultation with the Committee well in advance of preparations for the annual market.
- The following issues were noted in response:
  - The ANZAC Park and related Avenue of Honour initiatives, the development of the Friends of the Railway Station and the Lal Lal Market would not have been undertaken without the Hall Committee operating beyond the confines of a narrow facility maintenance obligation and an understanding that members and community participants were covered for liability.
  - Similarly, the hall extension would not have been undertaken.
  - The narrowness of the deed of delegation interpretation contradicts the Committee's encouragement of community-based activities on site.
  - The application process required much the same workload for both small and large projects and thereby represented a disincentive for smaller applications because the potential return was not commensurate with the workload involved.
  - Small communities like Lal Lal had limited local groups available with the capacity to provide genuine auspice support for the Hall's projects.



- Meetings held in working hours between volunteers and Shire representatives was another disincentive to broadening community participation. The previous practise of time in lieu allowances for Shire representatives meeting with committees out of work hours was noted as a practical solution.

## 2. Lal Lal Market 2019:

- A strict interpretation of the hall's deed of delegation would seemingly deny the Committee being able to organise another market because it does not have the relevant insurance cover.

**Decision:** It was agreed to continue with market preparations as usual on the following basis:

(i) Recreation and Community Development officers have expressed their support for the initiative and expressed confidence that an updated deed of delegation could address the current anomaly.

(ii) Most logistical and other arrangements are not undertaken until the Committee's September meeting

(iii) The Committee has been assured that an updated deed of delegation will be in operation well in advance of the market arrangements being activated.

## 4. ANZAC Park (E. Leoncini & G. Hewitt)

### 1. Tree removal:

- On-site meeting with Ross Holton (12/3) to ascertain condition of the remaining cypress in the Park and discussed options for removal.

### 2. Fencing: (J. McAuliffe)

- Estimated costs: post and rail fence approx. 48.8m long: \$ 3500
- Bluestone wall with signage:
  - various signage options discussed with engraved surface as per memorial or attached metal form (preferred)
  - Criteria: real, not artificial stone facing railway line at end of reserve.
  - need to check with Council re setback from road

Action: (i) Engels to cost blue stone wall and signage prior to submitting application for Wind Farm Funding

(ii) Sue to ask Peter Witherspoon to collaborate with Engels to develop funding application

## 5. Social Committee (Ursula, Colleen, Sue)

### 1. Social Committee Report (tabled and read)

- We are very pleased to welcome Sue Witherspoon to our Hall Social Committee Group.
- Next social activity for the Hall Committee is a Winter Casserole night. Winter theme decorations for the night.  
Time: 6 pm. Food: Bring a casserole.  
Desserts and hot drinks provided by hall committee members. BYO cold drinks. Details to follow when arrangements have been finalised.

### 2. Date: Saturday 20 July proposed

### 3. Conflicting dates (with Hotel);

- Not yet followed up with hotel lessee
- Potential conflict with tentative arrangements Surprise 60<sup>th</sup> birthday in Hall

Actions: (i) Engels to follow up with hotel lessee and organisers of birthday party

(ii) Sue and Colleen to discuss 27 July as alternative Winter casserole night with Ursula

## **6. History Committee (Ursula)**

The following report was tabled and read:

- Our excursion to the Little Shepherd's Daughter's Grave, flora power point presentation and native flavoured afternoon tea in the bush was very successful with approx. 60 people in attendance. We had very positive feedback about the day which was encouraging. A special thank you to Helen Smith for the flora presentation during the day. Thank you to all history committee members and others who helped with this event in various ways.
- A short meeting of history group members to be held in near future for a reflection on this day and the history grant application.
- We have applied to the Moorabool Shire for a grant for catering costs, advertising and infrastructure items: approx \$1600.00.

## **7. Friends of the Lal Lal Railway Station (sue)**

- Nothing to report

## **GENERAL BUSINESS**

### **1. Lal Lal Market sign:**

- Pauline Clark has volunteered to redesign the sign and submitted two concept options for consideration

Action: Engels to circulate options for Committee feedback and follow up with Pauline

### **2. Car Clubs:**

- Confusion over contacting car clubs to participate in Lal Lal Market

Actions: (i) local enthusiasts to organise their own display.

- (ii) Local, regional and metropolitan clubs to be advised online in advance of market to promote day trips in conjunction with market.

### **3. Pathways Event:**

- Feedback positive about the hall as a facility
- Very successful event

Meeting closed: 8:35 pm

**NEXT MEETING: 7pm, Tuesday 9 July**

# Attachment Item - 12.2f

## Greendale Reserves Committee of Management

<b>Attendees:</b>	John Speed, Nick Myrianthis, ,Phil O'Keefe, Sarah Duncanson (guest), Eddie Salwe,	
<b>Apologies:</b>	Paul Hilder	
<b>Date &amp; Time:</b>	Wednesday 17 <sup>th</sup> April 2019, 7.30pm	
	Sarah Duncanson's house (clash with Landcare at CFA)	
<b>Issue</b>	<b>Action</b>	<b>Timeframe</b>
<b>Previous minutes</b>	March 2019 minutes were confirmed	
<b>Matters arising</b>		
Summer Grant	Exercise equipment – chin up bar <b>G Popple asked to provide a quote for holes for footings - to excavate on May 25th</b>	
Playground equipment	One of the pieces of equipment between the Rotunda & the water tanks has been removed at the base. A piece of the base remains above ground, creating a tripping hazard. <b>MSC to be contacted about possible replacement &amp;/or removal of tripping hazard. WAITING FOR RESPONSE FROM MSC</b>	
	Sarah noted that the gate on the Ballan Road no longer closes, posing the danger of children from the playgroup wandering onto the road. <b>MSC to be notified – AWAITING REPAIRS</b>	
<b>Treasurers report</b>	Balance \$7048.47 plus \$10,346.413invested 2 x Origin Energy bill paid \$293, \$302	
<b>Correspondence</b>	Mitch Jenkins MSC advising that Master Plan had been approved by Council at April meeting	
<b>General Business</b>	Sarah from Greendale Picnic & Play Group advised that The Teddys Bear Picnic on 17/4/19 at Egans Reserve attracted 100 people including 60 children.	
	Sarah suggested establishing a sensory playground for younger children age 1 to 4 year old, be established at Egans Reserve. Sarah to obtain quotes	
	Landcare advised that they have CFA shed booked every 3 <sup>rd</sup> month starting April 2019 ie. <b>IN APRIL, JULY, OCTOBER.</b>	
	Paul to purchase 2 more trees for around the toilet block – Type – Morinng Glory x 2 = \$100. Approved by CoM	

Next meeting	Meeting closed 9.00.pm	
15 <sup>th</sup> May 2019	Greendale CFA, 7.30pm	
	CFA = C1950Z	

**Proposed for Master Plan 2017 to 2022**  
**Table of Works**

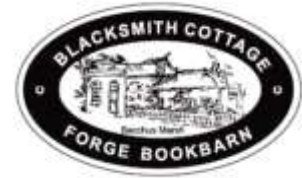
<b>Recommendation</b>	<b>Priority</b>	<b>Cost (approx.)</b>
Community centre / Bushfire Shelter	High	\$500,000
Replace fencing and create new main entrance	High	\$10,000
Upgrade of toilet block and new storage facility	High	\$90,000
Water reticulation system	High	\$50,000
Installation of new BBQ and seating area	High	\$15,000
Solar panels for rotunda at Egan's Reserve	High	\$10,000
Additional glazing for rotunda	High	\$2,000
Improved disabled access	Medium	\$5,000
Line marking, new basketball rings	Medium	\$3,000
Plan and implement improved vehicle parking facilities and pedestrian access	Medium	\$10,000
Extra outdoor exercise equipment	Medium	\$2000
Completion of landscaping / drainage around tennis court	Medium	\$1,000
Re-laying and marking of cricket pitch	Medium	\$1,000
Installation of shade structure over playground	Medium	\$15,000
Repaint lines tennis courts,	Medium	\$500.

**Reserves managed by Greendale Reserves Committee:**

- Egan's Reserve – 2.24ha corner Ballan Rd an Brady's Lane, Greendale
- 2.69ha corner LaCote Rd and Kangaroo Rd, Greendale
- 15.4ha end of Maddison Lane, Greendale
- 3.13ha Corner Dales Creek & Acacia Avenue, Dales Creek
- 0.38ha Acacia Ave, Dales Creek
- 2.04 ha Cowans Drive, Dales Creek



# Attachment Item - 12.2g



## Minutes

**Committee of Management:** Bacchus Marsh Blacksmith's Cottage & Forge Special Committee

**Date of Meeting:** Tuesday, 23<sup>rd</sup> April 2019

**Meeting Opened:** 7.32 p.m.

**Venue:** Jean Oomes Room, Lerderderg Library, 215 Main Street, Bacchus Marsh

<b>Minute taker:</b>	Betty Charge
<b>Apologies:</b>	Peter Richards, Chris Stancliffe, Geoff Stancliffe, Ron Geurts, Helen Whiteley.
<b>Absent:</b>	-
<b>Attendees:</b>	Allan Comrie, (Chair), Simon Fisher, David Edwards, Margaret Simpson, Lyn Egan, Heather Robson, Betty Charge.

Confirmation of quorum    yes     no

<b>Item A            Business Arising.</b>					
<b>Discussion:</b>		<b>Action Items:</b>			
1. Edwards' family donation – D. Edwards advised shall follow up with family. 2. "Inverlochy"/site boundary –A. Comrie received advice from Shire – read to meeting: "Our surveyor has surveyed the boundary, and now needs to consult with the abutting property surveyor. Hopefully this will happen in the next few days, and then we will just be waiting on the surveyor's report." Noted work continues on Inverlochy; huge mounds of soil arrive daily, some compaction – dust build-up inside Bookbarn. Need to check easement pit is covered to prevent water flowing to our site. 3. Site insurance & public liability policy – S. Fisher to follow up. M. Simpson asked if Open Day is within Shire coverage – discussion ensued – agreed.					
<b>Item: B            Correspondence – in absence of C. Stancliffe, report distributed to Meeting.</b>					
<b>Discussion:</b>		<b>Action items:</b>		<b>Resp</b>	<b>Due</b>
<b>Inward Correspondence April 2019</b>					
Ron Geurts Maintenance account	29.03.19*	* passed to S. Fisher.			
Twelfth Marlin cleaning account	31.03.19*				
Telstra account	12.04.19*				
Firewood account	14.04.19*				
<b>Outwards Correspondence</b>					
NIL		Correspondence Moved: S. Fisher; Seconded: H. Robson; Carried			



**C. Treasurer's Report - S. Fisher.****Bendigo Bank General Account –**

Particulars	Reference	Debit	Credit	Balance
<b>26 March 2019 Opening Balance</b>				<b>\$22,495.36</b>
01.04.19 Interest			9.09	<b>\$22,504.45</b>
08.04.19 Twelfth Marlin (cleaning)	277	352.00		<b>\$22,152.45</b>
08.04.19 R. Geurts (monthly maintenance fee)	278	160.00		<b>\$21,992.45</b>
08.04.19 Telstra	279	95.40		<b>\$21,897.05</b>
17.04.19 G. Stancliffe (fire wood)	280	205.00		<b>\$21,692.05</b>
23.04.19 Takings - Cottage			21.00	<b>\$21,713.05</b>
23.04.19 Takings - Bookbarn			511.60	<b>\$22,224.65</b>
<b>22.04.19 Closing Balance</b>				<b>\$22,224.65</b>
<b>Bendigo Bank Term Deposit - 157553157</b>				<b>Balance</b>
23.11.18 Balance held				<b>\$21,162.24</b>

**Bendigo Bank Term Deposit:** 6 month renewal due 23 May 2019 - Committee agreed to 6 month renewal.

**Outstanding Accounts:**

Name:	Particulars:	Amount	Due
Nil			

Treasurer's Report Moved: S. Fisher; Seconded: M. Simpson; Carried.

**Item: D Other Reports.**

Discussion:	Action items:	Resp	Due
<p><b>Cottage</b> –M. Simpson.</p> <ul style="list-style-type: none"> <li>National Trust Heritage Festival Open Day is next Sunday, 28 April. Lots of activities planned. Bacchus Marsh Pony Club is bringing along some ponies; Roberta Morton has display of horse items and will have saddles, including a side saddle. Barbara Manly will demonstrate the art of leather cleaning and we hope visitors will have a go, as well. An interesting display in the Forge features photos of local identities and their memories of "When the horse was king".</li> <li>H. Whiteley and I went to the Rotary Vintage Truck and Craft Display at Maddingley Park to see if we could join in future displays. Security is on site. Drivers stay overnight w/their vehicles. Small marquees are available for contributors. A \$15 entry fee (expensive when compared with other displays). Volunteers enter for free. Display to be a 3 year trial. Spoke with Yambuk blacksmith. Apple FM's Bill Lucas asked us to prepare some historical snippets for broadcast. Have revamped some articles from our website and other sources, submitted them – they should be going to air soon, with background music – "Click goes the shears".</li> <li>Section 86 Assets List – have commenced; work in progress.</li> </ul>			

<p><b>Bookbarn</b> in the absence of H. Whiteley, L. Egan:</p> <ul style="list-style-type: none"> <li>• Bookbarn is working OK, though over Easter weekend, some volunteers were unavailable.</li> <li>• Flyer for Cottage Open Day – shall load to BM Residents Facebook page.</li> <li>• (i) Some volunteers have retired – will need to increase numbers and perhaps 2 volunteers per shift;</li> <li>• (ii) Friday could be transferred to extended Saturday/Sunday open times 10am to 4pm.</li> <li>• (iii) Key entry could be updated, perhaps keypad codes.</li> <li>• Current displays in Bookbarn look great. H. Robson advised shed display also re-arranged.</li> </ul>	<p>Items (i), (ii), (iii) – matters for discussion at future meetings.</p>		
<p><b>Website</b> –L. Egan</p> <ul style="list-style-type: none"> <li>• All going well.</li> <li>• Flyer for upcoming Open Day and Updated flyer loaded to website.</li> </ul>			
<p><b>C.H.H.A. Report.</b>– No report.</p> <ul style="list-style-type: none"> <li>• Next meeting 1 June 2019.</li> </ul>			
<p><b>Building Works</b> – In absence of R. Geurts, no report.</p> <ul style="list-style-type: none"> <li>• .</li> </ul>			
<p><b>Heritage Advisory Committee</b> –M. Simpson.</p> <ul style="list-style-type: none"> <li>• Last meeting, 17 April. Quorum present; Cr. John Keogh, chair.</li> <li>• Discussion re introduction of heritage street signs in Bacchus Marsh and Ballan. Prototypes to be distributed to HAC members electronically before final approval and signs erected. Will go up in central CBDs of both towns.</li> <li>• Nat. Trust Heritage Festival booklet – events in Bacchus Marsh are “scattered”; booklet does not work in our favour.</li> <li>• Ballan Hist. Soc. invite to attend meeting and book launch, Sunday, 2 June; hope to attend.</li> </ul>			

<p><b>Item E: General Business</b></p>			
<ul style="list-style-type: none"> <li>• D. Edwards – Community Grants available, total \$40,000 with limit at \$7,500 per grant, twice per year. 2<sup>nd</sup> round due out 31 August '19. One per year payment up to \$50,000 – needs matching funding. M. Simpson noted major works are due to be undertaken – grants needed.</li> <li>• L. Egan – request report from Building Works Committee be tendered next meeting.</li> </ul>	<p>Committee agreed.</p>		
<p><b>Next Date:</b></p>	<p><b>Tuesday, 28<sup>th</sup> May 2019.</b></p>		
<p><b>Time:</b></p>	<p><b>7.30 pm.</b></p>		
<p><b>Venue:</b></p>	<p><b>Jean Oomes Room, Lerderderg Library.</b></p>		
<p><b>Meeting closed at:</b></p>	<p><b>8.28 pm.</b></p>		
<p><b>Forward Meeting Dates:</b></p>	<p><b>Tuesday, 25<sup>th</sup> June 2019, 23<sup>rd</sup> July 2019.</b></p>		

# Attachment Item - 12.2h

Present	Di Cook, Ronny Wauchope, Joyce Read, Ronnie Read, Stephen Ford, Jo Adcock
Apologies	Tash Ford
President Di Cook Declares meeting open	3:11 pm
Minutes from previous meeting	Accepted as a true and correct record of proceedings. Jo moves that the minutes be accepted Joyce Read 2 <sup>nd</sup> .
Cricket Club	No response or apology from the Cricket Club despite numerous messages left for them and emails of the meeting notice, incl. options for dates and offer to send a representative in Julie's place, if unavailable.
Tennis Club	Tash unable to attend today, as she has flu. Sent some information along with Stephen who will share.
Business arising from previous minutes	<p>Gmail – Stephen has set up a Gmail calendar. Invited user groups but no response as yet.</p> <p>Petrol – Elaine General Store didn't know about the petrol account when Ronnie went in. Stephen has been in and given his credit card as collateral. Ronnie got petrol from Meredith instead.</p> <p>Bill for defibrillator – Stephen will follow up with council and advise at next meeting.</p> <p>Insurance – Stephen sent copy of PDF to Julie, but no response as yet.</p> <p>Lights – Di and Ron looked at lights and think it'd be easier to wire them from the switch at tennis club, which does the floodlights. Seeking quote.</p> <p>Keys – Stephanie provided keys to Di (6 for each clubrooms) when they met at reserve. Di met with Julie and gave her a key for the clubrooms and one to hang in the cricket clubrooms for the tennis clubrooms. Russell Ford has a key (Tennis only) Jimmy Connell has a key (one of each) Ron Read (Tennis only) Ronnie Wauchope (one of each)</p> <p>1 tennis clubrooms and 1 cricket clubrooms for Shane Dunne (still with Di) 1 cricket clubroom key for Karen. (Still got 1 cricket clubroom spare)</p> <p>Front gate remained the same. Toilets still the same (our padlocks) Containers have remained the same.</p> <p>Forms for key allocation and signed booked to go back to council.</p>
New Business	<p>Bins: Jo will start taking recycling every week to the depot in mount Egerton. We can use the existing yellow lidded bin. Council delivered 3 more rubbish bins (red lidded) ones. Dropped off to Jimmy and he delivered.</p> <p>Jo will make up some signs and flyers to encourage correct use of bins.</p>
Correspondence	<p>Di received an email from Stephanie Lewin at Moorabool Council requesting a meeting to resolve outstanding issues. Di sent back expressing surprise that there were any unresolved issues and letting them know we had not been told of any outstanding issues.</p>

	<p>Stephanie rang and spoke to Di; Stephanie said there was no representative from ETC on our committee, which was incorrect. Tash Ford has submitted her forms and is the ETC representative.</p> <p>Stephanie said she would look into what the issues were. Di hasn't heard back since this call.</p>
Windfarm grants	<p>Di suggested that ERR COM put in a grant application, for both user groups to apply for a split system air conditioner to be fitted in the clubrooms. We need to have the representatives present to know where they would want it and if there is anything else to go on the grant application.</p> <p>We will seek quotes for the air conditioners, their fitting, lights for toilets (including electrician work and ditch digging), a viewing window for the ETC, painting (maintenance).</p>

### 12.3 Advisory Committees of Council - Reports

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.

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

Committee	Meeting Date	Council Representative	Attachment No.
Economic Development Taskforce	Wednesday 01 May 2019	Cr. Tatchell Cr. Keogh Cr. Dudzik Cr. Edwards	12.3a
Audit & Risk Advisory Committee	Wednesday 13 February 2019	Cr. Tatchell Cr. Dudzik	12.3b

#### Recommendation:

**That Council receives the reports of the following Advisory Committees of Council:**

- **Economic Development Advisory Committee, Wednesday 01 May 2019.**
- **Audit & Risk Advisory Committee, Wednesday 13 February 2019**

# Attachment Item - 12.3a

# MINUTES

## ECONOMIC DEVELOPMENT TASKFORCE MEETING

Wednesday 1 May 2019

Council Chambers

15 Stead Street, Ballan

4.00pm

### 1. MEETING OPENING

The Chair welcomed all and opened the meeting at 4.00 pm.

### ATTENDANCE

Cr. Paul Tatchell (Mayor)	Councillor - Central Moorabool Ward
Cr. John Keogh (Deputy Mayor)	Councillor – East Moorabool Ward
Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Cr. David Edwards	Councillor – East Moorabool Ward
Mr. Derek Madden	Chief Executive Officer
Mr. Satwinder Sandhu	General Manager Community Planning
Mr. Phil Jeffrey	General Manager Community Assets and Infrastructure
Mr. Danny Colgan	General Manager Community Development
Mr. Justin Horne	Acting Manager Strategic and Sustainable Development
Mr. Andy Waugh	Coordinator Economic Development and Activation
Ms. Chris Rodda	Admin Officer SSD & Minute Taker

### APOLOGIES

Cr. Jarrod Bingham	Councillor – East Moorabool Ward
Cr. Tom Sullivan	Councillor – West Moorabool Ward
Cr. Pat Toohey	Councillor – Woodlands Ward
Ms. Kat Barbuto	Economic Development Officer

### 2. MEETING MINUTES

No previous minutes were presented.

### 3. CONFLICTS OF INTEREST

Nil.



#### **4. ECONOMIC DEVELOPMENT REPORTS**

##### **4.1 Bacchus Marsh Strawberries and Cherries Weekend 2018**

#### **Recommendation**

That the Taskforce:

1. Notes the contents of the report; and
2. Acknowledges the work of the BMTA in conducting a successful event and note that Council officers will work with the BMTA to address issues relating to traffic management and public safety.

#### **Resolution:**

**Moved:** Cr Dudzik

**Second:** Cr Keogh

**That the Taskforce:**

1. **Notes the contents of the report; and**
2. **Request a report be presented to an Ordinary Meeting of Council outlining how the 2019 Strawberries and Cherries Festival can be run safely, which to include but not limited to:**
  - a. **an assessment of the economic benefits to the Shire from the Event.**
  - b. **an accurate acquittal of Council's grant of \$15,000 for the 2018 Event from Bacchus Marsh Tourism Association.**

**CARRIED.**

#### **Report Authorisation**



**Authorised by:**

**Name:** Satwinder Sandhu

**Title:** General Manager, Community Planning

**Date:** 1 May 2019

## 5. PRESENTATION OF ECONOMIC DEVELOPMENT ACTIVITIES

Council Officers provided the Taskforce an overview of the current work programme within the Economic Development Team including:

### **Business Development:**

- Maddingley Brown Coal Proposed Amendment – 424 Objections, Public Consultation Session 7 May.
- Parwan Employment Precinct – Latrobe Fertilisers.
- Engagement with Agricultural properties – Resulted in 20 enquiries for development of properties.
- Assessment of Bacchus Marsh Industrial precincts – Meeting with Ballan Industrial estate businesses 14 May.
- Promotional material – Development of new promotional videos for investment, residential interest.
- Accommodation – Undertaking sector analysis of all accommodation providers in the Shire. 4,000 visitors stayed overnight in Moorabool Shire (12 month period) generating income to 80+ providers of \$1.4-\$1.5 million.

### **Business Engagement:**

- Business Breakfast – Friday 24 May, St Anne's Winery.
- Business engagement calendar – Promoting 50 points of contact with Business for 2019.
- BizConnect – Development of Business Groups Network within the Shire.
- Enews – Continues to send newsletters to 3,000 businesses.

### **Tourism:**

- Visit Victoria meeting – Meeting with Paul Mathews Head of Regional Tourism and Strategy promoting Bald Hall and other projects.
- State Government review of Visitor Services – White paper on Visitor Services due June.
- Tourism and Events Officer role – Change of job title to Economic Development Officer to reflect the role more accurately.
- Visitor Information Centre – Continuing to support Volunteers through a changing environment.

## **6. NEXT MEETING**

Wednesday 7 August, 2019  
Time TBC  
Council Chambers  
15 Stead Street, Ballan

## **7. MEETING CLOSURE**

The Chair thanked all and closed the meeting at 5.00pm.



# Attachment Item - 12.3b

## AUDIT & RISK ADVISORY COMMITTEE MEETING

### Minutes

of the Audit and Risk Advisory Committee Meeting (2<sup>nd</sup> Quarterly)  
to be held at the Jean Oomes Room, Lerderderg Library,  
215 Main Street, Bacchus Marsh on  
Wednesday 13 February 2019 commencing at 9.00am

<b>Members:</b>	Mr. Mike Said Cr. Tonia Dudzik Cr. Paul Tatchell Ms. Linda MacRae	Chairperson (External Representative) East Moorabool Ward Councillor Central Moorabool Ward Councillor External Representative
<b>Auditors:</b>	Mr. Mark Holloway Ms. Cassandra Gravenall	HLB Mann Judd (VIC) Pty Ltd Crowe Horwath
<b>Officers:</b>	Mr. Derek Madden Mr. Danny Colgan  Mr. Phil Jeffrey	Chief Executive Officer General Manager Social and Organisational Development General Manager Infrastructure

***Derek Madden***  
***Chief Executive Officer***

## AGENDA

<b>1.</b>	<b>OPENING OF MEETING .....</b>	<b>3</b>
<b>2.</b>	<b>PRESENT .....</b>	<b>3</b>
<b>3.</b>	<b>APOLOGIES .....</b>	<b>3</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>3</b>
4.1	<i>Audit and Risk Advisory Committee Meeting Minutes – November 2018 .....</i>	<i>3</i>
<b>5.</b>	<b>MATTERS ARISING FROM PREVIOUS MINUTES.....</b>	<b>3</b>
<b>6.</b>	<b>DISCLOSURE OF INTERESTS OR CONFLICTS OF INTEREST .....</b>	<b>4</b>
<b>7.</b>	<b>CLOSED SESSION OF MEETING TO THE PUBLIC.....</b>	<b>4</b>
<b>8.</b>	<b>AUDIT AND RISK ADVISORY COMMITTEE WORKPLAN.....</b>	<b>5</b>
8.1	<i>Audit and Risk Advisory Committee Charter .....</i>	<i>5</i>
8.2	<i>Outstanding Audit Committee Resolution Actions – Second Quarter 2018/19 .....</i>	<i>5</i>
<b>9.</b>	<b>OFFICER REPORTS .....</b>	<b>6</b>
9.1	<i>Business Continuity Plan.....</i>	<i>6</i>
9.2	<i>Minutes of the Risk Management Steering Committee .....</i>	<i>6</i>
9.3	<i>Risk and Occupational Health and Safety Management Report – Quarter 1 and 2 (July to December 2018).....</i>	<i>7</i>
9.4	<i>Quarterly Financial Report December 2018.....</i>	<i>7</i>
9.5	<i>2018/19 - LGPRF Key Performance Indicators - Half Year Progress Report.....</i>	<i>7</i>
9.6	<i>Review of Significant accounting issues and legislative changes affecting the 2018/19 Financial Report .....</i>	<i>8</i>
9.7	<i>Asset Management Update; January 2019.....</i>	<i>8</i>
<b>10.</b>	<b>OTHER REPORTS .....</b>	<b>9</b>
10.1	<i>Compliance with Legislation and Policies .....</i>	<i>9</i>
10.2	<i>Significant Legal Matters Update .....</i>	<i>9</i>
<b>11.</b>	<b>INTERNAL AUDIT .....</b>	<b>10</b>
11.1	<i>Internal Audit Status Report 2018/19 – February 2019.....</i>	<i>10</i>
11.2	<i>Internal Audit Report – Risk Management – Environmental Scan Review.....</i>	<i>10</i>
11.3	<i>Internal Audit Plan (Draft) – Review of Fraud Corruption and Control Framework .....</i>	<i>10</i>
<b>12.</b>	<b>EXTERNAL AUDIT .....</b>	<b>11</b>
12.1	<i>Audit Strategy for Year Ending 30 June 2019.....</i>	<i>11</i>
<b>13.</b>	<b>VAGO PERFORMANCE REPORTS .....</b>	<b>12</b>
<b>14.</b>	<b>CORRESPONDENCE.....</b>	<b>12</b>
14.1	<i>VAGO.....</i>	<i>12</i>
<b>15.</b>	<b>GENERAL BUSINESS .....</b>	<b>12</b>
<b>16.</b>	<b>MEETING CLOSURE .....</b>	<b>12</b>

**1. OPENING OF MEETING**

*The Chairperson, Mr. Mike Said opened the meeting at 9.05am.*

**2. PRESENT**

<i>Mr. Mike Said</i>	<i>Chairperson (External Representative)</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward Councillor</i>
<i>Ms. Linda MacRae</i>	<i>External Representative</i>

***In Attendance***

<i>Mr. Danny Colgan</i>	<i>Acting Chief Executive Officer</i>
<i>Mr. Steve Ivelja</i>	<i>Chief Financial Officer</i>
<i>Mr. Mark Holloway</i>	<i>HLB Mann Judd – Internal Auditor</i>
<i>Ms. Michelle Morrow</i>	<i>Coordinator Governance / Minute Taker</i>
<i>Mr. Ajay Ramdas</i>	<i>Senior Risk Advisor</i>

**3. APOLOGIES**

<i>Cr. Paul Tatchell</i>	<i>Central Moorabool Ward Councillor</i>
<i>Mr. Derek Madden</i>	<i>Chief Executive Officer</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>

**4. CONFIRMATION OF MINUTES****4.1 Audit and Risk Advisory Committee Meeting Minutes – November 2018*****Resolution:***

***Moved: Ms. Linda MacRae***  
***Seconded: Cr. Tonia Dudzik***

- 1. That the Audit and Risk Advisory Committee confirms the Minutes of the Audit and Risk Advisory Committee Meeting held on Wednesday 14 November 2018.***
- 2. That the title of Mr. Danny Colgan in the Minutes of the November 2018 Audit and Risk Advisory Committee meeting be amended from Acting Chief Executive Officer to General Manager Social and Organisational Development.***

**CARRIED.**

**5. MATTERS ARISING FROM PREVIOUS MINUTES**

**6. DISCLOSURE OF INTERESTS OR CONFLICTS OF INTEREST**

**Nil.**

**7. CLOSED SESSION OF MEETING TO THE PUBLIC*****Resolution:***

***Moved: Cr. Tonia Dudzik***

***Seconded: Ms. Linda MacRae***

***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 the above matter, 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) personal 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.***

**CARRIED.**



## 8. AUDIT AND RISK ADVISORY COMMITTEE WORKPLAN

### 8.1 Audit and Risk Advisory Committee Charter

**Resolution:**

**Moved:** Cr. Tonia Dudzik

**Seconded:** Ms. Linda MacRae

***That the Audit and Risk Advisory Committee receives the Audit and Risk Advisory Committee Charter Matrix.***

**CARRIED.**

### 8.2 Outstanding Audit Committee Resolution Actions – Second Quarter 2018/19

**Resolution:**

**Moved:** Ms. Linda MacRae

**Seconded:** Cr. Tonia Dudzik

1. ***That the Audit and Risk Advisory Committee receives the updated status reports for the second quarter 2018-19 for the following groups:***
  - ***Group 1 – Audit Committee Resolution Actions***
  - ***Group 2 – Internal Audit Recommendation Actions Pre August 2015***
  - ***Group 3 – Internal Audit Recommendation Actions Post August 2015***
2. ***That the vulnerability assessments and penetration testing, as part of IT network security controls, be included in the Audit and Risk Advisory Committee workplan for future reporting to the Committee.***
3. ***That the Chief Executive Officer be requested to ensure vulnerability assessments and penetration testing be undertaken within the first quarter of the 2019/2020 financial year.***
4. ***That action number 1.3.1.10 – ‘Develop and implement the detailed Service Review & Planning Framework in a timely manner’ remain in Open status until after the March deadline.***

**CARRIED.**

## 9. OFFICER REPORTS

### 9.1 Business Continuity Plan

**Resolution:**

**Moved:** Cr. Tonia Dudzik  
**Seconded:** Ms. Linda MacRae

1. *That the Audit and Risk Advisory Committee notes the Business Continuity Plan Report.*
2. *That results from the Business Impact Analysis workshop for Council management and staff scheduled for June 2019, be brought to the August 2019 Audit and Risk Advisory Committee Meeting.*

**CARRIED.**

### 9.2 Minutes of the Risk Management Steering Committee

**Recommendation:**

**That the Audit and Risk Advisory Committee notes the Minutes of the Risk Management Steering Committee of December 2018 and January 2019, as provided.**

**Resolution:**

**Moved:** Ms. Linda MacRae  
**Seconded:** Cr. Tonia Dudzik

1. *That the Audit and Risk Advisory Committee notes the Minutes of the Risk Management Steering Committee of December 2018 and January 2019, as provided.*
2. *That the Corporate Risk Register be noted as a draft document as attached to the Minutes of the Risk Management Steering Committee.*

**CARRIED.**

**9.3 Risk and Occupational Health and Safety Management Report – Quarter 1 and 2 (July to December 2018)**

**Recommendation:**

**That the Audit and Risk Advisory Committee notes the Risk and Occupational Health and Safety Management Report for Quarter 1 and 2 – July to December 2018, as provided.**

***Resolution:***

***Moved: Cr. Tonia Dudzik***

***Seconded: Ms. Linda MacRae***

- 1. That the Audit and Risk Advisory Committee notes the Risk and Occupational Health and Safety Management Report for Quarter 1 and 2 – July to December 2018, as provided.***
- 2. That the Audit and Risk Advisory Committee notes the excellent preparation of this Risk and Occupational Health and Safety Management Report as presented to the Committee.***

***CARRIED.***

**9.4 Quarterly Financial Report December 2018**

***Resolution:***

***Moved: Cr. Tonia Dudzik***

***Seconded: Ms. Linda MacRae***

***That the Audit and Risk Advisory Committee receives the Quarterly Report – December 2018.***

***CARRIED.***

**9.5 2018/19 - LGPRF Key Performance Indicators - Half Year Progress Report**

**Recommendation:**

**That the Audit & Risk Advisory Committee receives and notes Moorabool Shire Council's Local Government Performance Reporting Framework (LGPRF) Key Performance Indicators – Half Year Progress Report for the period July-December 2018.**

***Resolution:***

***Moved: Ms. Linda MacRae***

***Seconded: Cr. Tonia Dudzik***

1. ***That the Audit & Risk Advisory Committee receives and notes Moorabool Shire Council's Local Government Performance Reporting Framework (LGPRF) Key Performance Indicators – Half Year Progress Report for the period July-December 2018.***
2. ***That the the LGPRF Key Performance Indicators – Half Year Progress Report be referred to the review of the 2019/2020 work plan.***

**CARRIED.**

**9.6 Review of Significant accounting issues and legislative changes affecting the 2018/19 Financial Report**

***Resolution:***

***Moved: Cr. Tonia Dudzik***

***Seconded: Ms. Linda MacRae***

***That the Audit and Risk Advisory Committee receives and notes the review of significant accounting issues and legislative changes affecting the 2018/19 Financial Report.***

**CARRIED.**

**9.7 Asset Management Update; January 2019**

**Recommendation:**

**That the Audit and Risk Advisory Committee receives the Asset Management Update; January 2019.**

***Resolution:***

***Moved: Ms. Linda MacRae***

***Seconded: Cr. Tonia Dudzik***

1. ***That the Audit and Risk Advisory Committee receives the Asset Management Update; January 2019.***
2. ***That the Asset Management Update be reviewed in the 2019/2020 work plan under Internal Controls.***

**CARRIED.**

**10. OTHER REPORTS****10.1 Compliance with Legislation and Policies*****Resolution:******Moved: Ms. Linda MacRae******Seconded: Cr. Tonia Dudzik******That the Audit and Risk Advisory Committee receives the Compliance with Legislation and Policies Report.******CARRIED.*****10.2 Significant Legal Matters Update*****Resolution:******Moved: Ms. Linda MacRae******Seconded: Cr. Tonia Dudzik******That the Audit and Risk Advisory Committee receives and notes the updates on Significant Legal Matters pertaining to Moorabool Shire Council.******CARRIED.***

**11. INTERNAL AUDIT****11.1 Internal Audit Status Report 2018/19 – February 2019*****Resolution:******Moved: Cr. Tonia Dudzik******Seconded: Ms. Linda MacRae******That the Audit and Risk Advisory Committee receives and notes the Internal Audit Status Report – February 2019 as presented.******CARRIED.*****11.2 Internal Audit Report – Risk Management – Environmental Scan Review*****Resolution:******Moved: Ms. Linda MacRae******Seconded: Cr. Tonia Dudzik******That the Audit and Risk Advisory Committee:***

- 1. receives and notes the Internal Audit Report – Risk Management – Environmental Scan Review – January 2019; and***
- 2. requests officers to implement the report's recommended actions.***

***CARRIED.*****11.3 Internal Audit Plan (Draft) – Review of Fraud Corruption and Control Framework*****Resolution:******Moved: Ms. Linda MacRae******Seconded: Cr. Tonia Dudzik******That the Audit and Risk Advisory Committee, having reviewed the Internal Audit Plan for the Review of Fraud Corruption and Control Framework, approves it and notes the commencement of the internal audit.******CARRIED.***

**12. EXTERNAL AUDIT****12.1 Audit Strategy for Year Ending 30 June 2019****Recommendation:**

**That the Audit and Risk Advisory Committee receives and notes the report on the Audit Strategy for the financial year ending 30 June 2019.**

***Resolution:***

***Moved: Cr. Tonia Dudzik***

***Seconded: Ms. Linda MacRae***

- 1. That the Audit and Risk Advisory Committee receives and notes the report on the Audit Strategy for the financial year ending 30 June 2019.***
- 2. That the Minutes reflect that the Audit Strategy for Year Ending 30 June 2019 be noted as draft.***
- 3. That the Audit Strategy for Year Ending 30 June 2019 be updated with amended materiality calculations upon release by VAGO and reissued to the Audit and Risk Advisory Committee.***

**CARRIED.**

**13. VAGO PERFORMANCE REPORTS**

**Nil.**

**14. CORRESPONDENCE****14.1 VAGO*****Resolution:***

***Moved: Cr. Tonia Dudzik***

***Seconded: Ms. Linda MacRae***

***That the Audit and Risk Advisory Committee receives and notes the VAGO correspondence.***

***CARRIED.***

**15. GENERAL BUSINESS**

**Nil.**

**16. MEETING CLOSURE**

***The meeting closed at 11.20 am.***

***Confirmed: .....Chairperson***



**13. NOTICES OF MOTION****13.1 Cr. Keogh N.O.M: No. 280 – Providing Transfer Station Vouchers with the Annual Rate Notice****Motion**

That Council:

1. Endorses, in principle, issuing one (1) m3 Transfer Station Voucher with each Annual Rate Notice for the 2019/2020 financial year.
2. Includes a \$25.00 increase in the Waste Management Charge for the 2019/2020 Draft Budget to allow feedback as part of the Budget process.
3. Incorporates the final decision on issuing Transfer Station Vouchers as part of the final adoption of the 2019/2020 Budget.
4. That the Transfer Station Vouchers be supplied to pensioners along with an exception of the \$25.00 increase in the Waste Management Charge.
5. That a trial be conducted over the 2019/2020 fiscal year to monitor and ascertain whether there is an increase or decrease of illegally dumped rubbish across our Shire.

**13.2 Cr. Keogh N.O.M: No. 281 – Notice of Rescission****Motion**

1. That Council rescinds the following resolution adopted by Council at the Ordinary Meeting of Council on Wednesday 3 April 2019:

*Resolution: Crs. Toohey/Edwards*

*That Council:*

1. *Pursuant to Section 29 of the Planning and Environment Act 1987, adopt Amendment C86 in the form provided at Attachment 11.2.2b and 11.2.2c.*
2. *Pursuant to Section 31 of the Planning and Environment Act 1987, submit the adopted Amendment, together with the prescribed information, to the Minister for Planning for approval.*
3. *That Heritage Overlay number H024 apply only to the building (140 Inglis St), rather than the whole site.*

*CARRIED.*

2. That the original recommendation put forward by Officers in the report be moved:

*That Council:*

1. Pursuant to Section 29 of the Planning and Environment Act 1987, adopt Amendment C86 in the form provided at Attachment 11.2.2b and 11.2.2c.
2. Pursuant to Section 31 of the Planning and Environment Act 1987, submit the adopted Amendment, together with the prescribed information, to the Minister for Planning for approval.

### **13.3 Cr. Dudzik N.O.M: No. 282 – Moorabool Community Groups and hire of the Lerderderg Library**

#### **Motion**

That Council:

- 1) Requests and officer to potentially review the “Lerderderg Library Meeting Rooms – Rental Agreement” to remove Casual and Regular Ongoing Hire Costs for Moorabool Community Groups.

#### **Preamble**

As a Councillor I have received feedback from various Moorabool Community groups that the cost of hiring a room at the Lerderderg Library for meetings or group activities has a negative impact on low income members of the community.

The Lerderderg Library is a public space and maximising Moorabool Community Group usage of it, should be a priority.

Community Participation and involvement is beneficial to health and wellbeing.

Removing of the hire fee for Moorabool Community Groups at the Lerderderg Library will encourage greater community involvement and participation.

# Attachment Item - 13.3

Mr Derek Madden

29 May, 2019

Chief Executive Officer  
Moorabool Shire Council  
P O Box 18  
BALLAN VIC 3342

Dear Derek,

**Notice of Motion – Moorabool Community Groups and hire of the Lerderderg Library**

In accordance with the Council's Meeting Procedure Local Law No. 8 – Notice of Motion, please accept this Notice of Motion for placement on the agenda of the Ordinary Meeting of Council to be held on 5<sup>th</sup> June, 2019.

**Background**

As a Councillor I have received feedback from various Moorabool Community Groups that the cost of hiring a room at the Lerderderg Library for meetings or group activities has a negative impact on low income members of the community.

The Lerderderg Library is a public space and maximising Moorabool Community Group usage of it, should be a priority.

Community participation and involvement is beneficial to health and well being.

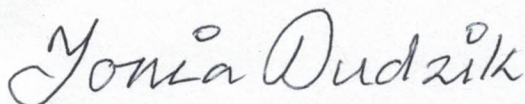
Removing the hire fee for Moorabool Community Groups at the Lerderderg Library will encourage greater community involvement and participation.

**Motion**

That Council:

1) Requests an officer report to potentially review the "Lerderderg Library Meeting Rooms – Rental Agreement" to remove Casual and Regular Ongoing Hire Costs for Moorabool Community Groups.

Yours sincerely,



Cr Tonia Dudzik

**14. MAYOR'S REPORT**

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

**Recommendation:**

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

**15. COUNCILLORS' REPORTS**

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

**Recommendation:**

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

**16. URGENT BUSINESS**



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

<b>17.1 Confidential Aged Care Directions Paper</b>	
<b>Directorate:</b>	Community Development
<b>General Manager:</b>	Derek Madden
<b>Author:</b>	Claire Conlon
<i>Section 89(2)d – contractual matters</i>	

<b>17.2 Contract C33–2018/2019; Darley Park, Darley – Sport Oval Lighting Upgrade Project</b>	
<b>Directorate:</b>	Community Assets and Infrastructure
<b>General Manager:</b>	Phil Jeffrey
<b>Author:</b>	Ewen Nevett
<i>Section 89(2)d – contractual matters</i>	

<b>17.3 Contract C11–2018/2019; Inglis Street, Ballan – Streetscape Upgrade, Stage 3</b>	
<b>Directorate:</b>	Community Assets and Infrastructure
<b>General Manager:</b>	Phil Jeffrey
<b>Author:</b>	Ewen Nevett
<i>Section 89(2)d – contractual matters</i>	

<b>17.4 Insurance Broking &amp; Risk Management Services 2019/20</b>	
<b>Directorate:</b>	Community Development
<b>General Manager:</b>	Derek Madden
<b>Author:</b>	Michelle Morrow
<i>Section 89(2)d – contractual matters</i>	

**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.

Items 17.1 to 17.4 are confidential items and therefore not included as part of this Agenda.

**18. MEETING CLOSURE**